

THE Oklahoma Bar JOURNAL

Volume 84 ♦ No. 2 ♦ Jan. 12, 2013

Meet Your Bar Association



OBA President
James T. Stuart

ALSO INSIDE

- Indemnity and Contribution
- Medicare Reporting and Reimbursement
- New OBA Juvenile Law Section

Juvenile Updates and Useful Tips

January 24, 2013

DoubleTree at Warren Place, Tulsa

January 25, 2013

Oklahoma Bar Center, OKC

Planner/Moderator:

Judge Richard Kirby, Associate District Judge, Oklahoma County, Juvenile Justice Center, Oklahoma City

www.okbar.org/cle

8:30 a.m.

Registration and Continental Breakfast

9

Pinnacle Plan Update - Where is DHS Going in 2013, and What Does it Mean to My Client?

Deborah Smith, Child Welfare Director, Department of Human Services

9:50

Break

10

Case Law Update - Deprived Children
TBD

10:50

The Delinquent Child - Case and Statute Update
Dorothy Brown, General Counsel, Office of Juvenile Affairs

11:40

Networking lunch (included in registration)

12:10

What are Trauma-Based Evaluations and Assessments and Why are They Important in Juvenile Court? (Ethics)
Gwen Downing, Oklahoma Department of Mental Health and Substance Abuse Assessments

1

Dos and Don'ts from the Trial Court
TBD

1:50

My Juvenile Client and/or His Parents Don't Speak English - What do I do Next?

2:40

Break

2:50

The Youthful Offender in Oklahoma Statutory and Case Law Review

Ben Brown, Assistant Public Defender, Oklahoma City

3:40

My Client is a Foster Parent or Wants to Be One - What Rights Does He or She Have and How Do I Enforce Them?
Lance Phillips, Attorney at Law

4:30

Adjourn

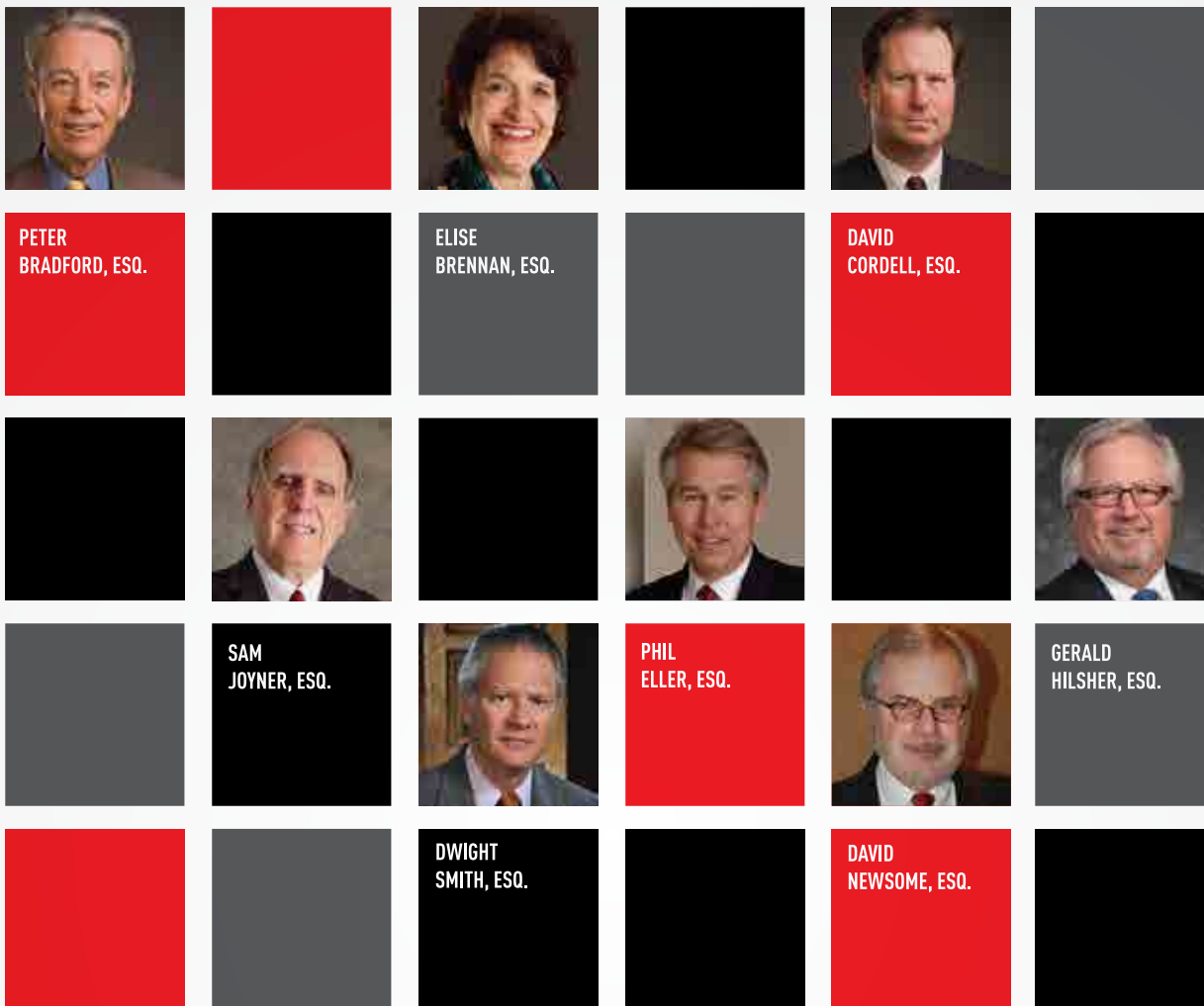
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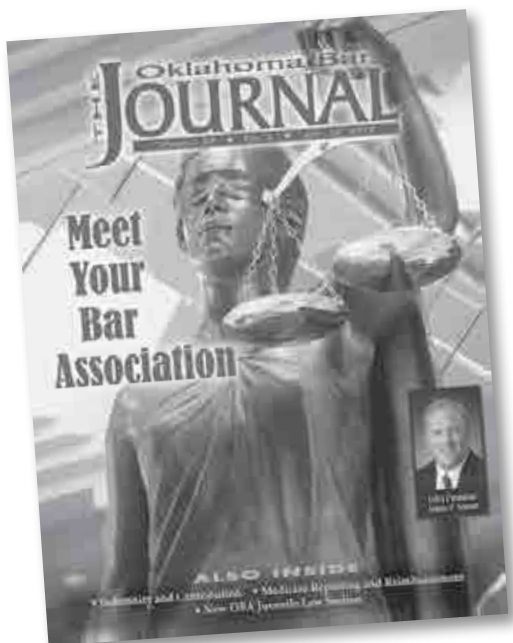
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THEME:
MEET YOUR BAR ASSOCIATION
EDITOR: CAROL MANNING

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About the Cover: Lady of Justice statue inside the Oklahoma Bar Center © Oklahoma Bar Foundation
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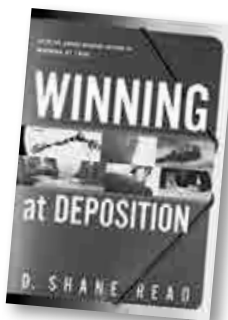
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A Different Kind of Resolution

2013: A Year of Service

By Jim Stuart

At the end of the day we're all just stewards — of the rule of law, of our system of justice, of the independence of the judiciary — in the way we provide pro bono services to the young and less fortunate, in our own methods for self-discipline and in the way we serve and give back to our communities. Stewardship has been described as "an ethic that embodies responsible planning and management of resources."

Beginning Jan. 1, 2013, I assumed the role as president of this bar association of approximately 17,000 members. I have been entrusted with the leadership of an association left to me in good condition, both in the quality of its member programs and its financial well being. Presidents before me have planned responsibly and managed our resources well. My goal is to continue that tradition, to be a good steward and somehow leave the association just a little better.

This will be a difficult task given the high level of service and leadership provided by my predecessor, Cathy Christensen, in 2012. My thanks to Cathy for her mentoring and friendship. We will have our challenges due in part to a gray-ing membership, the need for technical updates and systems, the way we provide member services and how we provide legal services to the public. Who among us would have believed 35 years ago we'd be looking at e-filing in the district courts?



President Stuart
practices in Shawnee.
jim@scdtlaw.com
405-275-0700

DAY OF SERVICE

My theme in 2013 will be Oklahoma lawyers giving back. I have planned for a "day of service," my goal being to include lawyers from all over the state, young and old, who will join together and participate in a day of service within their respective communities. Stay tuned for more details.

*My theme in
2013 will be
Oklahoma
lawyers
giving back.*

We will also highlight other methods of giving back, including the Oklahoma Bar Foundation, Lawyers Helping Lawyers and the Oklahoma Lawyers for America's Heroes program. Expect our award-winning Young Lawyers Division to continue to excel under the leadership of its Chair Joe Vorndran. An exciting event will be an OBA CLE Alaskan cruise in late July. Join Kathy and me for a "cool" member experience. You'll find details and registration online at www.okbar.org/s/alaska.

I look forward to these and other opportunities for stewardship and service but will need your help. Together we can make a difference. From the Stuart family to yours, I wish you good health and happiness in 2013.

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EVENTS CALENDAR

JANUARY 2013

- 14 **OBA Mock Trial Committee meeting**; 5:30 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Judy Spencer 405-755-1066
- 16 **OBA Law-Related Education Committee meeting**; 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Suzanne Heggy 405-556-9612
- 17 **Oklahoma Justice Commission meeting**; 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Drew Edmondson 405-235-5563
- 18 **OBA Law Schools Committee meeting**; 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Kenneth Delashaw 580-276-3136
OBA Board of Editors meeting; 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Carol Manning 405-416-7016
- 19 **OBA Young Lawyers Division meeting**; 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Joe Vorndran 405-275-0700
- 21 **OBA Closed** – Martin Luther King, Jr. Day observed
- 22 **OBA Legal Intern Committee meeting**; 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Candace Blalock 405-238-0143
- 24 **OBA Professional Responsibility Commission meeting**; 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Dieadra Goss 405-416-7063
- 25 **Oklahoma Bar Foundation Trustee meeting**; 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070
OBA Lawyers Helping Lawyers Assistance Program Foundation and Committee meeting; 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact O. Clifton Gooding 405-948-1978
- 26 **OBA Legislative Saturday**; 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Duchess Bartmess 405-947-3408
- 28 **OBA Alternative Dispute Resolution Section meeting**; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Michael O'Neil 405-232-2020
- 30 **OBA Diversity Committee meeting**; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Kara Smith 405-923-8611

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

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

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Jim and Kathy Stuart vacationing in Florida.

Jim attends Boys Nation in Washington, D.C., and meets with members of Oklahoma's congressional delegation: (from left) U.S. Rep. Ed Edmondson, Boys Nation co-attende (and eventual OU star quarterback) Steve Davis, Jim and U.S. Rep. Tom Steed.



Jim visits Ararat, Va., the birthplace of his ancestor J.E.B. Stuart

Meet Your Bar Association

Jim Stuart Takes OBA Reins

By Lori Rasmussen

Shawnee, Okla., is the birthplace of 2013 OBA President James T. “Jim” Stuart. It is also the place he has called home almost his entire life, with the exception of the years he spent in Edmond, where he attended college at CSU (now UCO), and Tulsa, where he graduated from the TU College of Law. His family has lived in Shawnee since 1900, and his ties to the community are so deep that he lives in a home built by his grandparents in 1928.

“My three daughters are the fourth generation to live in the home,” Jim said. “My law firm Stuart, Clover, Duran, Thomas and Vorn-dran LLP, was founded in 1904, making us one of the oldest ongoing firms in the state. I’ve been blessed with a lot of stability in my life.”

He describes his upbringing as fairly typical; he was a football player at Shawnee High School and got good grades. At 16, he was selected as a delegate to the Boys State citizenship and government program. Following Boys State, he was chosen as one of only two Oklahoma delegates to Boys Nation, where he met representatives of Oklahoma’s congressional delegation.

“My mother worked as a legal secretary for Shawnee lawyers Charles Henry and Terry West, and that led me to develop an interest in a career in law,” he said. “The expe-



OBA 2013 President
James T. “Jim” Stuart
Photo: Taylor Made Photography

rience at Boys Nation was a huge influence on my desire to be a leader.”

His exemplary high school career led to the offer of a scholarship at Central State University. He maintains strong ties with the school today, having served as a board member for the UCO Foundation.

While attending law school in Tulsa, he began dating his wife, Kathy, also a lifelong Shawnee resident, whose family he had known for years. The couple’s decision to move back to Shawnee to begin their life together was an easy one.

“In Shawnee you have the best of both worlds, 35 miles from the big city, but you also have the benefits of a small town — friendly people, great schools, Main Street lifestyle,” Jim said. “The town’s two universities lend a certain college flavor. It’s just a great place to raise a family.”

Presidential Trivia

Who was your mentor as a young attorney?

My senior law partner, Jim Miller

Best advice he gave you?

"Hunger cures burnout."

Favorite sports teams?

OU Football and OKC Thunder Basketball

Favorite thing about growing up in Shawnee?

Developing lifelong friendships

Favorite thing about being a dad?

Watching my daughters grow up and become productive citizens

What are your hobbies?

Reading and attending my daughters' activities. I am also interested in the American Civil War; my distant ancestor was Confederate States Army General J.E.B. Stuart.

Favorite music?

'70s rock

Last concert attended?

Moody Blues at the Brady Theater in Tulsa

Favorite Oklahoma Getaway spot?

A close friend's lake house on Tenkiller, which reminds me of living on Lake Keystone during law school

Favorite vacation location?

Playa Del Carmen on the Mayan Riviera; I am also excited about the upcoming OBA/CLE Alaska cruise.

Now married 35 years, the couple has three adult daughters, Emily, Rachel and Sarah. Mr. Stuart's home is located just minutes away from his office, where he maintains a primarily civil litigation practice — handling many cases in estate planning and probate as well as real property law. He said one major advantage to practicing law is that the profession lends itself to some flexibility; he never missed any of his daughter's track meets or cheerleading events.



Jim Stuart as a happy baby

"Of course the trade-off is some late nights at the office, but it's all worth it," he said. "Now that my daughters are grown, we see the payoff. I always trusted my daughters to make good decisions, and they have never let me down. Hopefully, we have been able to serve as an example for them."



The Stuart family: Jim and Kathy Stuart (seated); son-in-law (and OBA member) Matt Thompson; daughters Emily, Rachel and Sarah (standing, from left)

RAISING THE BAR

Jim has also devoted time to serving the organized bar. He was active in YLD in the 1980s and developed relationships that endure to this day. In 1995, he decided to get involved with OBA leadership, but laughs when he recalls that his timing was unfortunate. He was defeated in his first bid for a seat on the Board of Governors by none other than Melissa DeLacerda, who went on to serve as OBA president in 2003. When her board seat came open, Ms. DeLacerda herself reached out to Mr. Stuart and suggested he try again.

"My losing to Melissa was the best thing that ever happened," he said. "Look at all she has been able to accomplish during her years of service."

He was ultimately elected to the board in 2008. Having served on the board, he decided it was time to run for president-elect in 2011. Now that it is his turn to serve, he has transformed his own desire to give back to his community into the cornerstone theme of his presidential year.



Jim's graduation from the TU College of Law

GIVING BACK IN 2013

"My goal this year is to recognize and celebrate lawyers who volunteer, serve and give of themselves," he said. "Professionally and ethically, lawyers have an obligation to give back. I, like many others, am concerned about lawyer image. Because our profession involves adversarial litigation, the perception exists that lawyers are 'greedy' or 'mean.' I see the other side. I know firsthand the important and beneficial things lawyers do for their schools, churches and communities. It is important that we share this perspective on lawyers."

What is the dorkiest thing in your closet?

A pair of Doc Martens

Your best stress reliever?

A brisk walk

Favorite tech gadget?

iPad

Favorite comfort food?

Cheese and crackers

What song gets stuck in your head?

"The Story in Your Eyes" – The Moody Blues

What is the most valuable life lesson you've learned?

The harder you work, the luckier you get.

Stepping in a time machine, where would you go?

1977

If you could have any superpower, what would it be?

Telepathy

Least favorite musical artist/group?

Lady Gaga

Strangest food you've ever eaten?

Fried grasshoppers

What's your proudest moment?

Being admitted to the bar

Best advice for a new lawyer?

Don't ever compromise your honesty. Your word is your bond.

Jim's plans include a statewide day of service, in which all 77 county bar associations are asked to engage in the project in one way or another. Lawyers will be encouraged to develop a community service outreach effort that is unique and meaningful in their own communities.

"I won't have to create facts or stage anything," he said. "Lawyers give back every day. This will simply draw attention to work that is already being done."

Jim also plans to continue the work of his immediate predecessors, emphasizing efforts to support the Lawyers Helping Lawyers Assistance Program and the Oklahoma Lawyers for America's Heroes military assistance program. He will also encourage lawyers to become Fellows of the Oklahoma Bar Foundation.

"I see these assistance programs as a duty," Jim said. "If I want to leave any legacy as OBA president, it would be that more lawyers recognize and practice their professional obligations to give back."

Ms. Rasmussen is an OBA communications specialist.

“My goal this year is to recognize and celebrate lawyers who volunteer, serve and give of themselves.”



Jim with his daughter Emily, who is crowned Shawnee football homecoming queen.



The young Stuart family cuts their own Christmas tree in the 1990s.

Meet Your Bar Association

Volunteers Who Guide Your Association



Renée DeMoss
PRESIDENT-ELECT
Tulsa

- ❑ **Background:** Born and raised in Oklahoma; shareholder with Gable-Gotwals
- ❑ **Education:** B.A. *summa cum laude* from OCU, J.D. with honors from OU
- ❑ **Who was your mentor as a young attorney?** Elsie Draper, a superb lawyer who is now retired and moved to Atlanta, was a treasured colleague and is a dear friend

- ❑ **Best advice she gave you?** Elsie is a life-long

Chicago Cubs fan, so she always had lots of good advice when things didn't go quite as planned, such as "there's always tomorrow...or next year" and "it's a rough road that leads to the heights of greatness."

- ❑ **What is the dorkiest thing in your closet?** A 30-year-old sweater with a big border collie on it
- ❑ **Your best stress reliever?** Playing with my dogs
- ❑ **Favorite tech gadget?** My Kindle. Although it can never replace a real book, it allows quick and easy access to lots of different reading material.
- ❑ **Favorite comfort food?** Pasta
- ❑ **What song gets stuck in your head?** "You Are My Sunshine"
- ❑ **Most valuable life lesson you've learned?** Cherish the good moments and those you love
- ❑ **Stepping in a time machine, where would you go?** Ancient Greece

- ❑ **If you could have any superpower, what would it be?** It's difficult to pick just one, but living in Oklahoma, it would be great to have the power of atmokinesis, the ability to control the weather.
- ❑ **Least favorite musical artist/group?** Jethro Tull, even though I love flute music
- ❑ **Strangest food you've ever eaten?** Horse meat in France. I didn't know it was horse until it was too late.
- ❑ **What's your proudest moment?** Hopefully, it's still coming



Dietmar K. Caudle
VICE PRESIDENT
Lawton

- ❑ **Background:** Born in Hoff, West Germany; moved to the U.S. at age 13; graduated from Walters High School in 1965; married to Camilla and have two daughters, Tiffany and Ashlie
- ❑ **Education:** Associate of Arts, Cameron University 1969; Bachelor of Arts, Oklahoma University 1971; Juris Doctorate, Oklahoma City University 1976

- ❑ **Who was your mentor as a young attorney?** Vern Miller, district attorney in Wichita, Kan.
- ❑ **Best advice he gave you?** Do not get incarcerated!
- ❑ **What is the dorkiest thing in your closet?** A tan leisure suit
- ❑ **Your best stress reliever?** Cerveza by the pool
- ❑ **Favorite tech gadget?** Gold course yardage range finder

- ❑ *Favorite comfort food?* A cookie — any kind of cookie!
- ❑ *What song gets stuck in your head?* “Don’t Worry, Be Happy”
- ❑ *Most valuable life lesson you’ve learned?* Do not sweat the little stuff
- ❑ *Stepping in a time machine, where would you go?* Early 1960s
- ❑ *If you could have any superpower, what would it be?* The art of healing
- ❑ *Least favorite musical artist/group?* Any rapper
- ❑ *Strangest food you’ve ever eaten?* Goat meat stew in Jamaica
- ❑ *What’s your proudest moment?* Being sworn in as a lawyer and my marriage to Camilla



Cathy Christensen
PAST PRESIDENT
Oklahoma City

- ❑ *Background:* Born in Norristown, Penn. and moved to Tulsa in 1973; graduated from Tulsa Memorial, Class of 1975; married to John J. “Jim” Ditmars Jr. since 1994; three sons Blake Christensen, Adam Christensen and John Ditmars III
- ❑ *Education:* B.S., Oklahoma State University, 1982; J.D., Oklahoma City University, 1986
- ❑ *Who was your mentor as a young attorney?*

I didn’t have just one mentor as a young attorney. There were several attorneys who influenced my professional career during my early years of practice.

- ❑ *Best advice they gave you?* To remember to strike a healthy balance between my work and my family/personal life
- ❑ *What is the dorkiest thing in your closet?* A poodle skirt, matching t-shirt and bobby socks
- ❑ *Your best stress reliever?* A long walk in the great outdoors
- ❑ *Favorite tech gadget?* My iPhone or my vacuum cleaner

- ❑ *Favorite comfort food?* Mashed potatoes and gravy
- ❑ *What song gets stuck in your head?* “Somewhere Over the Rainbow”
- ❑ *Most valuable life lesson you’ve learned?* That the Golden Rule really is the most important rule
- ❑ *Stepping in a time machine, where would you go?* Perhaps into the future. I’m curious to see what “tomorrow” will bring to my family and friends.
- ❑ *If you could have any superpower, what would it be?* I would love to be able to fly!
- ❑ *Least favorite musical artist/group?* I’m not into the head-banger genre; don’t know any of their names.
- ❑ *Strangest food you’ve ever eaten?* Seaweed
- ❑ *What’s your proudest moment?* Giving birth to my three wonderful children and holding them for the very first time. Three moments — not one - but all three are equally special.



Linda Thomas
GOVERNOR -
DISTRICT NO. ONE
Bartlesville

- ❑ *Background:* Born in San Antonio, Texas; raised in Stillwater and Tulsa, lived in Arkansas as a teenager and young adult; moved to Bartlesville in 1990; taught public school from 1977 until 1997 when I began practicing law full time. Married to Curt Thomas; children: Brad Daniel and his wife, Christy from Charlotte, NC; Allison Zelinski and her husband, AJ, and my grandchildren, Adam (5) and Abby (3)

from Austin, Texas; Amy Atkins and her husband, Matt also from Austin

- ❑ *Education:* B.A. in speech pathology, B.A. in Elementary Education; J.D. from University of Tulsa College of Law, 1994
- ❑ *Who was your mentor as a young attorney?* Melissa DeLacerda

- ❑ *Best advice she gave you?* Run for a position on the OBA Board of Governors and become involved in the OBA
- ❑ *What is the dorkiest thing in your closet?* My house shoes
- ❑ *Your best stress reliever?* Chocolate
- ❑ *Favorite tech gadget?* iPhone
- ❑ *Favorite comfort food?* Chocolate
- ❑ *What song gets stuck in your head?* "It's a Small World"
- ❑ *Most valuable life lesson you've learned?* Always keep promises
- ❑ *If you could have any superpower, what would it be?* Mind reading
- ❑ *Strangest food you've ever eaten?* Buffalo burger
- ❑ *What's your proudest moment?* Birth of each grandchild



Gerald Dennis
GOVERNOR -
DISTRICT NO. TWO
Antlers

❑ *Background:* Married to Rhonda Dennis, three children (Zack, Michael & Katie); Vietnam veteran, served in the infantry, 1971; served in the Oklahoma State Senate from 1980-1988; served on the Eastern Oklahoma State University Board of Regents for 11 years; practiced law at Dennis & Branam since 1975

❑ *Education:* Southeast High School, Oklahoma City; Southeastern State College; OCU School of Law

- ❑ *Who was your mentor as a young attorney?* Didn't have one
- ❑ *What is the dorkiest thing in your closet?* Double knit suit from the '70s
- ❑ *Your best stress reliever?* Riding my Harley

- ❑ *Favorite tech gadget* Cell phone
- ❑ *Favorite comfort food?* Meatloaf
- ❑ *What song gets stuck in your head?* "Jackson" by Lefty Frizzell and Nancy Sinatra
- ❑ *Most valuable life lesson you've learned?* Work hard
- ❑ *Stepping in a time machine, where would you go?* Go back to the American Revolution
- ❑ *If you could have any superpower, what would it be?* Superintelligence
- ❑ *Strangest food you've ever eaten?* Rattlesnake
- ❑ *What's your proudest moment?* When my son was born



Robert D. Gifford
GOVERNOR -
DISTRICT NO. THREE
Oklahoma City

❑ *Background:* Born and raised in Mannford (Creek County); attended a small college in Kansas on a football/academic scholarship where I met my wife, Gloria (from Palma de Mallorca, Spain); after law school began my legal career as an Army JAG living in Virginia, Fort Knox, Ken., Bosnia-Herzegovina and Fort Sill. Left active duty to become an assistant district attorney in Tulsa while living in Broken Arrow and

remained an Army Reserve JAG as the first military defense counsel assigned in Oklahoma. I joined the U.S. Attorney's Office in Reno, Nev. and eventually came home to the U.S. Attorney's Office in Oklahoma City. As a reservist, I've been a defense counsel, an instructor at the Army JAG School, ran a team of JAGs to do legal assistance to deploying soldiers, and currently serve as the staff judge advocate to the historic 95th Division (Iron Men of the Metz) at Fort Sill and hold the rank of lieutenant colonel. Tribal member of the Cherokee Nation and serve as the chief judge for the Kaw Nation tribal court and am a justice on the Iowa Nation Supreme Court, as

well as serve an adjunct law professor at the law schools at OU and OCU. Gloria and I have three amazing daughters, Gabriela (14), Olivia (11), and Juliana (6).

- ❑ **Education:** J.D., University of Oklahoma College of Law; B.A. (x 3), Southwestern College in Winfield, KS; U.S. Army Command and General Staff College and Mannford High School
- ❑ **Who was your mentor as a young attorney?** Since I was nomadic with the Army, then with D.A.'s Office, then DOJ — I've had several. Some were bosses, colleagues, judges and opposing counsel.
- ❑ **Best advice they gave you?** Not sure if I can limit it all to just one, but that time, experience and maturity does change "what right looks like" and that just because the law or the rules of evidence say you can do (or not do) something, does not mean that you necessarily should
- ❑ **What is the dorkiest thing in your closet?** Usually me when I'm standing in it
- ❑ **Your best stress reliever?** Running. I've run both the OKC Memorial and the Tulsa/Route 66 marathons, but treasure empty streets at 5 a.m. or tree covered trails
- ❑ **Favorite tech gadget?** My Garmin watch and iPad
- ❑ **Favorite comfort food?** Might be easier for me to list what foods are not comfort foods
- ❑ **What song gets stuck in your head?** If I were to admit it, I might be impeached.
- ❑ **Most valuable life lesson you've learned?** That preparation is the great equalizer
- ❑ **Stepping in a time machine, where would you go?** With a flux capacitor and a Delorean, I would want to re-live the births of each of my daughters. A few other dates come to mind for the greater good — arrive in time to influence events (Sept. 11, 2001, Nov. 22, 1963, Feb. 3, 1959, Dec. 7, 1941) or witness them (July 4, 1776)
- ❑ **If you could have any superpower, what would it be?** Who says I don't have one already! The ability to read minds would really come in handy.

- ❑ **Least favorite musical artist/group?** With apologies to my daughters, I am not a One Direction fan. They need more cow bell.
- ❑ **Strangest food you've ever eaten?** I worked in a few fast-food places through high school and college and tried to get creative for fun. Not sure what I created would ever be considered "edible."
- ❑ **What's your proudest moment?** Being the first in my family to finish college (and law school), receiving my commission to be an officer in the Army and becoming a father



Douglas L. Jackson

GOVERNOR -
DISTRICT No. FOUR
Enid

- ❑ **Background:** Grew up on wheat, cotton, alfalfa and cattle farm south of Hobart and graduated from Hobart High School in 1969
- ❑ **Education:** B.S. in Ag Econ from OSU in 1973 and J.D. from Washington College of Law (American University) in Washington, D.C. in 1977
- ❑ **Who was your mentor as a young attorney?** David Butler

- ❑ **Best advice he gave you?** He told me all the things you need to know to practice law on your own that you don't learn in law school — where the court clerk's office is, when to stand up, sit down, how much to charge, etc. Page Belcher Jr. gave me the best advice on law office management — "It's not how much you make, but how much you don't spend."
- ❑ **What is the dorkiest thing in your closet?** BB gun
- ❑ **Your best stress reliever?** Gardening and feeding my cows
- ❑ **Favorite tech gadget?** iPhone
- ❑ **Favorite comfort food?** Mexican food
- ❑ **What song gets stuck in your head?** "Amazing Grace"
- ❑ **Most valuable life lesson you've learned?** If you have to swallow a frog, don't look at him too long.

- ❑ *Stepping in a time machine, where would you go?* London, England 1940 during the blitz and be with Sir Winston Churchill as prime minister, giving his speeches during the darkest days of World War II
- ❑ *If you could have any superpower, what would it be?* To only like low calorie food
- ❑ *Least favorite musical artist/group?* Any loud, hard rock group; give me the Temptations
- ❑ *Strangest food you've ever eaten?* Snails
- ❑ *What's your proudest moment?* The birth of my five children and marrying my wife; distant second — winning state in football at Hobart in 1967 and 1968



Sandee Coogan
GOVERNOR -
DISTRICT NO. FIVE
Norman

- ❑ *Background:* I was born in Oklahoma City and raised in Midwest City. After teaching school for seven years, I decided to attend law school. I am now in private practice in Norman and am married to Craig Sutter.
- ❑ *Education:* B.S. Education, University of Oklahoma; M.Ed Educational Psychology, University of Oklahoma; and J.D., University of Oklahoma College of Law

- ❑ *Who was your mentor as a young attorney?* Doug Shelton
- ❑ *Best advice he gave you?* That the practice of law is a very stressful business. It is easy to drink the stress away, but exercise and meditation are more effective and long term.
- ❑ *What is the dorkiest thing in your closet?* A red hat
- ❑ *Your best stress reliever?* Pilates and swimming
- ❑ *Favorite tech gadget?* iPad and iPhone – love them both
- ❑ *Favorite comfort food?* Chicken fried steak
- ❑ *What song gets stuck in your head?* "Sundown"

- ❑ *Most valuable life lesson you've learned?* Spending time with my women friends is one of the most important things I do.
- ❑ *Stepping in a time machine, where would you go?* The future
- ❑ *If you could have any superpower, what would it be?* Invisibility
- ❑ *Least favorite musical artist/group?* Don't listen to them
- ❑ *Strangest food you've ever eaten?* A turnip or a beet
- ❑ *What's your proudest moment?* When I was sworn in as an attorney



Kimberly Hays
GOVERNOR -
DISTRICT NO. SIX
Tulsa

- ❑ *Background:* Born in Tulsa; graduated from Tulsa Memorial High School, Class of 1986; attended OSU and met my husband, Alan Souter, in Eskimo Joe's and we married in 1993. We have two children — Noelle, age 14 and Parker, age 10; Began practicing law in 1993 with my father, James R. Hays, in Tulsa and after his death in 1994 I joined a firm for a short time and then opened my solo practice in Tulsa in 1998. My legal assistant/friend, Stephanie Pierce, has been with me since 1996. I practice exclusively in the area of family law.

- ❑ *Education:* B.A., Oklahoma State University, 1990; J.D., University of Kansas School of Law, 1993
- ❑ *Who was your mentor as a young attorney?* My father, James R. Hays, was an amazing mentor. I had the privilege of working with him when I first started practicing law and until his death in 1994.
- ❑ *Best advice he gave you?* Your word is your bond and always be very courteous and professional to everyone, especially the judge's clerk and bailiff
- ❑ *What is the dorkiest thing in your closet?* My OSU/Pistol Pete house slippers

- ❑ *Your best stress reliever?* Training for and running half marathons with my running girlfriends
- ❑ *Favorite tech gadget?* iPad and Garmin running watch
- ❑ *Favorite comfort food?* Anything that has chocolate as the main ingredient
- ❑ *What song gets stuck in your head?* "Mickey" by Toni Basil from 1982 or the "Fifty Nifty United States" song my kids learned in third grade that lists all the states in alphabetical order
- ❑ *Most valuable life lesson you've learned?* There is a gift in every problem and never give up.
- ❑ *Stepping in a time machine, where would you go?* Philadelphia 1776 to see the creation and signing of the Declaration of Independence
- ❑ *If you could have any superpower, what would it be?* Ability to read minds, which would come in handy during cross-examination
- ❑ *Least favorite musical artist/group?* James Taylor
- ❑ *Strangest food you've ever eaten?* When I was seven months pregnant with our daughter, I ate a Sonic chili cheese hotdog because I was craving it. That was strange because I have always been a vegetarian.
- ❑ *What's your proudest moment?* Birth of our kids, Parker and Noelle; and finishing my first marathon



Bret Smith

GOVERNOR -
DISTRICT NO. SEVEN
Muskogee

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

- ❑ *Education:* Graduated OU, B.A. political science 1986; graduated TU law school 1990
- ❑ *Who was your mentor as a young attorney?* Haden & Bill Haworth
- ❑ *Best advice they gave you?* Represent your clients to the best of your ability, don't get caught up in the case personally and get the money
- ❑ *What is the dorkiest thing in your closet?* An Oktoberfest hat my sister brought me from Munich
- ❑ *Your best stress reliever?* Feeding and counting cattle
- ❑ *Favorite tech gadget?* iPhone
- ❑ *Favorite comfort food?* Cheeseburger
- ❑ *What song gets stuck in your head?* "All My Rowdy Friends (Have Settled Down)" by Hank Williams Jr.
- ❑ *Most valuable life lesson you've learned?* If you have a handful of true friends, you are blessed.
- ❑ *Stepping in a time machine, where would you go?* The western frontier during the 1865-1900 time frame
- ❑ *If you could have any superpower, what would it be?* The ability to fly
- ❑ *Least favorite musical artist/group?* Queen
- ❑ *Strangest food you've ever eaten?* Snapping turtle
- ❑ *What's your proudest moment?* Seeing the development and growth of my daughter



D. Scott Pappas

GOVERNOR – DISTRICT
NO. EIGHT
Stillwater

- ❑ *Background:* Born and raised in Stillwater, where my family has had the Ford dealership since 1919; raised my daughter in New York before coming back to marry my husband, whom I have known since sixth grade
- ❑ *Education:* Graduated from C.E. Donart High School in Stillwater;

B.A. in history from OSU; J.D. from Fordham University School of Law, New York

- ❑ *Who was your mentor as a young attorney?* Two senior associates at Milbank, Tweed
- ❑ *Best advice they gave you?* How to navigate the politics of the firm
- ❑ *What is the dorkiest thing in your closet?* Scottie dog red and black flannel pants
- ❑ *Your best stress reliever?* Bubble bath after exercising
- ❑ *Favorite tech gadget?* Sudoku game
- ❑ *Favorite comfort food?* Hot bread
- ❑ *What song gets stuck in your head?* The melody of an Episcopal hymn
- ❑ *Most valuable life lesson you've learned?* Never stop learning
- ❑ *Stepping in a time machine, where would you go?* To join in the philosophical discussions between Plato et al.
- ❑ *If you could have any superpower, what would it be?* To help those less fortunate get on the road to achieving their dreams
- ❑ *Least favorite musical artist/group?* Most rappers
- ❑ *Strangest food you've ever eaten?* Some of my own concoctions
- ❑ *What's your proudest moment?* Each time my daughter reaches one of her goals or dreams



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

- ❑ *Background:* Born and raised in Shawnee; have lived and practiced in Lawton since 1971
- ❑ *Education:* Graduated Shawnee High School in 1962; OU undergraduate, 1966; OU College of Law, 1969; Georgetown for LLM in tax, 1971
- ❑ *Who was your mentor as a young attorney?* Charles T. Henry

- ❑ *Best advice he gave you?* Follow the Golden Rule
- ❑ *What is the dorkiest thing in your closet?* Out of style ties
- ❑ *Your best stress reliever?* A long run
- ❑ *Favorite tech gadget?* iPad
- ❑ *Favorite comfort food?* Peanut butter
- ❑ *What song gets stuck in your head?* "Margaritaville" by Jimmy Buffet
- ❑ *Most valuable life lesson you've learned?* No matter how high you climb or how much you accomplish, you can lose it all in an instant if you are careless
- ❑ *Stepping in a time machine, where would you go?* Forward 100 years
- ❑ *If you could have any superpower, what would it be?* Super speed
- ❑ *Least favorite musical artist/group?* Madonna
- ❑ *Strangest food you've ever eaten?* Chocolate-covered ants
- ❑ *What's your proudest moment?* The time I presented oral argument in the U.S. Supreme Court



Richard D. Stevens
GOVERNOR -
AT LARGE
Norman

- ❑ *Background:* I was born at Altus AFB and raised mostly in Sulphur.
- ❑ *Education:* B.A. University of Oklahoma, 1978; J.D. University of Oklahoma, 1982
- ❑ *Who was your mentor as a young attorney?* Rick Sitzman
- ❑ *Best advice he gave you?* Show up on time
- ❑ *What is the dorkiest thing in your closet?* Marvel Comics bow tie
- ❑ *Your best stress reliever?* My dog, Winston
- ❑ *Favorite tech gadget?* Electric tire gauge

- ❑ *Favorite comfort food?* Pecan pie
- ❑ *What song gets stuck in your head?* "White Christmas" usually in July
- ❑ *Most valuable life lesson you've learned?* Get down, get funky and get back up again
- ❑ *Stepping in a time machine, where would you go?* Back to meet Teddy Roosevelt
- ❑ *If you could have any superpower, what would it be?* Mind reading
- ❑ *Least favorite musical artist/group?* Hanson
- ❑ *Strangest food you've ever eaten?* Squirrel and dumplings
- ❑ *What's your proudest moment?* When I met Speaker Carl Albert in Washington, as a 4-H National Citizenship Short Course winner



**Robert S.
"Bob" Farris**
GOVERNOR -
AT LARGE
Norman

- ❑ *Background:* Born and raised in Tulsa; married Pam in 1971. Our pride and joy family consists of Nic and Kirstin and their children, Jakob (7) and Ella (3); and Matt and Stephanie and their children, Payton (8) and Taylor (5). Private practice for five years after law school; special judge for next nine years; with Rogers and Bell for 22 years; adjunct at TU Law School since 1991
- ❑ *Education:* B.S. Mechanical Engineering and JD from TU

- ❑ *Who was your mentor as a young attorney?* Phil Frazier in Tulsa
- ❑ *Best advice he gave you?* Be more prepared than the other attorney
- ❑ *What is the dorkiest thing in your closet?* 1968 tux
- ❑ *Your best stress reliever?* Woodworking in my shop
- ❑ *Favorite tech gadget?* iMac

- ❑ *Favorite comfort food?* Bread (that I baked)
- ❑ *What song gets stuck in your head?* Can't mention it or it will come back
- ❑ *Most valuable life lesson you've learned?* It's not about me; it's all about everyone else.
- ❑ *Stepping in a time machine, where would you go?* Colonial and Revolutionary War era
- ❑ *If you could have any superpower, what would it be?* Flying (I've dreamed of doing that since I was a kid.)
- ❑ *Least favorite musical artist/group?* One that performs the song stuck in my head
- ❑ *Strangest food you've ever eaten?* Mansaf (national dish of Jordan)
- ❑ *What's your proudest moment?* Marrying Pam



Nancy Parrott
GOVERNOR -
AT LARGE
Oklahoma City

- ❑ *Background:* Born and raised in Atoka. Taught high school English before going to OCU law school at night and running commercial interior decorating business. Was in private law practice then marshal of Oklahoma Supreme Court for 25 years. Two grown daughters, six grandsons and one granddaughter
- ❑ *Education:* Undergraduate degrees in English, speech and French from University of Oklahoma. University of Grenoble, France. Master's degree in family counseling from North Texas State University. Law degree from OCU.

- ❑ *Who was your mentor as a young attorney?* Andy Hamilton, a former bar president who loved people and the law
- ❑ *Best advice he gave you?* Enjoy your work
- ❑ *What is the dorkiest thing in your closet?* I gave it away.
- ❑ *Your best stress reliever?* Running
- ❑ *Favorite tech gadget?* iPad

- ❑ *Favorite comfort food?* Gummy bears
- ❑ *What song gets stuck in your head?* “Master of the House” from Les Miserables
- ❑ *Most valuable life lesson you’ve learned?* Life is short, and every day is a gift.
- ❑ *Stepping in a time machine, where would you go?* To the 1960s to go to an Elvis show
- ❑ *If you could have any superpower, what would it be?* A super singing voice
- ❑ *Least favorite musical artist/group?* Roger Miller
- ❑ *Strangest food you’ve ever eaten?* Sushi
- ❑ *What’s your proudest moment?* Any moment I see my two daughters or seven grandkids



Joe Vorndran

GOVERNOR -
YLD CHAIR
Shawnee

- ❑ *Background:* I grew up in Shawnee; graduated from Shawnee High School in 1999; moved to Norman and returned to Shawnee with my wife in 2010. We have three children, Jude (2), Conner (2), and Audrey (2 months).
- ❑ *Education:* B.A. University of Oklahoma, 2003; J.D. University of Oklahoma College of Law, 2006.

- ❑ *Who was your mentor as a young attorney?* I have too many to name.
- ❑ *Best advice they gave you?* Each and every one of them stressed professionalism in every situation and that advice has served me well.
- ❑ *What is the dorkiest thing in your closet?* Hemp sandals
- ❑ *Your best stress reliever?* A great meal and a good cocktail — doesn’t have to be fancy but good food and drink do it every time
- ❑ *Favorite tech gadget?* iPad — I would be lost without it.
- ❑ *Favorite comfort food?* Smoked sausage and macaroni and cheese
- ❑ *What song gets stuck in your head?* Whatever children’s song my kids are listening to — never fails
- ❑ *Most valuable life lesson you’ve learned?* Take time to have fun
- ❑ *Stepping in a time machine, where would you go?* Colonial America
- ❑ *If you could have any superpower, what would it be?* To be able to breathe underwater
- ❑ *Least favorite musical artist/group?* Nickelback
- ❑ *Strangest food you’ve ever eaten?* Sea urchin
- ❑ *What’s your proudest moment?* Seems to change every time one of my kids reaches a milestone

Meet Your Bar Association

OBA Departments and the Member Services They Provide

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

Executive Director

OBA Bylaws, Article IV, Section 4:

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

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

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

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

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



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

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

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

The Executive Director shall perform such duties and services as may be required by these Rules or the Bylaws and as may be directed by the Board of Governors or the President of the Association. He shall also keep a complete and accurate list of the members of the Association; notify delinquent members and certify the names of delinquent members to the Supreme

Court as required by these Rules; certify to the Supreme Court records and other matters as provided by these rules.

Phone: 405-416-7014



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

Administration

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

- ❑ scheduling bar center meeting rooms
- ❑ coordinating and scheduling meetings utilizing video conference equipment in Oklahoma City and Tulsa
- ❑ assisting committees and sections with mailings to their members
- ❑ providing mailing labels of bar members to committees and sections
- ❑ tracking expenditures for all committees and sections
- ❑ providing monthly committee and section accounting reports upon request
- ❑ ensuring the bar center interior and exterior facilities are maintained so members can take pride in their building

- ❑ maintaining and updating member roster information
- ❑ invoicing senior members and non-members for *Oklahoma Bar Journal* subscriptions
- ❑ managing the Legal Intern Program
- ❑ producing certificates of good standing for our members
- ❑ processing expense claims for OBA officers, YLD officers, and section and committee members

Phone: 405-416-7000

Membership: 405-416-7080

Communications

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

- ❑ publishing 34 issues of the *Oklahoma Bar Journal* every year
- ❑ managing social media such as the OBA's official Facebook page and Twitter account
- ❑ contributing stories and information for the OBA website to keep members current



*COMMUNICATIONS – Emily Buchanan, Director
Carol Manning and Lori Rasmussen*

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

More specific duties that benefit members are:

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

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

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

handles the continuous demand for those materials to be mailed across the state

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

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

Phone: 405-416-7004

Continuing Legal Education

OBA/CLE wants to be your continuing legal education provider. Call Director of Educational Programs Susan Damron Krug at 405-416-7028 with your program ideas.



CLE – Susan Carey, Renee Montgomery, Mark Schneidewent, Brandon Haynie, Heidi McComb and Director Susan Damron Krug

Department services include:

- ❑ developing and producing hundreds of quality live seminars, webinars and webcasts
- ❑ offering video replays of the live seminars

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

Phone: 405-416-7029

Email: cle@okbar.org

Ethics Counsel

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



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

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

Phone: 405-416-7055

Email: travisp@okbar.org

General Counsel

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

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

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

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



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



GENERAL COUNSEL — (Seated) Katherine Ogden, General Counsel Gina Hendryx, Loraine Dillinder Farabow; (back row) Tina Izadi, Investigator Tanner Condley, Debbie Maddox and Tommy Humphries



INVESTIGATORS — (Front row) Krystal Willis and Dorothy Walos; (back row) Tommy Butler and Sharon Orth

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

Phone: 405-416-7007

Information Technology

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

- ❑ providing a mailing list for each committee and section through the list servers to communicate with members easily and in a cost effective manner
- ❑ maintaining a committee chairperson list and a section chairperson list serve to allow communication between the association and the chairs, as well as between the chairs themselves



INFORMATION TECHNOLOGY – Matt Gayle, Director Robbin Watson and Larry Quinn

- ❑ providing a website to include a members-only section where members can update roster information, pay dues, register for CLE, review MCLE credits, etc.
- ❑ promoting the association's online presence through the OBA website and various social media outlets
- ❑ providing free sign-up for the www.okbar.org/findalawyer.com lawyer referral service

Phone: 405-416-7045

Law-related Education

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

LRE conducts programs independently and in partnership with nonprofits, civic organizations and educational groups. Programs include professional development for teachers and others in the civic community via institutions and workshops. Classroom materials are created and distributed for programs administered by LRE at no cost to educators.

LRE aims to join the education and law communities in its mission of fostering civic-mindedness. Understanding of law's role in society is essential for democracies. Creating active citizens requires active civic education.



LRE — Coordinator Jane McConnell and Debra Jenkins

LRE is under the direction of Jane McConnell, Law-related Education coordinator and Debra Jenkins, administrative assistant. Information about specific LRE programs and resources is available on the OBA website at www.okbar.org/public/lre.

Phone: 405-416-7024

Email: janem@okbar.org

Management Assistance Program

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

- ❑ Free Telephone Hotline — The OBA-MAP staff attempts to answer brief questions about management and technology issues. Our number is 405-416-7008. The toll-free number is 800-522-8065. Advice provided is confidential.
- ❑ OBA Solo and Small Firm Conference — Attend great CLE programs with nationally recognized experts, network with other small firm lawyers from across the state and meet with vendors in a fun family setting. Join us for the Solo and Small Firm Conference June 20-22, 2013, at Choctaw Casino Resort in Durant.
- ❑ OBA-MAP Lending Library — Attorneys can borrow books on law practice management and technology from the OBA-MAP Lending



MAP — Director Jim Calloway and Amy Baker

Library. Thanks to a recent grant from the OBA Law Office Management and Technology Section, there will soon be multiple copies of several of the more popular titles.

- ❑ Discounts on practice management books (and other ABA titles) — If you prefer to own a book rather than borrow it, we have partnered with the American Bar Association for a 15 percent discount on ABA publications. Whether or not you're a member of the ABA, your OBA membership entitles you to 15 percent off the list price of any of the ABA's more than 300 titles. Simply enter PAB9EOKB in the Discount Code Number field when placing your order on the ABA website.
- ❑ OBA-NET — This is an online resource that is free to all OBA members. It is our online community for the legal profession. Oklahoma lawyers post questions and brainstorm with other lawyers online. There are many files and forms available that have been uploaded by other OBA members.
- ❑ Jim Calloway's Law Practice Tips Blog — Weekly postings of Internet tips, law practice tips and hot news in law office management and technology are available by visiting the blog website, subscribing to the e-mail alerts or subscribing to the RSS news feed. Visit the blog at <http://jimcalloway.typepad.com>
- ❑ Office "Health Checks" — These consultations take place in the lawyer's office on a fee for services basis. A wide range of management issues can be covered. Typically all staff and attorneys will be

involved both in group and individual interviews.

- ❑ Free Consultations at the bar center — Any lawyer who is setting up a new practice or has encountered a difficult issue that cannot be comfortably handled over the telephone is welcome to schedule a free 50-minute appointment with the OBA-MAP director.
- ❑ Opening Your Law Practice — This innovative program consists of a one-day seminar, scheduled in Oklahoma City twice a year (spring and fall) and in Tulsa in the fall, to assist attorneys setting up new solo practices. A companion project is the "Starting a Law Practice Web Directory" which is available to any attorney at www.okbar.org/members/map/practice.htm.
- ❑ *Oklahoma Bar Journal* articles — Each theme issue of the *Oklahoma Bar Journal* contains the regular column "Law Practice Tips" by OBA-MAP Director Jim Calloway.
- ❑ Local Bar Presentations — The OBA-MAP director is available to speak at your county bar meetings or other organized lawyer groups at no charge.

Phone: 405-416-7008

Mandatory Continuing Legal Education

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

Mandatory Continuing Legal Education, a program adopted by the Oklahoma Supreme Court in 1986, establishes minimum requirements for continuing legal education for Oklahoma attorneys. The program is administered by the OBA Mandatory Continuing Legal Education Commission, which consists of nine members, that has general supervisory authority over the rules and may adopt regulations consistent with the rules.

Member services provided include:

- ❑ reviewing seminars for accreditation
- ❑ accreditation of teaching activities



MANDATORY CONTINUING LEGAL EDUCATION – Jan Thompson, Director Beverly Petry Lewis and Johnny Floyd

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

Phone: 405-416-7009

Email: mcle@okbar.org

Don't Know Whom to Contact?

If you need more information about which employee in a department to contact, check out the staff list at www.okbar.org/public/about/staff.htm. You will find a list of OBA staff members, a summary of their responsibilities and their email address.



OKLAHOMA INDIGENT DEFENSE SYSTEM

CAPITAL COUNSEL POSITIONS

The Oklahoma Indigent Defense System (OIDS) has one attorney position open in our Capital Trial Division, Norman office and one attorney position open in our Tulsa Capital Trial Division office located in Sapulpa.

Salary for these positions are commensurate with qualifications and within agency salary schedule range. Excellent benefits.

Any interested applicant should submit a letter of interest and resume by January 22, 2013 to:

Angie L. Cole, Personnel Officer
Oklahoma Indigent Defense System
P.O. Box 926
Norman, OK 73070
or
angie.cole@oids.ok.gov

OIDS is an Equal Opportunity Employer



**To get your free listing on
the OBA's lawyer listing service!
Just go to www.okbar.org and log into
your myokbar account.
Then click on the "Find a Lawyer" Link.**



FREE CLE GIVEAWAY ON JANUARY 16!
LIKE OUR PAGE FOR A CHANCE TO WIN.

"AY
CARAMBA"

You mean we aren't
friends on Facebook?

THE NEXT TIME YOU LOG
INTO FACEBOOK, MAKE
SURE AND LOOK US UP.
BECOME A FAN TODAY
AND CATCH INTERESTING
STORIES AND PRACTICE
TIPS, GET DISCOUNTS, FREE
MATERIALS, AND OTHER
GOODIES. ALL FROM YOUR
FRIENDS AT OBA/CLE.

Our Page
Exclusive Discounts
Choice Materials
Practice Tips
Technology Updates
Interesting Reads



Oklahoma Bar Association
Continuing Legal Education

www.facebook.com/OBACLE

Print or Electronic?

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



Court Material

You now have a choice.

Continue receiving your printed *Oklahoma Bar Journal* court issues (two per month) in the mail – **or** receive an e-mail with a link to the electronic version instead. Mailed copies stop. There's no dues reduction, but you save some trees.

If you want the electronic version of the court issues and didn't indicate that on your dues statement go online to <http://my.okbar.org/> Login and sign in. Click on "Roster Info" to switch to electronic. Be sure your e-mail address is current.

Want the print version?

No need to do anything.

Meet Your Bar Association

Member Perks: Benefits Your Association Provides

Being a member of the Oklahoma Bar Association has its advantages. There's a variety of free stuff and discounted services and programs available to OBA members only. You're sure to find a benefit that saves you money or enhances your practice.

ONLINE SERVICES

OKNewsBar (www.okbar.org/oknewsbar.htm) — Designed with the needs of OBA members in mind, OKNewsBar has been created to allow you to quickly access new Oklahoma and U.S. Supreme Court opinions as well as up-to-date legal news and law practice management tips. Bookmark it today.

Fastcase — The OBA offers online legal research software as a free benefit to all OBA members.

The OBA has contracted with Fastcase to provide national coverage, unlimited usage, unlimited customer service, and unlimited free printing at no cost to bar members as a part of their existing bar membership. A new feature was added recently – Mobile Sync, which makes the Fastcase Legal Research member benefit even more powerful. You now have the option to link your Fastcase for the iPhone or iPad app with your desktop account. Mobile

**new
feature!**



Sync automatically syncs your activity history and saved favorites on any of the Fastcase applications, so no work is ever lost. When you log in through www.okbar.org, you will see the favorites saved on your iPhone or iPad. To use Fastcase, sign in with your MyOKBar username (OBA number) and password on the OBA website. Details about Mobile Sync can be found at www.okbar.org/s/sync.

www.okbar.org — Main website of the OBA with links to all other OBA web presences. Information is primarily geared for members, but contains a great deal of information for the public.

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

OBA-NET (www.oba-net.org) — Members-only interactive service. Free basic service with premium services available to enhance the member benefit. This is where lawyers are

empowered to help each other through online discussions and an online document repository. You must agree to certain terms and be issued a password to participate.

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

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



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

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

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

Prepared speeches for community/civic groups (www.okbar.org/s/publicspeeches) — Speeches, outlines and handouts prepared by the OBA's Bench and Bar Committee on selected topics for presentation to public groups.

PUBLICATIONS

Oklahoma Bar Journal (www.okbar.org/obj) — 34 issues annually, contains articles, court opinions, substantive law, state bar news, professional changes, member news (moves, kudos, additions to firms, etc.), master calendar of judicial and bar events, free to active members, \$60 annual subscription, discounted rate for senior members and Oklahoma law students. Specially printed binders to keep bar journals organized are available at \$15.95 each.



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

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

PRACTICE MANAGEMENT/ PROFESSIONALISM

Young Lawyers Division — The YLD is a professional service network offering the chance to participate in community and bar-related programs. Lawyers of any age who have been in practice less than 10 years are automatically members. No dues are required. Find information about YLD programs at www.okbar.org/yld and connect with members on Facebook at www.facebook.com/obayld.

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



Practice management/ technology hotline service — Free telephone calls to the Management Assistance Program (MAP) staff and the OBA director of technology for brief answers about practical management and technology issues, such as law office software, understanding computer jargon, staff and personnel problems, software training opportunities, time management and trust account management. Call 405-416-7008.

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



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

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



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

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



Crisis Counseling Services — Need help with stress, depression or addiction? Call the Lawyers Helping Lawyers Assistance Program toll-free at 800-364-7886. The OBA offers all bar members up to six hours of free crisis counseling. It's strictly confidential and available 24 hours a day. Plus, members can take advantage of free lawyer discussion groups that meet monthly in Tulsa and Oklahoma City. Details about the groups that have a different topic every month are online at www.okbar.org/s/discussiongroups.

OBA sections — 24 substantive law sections that offer professional development and interaction, experience professional growth by learning from colleagues in your practice area and develop new contacts, benefits vary by section with a growing number of sections holding midyear or quarterly meetings that offer free or discount CLE to section members, some sections publish member newsletters. You'll find a list of sections, their annual dues and membership registration form on page 130.

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

NETWORKING

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

Annual Meeting — Participate in CLE programs, section and committee meetings, have a voice in determining the OBA's legislative program and electing future state bar leaders, take advantage of networking opportunities with attorneys and judges from throughout the state. The 2013 Annual Meeting will be Nov. 13-15 at the Sheraton Hotel in Oklahoma City.



Solo & Small Firm Conference/YLD Mid-year Meeting — Lawyers have the opportunity to get to know one another and to take advantage of a CLE seminar in a relaxed family setting. Mark your calendar for June 20-22, 2013, at the Choctaw Casino Resort in Durant.

OTHER SERVICES

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

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

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



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

Toll-free phone number — In-state OBA members who live outside the Oklahoma City metro calling area can place free calls to the Oklahoma Bar Center by dialing 800-522-8065, which connects you to our receptionist (a real, live person — not a machine) to direct your call to the proper person or department.

OPTIONAL MEMBER PURCHASE

ABA Retirement Funds — The ABA Retirement Funds program is designed to provide unique, full service 401(k) plans to the legal community, and ABA membership is not required. It was created over 45 years ago by the American Bar Association. By leveraging the size of the ABA Retirement Funds Program which brings together nearly 4,000 firms, the program offers a fund lineup and services traditionally only available to the largest corporate plans. These services are offered at no out-of-pocket expense to law firms of all sizes with institutionally priced funds for their participants. Contact a program representative at 800-826-8901 for a program prospectus or visit www.abaretirement.com for more information.

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

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

Title Examination Standards — Contains all the presently effective Oklahoma Title Examination Standards and reflects all revisions, produced by the OBA Real Property Law Section, \$5 per copy, free to section members. To be mailed a copy, email Wanda Reece-Murray for the exact shipping cost at wandar@okbar.org.

MEMBER DISCOUNTS

Avis Car Rental — The Oklahoma Bar Association can offer you the use of its Avis car rental discount rates if you refer to A674000. Contact Avis toll-free at 800-831-8000 or www.avis.com.



Call Ruby - Virtual Reception Service — Looking for a full-time receptionist for your law practice but worried about the expense? Call Ruby may be the answer.

new!

Call Ruby is a virtual reception service based in Portland, Ore. You can use their services full-time, or you can get temporary help a few hours a day when you want to close for lunch or need someone to fill in when someone is out sick. It's a great solution for solo and small firms; the service will screen, announce and transfer calls, take messages, place outgoing calls and more. To learn more, contact Ashley



Fisher at 866-611-7829 or visit www.callruby.com/okbar. Mention your OBA membership and receive a free 14-day trial, free activation, and special pricing on your monthly plan.

Colcord Hotel — A boutique hotel near Bricktown in downtown Oklahoma City, the Colcord Hotel offers OBA members a discounted rate of \$149 per night for a deluxe king or deluxe double room \$179 per night for a superior corner king and \$279 per night for the Colcord Suite. Call the hotel at 866-781-3800 to make your reservation and mention that you are an OBA member for the special discount or make your reservation online at www.colcord-hotel.com utilizing the corporate rate; access code is OKBR.

CoreVault Cloud Backup & Hosting — CoreVault's cloud backup, recovery and hosting solutions feature personal service from certified professionals that help law firms nationwide reduce costs, minimize risks, increase scalability and ensure data availability 24/7. Your backups are automated and validated daily, and continuously monitored by our certified team of experts. Data is protected with unlimited retentions and two private off-site, geographically separate data centers. New smartphone and tablet protection ensures that your data is secure while on the go. Their services are recommended by 16 bar associations and to more than 450,000 attorneys. Call CoreVault at 866-981-5946 or visit them at www.corevault.com/oba. Special member pricing for both services.

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

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

- Up to 70 percent on FedEx Freight® and FedEx National LTLSM services.

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

Hertz Car Rental — The OBA's discount number for Hertz car rental is CDP 0164851. Hertz toll-free is 800-654-3131 or www.hertz.com.



International Travel — Go Next has been in business for 39 years. They provide high quality, recreational travel to destinations around the globe. Group rates on trips are available to you, your family and your friends. All trips include airfare from either Oklahoma City or Tulsa, accommodations, transfers, breakfast buffet and other amenities. See highlights of the current trip offerings at www.GoNext.com. Call Go Next toll-free at 800-842-9023 for more information and/or reservations.

LawPay — Credit card processing designed for attorneys that safeguards and separates client funds into trust and operating accounts. Credit cards attract clients, win business, improve cash flow and reduce collections. To learn more call 866-376-0950 or visit www.lawpay.com/oba.

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

Mobile Dictation Service — 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 reg-

new!

istered 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.

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

WordPerfect Licensing Program — The OBA has signed on to Corel Corporation's bar association licensing program, allowing OBA members to purchase licenses of the award-winning Corel and WordPerfect® products such as Perfect Authority, PDF Fusion, WordPerfect Office X6, WinDVD and WinZip 16 Pro at substantially reduced prices. To place an order, go to www.corel.com/barassociation.

SAVE THE DATE!

2013 SOLO & SMALL FIRM CONFERENCE OKLAHOMA BAR ASSOCIATION

June 20-22, 2013

Choctaw Casino Resort in Durant,
Oklahoma





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

www.okbar.org/heroes

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

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

www.okbar.org/cle

oba cle
continuing legal education

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

www.okbar.org/yld

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

This is the place to get involved in community service projects, help bar exam takers survive and enjoy many of the other fun activities the division has planned for 2013!

www.okbar.org/oknewsbar.htm

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

my.okbar.org

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



www.okbar.org/findalawyer

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



www.okbar.org/obj

What can't you do here?

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

www.okbar.org/lhl

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

CONNECT.



Grow your network.
Grow your law practice.



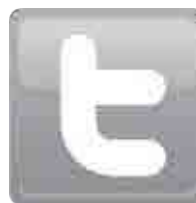
Like us on Facebook

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www.facebook.com/obacle

www.facebook.com/obalre

www.facebook.com/obayld



Follow us on Twitter

www.twitter.com/oklahomabar

www.twitter.com/obacle

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Indemnity and Contribution in Oklahoma

By J. Christopher Davis and Jonathan Cartledge

“Fairness is what justice really is.”

— Hon. Potter Stewart, Justice, U.S. Supreme Court, 1958-1981

For those practicing any type of tort-related law, claims for indemnity or contribution commonly arise. However, a clear understanding of what those claims involve, and the body of law surrounding each unique claim is not common. Indemnity and contribution are further ways the law is attempting to achieve fairness within the tort context. The legal concepts of indemnity and contribution may seem familiar and routine, but they are often misunderstood, misapplied or misconstrued. This article will attempt to separate fact from fiction and clarify many of the misconceptions about these distinct claims sounding in equity, not in damages as a remedy.

INDEMNITY – FULL REIMBURSEMENT FOR PAYMENT MADE ON BEHALF OF ANOTHER

Indemnity has been defined as “An undertaking whereby one agrees to indemnify another upon the occurrence of an anticipated loss.”¹ It is further defined as “the compensation given to make a person whole from a loss already sustained.”² Indemnity has far-reaching effects and is a potential issue in many tort disputes. However, “indemnity” actually comprises at least three distinct concepts: contractual indemnity, statutory indemnity and common law indemnity. Let’s start with a brief overview of each, under Oklahoma law.

Statutory Indemnity

Statutory indemnity is only applicable in a few specific situations. One of the more common circumstances is in products liability actions, and provides that a manufacturer of a defective product must indemnify the seller of

a product where the seller does not bear independent liability.³ This is an extension of the concept of vicarious liability, understanding that an innocent seller of a defective product should not be the ultimately responsible party where it did not make any alterations to the product itself. An additional example of statutory indemnity is where a person or entity violates the “six-foot rule” when driving or working around power lines. That entity is potentially liable to the owner or operator of the lines for any damages or liability that may result.⁴ In such an instance, the obligation of one to pay for the defense of another, or to be reimbursed accordingly, flows directly from a statutory mandate, irrespective of a contract or equitable principles.

Contractual Indemnity

Contractual indemnity is a risk allocation device whereby the parties to a contract use indemnity provisions to apportion, or in some

instances completely shift, the responsibility for future third-party claims.⁵ It is similar in concept to an exculpatory clause, but they have different aims.

Exculpatory clauses are intended to completely relieve a party from future liability. As a general matter, the Oklahoma Supreme Court has ruled that in order to be valid, exculpatory clauses or contracts:

- 1) Must evidence a clear and unambiguous intent to exonerate the party from liability for the specific damages sought to be recovered;
- 2) The agreement was executed where there was no vast difference in bargaining power between the parties; and
- 3) Enforcement of the clause is not contrary to public policy.⁶

The Supreme Court expounded further in *Schmidt*:

A contractual provision which one party claims excuses it from liability for *in future* tortious acts or omissions must clearly and cogently 1) demonstrate an intent to relieve *that person* from fault and 2) describe the nature and extent of damages from which that party seeks to be relieved. This is so not only when one assesses a party's *direct* liability for negligence, *but also* when assaying whether the agreement's terms embrace acts of an *agent or servant* of that party. In short, both the identity of the tortfeasor to be released and the nature of the wrongful act — for which liability is sought to be imposed — must have been foreseen by, and fall fairly *within the contemplation of*, the parties. The clause must also identify the type and extent of damages covered — including those to occur *in future*.⁷

Courts will uphold exculpatory provisions, but since they are distasteful to the law,⁸ they will be strictly construed.

In contrast, contractual indemnity clauses do not relieve a party from liability — rather, they shift the effects of liability to a different party, either during the pendency of a claim or after payment has been made. Any party to a contract would like to include an indemnity provision in their own favor. Not surprisingly, the party with more bargaining power has the greater chance of forcing its inclusion. There are generally three types of indemnity provi-

sions: 1) broad-scope indemnity, which would include requiring indemnification even for an indemnitee's sole negligence; 2) intermediate-scope indemnification, which requires indemnity except for an indemnitee's sole negligence; and 3) limited-scope indemnity which only makes the indemnitor liable for its own fault or negligence. The disparity in bargaining power usually determines the type of provision.

A common context for indemnity provisions is in construction contracts. In such situations, general contractors tend to possess the greater bargaining power, as they can demand a subcontractor's agreement to a form contract. This led to an influx of broad-scope indemnity provisions, and eventually led to the passage of Okla. Stat. Tit. 15, §221 in 2006.⁹ Section 221 prohibits indemnification for a contractor's own negligence in construction contracts. There are questions raised by the statute that have not yet been addressed by Oklahoma appellate courts, such as how broadly the definition of "construction contracts" should be construed. Other states with similar statutes do not typically include such broad language as "other works dealing with construction," and thus it could potentially be read very broadly. In the alternative, the phrase could be read as simply a "catch-all" designed to include only construction-specific categories that may not quite fit neatly into one of the enumerated categories, but not intending anything further. As is usually the case, the extent of the statute's application will eventually have to be settled by the appellate courts of Oklahoma. Regardless, Oklahoma recognizes parties have a right to impose contractual indemnification terms on each other, although the scope of such terms may be statutorily limited.

Common-Law/Equitable Indemnity

The Oklahoma Supreme Court has stated "The general rule of indemnity is that one without fault, who is forced to pay on behalf of another, is entitled to indemnification."¹⁰ Put another way:

Indemnity is a contract by which one engages to save another from a legal consequence of the conduct of one of the parties, or of some other person. It provides no remedy against a third party. Noncontractual or equitable indemnity is similar to common-law contribution; one who is only constructively or vicariously obligated to pay damages because of another's tortious

“... general contractors tend to possess the greater bargaining power, as they can demand a subcontractor’s agreement to a form contract.”

conduct may recover the sum paid from the tortfeasor.¹¹

Indemnity is available where one party has a primary liability or duty that requires that party to bear the whole of the burden as between certain parties.¹² Thus, equitable indemnity is only available where the party forced to pay was not at fault. The right to indemnity must be premised upon a legal relationship between the parties: “either contractual or vicarious liability on which to base the remedy.”¹³ The legal relationship at issue is an “independent legal relationship, under which the indemnitor owes a duty either in contract or tort to the indemnitee apart from the joint duty they owe to the injured party.”¹⁴ If two parties have no legal relationship to one another and owe the same duty to an injured party, there is no right to indemnity between the concurrent/joint tortfeasors. This requirement of an “independent legal relationship” is why common law indemnity claims generally only survive summary judgment where there is vicarious liability in the form of manufacturer-distributor¹⁵ and employer-employee (respondeat superior).¹⁶ Instead, most cross-claims among defendants in litigation are in the nature of contribution.

However, where indemnity is available, there are a number of specifics of which a party needs to be aware. For the purpose of the statute of limitations, a claim for indemnity does not accrue until the loss has actually been paid.¹⁷ Indemnity may be available whether payment was made pursuant to a judgment or a settlement. A claim of indemnity is not barred merely because a party has an interest in settling.¹⁸ Additionally, a party must be able to prove they are not even 1 percent at fault. If the party bears **any** liability, indemnity will not lie,

and contribution will be the only method of recovery against the respective tortfeasor.

An additional wrinkle in equitable indemnity cases is the issue of notice of a pending claim and settlement to the putative indemnitor. If the indemnitee notifies the prospective indemnitor of a potential settlement of the underlying litigation, the indemnitor then has the opportunity to approve the settlement, participate in settlement negotiations, or assume the defense of the underlying claim.¹⁹ If such notice and opportunity to object is given and the indemnitor does not act, the indemnitee must only show *potential* liability instead of actual liability in the subsequent action for indemnity.²⁰ This is a much less difficult standard for the indemnitee. Accordingly, where the potential indemnitor’s identity is known, it may be of benefit to the indemnitee to provide sufficient notice of a settlement conference or pending settlement in order to take advantage of this rule.

CONTRIBUTION AMONG JOINT TORTFEASORS

The ‘UCATA’ and Actions for Equitable Contribution

The right to contribution did not exist at common law — it is a creation of statute. Oklahoma adopted its version of the Uniform Contribution among Tortfeasors Act (UCATA) in 1978, permitting contribution among joint or concurrent tortfeasors for the first time.²¹ While there are numerous specifics regarding the right to contribution found in section 832 and Oklahoma case law, the essential basic requirements necessary to an understanding of the concept are:

- 1) Two or more persons (or entities) must become jointly or severally liable in tort for the same injury;
- 2) One tortfeasor must pay more than its *pro rata* share of liability; and
- 3) The other tortfeasor(s) were actually liable for the overpayment.

The critical distinction between contribution and common-law indemnity is that indemnity is only available to a fault-free party, while contribution is only available to a joint or concurrent tortfeasor. It is not possible to obtain relief through both, as they are mutually exclusive. Of course, most parties will plead both in the alternative, which is permitted by Oklahoma

and federal law, and work out which is applicable during discovery and/or a trial.

There are a number of issues to be aware of when looking at a potential contribution action. First, a contribution action does not technically “accrue” until payment is made in the underlying case, whether by judgment or by settlement, but may be asserted before judgment as a permissive counterclaim, crossclaim or in a third-party action.²² Thus, a party must determine whether to assert a claim for contribution (or indemnity) during a pending case or wait until after payment is made (through settlement or judgment) and then file a separate action. There are case-specific determinations that will inform that decision, and there is no one “right” method for every case.

In the UCATA, Section 832(A) requires two or more joint tortfeasors. Contribution is not available to a blameless party — indemnity is the only possibility in that case. This can lead to an interesting dilemma for a party who believes it is not at fault but was forced to pay some amount of money at trial or in settlement of an action. If there is no independent legal relationship with the responsible party, it is possible the party bringing the action will have to confess to at least 1 percent of liability in order to be able to recover under a contribution theory of liability. There is no requirement in the statute that the underlying theory of liability in a contribution action be the same as that asserted in the underlying action.²³

Additionally, a tortfeasor must have paid more than its *pro rata* share of liability in order to recover in contribution.²⁴ The entire purpose behind contribution is equitable distribution of liability, so it is only where an overpayment has occurred that contribution is available. There is also no right of contribution for any intentional acts of a tortfeasor.²⁵ The public policy reasons behind this provision are apparent, as any party who is liable for an intentional tort should not be permitted to force another to pay for any portion of that action.

Section 832(H) also provides that the settling tortfeasor is discharged from liability to any other tortfeasor — if the settlement is given in good faith. If you represent a defendant in a multiple-defendant action, there are numerous considerations to be made. First, if you can negotiate a good faith settlement for just your client, the other defendants may not be permitted to seek contribution from your client. They

are permitted to seek a setoff at trial for the amount paid, but there may be no contribution. On the other side, if your client is not a settling party, the good faith requirement may be the only chance to attempt to keep the other defendant in the case.

The good faith requirement is a principle to prevent the rights of non-settling tortfeasors from being unfairly prejudiced.²⁶ The test to determine if the settlement agreement was reached in good faith within UCATA is whether the settlement agreement provides the non-settling tortfeasor with reasonable setoff commensurate to their degree of fault.²⁷ If you actually believe a settlement is agreed to for a collusive purpose, or that it bears no resemblance to the likely liability of that party, it is permissible to file an objection to the settlement for lack of good faith.

Evidence of the Underlying Settlement

Once the contribution action is filed, an important consideration is how the evidence of settlement will be introduced in the action. In a recent case, the federal court in the Northern District of Oklahoma ruled that the issue of the reasonableness of a settlement agreement is an affirmative defense — meaning the party bringing the action for contribution does not have to prove the settlement’s reasonableness as a part of its case in chief.²⁸ Instead, the defendant must prove that a settlement was objectively unreasonable, and defendant carried the commensurate burden of proof. While the Oklahoma Supreme Court has not directly ruled on the issue, it is likely Oklahoma state courts will follow the lead of the Northern District in treating “reasonableness of the settlement” as an affirmative defense.

Further, even if the settlement is found to be unreasonable, only the portion that was unreasonable will be unrecoverable — if the court or jury finds the settlement was twice as much as reasonable, the half of the settlement that was reasonable would still potentially be recoverable.²⁹ Additionally, the Northern District of Oklahoma has held the determination of reasonableness should be held to an objective standard, based upon the information and circumstances existing at the time of the settlement. This means the subjective thoughts and reasoning of the parties (or insurers) involved in the settlement are not relevant. The court in *Holmes* held that a reasonable defense could include showing that a party contemplating

settlement did not conduct the type or manner of investigation a reasonable person would have conducted before determining to settle a claim.³⁰ Only the information available to the settling parties on the eve of the settlement is probative of this issue.³¹

Real Party in Interest

Oklahoma permits the filing of a case in the name of the insured even where an insurer paid the settlement or judgment in the underlying case. According to Oklahoma appellate courts, even in those situations, the insurer is not the “real party in interest” and is not a necessary party to the action.³² The courts have held that so long as a judgment against or for the nominal plaintiff would protect the defendant from any action brought on the same basis, the concern about the party’s standing to bring the case ends. Even where the insurer issued the check, it was on behalf of the party, so the party can be the real party in interest.³³ This means that a contribution plaintiff may choose to bring the action in its own name even if its insurer made the full amount of the underlying payment, and the contribution defendant cannot have the insurer substituted as the “real party in interest.”

CONCLUSION

There are many reasons a person or entity may be found liable in a judgment or may choose to settle an action even where that party should not be entirely liable. In many situations, that party could bring an action for contribution or indemnity. As set forth above, these avenues to recover a payment made are available in many different circumstances, and should be taken advantage of where they apply. Indemnity and contribution are remedies aimed at achieving fairness, and presumably one who has been made to pay the debts of another can obtain a measure of justice.

1. *Black's Law Dictionary* 769 (6th Ed. 1990).

2. *Id.*

3. OKLA STAT TIT. 12, §832.1.

4. OKLA STAT TIT. 63, §984.

5. See generally *Lee Way Motor Freight v. Yellow Transit Lines Inc.*, 251 F.2d 97 (10th Cir. 1957).

6. See *Schmidt v. United States*, 912 P.2d 871, 874 (Okla. 1996) (citations omitted).

7. *Id.* (emphasis in original).

8. *Id.*

9. OKLA STAT TIT. 15, §221 provides:

“Construction agreement” defined: Limitations on liability arising out of death or bodily injury void — Exceptions

A. For purposes of this section, “construction agreement” means a contract, subcontract, or agreement for construction, alteration, renovation, repair, or maintenance of any building, building site, structure, highway, street, highway bridge, viaduct, water or sewer system, or other works dealing with con-

struction, or for any moving, demolition, excavation, materials, or labor connected with such construction.

B. Except as provided in subsection C or D of this section, any provision in a construction agreement that requires an entity or that entity’s surety or insurer to indemnify, insure, defend or hold harmless another entity against liability for damage arising out of death or bodily injury to persons, or damage to property, which arises out of the negligence or fault of the indemnitee, its agents, representatives, subcontractors, or suppliers, is void and unenforceable as against public policy.

C. The provisions of this section do not affect any provision in a construction agreement that requires an entity or that entity’s surety or insurer to indemnify another entity against liability for damage arising out of death or bodily injury to persons, or damage to property, but such indemnification shall not exceed any amounts that are greater than that represented by the degree or percentage of negligence or fault attributable to the indemnitor, its agents, representatives, subcontractors or suppliers.

D. This section shall not apply to construction bonds nor to contract clauses which require an entity to purchase a project-specific insurance policy, including owners’ and contractors’ protective liability insurance, project management protective liability insurance or builder’s risk insurance.

E. Any provision, covenant, clause or understanding in a construction agreement that conflicts with the provisions and intent of this section or attempts to circumvent this section by making the agreement subject to the laws of another state, or that requires any litigation, arbitration or other dispute resolution proceeding arising from the agreement to be conducted in another state, is void and unenforceable.

10. *Nat’l Union Fire Ins. Co. v. A.A.R. Western Skyways Inc.*, 784 P.2d 52, 54 (Okla. 1989).

11. *Travelers Ins. Co. v. L.V. French Truck Svc. Inc.*, 770 P.2d 551, 555 n.16.

12. *Thomas v. E-Z Mart Stores Inc.*, 102 P.3d 133, 139 (Okla. 2004).

13. *Western Skyways*, 784 P.2d at 55.

14. *Peak Drilling Co. v. Halliburton Oil Well Cementing Co.*, 215 F.2d 368, 370 (10th Cir. 1954), cited with approval by *Harter Concrete Products Inc. v. Harris*, 592 P.2d 526 (Okla. 1979).

15. OKLA STAT TIT. 12, §832.1; *Braden v. Hendricks*, 695 P.2d 1343, 1349-50 (Okla. 1985).

16. *Porter v. Norton-Stuart Pontiac-Cadillac*, 405 P.2d 109, 114 (Okla. 1965).

17. *Travelers Ins. v. L.V. French Tr. Serv.*, 770 P.2d 551, 555-56 (Okla. 1988).

18. *Id.*

19. *Caterpillar Inc. v. Trinity Indus. Inc.*, 134 P.3d 881, 888 (Okla. Ct. App. 2006) (citing *In re Cooper Mfg. Inc.*, 131 F.Supp.2d 1238 (N.D. Okla. 2001)).

20. *Id.*

21. OKLA STAT TIT. 12, §832. It should be noted that although there are two separate versions of the UCATA — 1939 and 1955 — Oklahoma did not adopt either version *in toto*. Oklahoma’s version provides:

§832. Joint tortfeasors – Contribution – Indemnity – Exemptions – Release, covenant not to sue, etc.

A. When two or more persons become jointly or severally liable in tort for the same injury to person or property or for the same wrongful death, there is a right of contribution among them even though judgment has not been recovered against all or any of them except as provided in this section.

B. The right of contribution exists only in favor of a tortfeasor who has paid more than their *pro rata* share of the common liability, and the total recovery is limited to the amount paid by the tortfeasor in excess of their *pro rata* share. No tortfeasor is compelled to make contribution beyond their *pro rata* share of the entire liability.

C. There is no right of contribution in favor of any tortfeasor who has intentionally caused or contributed to the injury or wrongful death.

D. A tortfeasor who enters into a settlement with a claimant is not entitled to recover contribution from another tortfeasor whose liability for the injury or wrongful death is not extinguished by the settlement nor in respect to any amount paid in a settlement which is in excess of what was reasonable.

E. A liability insurer which by payment has discharged, in full or in part, the liability of a tortfeasor and has thereby discharged in full its obligation as insurer, is subrogated to the tortfeasor’s right of contribution to the extent of the amount it has paid in excess of the tortfeasor’s *pro rata* share of the common liability. This provision does not limit or impair any right of subrogation arising from any other relationship.

F. This act does not impair any right of indemnity under existing law. When one tortfeasor is entitled to indemnity from another, the right of the indemnity obligee is for indemnity and not contribution, and the indemnity obligor is not entitled to contribution from the obligee for any portion of the indemnity obligation.

G. This act shall not apply to breaches of trust or of other fiduciary obligation.

H. When a release, covenant not to sue, or a similar agreement is given in good faith to one of two or more persons liable in tort for the same injury or the same wrongful death:

1. It does not discharge any other tortfeasor from liability for the injury or wrongful death unless the other tortfeasor is specifically named; but it reduces the claim against others to the extent of any amount stipulated by the release or the covenant, or in the amount of the consideration paid for it, whichever is greater; and

2. It discharges the tortfeasor to whom it is given from all liability for contribution to any other tortfeasor.

22. *Okla. Gas & Elec. Co. v. Dist. Ct.*, 784 P.2d 61, 65 n. 24 (Okla. 1989).

23. *See Parker v. O'Rion Indus. Inc.*, 769 F.2d 647 (10th Cir. 1985).

24. OKLA STAT TIT. 12, §832(B).

25. OKLA STAT TIT. 12, §832(C).

26. *City of Grand Terrace v. Superior Court*, 192 Cal. App. 3d 1251, 1265 (1987).

27. *Stickler v. American Augers Inc.*, 757 N.E. 2d 573, 578 (Ill. App. Ct. 2001).

28. *White Electrical Services v. Franke Food Service Systems Inc.*, ____.

29. *In re Holmes*, 131 F.Supp.2d 1238, 1258-59 (N.D. Okla. 2001).

30. *Id.* at 1259.

31. *Id.*

32. *See Lapkin v. Garland Bloodworth Inc.*, 23 P.3d 958, 960 (Okla. Ct. App. 2001); *Caterpillar, supra*, 134 P.3d at 885-86.

33. *Id.*

ABOUT THE AUTHORS



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NOTICE OF JUDICIAL VACANCY

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

Associate District Judge Eighth Judicial District Noble County, Oklahoma

This vacancy is created by the retirement of the Honorable Dan Allen effective December 31, 2012.

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

Application forms can be obtained on line at www.oscn.net by following the link to the Oklahoma Judicial Nominating Commission or by contacting Tammy Reaves, Administrative Office of the Courts, 2100 North Lincoln, Suite 3, Oklahoma City, OK 73105, (405) 556-9300, and should be submitted to the Chairman of the Commission at the same address **no later than 5:00 p.m., Friday, February 1, 2013. If applications are mailed, they must be postmarked by midnight, February 1, 2013.**

Heather Burrage, Chairman
Oklahoma Judicial Nominating Commission

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What Every Attorney Must Know About Medicare Reporting and Reimbursement

By Toni J. Ellington

In 2007, Congress passed Section 111 to the Medicare, Medicaid and SCHIP Extension Act (MMSEA).¹ Designed to strengthen Medicare's ability to implement and enforce its statutory right of recovery under the Medicare Secondary Payer statute,² Section 111 must be considered by counsel for plaintiffs and defendants in every award, judgment or settlement.

The Medicare Secondary Payer (MSP) statute created reimbursement obligations in cases where a plaintiff's medical expenses for injuries or illnesses are covered and paid by Medicare, and then later paid to the plaintiff as part of an award, judgment or settlement. Set forth in 42 U.S.C. §1395y(b)(2), this reimbursement obligation for a Medicare-enrolled plaintiff has existed since 1980. The purpose of the MSP statute is to prevent the burden of medical expenses for personal injury or illnesses caused by another from being shifted to Medicare. The MSP statute requires certain plans to be primary payers over Medicare. In instances where Medicare has made a payment for medical benefits covered under another plan, Medicare will issue a conditional payment, on the condition that Medicare will be reimbursed.

In 2007, Congress strengthened Medicare's ability to obtain reimbursement by establishing the reporting requirements set forth in 42 U.S.C. §1395y(b)(8), commonly referred to as Section 111. These requirements further defined reimbursement and reporting requirements under the MMSEA. Section 111 was passed in order to address problems with inconsistent reporting and to attempt to slow the depletion of the Medicare Trust Fund. The MMSEA pro-

vision directed to insurers and self-insureds took effect on July 1, 2009.

A "primary plan," in the context of Section 111 reporting and Medicare reimbursement law, can be the paying party's insurer or the paying party itself if that party is self-insured. As set forth in the statute:

Payment under Medicare may not be made with respect to any item or service to the extent that...

(ii) Payment has been made or can reasonably be expected to be made under a workman's compensation³ law or plan of the United States or a state or under an automobile or liability insurance policy or plan (including a self-insured plan) or under no fault insurance.

42 U.S.C. §1395y(b)2(A)(ii).

REIMBURSEMENT OBLIGATIONS UNDER THE MEDICARE SECONDARY PAYER STATUTE

Under the MSP statute, notice of a claim must be made to the Centers for Medicare or Medicaid Services (CMS), and its Coordinator of Benefits Contractor (COBC).⁴ Counsel does not need approval from a beneficiary in order to provide notice of a claim to CMS. Notice of a

claim is not required if plaintiff is not a Medicare-enrolled beneficiary, and there is no expectation that Medicare may make a payment or plaintiff will become a Medicare-enrolled beneficiary within 30 months. Failure to comply with the requirements of the MSP statute can have significant consequences for counsel. The federal government can bring an action against “any” responsible party.⁵ The paying party may have to pay double damages plus interest for failure to comply. In addition, CMS may refuse to recognize the settlement. Medicare may also refuse future benefits to a plaintiff or claimant who does not comply with the requirements of the MSP statute.

SECTION 111 REPORTING

The strengthened requirements under Section 111 do not change the reporting obligations under the MSP statute. Reporting is required for all responsible reporting entities (RREs) for an applicable “primary plan,” which is defined very broadly as any group health insurer, workmen’s compensation insurer, no-fault insurer or liability insurer. Nearly every line of insurance which provides payment for personal injury or illness is considered “primary” to Medicare. Liability insurers and those companies or defendants who self-insure for liability may include auto liability insurers, uninsured and underinsured motorist insurers, homeowners’ liability insurers, malpractice insurers, product liability insurers and general casualty insurers.⁶ An applicable “primary plan” is also defined to include a self-insurance plan, making self-insured defendants RREs. In cases involving legacy liabilities such as asbestos, toxic or environmental exposure cases, where many defendants no longer hold insurance to cover plaintiffs’ claims, understanding the payer’s status as an RRE is particularly important.

Obligations of the RRE

An RRE must register with CMS and/or its contractor COBC through the secure website so that data related to the award, judgment or settlement payment can be uploaded. As an alternative, a self-insured or insured payer may rely on an agent to be its RRE, but that payer is still responsible for reporting and compliance. Before paying an award, judgment or settlement, the RRE must determine whether the claimant is or was a Medicare beneficiary, and must report any award, judgment or settlement payment that exceeds certain dollar

thresholds. These thresholds and the dates of applicability for mandatory reporting are as follows:

Thresholds for Total Payment of Claim (TPOC)

Amount	Paid on or After
\$100,000	10/1/11
\$50,000	4/1/12
\$25,000	7/1/12
\$5,000	10/1/12
\$2,000	10/1/13
\$300	10/1/14 ⁷

Reporting is done electronically by RREs. Responsible reporting entities must register with CMS.⁸ Reporting the total payment of claim (TPOC) is required based on certain submission time frames. Reporting requires entry of at least 119 data fields out of a possible 255, including the identification of the Medicare-enrolled beneficiary with adequate information to allow Medicare to make appropriate determinations about the coordination of benefits.

IMPACT OF FAILURE TO REPORT AND REIMBURSE MEDICARE

In the past, Medicare did not pursue enforcement of the existing reporting requirements, and there was no penalty for failing to report information to Medicare. Therefore, the reporting requirements were largely ignored and, consequently, Medicare lacked the information necessary to allow it to aggressively pursue recovery of conditional payments from personal injury settlements. This inconsistent reporting, along with growing concern over the depletion of the Medicare Trust Fund and predictions that Medicare would become insolvent, prompted the most recent amendment to the MSP statute. Medicare, Medicaid and SCHIP Extension Act was passed with the goal of getting insurance companies to report payments and settlements to Medicare so the government could step up its recovery efforts.

Because of the change in the law, all plaintiffs’ and defendants’ counsel involved in such cases should know the requirements for compliance. Medicare may assert a direct right of action against any entity that received a payment from a primary payer.⁹ Failure to comply can result in penalties being imposed up to \$1,000 per day per unreported claim under Section 111. In addition, a payer that does not report is subject to double damages plus interest under the MSP statute when the govern-

ment pursues litigation. Medicare can seek recovery of its conditional payments from any party, including a beneficiary, provider, supplier, physician, attorneys, state agency or private insurer.¹⁰ Medicare is not interested in fault. Medicare can seek recovery from the defendant or RRE that already paid plaintiff the award, judgment or settlement, irrespective of the parties' agreement or a court order. When settlement funds are routed through counsel or counsel's trust account before being paid out, it can be argued that counsel "received a primary payment" and thus counsel can be sued by the government to recover Medicare's claim.¹¹ Under the MSP statute, there is no safe harbor for a party that has already paid.

TIMING

Medicare's rights of recovery under the MSP statute extend to both the past and the future. Reporting of TPOCs under Section 111 was required as of Oct. 1, 2011, for any award, judgment or settlement or other payment to a Medicare enrolled beneficiary in the amount of \$100,000 or more. The dollar threshold for reporting will decrease to the \$25,000 limit as of July 1, 2012.¹² The ongoing re-sponsibility to reimburse Medicare is retroactive to July 1, 2009.

On Dec. 1, 2009, the U.S. government turned heads by filing a Medicare collection suit over a class action lawsuit for PCB exposure. The class action suit had settled in 2003 for \$300 million. The government claimed that none of the parties took steps to protect Medicare's interests despite the fact there were 907 Medicare beneficiaries in the settling class. The U.S. sought recovery from plaintiffs' counsel and also from self-insured defendants and insurers who paid the settlement. The court held that a six-year statute of limitations for contracts applied to the attorney defendants who did not secure reimbursement for Medicare, and a three-year statute of limitations based in tort applied to the corporate defendants.¹³

Therefore, the statute of limitations for the government to seek recovery of conditional payments is either three or six years from the later of 1) date of payment, or 2) the date Medicare learns of the payment.¹⁴

UNIQUE CIRCUMSTANCES TO CONSIDER

The basic reporting and reimbursement requirements under Section 111 and the MSP statute can be complicated by some issues

which arise frequently in litigation and settlements. A few examples of these complicating issues are discussed briefly in this section.

Derivative Claims

In cases involving derivative claims by a spouse or surviving spouse in wrongful death lawsuits, the derivative claim is often released as a part of a settlement. Counsel for the parties must determine whether the spouse, heir or derivative claimant is asserting his or her own claim for mental anguish or other personal injuries, and whether any medical benefits were paid by Medicare for that claimant. If so, counsel must obtain a conditional payment letter for the spouse, heir or derivative claimant, and the settlement with the derivative claimant must be reported and reimbursed separately.

Future Medical Allocations

In cases where an award, judgment or settlement is paid to a plaintiff for all past and future medical expenses, counsel must determine whether a future allocation for medical expenses is needed. Commonly called a "Medicare set-aside," there is general confusion about how to address such set-asides for future medicals.¹⁵ The statute is vague, and no implementing regulations have been promulgated specifically addressing this issue. Centers for Medicare or Medicaid Services has recently submitted a proposed rule on "Future Medicals" to be reviewed by the Office of Management and Budget. It is anticipated that this rule will deal with future medicals and liability claims.

The actual valuation of a plaintiff's future costs of his medical care needs is complex and beyond the scope of this article. While a workers' compensation settlement generally contains only three types of damages — indemnity/wage loss, past medical and future medical — liability settlements lack uniform damage allocations, and awards or judgments may not specify amounts for different categories of damages. Guidance from CMS on the Medicare Set-Aside issue in liability settlements is as follows:

We are still asked for written confirmation that a Medicare set-aside is, or is not, required. As we have already covered the 'set-aside' aspect of that request we only need to state that IF there was/is funding for otherwise covered and reimbursable future medical services related to what was claimed/released, the Medicare Trust Fund must be protected. If there was/is no such

funding, there is no such expectation of third-party funds with which to protect the trust funds. Each attorney is going to have to decide, based on the specific facts of each of their cases, whether or not there is funding for future medicals and if so, a need to protect the trust funds.¹⁶

Cases Alleging Pre-1980 Exposure Only

Issues may arise for counsel in long-latency exposure cases such as asbestos or benzene exposure regarding when an individual plaintiff's exposure occurred. Centers for Medicare or Medicaid Services has said it will not seek recovery in cases where the date of the plaintiff's last exposure was pre-Dec. 5, 1980. In such cases, no Section 111 reporting is required.

For the parties to be free of the obligation to report the award, judgment or settlement and reimburse Medicare for conditional payments, all of the following criteria must be met:

- All exposure must have ended prior to Dec. 5, 1980.
- No exposure after Dec. 5, 1980, can be claimed, released or effectively released.
- The settlement documents or release must not release any exposure after Dec. 5, 1980.
- In cases with multiple defendants, exposure related to **all** the defendants must be pre-Dec. 5, 1980.

Centers for Medicare or Medicaid Services can audit alleged pre-1980 cases at any time. There is no safe harbor provision for failure to report or reimburse Medicare in the event post-1980 exposure is later found. Therefore, the parties can choose to report the award, judgment or settlement to CMS anyway if the pleadings and other records are not clear. Otherwise, the settlement agreement or release should contain precise language addressing which party will be responsible in the event of a CMS audit or if post-1980 exposure is later discovered.

Group Settlements

In some instances, defendants may desire to settle a case by entering into a global settlement, where the amount paid by each defendant is not disclosed. In such cases, if the settlement involves Medicare-enrolled beneficiaries, the reporting requirements may depend on state law. In cases where state law allows joint and several liabilities for the defendants, each

“A write-off occurs when an entity reduces the amount due from the beneficiary, or provides something of value (e.g., cash, gift cards, etc.).”

defendant must report the total amount of the global settlement for all plaintiffs who are Medicare beneficiaries. In cases where there is no joint and several liability under state law, each defendant would report the part of the settlement it paid in the global settlement. Centers for Medicare or Medicaid Services anticipates revising the Non-Group Health Plan (NGHP) User Guide to provide more guidance on the joint and several liability issue and Section 111 reporting.

Write-Offs

A write-off occurs when an entity reduces the amount due from the beneficiary, or provides something of value (e.g., cash, gift cards, etc.). An entity may utilize write-offs as a tool to lessen the probability of a liability claim against it, or to enhance customer goodwill. Write-offs are commonly used by some healthcare providers as a risk management tool, because they may allow the providers to resolve a complaint without litigation.

The issue of an entity's obligation to report a write-off under the mandatory reporting requirements of Section 111 was unclear until May 26, 2010, when CMS issued an alert on this subject. Centers for Medicare or Medicaid Services considers some write-offs to be a form of self-insurance that may trigger Section 111 reporting obligations. According to the CMS alert, reductions in the amount due on a medical bill may constitute self-insurance for the purpose of the MSP statute. Determinations of whether a given write-off triggers reporting requirements under Section 111 are fact-specific.

In instances where a physician or medical provider has reduced its charges or written off a portion of the charge to a Medicare beneficiary as a risk management tool, the physician or medical provider does not have to report under the Section 111 guidelines. Instead, the

physician or medical provider must report to CMS the unreduced amount of the charge and show the amount of the reduction provided or written off as a payment by liability insurance or self-insurance. The provider should bill all of the services and related charges and show the write-off amount as a primary insurance payment. This reporting is done through the Medicare billing procedure.

However, in some instances where the physician or medical provider has written off some portion of a charge, and there is evidence or an expectation that the individual has sought or may seek medical treatment as a consequence of the underlying incident giving rise to the medical treatment, the physician or medical provider must report the reduction or write-off as a TPOC through the Section 111 data reporting system.¹⁷

BEST PRACTICE TIPS FOR COUNSEL

If you represent a plaintiff who is a Medicare-enrolled beneficiary, or a defendant involved in a case where the plaintiff or plaintiffs may be a Medicare-enrolled beneficiaries, you would be well served to keep Medicare's interest in mind from the beginning of the case. Counsel should consider the age of plaintiffs and determine the Medicare status of plaintiffs early. Counsel should obtain the Medicare beneficiary's "common working file ID number" from CMS, and should obtain a copy of all conditional payment summaries and updates, as well as any negotiated lien amounts. For defense counsel, this can be done by obtaining such basic information as the plaintiff's name, gender, date of birth, social security number or Health Insurance Claim Number (HICN) through discovery requests. Defense counsel should ask plaintiff's counsel to obtain this information, along with a completed Consent to Release form from each plaintiff, in order to allow counsel to determine the Medicare status of the plaintiffs and obtain conditional payment estimates early. Obtaining this information at the outset of the litigation will allow counsel to better negotiate settlements or better evaluate the case for trial purposes.

If plaintiffs are not forthcoming with information such as Social Security numbers or dates of birth needed to obtain Medicare beneficiary status and conditional payment amounts, defendants should propound specific discovery to plaintiffs seeking this information. Requirements to comply with Medicare are mandatory. Accord-

ingly, many courts now address the requirements and include the exchange of such information as part of case management orders or initial disclosures.

In an award, judgment or settlement, CMS will look to what is **released** to determine if the parties had a reporting or reimbursement requirement. As previously discussed, special care should be taken in cases involving emotional distress or mental anguish damages, as well as derivative claims. Remember that CMS is entitled to full reimbursement irrespective of any agreement between the parties or any court order. Centers for Medicare or Medicaid Services is not interested in fault. Care should be taken to ensure that any award, judgment or settlement considers the amount of conditional payments due to the plaintiff. To protect against potential double recovery, defense counsel might consider negotiating payment terms which ensure Medicare will be reimbursed. For example, the settlement agreement or release might include a term for the settling defendant to pay Medicare directly the amount due, and pay the balance of the settlement or judgment proceeds to plaintiff/plaintiff's counsel after Medicare's claim has been satisfied. An alternative option would be for the settling defendant to pay the entire settlement to plaintiff's counsel, to be held in escrow, less procurement costs,¹⁸ until the Final Demand Letter with the final amount due to Medicare has been received.

After payment is made to Medicare, counsel should be sure to obtain proof of claim satisfaction from CMS. Plaintiffs' and defendants' counsel alike have an interest in ensuring Medicare's claim is satisfied before the money is paid to a plaintiff. As discussed, the MSP statute allows Medicare and CMS to look to any responsible party or "primary payer" for recovery if its claim is not satisfied within 60 days of award, judgment or settlement.¹⁹

RESOURCES FOR COUNSEL

The following resources and practice groups may provide useful information for counsel on Medicare reimbursement and Section 111 reporting issues:

Relevant Statutes

- 42 U.S.C. §1395y, et seq.
- 42 C.F.R. §411 et seq.

Practice Resources

- MSP Manual Chapter 7, found at www.okbar.org/s/-chp-7
- CMS User Guide, found at www.okbar.org/s/cmsuserguide
- Medicare Secondary Payer Recovery Contractor (MSPRC) Information, found at www.msprc.info/
- General Medicare Information for beneficiaries/claimants, found at <http://my.medicare.gov>

Practice Groups

- The Medicare Advocacy Recovery Coalition (MARC), found at www.marccoalition.com
- The DRI Medicare Secondary Payer Task Force for Defense Counsel, found at www.dri.org
- CMS Town Hall Conferences – Schedule and Transcripts, found at www.cms.gov

CONCLUSION

Key things for counsel to know about the current law include the following:

- Medicare must be reimbursed.
- Medicare beneficiary claims must be handled differently.
- Counsel should obtain Medicare information and address the Medicare issues early in the case.
- Counsel should be proactive in collaborating with the other side to ensure satisfaction of Medicare's claim.

1. 42 U.S.C. §1395y(b)(8).
2. 42 U.S.C. §1395y(b)(8).
3. Discussion of the specifics and nuances of Medicare and Section 111 reporting as it relates to workers' compensation claims is outside the scope of this article.
4. See 42 CFR §411.25(a).
5. 42 U.S.C. §1395y(b)(2)(B).
6. See 42 C.F.R. §§411.20, 411.21, 411.40(a) and 411.50(b).
7. CMS alert dated Sept. 30, 2011, found at www.okbar.org/s/nghpalerts.
8. See Section 8, CMS User Guide, found at www.section111.cms.hhs.gov.
9. 42 C.F.R. §411.24(e) & (g).
10. 42 C.F.R. §411.24(a).
11. Stephanie Frazier Stacy, Mary Re Knack, Bruce A. Cranner, Christopher Mathewson and Jill Gradwohl Schroeder, *DRI Practitioners Guide to Medicare Secondary Payer Issues*, at 8 (2010); 42 C.F.R. §411.24(e) & (g).
12. CMS Alert, September 30, 2011, found at www.okbar.org/s/alerts.
13. *United States v. Stricker*, 2010 WL 6599489, *1 (N.D. Ala. Sept. 30, 2010).
14. 28 U.S.C. §2415(a); *Many v. Utilities Neutral Insurance Company*, 254 F.3d 387, 397-98 (2 Cir. 2001). See also *U.S. v. Stricker*, 2010 WL 6599489, *8, *9 (N.D. Ala. Sept. 30, 2010).
15. However, CMS has provided regulations and guidance to follow in establishing set asides for future medical allocations in workers' compensation cases. See 42 C.F.R. 411.47(a).
16. Handout dated May 25, 2011, from Sally Stallcup, MSP Regional Coordinator, CMS, Region VI.
17. See www.cms.gov/mandatoryINSREP.
18. Medicare will reduce recovery by the cost of obtaining the settlement or judgment when those costs are borne by the party against whom CMS seeks to recovery. See 42 C.F.R. §411.37; *In re Zyprexa Products Liability Litigation*, 451 F. Supp. 2d 458, 466 (E.D. N.Y. Sept. 11, 2006).
19. 42 U.S.C. §1395y(b)(2)(B).

ABOUT THE AUTHOR



Toni Ellington is an Oklahoma-licensed attorney currently living in New Orleans and practicing with the Frilot law firm. She concentrates on Medicare law and medical malpractice, environmental and toxic tort litigation. She is a former in-house staff counsel for Tronox LLC and Kerr-McGee Corporation. She is licensed to practice law in Louisiana, Oklahoma, Texas and Hawaii.

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OBA Creates New Juvenile Law Section

Recognizing that juvenile law hasn't been "kiddie law" for many years, Oklahoma Lawyers for Children (OLFC) petitioned OBA members at the November OBA Annual Meeting to create an OBA Juvenile Law Section. Literally within hours of drafting a petition and visiting with OBA members from across the state, practitioners, judges and OBA delegates alike recognized the need for a juvenile law section, and OLFC gathered well over the requisite number of required signatures to present the petition to the Board of Governors for consideration. Former OBA President Cathy Christensen was as enthusiastic as 2013 OBA President Jim Stuart to welcome the new Juvenile Law Section to the OBA upon its approval at the Board of Governors' December meeting.

"I can't believe we *finally* have an OBA section to bring focus to the areas of juvenile deprived, delinquent and youthful offenders that so desperately need attention by our profession!" were the comments from Sue Tate, director, and Felice Hamilton, program coordinator for the Court Improvement Program, Administrative Office of the Courts, Supreme Court of Oklahoma. "A section of the OBA has long been needed to validate the work of the practitioners who tirelessly give their time and talent to the vast numbers of abused, neglected, deprived and disadvantaged children in our state who are entitled by statute to legal representation in order to have the same access to justice as adult citizens, but more so than any other population, because they are children, they have must have a legal voice," said Tsinena Thompson, Oklahoma Lawyers for Children president and CEO.



The purpose of the section is to serve as a focal point for legal issues in the areas of juvenile deprived, delinquent and youthful offender law, and the pro bono organizations known as Oklahoma Lawyers for Children (OLFC) and Tulsa Lawyers for Children (TLC), its volunteers and organizational activities that affect children in DHS custody; assess current legal services available to juveniles; determine where gaps in legal services exist; improve the administration of justice in the field of juvenile law by study, conferences and publication or reports, service and articles with respect to both legislation and administration in all matters connected herewith; and to promote and support OLFC and TLC's pro bono programs in the area of juvenile law and the legal needs of juveniles in the state of Oklahoma.

The juvenile law arena today consists of many players. Practitioners must be familiar with the Juvenile Code as set forth in Titles 10 and 10A, and its relation to other statutes involving children, wards of the state and youthful offenders. Unlike the family law courtrooms, DHS workers, therapists, medical

personnel and CASAs who are not legal practitioners appear for routine daily hearings and much to the horror of many a civil or family law practitioner, offer hearsay statements and reports to the court that are accepted without or over objection. This informality is permissible in certain juvenile hearings, but because of its more informal nature, practitioners must be carefully trained and qualified to protect the innocent child victim who may be too young to even communicate while also endeavoring to ensure equal justice and fair treatment to the accused.

HOW TO JOIN THE SECTION

Already paid your 2013 OBA dues? Or you're not a lawyer and want to become an associate member? Use the section enrollment form on page 130. Either check or credit card can be used to pay the \$15 section dues.

Not yet paid your OBA dues? Adding section membership is easy when you pay dues online at My.OkBar.org.

The interplay of DHS policy with the nebulous "best interests of the child" can present quite a trap for the unwary whether the practitioner is representing a child victim, parents, guardians, other caregiver or a youthful offender. "Juvenile law today can be a complicated as multi-party civil litigation or class actions, and a Juvenile Law Section has been needed to bring cohesiveness and consistency to this area of the law throughout our state," Ms. Thompson said. Many counties appoint local attorneys to represent children. Unfortunately, many of these practitioners in outer lying counties have not been able to attend OLFC's specialized Juvenile Law CLEs which have been primarily offered in Oklahoma City. TLC recently began offering CLE, but

one of this section's goals is to make those trainings available to practitioners and others throughout the state.

MEMBERSHIP

Any OBA member in good standing who enrolls and pays the \$15 annual dues may become a member. Any full-time member or retired state member of the judiciary may become a member and will not be required to pay dues. Because there are so many other non-lawyer "players" in juvenile court, associate membership in the OBA Juvenile Law Section is open to any other persons who by reason of their enrollment in law school, their profession or occupation or other demonstrable interest in section activities may become associate members. Associate members enroll and pay annual dues, but they may not vote or hold office in the section.

Section organizers hope to have a broad representation of section membership so that the many problems that have plagued Oklahoma's children can be assessed, recognized, addressed and corrected to the best of its ability. "We have lofty goals, but what is more important than protecting the children of our state?" said the new section's Interim Chairperson Tsinena Thompson. "These children are among the most vulnerable citizens today, the workforce and parents of tomorrow and are the future of our state. How can this not be among the most important issues facing our state today?"

FIRST MEETING

The section's first meeting will be scheduled in March at which time nominations and voting to elect section committee chairs will be among the order of business.

All business, recommendations for committee chairs or other section interests should be directed to Interim Chair Tsinena Thompson at tthompson@olfc.org, by mail to Oklahoma Lawyers for Children, 4901 Richmond Square, Suite 101, Oklahoma City, OK 73118 or by fax 405-842-8822.

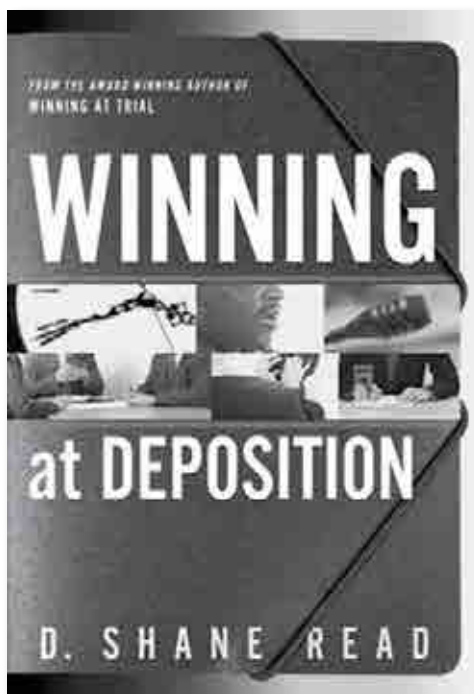
Winning at Deposition

By D. Shane Read

Reviewed by Joe Vorndran

Winning at Deposition is an excellent resource for any lawyer regardless of age or experience. When taken as a whole, it is a comprehensive guide to depositions that could adequately inform even the greenest lawyer; and when used as a reference resource, it succinctly refreshes the most experienced litigators on the finer points of a deposition.

Some of the strengths of this work are the easily navigable layout and the helpful “practice tips” that are sprinkled throughout. These enable the reader to easily move from topic to topic and distill the most important information down into helpful bullet points and checklists. The ease of topic identification and breakdown of practical information makes the book an excellent preparation



268 pages; paperback, \$67.17;
published by Westway Publishing
(March 2012)

tool for any lawyer organizing a deposition.

Throughout the book, the author skillfully uses real deposition testimony to illustrate his points and to apply them in real world settings. The high-profile cases which constitute many of the illustrative examples enliven his lessons and engage the reader on several levels. This is particularly true in the closing chapters, as the author highlights many of his helpful tips through an analysis of President Clinton’s deposition and grand jury testimony in *Jones v. Clinton*.

Winning at Deposition is an engaging read that expertly conveys both technical and practical

information about the science and art of depositions in an entertaining and easy to navigate format.

A Year of 'Stuartship'

By John Morris Williams

President James T. "Jim" Stuart has declared this a year of acknowledging the good works of lawyers across the state of Oklahoma. To highlight this important work I have created a new verb: "Stuartship." Webster's tells me that "stewardship" is a noun. "Stuartship" is a verb. If you know the energy and giving spirit of our new president, it is only proper that he be "verbed."

Service projects are in the works, and many opportunities to spotlight the good work of lawyers are planned throughout the year. I will leave it to President Stuart to provide the details. Having spent the majority of my career in the public sector of legal practice, I know firsthand how many lawyers serve on school boards, boards of religious organizations, city councils, booster clubs and a vast number of community service clubs and charitable boards. In fact, any time you see important philanthropic work happening at the state or local

level, I can guarantee you a lawyer is volunteering time to help make it happen.

To help kick off this year of service and giving, the OBA staff decided to forego gift-giving to each other during this past holiday and instead donated heavily to a local



OBA staff members load carts with holiday gifts and toys destined for residents of the local YWCA women's shelter.

battered women's shelter. The photo accompanying this article shows the incredible generosity of the OBA staff as we kick off our year of Stuartship.

Additionally, as I have warned before, we are dealing with an aging computer system that is in the process of being replaced. In the following months we hope to have

the new system up and running. There is an incredible amount of planning and testing needed prior to the launch of the new system. I beg your patience as we move through these upgrades.

I want to wish each of you a Happy New Year. With the new year comes dues and MCLE compliance. Please pay close attention to the deadlines to avoid late fees and penalties. Please let us know if we can do anything to assist you.

Lastly as we enter this year of Stuartship, please pay close attention to the messages and calls for action from our new president. It is going to be an exciting and fun year. We are going to celebrate you, our members, and all the great things you are doing!

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

Planning for 2013

By Jim Calloway

Hopefully at some point during the last few months of 2012, the lawyers in your firm had a meeting or a series of meetings to discuss what your plans are for 2013. In larger firms most of the planning may have been done by a management team working with the firm administrator. But at some point, there was likely a meeting with, or communication to, all of the lawyers. After all, it makes little sense to have a game plan and not communicate it with the actual players on the field.

The lawyer in solo practice can call a meeting where he or she is the only attendee at most any time, and lawyers in a two- or three-lawyer firm often feel they are in constant communication and do not need a planning meeting.

But if you have not had your law firm 2013 planning retreat, January is still a fine time to do it, even if you only retreat behind a closed office door for a couple of hours. There is still a fair amount of instability overall in legal services and the short-term economic outlook. A law firm or solo lawyer has to hold planning meetings for the same reason that the successful lawyer keeps a daily “to do” list: you do not want to forget anything, and you have to set priorities.

So schedule some time for your planning meeting now,

and even if you had one in December, maybe a follow up meeting is good.

To have an effective meeting, you must have an agenda. Your firm will have its own special challenges and issues on the agenda. But any law practice faces many similar issues.

Here are some items you might consider for your agenda:

FINANCES AND BUDGET

By sometime in January, you should have preliminary, if not final, financial numbers for 2012. Bonuses and partner’s final draws have all been decided. Now is a good time to look at what the numbers tell you. What did 2012 look like as compared to the last few years? Steady revenue growth is the goal, and huge revenue growth is the dream. But whether the numbers have positive or negative news, the most important analysis is about what is different this past year and what, if anything, should be done in response to that.

If your law firm does not produce sufficient financial reports for you to do analysis and make future decisions based on the data, you have established a new priority for 2013 — improving your financial reporting tools.

A law firm also needs a budget for the year. If the practice has just opened, that may be

“Now is a good time to look at what the numbers tell you. What did 2012 look like as compared to the last few years?”

challenging, but even educated guesses are better than nothing. You can see how accurate your guesses are as the year proceeds.

As I tell the attendees at the Opening Your Law Practice programs, a budget is great if only to remind you that you allocated \$75 a month for marketing when the Yellow Pages salesman hands you that agreement for \$500 per month.

CLIENT DEVELOPMENT AND CLIENT RETENTION

Many lawyers hate the idea of marketing. So call it client development if that sounds better to you. Some fortunate lawyers with established practices say that they do not spend any time or effort on marketing. But many of these are actually natural marketers who develop business almost unconsciously. Most lawyers and law firms should spend about 5 percent of their time developing new potential cli-

ents and working to maintain some level of contact with past clients. This varies depending on what type of law practice you have and where your best clients come from. For some, it may be making the effort to attend county bar meetings and other lawyer gatherings because you mainly rely on referral from other lawyers. Others may use additional efforts. But every month, some effort should be spent on reaching out to future clients.

Clearly, that physical Yellow Pages directory delivered for free to every home will not be around forever. Every lawyer and every law firm should have an Internet presence. For most, this means a website with a domain name that belongs to the firm. Every lawyer may not have time or inclination to spend a lot of time marketing their practices through social media. But every lawyer wants someone who is trying to locate them to be able to do so by searching Google. If you have a poor or no website, that is a great project for 2013.

Do you reach out to former clients at least once a year? How do you do that effectively? Former clients may need future legal services and may also refer you new business.

OPERATIONS

Lawyers and law firm staff are often intensely busy. But the beginning of a new year is the perfect time to reassess how efficiently you operate. Where are the bottlenecks? What problems are encountered over and over? Ask your staff for their candid feedback and suggestions. Make certain they understand that you want them to speak freely because a lot of the bottlenecks may be

related to how the lawyers handle things.

Do not try to change everything at once. Make a few changes and see if things improve. Even small law firms need to standardize their processes. With rare exceptions, the idea that two lawyers in the same firm should handle the same things in very different manners has to come to an end. Some of the most frustrated law firm staff I have ever talked with are those who have to set up new client files differently depending on which lawyer's file it is. Those lawyers have to agree on a process that everyone can use.

TECHNOLOGY

I recall years ago when some lawyers viewed computers as something for the staff to use, but not lawyers. Now almost every lawyer has a computer at his or her desk. But lawyers often feel like they do not have time to learn anything new about technology.

Taking a day off for computer training is not effective for many lawyers or law firm staff. Who has the time? The typical computer class would include much that is never used in a law firm setting. How do you eat an elephant? As the old saying goes, the answer is "one bite at a time."

Set a goal of having regular half-hour training sessions for everyone and make sure the lawyers all attend as well as staff. Every other month is a good initial goal. Focus on a small skill that everyone can immediately put to use so they retain the new skill. Give a bonus of a small gift card to someone who takes the initiative to put together a short class and teach it.

If your office uses Microsoft Word and does not use Quick-Parts, here is an idea for an initial training session. Gather everyone together around a nice big monitor and watch my Law Practice Tips YouTube video, "Fun with Microsoft Quick Parts" at <http://www.okbar.org/s/quickparts-fun>. Then discuss how you can implement this to save time in your law office and develop a plan. The plan may be that staff sets up ten standard Quick-Parts on each lawyer's computer (that would actually be used by the lawyer) to save time. This small "bite-sized" project may also help demonstrate the benefits of technology training.

TAKE A DEEP BREATH

It is sometimes hard to think of planning and improvements when there are many deadlines on client matters and client projects to be done.

Scheduling a planning meeting and determining some reasonable priorities is critical. I recall over a decade ago receiving an enthusiastic email from a law professor who had attended one of my programs where using Paste Special – Unformatted was one of the tips I gave. The professor stated that this tip alone may have saved him five to ten hours a week of editing material that was copied from another source.

Wouldn't you just love to have just an extra two hours each week magically appear?

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

A True Avocation

Q & A with Clif Gooding

By Travis Pickens

Q. *You have done a great deal of work through Lawyers Helping Lawyers and other organizations helping not only lawyers with addictions but also many others. What has drawn you to this work?*

Nothing has been more important or satisfying to me in my 29 years of being an attorney than the work that I get to do on the LHL committee. My passion comes from my own experiences and understanding of the diseases of alcoholism and addiction. These are the most devastating illnesses and involve others in a way no other human disease can. With these diseases comes destruction of all the things worthwhile in a person's life. They smother everyone whose lives touch the alcoholic or addict. Alcoholism and addiction breed resentments, financial ruin, broken homes, lost jobs along with the obliteration of families. If one of these sufferers can be rescued, then it is worthwhile. But mostly, I was drawn to this work because, at one point in time, someone cared enough about me to make the same type of effort. As a result, I received the gift of sobriety and believe it is my responsibility to pass it on.

Q. *The ABA estimates a larger percentage of attorneys are impacted by some form of substance abuse than the general public. Why are lawyers more susceptible to drug and alcohol addictions?*

About 10 percent of the population are believed to be predisposed as alcoholics. I believe, because of the nature of our profession and the public's scrutiny of us, that it may seem that way because, when an attorney gets in trouble because of alcohol or drugs, that more attention is drawn. Perhaps as a result, it may seem more are affected. I know that it generally starts earlier — college, law school: the competitive nature, the pressure to perform, the hard work, perfectionism demanded. A lot of pressure builds on individuals. They turn to an outlet.

I believe that as a result of job stress, difficult job market, client demands, etc., attorneys may look for relief. Sometimes that shows up in the wrong form, such as drugs and alcohol. As you know LHL deals with more than just alcohol and drug issues. We get a lot of calls with depression, job stress and other mental health issues. And in all these areas, we may see the presence of drugs and alcohol.



O. CLIFTON GOODING

O. Clifton Gooding is a shareholder and director of The Gooding Law Firm, A Professional Corporation, located in Oklahoma City. His primary area of practice is bankruptcy law with an emphasis on consumer and business reorganization.

Mr. Gooding received his Bachelor's of Science in agriculture degree from Oklahoma State University, and he earned his Juris Doctor degree from the University of Oklahoma College of Law. While in law school, he was a member of the Oklahoma Law Review and the Order of the Coif. He serves as a member and chairman of the OBA Lawyers Helping Lawyers Committee. He is a frequent speaker on commercial and consumer bankruptcy and recovery. He is a member of the Oklahoma County Bar Association and the American Bar Association. He is also a member of the National Association of Consumer Bankruptcy Attorneys and the American Bankruptcy Institute.

Q *The numbers of lawyers using the services provided by LHL have risen over the past year. Do you think that means the problems are greater, or the awareness and willingness to seek help are greater?*

I don't believe the number of impacted lawyers has changed. I believe in the last few years because of a concentrated effort on behalf of the LHL committee, awareness has been raised. A good amount of that has come with the help and leadership of the Oklahoma Bar Association making LHL a priority. Those in our profession who are willing to be more open about their problem and have been willing to speak in the public forum have perhaps allowed more people to feel safe about coming forward. The stigma of the disease has been a huge reason people don't want to seek help, which builds denial; and the horrible spiral of the disease continues.

Q *What is the first thing you tell someone who is considering getting help?*

Willingness is the key. Recovery is available for everyone. The trouble is that it's not for all who need it, but rather for those who want it. When someone tells me they are willing, my first question is, are they willing to go to any lengths to

stay sober? If they are, then they have the opportunity to be in recovery, provided they remain willing to maintain a certain simple attitude and are willing to work toward a solution that would be outlined for them

Q *What sustains someone fighting an addiction on a day-to-day basis?*

You hit the nail on the head. Day to day. It has to be on a one-day-at-a-time basis. We don't worry about yesterday or tomorrow. They have to be where their feet are, in the here and now. There has to be a surrender and then a reliance on something greater than themselves. In many cases, that reliance is on a higher power — a spiritual solution. It is not our place or anyone's place to dictate what that power is or is not, but upon the individual's understanding of the power. Dr. Carl Jung described it in the "nature of huge emotional displacements and rearrangements. Ideas, emotions, and attitudes which were once the guiding forces of the lives of men and women are suddenly cast to one side, and a completely new set of conceptions and motives begin to dominate them."

Q *You have a busy bankruptcy practice but speak to several lawyers and non-lawyers every day who check in with you. What keeps you inspired to help these lawyers and others?*

You know, it is a true avocation. I believe, for me, that being an attorney is something I do between helping these individuals. The nature of my practice is such that it allows me the opportunity to be available to those who are in need. I have an incredibly strong staff and attorneys who get what I do. Many of the personnel in the system with whom I work are very accommodating when the need arises for me to be away, or out early. I am grateful that many of the judges around the state feel comfortable calling when they suspect there may be an issue with someone. But most of all I am blessed with a wife who through all of my difficulties, has stood by me and allows me to go and do whatever is necessary to help others. It's what has been asked of me, and I don't question it. I just always believe it will all work out.

Mr. Pickens is OBA ethics counsel. Have an ethics question? It's a member benefit, and all inquiries are confidential. Contact him at travisp@okbar.org or 405-416-7055; 800-522-8065.

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7 - 8:30p.m. • Thursday, Feb. 7

Topic:
Co-Dependency

Oklahoma City Location
Office of Tom Cummings
701 N.W. 13th St.
Oklahoma City, OK

Tulsa Location
The Street Law Firm
400 S. Boston Ave.
Suite 1100W
Tulsa, OK

.....
Contact Kim Reber @ 405-840-0231 • kimreber@cabainc.com

**LAWYERS HELPING LAWYERS
DISCUSSION GROUP**



Meeting Summary

The Oklahoma Bar Association Board of Governors met at the Sheraton Hotel in downtown Oklahoma on Wednesday, Nov. 14, 2012, as part of the Annual Meeting.

RECOGNITION

President Christensen recognized Administration Director Combs for his extraordinary work as the coordinator for the OBA Annual Meeting.

REPORT OF THE PRESIDENT

President Christensen reported she attended the October board meeting and reception with LeFlore County Bar Association members including past President Doug Sanders, meetings regarding the CourtFacts.org website, meeting with Oklahoma City University School of Law graduates and the ABA accreditation committee, reception with NABE members, judicial reception in addition to the dinner with justices and judges. She presented at the Medical-Legal Conference, worked with Director Craig Combs on numerous Annual Meeting details, worked with Communications Department members and Director Carol Manning responding to media calls about the retention election, met with Executive Director Williams and IT Director Robbin Watson on IT-related matters and met with Educational Programs Director Susan Krug regarding Annual Meeting CLE and the plenary session.

REPORT OF THE VICE PRESIDENT

Vice President Stockwell announced that she is going to be a candidate for the Judicial Nominating Commission next year, when the term for her district's representative expires.

REPORT OF THE PRESIDENT-ELECT

President-Elect Stuart reported he attended the October board meeting, reception at the Oklahoma Bar Center for NABE executive board members and has been working on OBA committee leadership appointments.

REPORT OF THE PAST PRESIDENT

Past President Reheard reported she attended the October board meeting, judicial conference reception and dinner with the justices and judges. She also participated in phone conferences with Judicial Nominating Commission members regarding the Annual Meeting plenary session.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the technology governance meeting, staff/directors planning meeting for Annual Meeting, meeting with Legal Aid Services of Oklahoma Director Michael Figgins, swearing in of U.S. Magistrate Judge Shon Erwin, monthly staff celebration, contract negotiations with pro-

posed association software vendor, reception for National Association of Bar Executives, various planning meetings for Annual Meeting, judicial reception and Annual Meeting events.

BOARD MEMBER REPORTS

Governor Devoll reported he attended the board meeting in Poteau, Garfield County Bar Association meeting and worked on county bar matters. **Governor Hays** reported she attended the October board meeting in Poteau, participated in the OBA FLS annual meeting planning sessions and communicated the Board of Governors report to the Tulsa County Bar Association Board of Directors. **Governor Meyers** reported he attended the October board meeting, Comanche County Bar Association meeting, special presentation of the U.S. Court of Military Appeals for Armed Services at Fort Sill and the judicial reception. **Governor Pappas** reported she attended the October board meeting and reception and dinner with Supreme Court members. She and Governor Smith attended the OBA Criminal Law Section luncheon. She shared that luncheon keynote speaker Andrew Vachss, a child advocate attorney from New York City, recognized how much Oklahoma lawyers do to assist children. **Governor Parrott** reported she attended the Oklahoma County Bar Association board meeting, judicial reception and Board of Governors dinner. **Governor**

Poarch reported he attended the October board meeting and reception and dinner with Supreme Court members.

Governor Shields reported she attended the October board meeting, OCU annual awards dinner, judicial reception and Annual Meeting events. She also met with Dean Couch and Professor Spivak of OCU. **Governor Smith** reported he attended the Board of Governors meeting in Poteau and OBA Criminal Law Section luncheon.

Governor Thomas reported she attended the Thursday evening social event at the Kerr Conference Center, October board meeting in Poteau and dinner at Devon Tower.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Kirkpatrick reported she attended the NABE reception.

SUPREME COURT LIAISON REPORT

Justice Kauger thanked President Christensen for the OBA's recent voter education effort. She asked the OBA to consider keeping the CourtFacts.org website live and adding information on all the appellate judges. Justice Kauger shared the history of a past judicial evaluation survey. President Christensen suggested that perhaps the Bench and Bar Committee might look at future action.

COMMITTEE LIAISON REPORTS

Past President Reheard reported the Heroes Program has reached a significant milestone with 501 volunteer lawyers, 1,171 people helped and \$2 million in legal services donated. She said the Military Assistance Committee and

Military and Veterans Law Section are holding a meeting Thursday and co-sponsoring retired Rear Admiral Greg Slavonic, who will speak on "In the Courtroom with Saddam Hussein." She reported the Arkansas Bar Association is interested in duplicating the military assistance program.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported since the implementation of the registration of out-of-state attorneys in 2005, the number of new applications and registration renewals has continued to grow. She submitted a written report with additional details.

APPOINTMENT TO FILL UNEXPIRED BOARD OF GOVERNORS TERM

The board appointed Robert S. "Bob" Farris, Tulsa, to fill Governor Renée DeMoss' third year on the Board of Governors as an at-large member. The vacancy will occur Jan. 1, 2013, with her uncontested election as OBA president-elect, and the at-large term expires Dec. 31, 2013.

APPOINTMENTS

The board approved President-Elect Stuart's recommendations for the following appointments:

Professional Responsibility Commission — Reappoint Jon Parsley, Guymon, term expires 12/31/15.

Oklahoma Indian Legal Services — Reappoint Leslie Guajardo Taylor, Ada, term expires 12/31/15.

Board of Editors — Reappoint as chairperson Melissa DeLacerda, Stillwater,

term expires 12/31/13, and reappoint as associate editors Sandee Coogan, Norman — Dist. 5; and Dietmar Caudle, Lawton — Dist. 9, terms expire 12/31/15.

Clients' Security Fund — Reappoint Micheal Salem, Norman, as chairperson and William Brett Willis, Oklahoma City, as vice chairperson, terms expire 12/31/13; reappoint attorney members Dietmar Caudle, Lawton; Daniel Sprouse, Pauls Valley; Mike Mordy, Ardmore; and William Brett Willis, Oklahoma City; appoint lay member Mary Pointer, Oklahoma City; terms expire 12/31/15.

MCLE Commission — Appoint as chairperson Jack Brown, Tulsa, term expires 12/31/13; appoint as a member Vicki Limas, Tulsa, to replace Ted Gibson; reappoint Richard J. Phillips, Clinton, and Richard Ogden, Oklahoma City, terms expire 12/31/15.

Court on the Judiciary — Reappoint to Appellate Division Betty O. Williams, Muskogee, and reappoint to Trial Division Brad Heckenkemper, Tulsa, terms expire 3/1/15.

APPOINTMENTS

President-Elect Stuart announced the following appointments:

Audit Committee — Appoint Chris Meyers, Lawton, as chairperson, term expires

12/31/13; appoint as members Robert S. Farris, Tulsa, term expires 12/31/13, and Doug Jackson, Enid, and Richard Stevens, Norman, terms expire 12/31/15.

Board of Medicolegal Investigations — Reappoint Thomas A. Mortensen, Tulsa, term expires 12/31/13.

Investment Committee — Reappoint as chairperson M. Joe Crosthwait, Midwest City, and as vice chairperson Jon Trudgeon, Oklahoma City, terms expire 12/31/13; and reappoint as members Cathy Christensen, Oklahoma City; Renée DeMoss, Tulsa; and Brian Hermanson, Ponca City; terms expire 12/31/15.

Legal Ethics Advisory Panel — Reappoint as panel coordinator Jim Drummond, Norman, term expires 12/31/13; Oklahoma City

Panel — reappoint as members Steven Dobbs, Oklahoma City, and Rex Travis, Oklahoma City; appoint William R. Wells Jr., Oklahoma City; terms expire 12/31/15; Tulsa Panel — reappoint as members Sharisse O'Carroll, Tulsa; Leonard Pataki, Tulsa; and Luke Gaither, Henryetta; terms expire 12/31/15.

Oklahoma Justice Commission — Reappoint as chairperson Drew Edmondson, Oklahoma City, term expires 12/31/13.

EXECUTIVE SESSION

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

OBA 2013 BUDGET

The board voted to approve the 2013 budget as amended.

NEXT MEETING

The Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, Dec. 14, 2012 and Jan. 11, 2013. A summary of those actions will be published after the minutes are approved. The next board meeting will be held Friday, Feb. 22, 2013, at Post Oak Lodge in Tulsa.

OKLAHOMA CITY UNIVERSITY SCHOOL OF LAW PRESENTS THE *INTEGRIS Health* LAW & MEDICINE LECTURE

PROFESSOR **MAXWELL J. MEHLMAN**
CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW & SCHOOL OF MEDICINE

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WHAT ARE THE **SCIENTIFIC CHALLENGES** IN ATTEMPTING TO ENGINEER OUR GENES?
WHAT ARE THE **RISKS** OF EVOLUTIONARY ENGINEERING?
HOW CAN WE **PROTECT** OUR CHILDREN, OUR SOCIETY, OUR DESCENDANTS AND OUR GENETIC LINEAGE FROM HARM?
WOULD NATURAL EVOLUTION BE **SUPERIOR** TO EVOLUTIONARY ENGINEERING?

MONDAY • FEBRUARY 4, 2013 • 5PM
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MORE DETAILS AT LAW.OKCU.EDU

New OBF President Commends Fellow Efforts

By Susan Shields and Nancy Norsworthy

Susan Shields is taking the helm as Oklahoma Bar Foundation president during a demanding time. Currently, the foundation is working hard to maintain grant funding for important law-related charitable programs that serve school children and other Oklahomans in need. Susan is an experienced leader and board member. In fact, if the OBF were to write a description of a good board member, Ms. Shields's bio qualifications would be used as an example.

Susan practices with McAfee & Taft in Oklahoma City in its tax practice group. She was recognized as Outstanding Pro Bono Lawyer by Legal Aid of Western Oklahoma, received the OBA Earl Sneed and Mona Salyer Lambird Spotlight Awards and was named in the *Journal Record's* Leadership in Law honorees. Ms. Shields is also a two-time finalist for the *Journal Record's* Woman of the Year Award. Susan has been a frequent lecturer on estate planning and nonprofit issues and has taught estate planning and other courses as an adjunct professor of law at the University of Oklahoma College of Law. In addition to donating her time and talents as a volunteer and member of several community boards,



Susan Shields

Susan has just concluded a three-year term as an OBA Board of Governors member.

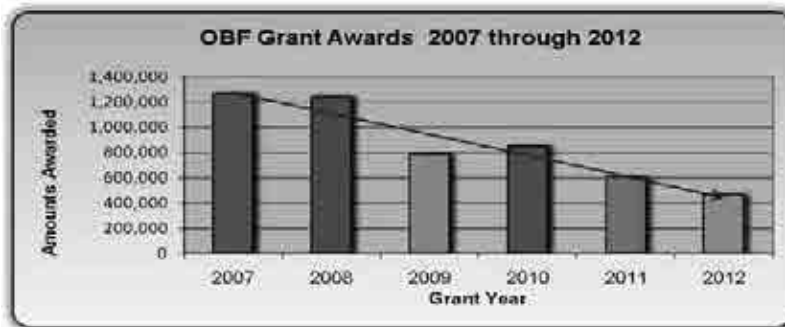
Even with Susan's vast non-profit experience and financial background, steering OBF through these challenging times will be a big undertaking. This is why the OBF needs your help. 2012 proved to be a very different year for your bar foundation, with nearly a 50 percent decline in income compared to 2011. Much of the decline attributed to even deeper cuts in IOLTA receipts. As a result, the OBF was required to reduce its grant funding during 2012 by more than \$200,000. Going forward, grants will be reduced further without

additional financial support or help from the Oklahoma legal community.

The OBF Fellows program is more important now than ever, and Fellows are key in providing OBF grant support on behalf of all Oklahoma lawyers. President Shields reports that not only does OBF need to grow the program, but that she is also concerned about the number of OBF Fellow members who are behind on their annual pledge payments.

"IOLTA has been a great resource that allowed the OBF to provide tremendous support for law-related charitable work throughout the state; but with today's current interest rates, this is no longer the case," President Shields states. "Fellows are of prime importance. Help is needed from all of our OBA lawyers, or the support for law-related charitable programs will dwindle. Some will not survive. This could be devastating to the tens of thousands of Oklahomans who benefit each year."

Help is especially crucial with growing needs for legal aid and other law-related services among needy Oklahomans. Oklahoma has the highest rate of women in state or federal correctional facilities.



One in five Oklahoma children are hungry. Oklahoma City recently ranked in the top 10 highest crime rates, followed by Tulsa in the top 30. More than 610,000 Oklahomans lived below the poverty line in 2010. Your Oklahoma Bar Foundation takes a systematic line of attack in eliminating barriers by building support for pro bono programs, legal aid, law-related education programs and other important law-related service programs through grants and other forms of support that help close the justice gap.

GETTING TO KNOW PRESIDENT SUSAN SHIELDS:

When did you become involved with OBF?

I became a Fellow of the Oklahoma Bar Foundation in 2001, and was elected to its board of trustees in 2006. After completing my initial financial pledge of support as a Fellow, I became a Benefactor Fellow. I have had the honor of serving on the board during a time when the OBF revamped its strategic plan, received a historic grant level of more than \$10 million, implemented the extremely important Court Grant Program because of charitably-minded Oklahoma lawyers who assisted in directing *cy pres* funds to the OBF, and now, during more challenging financial times for

the OBF. Like all of our board members, I have had the amazing opportunity to personally be involved with OBF grantees and to view firsthand all of the important work they accomplish with minimal resources. Every contributor to the OBF can be proud that their funds are going to assist low-income Oklahomans in need of legal services and to help promote law-related education in our schools through programs such as the mock trial competition.

Why is OBF such a valuable asset to Oklahoma?

A review of the historical roster of the OBF grant recipients is the beginning in understanding the foundation's importance. OBF ensures legal service when there is great need and provides law-related educational programs that help create useful citizens. Oklahoma attorneys are doing great things in Oklahoma through the Oklahoma Bar Foundation, and all attorneys should support the good works of the foundation.

What are your goals as OBF president?

The OBF has recently launched its new website, www.okbarfoundation.org, allowing Oklahoma attorneys to make Fellow dues payments online. This will be helpful in our communication with OBA members, grant

recipients and the public about the workings of our foundation. Our board is full of energy and is excited to implement new ideas for fundraising, which will allow the OBF to maintain its current level of grant support for law-related charities and education. We are fortunate to have a tremendous and dedicated 2013 Board of Trustees that continue to work tirelessly by giving their time and talents to the OBF.

Members of the 2013 Executive Committee are: Susan B. Shields, president, Oklahoma City; Dietmar K. Caudle, president-elect, Lawton; Jack L. Brown, vice president, Tulsa; Judge Millie E. Otey, secretary/treasurer, Tulsa; Judge Shon T. Erwin, past president, Lawton. Other members of the 2013 Board of Trustees are: A. Gabriel Bass, Oklahoma City; Stephen D. Beam, Weatherford; Brett D. Cable, McAlester; Tanya S. Bryant, Oklahoma City; Guy P. Clark, Ponca City; Dean Valerie Couch, Oklahoma City; Jack S. Dawson, Oklahoma City; Kevin R. Donelson, Oklahoma City; Brandon P. Long, Oklahoma City; Michael C. Mordy, Ardmore; Briana J. Ross, Tulsa; Dennis A. Smith, Clinton; Kara I. Smith, Oklahoma City; Donna L. Smith, Vinita; Alan Souter, Tulsa; James T. Stuart, Shawnee; Jeffery D. Trevillion, Oklahoma City; Roy D. Tucker, Muskogee; John Morris Williams, Oklahoma City; YLD Trustee Representative Andrew S. Mildren, Oklahoma City.

If you could personally visit with every attorney in Oklahoma, what would you tell them about the OBF?

The OBF is a qualified charity that funds services and pro-

grams not just for lawyers, but also for many diverse organizations (legal services and law-related programs) that benefit Oklahoma communities. Each year the OBF maximizes funding through nonprofit organizations that utilize pro bono legal services. Oklahoma lawyers were able to help 30 different law-related charitable programs this past year through their annual Fellows contributions. OBF should be a favorite charity for any individual, law firm, local bar association or other group.

Discuss the importance of the Fellows Program and why every Oklahoma attorney should become a Fellow

The mission statement of the Oklahoma Bar Foundation is, "Lawyers Transforming Lives through the advancement of education, citizenship and justice for all." The OBF's stated purpose is to "promote justice, fund essential legal services and advance public awareness of the law." Every Oklahoma lawyer can proudly stand behind OBF's mission and purpose. Indeed, I believe Oklahoma attorneys should personally support these concepts. The cost of becoming a Fellow is \$1,000, payable as a lump sum or over a 10-year period, and is discounted for newly admitted attorneys. \$100 per year is an insignificant expense for almost any lawyer, and yet only about 10 percent of our attorneys are Fellows. Just think how much more we could accomplish and give back to our communities with our grants if every Oklahoma attorney was a Fellow, or even better, was a Benefactor Fellow for an annual giving commitment of \$300!



Oklahoma Bar Foundation Staff Jessi Hesami, Executive Assistant; Executive Director Nancy Norsworthy; and Deb Holt, OBF and IOLTA Administrative Assistant

Ms. Shields can be reached at susan.shields@mcafeetaft.com.

Ms. Norsworthy is the executive director of the foundation and IOLTA programs and is responsible for the daily operation

of the OBF. Ms. Norsworthy and staff members Jessi Hesami and Deb Holt are available to answer any questions regarding the OBF at 405-416-7070 or www.okbarfoundation.org.

OBF Staff Duties

OBF staff duties are multi-faceted with a wide variety of duties. Services include:

- Responsible for the daily operation of the foundation
- Administers and maintains IOLTA membership and financial records
- Works directly with IOLTA banks and the membership
- Maintains Fellow membership records and pledge payments
- Provides reports and support to the twenty-six member Board of Trustees
- Coordinates meetings and board and committee materials
- Maintains expenditure and income records of the foundation
- Maintains investment and books of account
- Compiles reports and works with auditors and other financial representatives
- Coordinates grant applications, meetings, payments, grant reporting and follow up as well as help and support to grantee organizations throughout the year
- Works with other nonprofit groups and outside organizations; represents OBF at various outside events
- Responsible for OBF website updates and communication efforts
- Provides help and support to the membership wherever needed



FELLOW ENROLLMENT FORM

☐ Attorney ☐ Non-Attorney

Name: _____

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

County _____

Firm or other affiliation: _____

Mailing & delivery address: _____

City/State/Zip: _____

Phone: _____ Email Address: _____

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

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

_____ \$100 enclosed & bill annually

_____ Total amount enclosed, \$1,000

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

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

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

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

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

GRANT PROGRAMS ARE IN CRISIS

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

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WWW.OKBARFOUNDATION.ORG

- To become a Fellow, the pledge is \$1,000 payable within a 10-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# _____

PLEASE KINDLY MAKE CHECKS PAYABLE TO: Oklahoma Bar Foundation • Attn: Nancy Norsworthy • P.O. Box 53036
Oklahoma City OK 73152-3036 • (405) 416-7070

Many thanks for your support & generosity!

The Senior Law Resource Center

Serving Oklahoma's Elderly

By Sarah C. Stewart

In Oklahoma today, there are more than 700,000 people who are age 60 or older. That means seniors comprise more than 19 percent of the state's entire population. Of these seniors, 10 percent are impoverished.

Alzheimer's disease and other dementias among the elderly increase the need for long-term care, either at home to supplement informal caregiving or in a long-term care facility. Due to age, medical issues and time constraints, caregivers and seniors have decreased mobility, making it difficult to access necessary legal services and re-sources. Many times, seniors and caregivers cannot understand, or may lack knowledge of, legal issues such as surrogate decision-making, end-of-life planning and applying for Medicaid.

The Senior Law Resource Center (SLRC) is working to help seniors and caregivers with probates, guardianships, grandparents raising grandchildren, long-term care and estate planning, and other elder law issues. They provide legal information and services to mostly low to middle-income disadvantaged seniors, their family members

“The SLRC will continue providing legal advice and services to seniors and caregivers in 2013...”



and caregivers in Central Oklahoma. However, their information, programs and services are available to all people regardless of age or economic status.

In addition to providing one-on-one legal services, the SLRC — through funding from the Oklahoma City Com-

munity Foundation iFund and Hospice Foundation of Oklahoma, Inc. — produces educational materials which are distributed through hospitals, long-term care facilities, hospices, and caregiver support groups across the state.

With ongoing support from the Oklahoma Bar Foundation, the SLRC also has a law student internship program that exposes future attorneys to the field of elder law and enables the SLRC to provide free legal services to low-income seniors.

The SLRC will continue providing legal advice and services to seniors and caregivers in 2013 because of the generous support of its individual donors, Oklahoma City Community Foundation iFund, Hospice Foundation of Oklahoma, Oklahoma Bar Foundation and Kirkpatrick Family Fund. All educational materials, an online resource center and more information are available at the SLRC website, www.senior-law.org or by calling 405-528-0858.

Ms. Stewart is the executive director of the Senior Law Resource Center in Oklahoma City.

Division to Focus on Service in 2013

By Joe Vorndran

The OBA Young Lawyers Division has enjoyed unprecedented success over the past few years thanks to the strong foundation built by its past leaders and the generous support from the OBA. Last year, the OBA YLD received ABA awards for the Most Outstanding ABA YLD Affiliate, and second place for public service project. These accolades are the result of the hard work of our members and our dedication to our core mission — service.

When Jim Stuart announced that community service would be the focus of his year as OBA president, the YLD leadership immediately decided to concentrate on this statewide initiative. As the YLD looks forward to 2013, we are especially excited to work closely with the Board of Governors and the entire OBA membership as we endeavor to serve our local Oklahoma communities.

Furthermore, the YLD will continue to undertake our annual projects which are geared toward welcoming new lawyers to the profession. The YLD will once again prepare and distribute “Bar Exam Survival Kits” to all bar examinees and will provide refreshments at the conclusion of each swearing-in ceremony.

Additionally, the YLD networking events that have been so successful in Oklahoma City and Tulsa will be expanded to multiple locations throughout our state.

The YLD is planning several new events for the YLD Mid-Year Meeting to be held in conjunction with the Solo and Small Firm Conference in June. Planned events include CLE courses, new networking events intended to pair young lawyers and law students with mentors and potential employers, and some poolside fun. We are encouraging young lawyers from all corners of Oklahoma to participate in this great event.

On a personal note, I am very grateful for this opportunity to serve, and I look forward to working with each of you in 2013.

Mr. Vorndran practices in Shawnee. He can be reached at joe@scdtlaw.com.



2013 YLD Chair
Joe Vorndran

The YLD sponsors several committees and projects that are geared toward service. To get involved, sign up online at My.OKBar.org.

- ☐ Awards
- ☐ Children and the Law
- ☐ Community Service
- ☐ Continuing Legal Education
- ☐ Disaster Legal Services
- ☐ Gift of Life
- ☐ Law School
- ☐ Long-Range Planning
- ☐ Membership
- ☐ Mock Trial
- ☐ New Attorney Orientation
- ☐ Nominations
- ☐ Publications & Website
- ☐ Seniors
- ☐ Surviving the Season
- ☐ Wills for Heroes & C.A.P.
(Citizenship, Americanism and Patriotism)

January

- 14 OBA Mock Trial Committee meeting;** 5:30 p.m.; Oklahoma Bar Center, Oklahoma City with tele conference; Contact Judy Spencer 405-755-1066
- 16 OBA Law-Related Education Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Suzanne Heggy 405-556-9612
- 17 Oklahoma Justice Commission meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Drew Edmondson 405-235-5563
- 18 OBA Law Schools Committee meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Kenneth Delashaw 580-276-3136
- OBA Board of Editors meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Carol Manning 405-416-7016
- 19 OBA Young Lawyers Division meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Joe Vorndran 405-275-0700
- 21 OBA Closed** – Martin Luther King, Jr. Day observed
- 22 OBA Legal Intern Committee meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with tele conference; Contact Candace Blalock 405-238-0143
- 24 OBA Professional Responsibility Commission meeting;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Dieadra Goss 405-416-7063
- 25 Oklahoma Bar Foundation Trustee meeting;** 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070
- OBA Lawyers Helping Lawyers Assistance Program Foundation and Committee meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact O. Clifton Gooding 405-948-1978
- 26 OBA Legislative Saturday;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Duchess Bartmess 405-947-3408
- 28 OBA Alternative Dispute Resolution Section meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Michael O'Neil 405-232-2020
- 30 OBA Diversity Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Kara Smith 405-923-8611

- 31 OBA Work/Life Balance Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with Tulsa County Bar Center, Tulsa; Contact Sarah Schumacher 405-752-5565

February

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



- 7 OBA Mock Trial Committee meeting;** 5:30 p.m.; Oklahoma Bar Center, Oklahoma City with tele conference; Contact Judy Spencer 405-755-1066
- OBA Lawyers Helping Lawyers discussion group meeting;** 7 p.m.; Office of Tom Cummings, 701 NW 13th St., Oklahoma City; RSVP to Kim Reber kimreber@cabainc.com
- OBA Lawyers Helping Lawyers discussion group meeting;** 7 p.m.; The Street Law Firm, 400 S. Boston Ave, Ste. 1100 W., Tulsa; RSVP to Kim Reber kimreber@cabainc.com
- 8 OBA Board of Bar Examiners meeting;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Cheryl Beatty 405-416-7022
- OBA Law-Related Education Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Suzanne Heggy 405-556-9612
- OBA Law Day Committee meeting and contest judging;** 2 p.m.; Oklahoma Bar Center, Oklahoma city; Contact Richard Vreeland 405-360-6631

- OBA Family Law Section meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Tamera Childers 918-581-8200
- 13 Ruth Bader Ginsburg American Inn of Court;** 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donald Lynn Babb 405-235-1611
- OBA Professional Responsibility Commission meeting;** 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Dieadra Goss 405-416-7063
- 18 OBA Closed** – Presidents' Day observed
- 19 OBA Bench and Bar Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Barbara Swinton 405-713-7109
- OBA Civil Procedure and Evidence Code Committee meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact James Milton 918-594-0523
- 20 Oklahoma Bar Foundation Grants and Awards Committee meeting;** 11:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070
- 20-21 OBA Law-Related Education Close-Up program;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Jane McConnell 405-416-7024
- 21 Oklahoma Justice Commission meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Drew Edmondson 405-235-5563
- OBA Mock Trial Committee meeting;** 5:30 p.m.; Oklahoma Bar Center, Oklahoma City with tele conference; Contact Judy Spencer 405-755-1066



- 22 OBA Board of Governors meeting with president's summit;** 9 a.m.; Postoak Lodge, 5323 W. 31st St. N., Tulsa; Contact John Morris Williams 405-416-7000

Oklahoma Association of Black Lawyers meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Donna Watson 405-721-7776

- 25 OBA Alternative Dispute Resolution Section meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Michael O'Neil 405-232-2020

26 – March 1

OBA Bar Examinations; Oklahoma Bar Center, Oklahoma City; Contact Oklahoma Board of Bar Examiners 405-416-7075

March

- 5 OBA Government and Administrative Law Practice Section meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Tamar Scott 405-521-2635
- 6 OBA Diversity Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Kara Smith 405-923-8611
- 7 OBA Lawyers Helping Lawyers discussion group meeting;** 7 p.m.; Office of Tom Cummings, 701 NW 13th St., Oklahoma City; RSVP to Kim Reber kimreber@cabainc.com
- OBA Lawyers Helping Lawyers discussion group meeting;** 7 p.m.; The Street Law Firm, 400 S. Boston Ave, Ste. 1100 W., Tulsa; RSVP to Kim Reber kimreber@cabainc.com
- 8 OBA Law-Related Education Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Suzanne Heggy 405-556-9612
- Oklahoma Bar Foundation Trustee meeting;** 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070
- OBA Family Law Section meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Tamera Childers 918-581-8200

Lawyers Give Back

OBA President Jim Stuart is encouraging all Oklahoma lawyers and law firms to make giving back a top priority. During 2013, the *Oklahoma Bar Journal* will support this effort by spotlighting those who give of their time, talent and financial resources to make their communities a better place. Have a great story or photos to share? Email Lori Rasmussen at lorir@okbar.org.



Cori Loomis of Crowe & Dunlevy (right) presents a \$4,110 check to **Dianna L. Bonfiglio**, president and CEO of **Prevent Blindness Oklahoma**. The donation, part of the firm's 110th anniversary celebration, will cover the cost of vision screenings at more than 100 Oklahoma schools for approximately 23,000 students.



Trevor Loomis, son of **Cori Loomis**, receives a vision check at **Prevent Blindness Oklahoma**.

The OBA Workers' Compensation Section, represented by lawyer **John Shears**, presents a check for more than \$10,000 to the **Red Andrews Christmas Dinner Foundation**. The Red Andrews Christmas dinner is a long-standing Oklahoma City tradition providing a hot, traditional meal to the less fortunate along with gifts for children on Christmas Day. Dwindling resources meant this year's dinner was threatened, and this donation was among those that ensured the dinner would be continued. More than 2,000 families were fed at this year's dinner, and several of the section members were on hand to serve guests as they arrived for the dinner.



Aspiring Writers Take Note

We want to feature your work on "The Back Page." Submit articles related to the practice of law, or send us something humorous, transforming or intriguing. Poetry is an option too. Send submissions no more than two double-spaced pages (or 1 1/4 single-spaced pages) to OBA Communications Director Carol Manning, carolm@okbar.org.



OBA Member Resignation

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

Joe E. Alford
OBA No. 202
6008 Fallsview
Dallas, TX 75252

Oteka L. Alford
OBA No. 203
6008 Fallsview Lane
Dallas, TX 75252

Rebecca H. Dorshorst
OBA No. 10176
1025 Reef Road
Vero Beach, FL 32963

David G. Galbraith
OBA No. 10304
13622 Taylorcrest
Houston, TX 77079

Ryan Richard Johnson
OBA No. 21975
44 Montgomery St.
Securities & Exchange
Comm.
San Francisco, CA 94104

Alan Henry Lee
OBA No. 30797
4036 Windhaven Lane
Dallas, TX 75287

Miles Bradley Little
OBA No. 13238
2100 N. Lincoln Blvd., Ste. 2
Oklahoma City, OK 73105

Warner E. Lovell Jr.
OBA No. 5542
4203 Blue Sage Road
Norman, OK 73072

Sandra Lyn Mast
OBA No. 11391
19231 Sherman Way, Unit 36
Reseda, CA 91335

Jack Kevin McDonald
OBA No. 5963
109 Norfolk Circle
Anderson, SC 29625

James H. McTurnan
OBA No. 6095
10541 Sandstone Run
Littleton, CO 80125

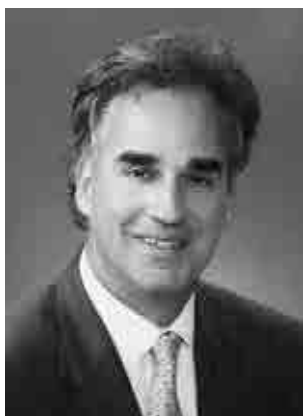
Amanda Stillwell Meers
OBA No. 15927
27 Rosethorn Place
The Woodlands, TX 77381

J. Lyon Morehead
OBA No. 6373
2123 E. 60th Place
Tulsa, OK 74105

Paul G. Rose
OBA No. 7752
9815 S. 78th East Ave.
Tulsa, OK 74133

John Paul Standefer
OBA No. 11173
1009 Main St., Ste. 1
Bastrop, TX 78602

Judith G. Storandt
OBA No. 17482
105 Race St.
El Dorado, KS 67042



John Dowdell

Tulsa Attorney Dowdell Confirmed as Federal Judge

The U.S. Senate recently confirmed the nomination of John Dowdell of Tulsa to fill a vacancy on the bench of the U.S. District Court for the Northern District of Oklahoma. President Obama nominated him for the seat earlier in 2012. Mr. Dowdell has been a partner of Norman Wohlge-muth Chandler & Dowdell in Tulsa since 1987.

Holiday Hours

The Oklahoma Bar Center will be closed Monday, Jan. 21 in observance of Martin Luther King Jr. Day.



OBA 2008 President J. William “Bill” Conger

The Oklahoma Bar Association and Oklahoma City University School of Law have lost a great teacher, friend and colleague. J. William Conger died at his home on New Year’s Day. He was 67 years old.

Bill, as he was known, had a distinguished legal career spanning more than 40 years. He practiced in a variety of capacities before he and friend Larry Hartzog and Len Cason founded the Oklahoma City firm of Hartzog Conger & Cason, later becoming Hartzog Conger Cason & Neville. He practiced primarily in the area of business litigation, and his clients’ interests took him all over the world.

In 2003 he became of counsel for the firm and began teaching at the law school where he was a beloved instructor and mentor. Bill taught trial practice, introduction to legal practice, civil procedure and complex litigation and was an inspiration to the future lawyers he enjoyed teaching. He was so cherished by OCU students that in 2005 they voted him “professor of the year.”

“Bill was a force, not only for his clients whom he represented with enthusiasm and passion, but also for the hundreds of students who were fortunate to learn the values of the legal professional from his perspective,” said OCU School of Law Dean Valerie K. Couch. “He was a longtime and very dear friend of mine, and there are no words to describe his loss to me personally or to our law school that he loved. Bill touched people, and he will be deeply missed.”

At the OCU School of Law awards gala in November, Bill received the Justice Marian P. Opala Award for lifetime achievement in law. The award bearing Justice Opala’s name is given to an individual deserving accolades for their excellence and overall contributions

to the legal community. It was also announced at the awards gala that the courtroom at the new law school downtown campus will be named in his honor. The announcement was a surprise to Bill, and he was extremely touched by the recognition.

In addition to being the distinguished lecturer in law at the law school, Bill was also the general counsel emeritus for the university, having served as the general counsel for eight years. Bill said recently that the best years of his life have been at Oklahoma City University School of Law.

Among his numerous professional accolades, Bill was a Fellow in the American College of Trial Lawyers, master emeritus and past president of the William J. Holloway Jr. American Inn of Court, and received the International Academy of Trial Lawyers Commendation Award in 2005. Bill served as the Oklahoma Bar Association president in 2008 and has received the John E. Shipp Award for ethics and the OBA President’s Award for outstanding service to the bar.

Some of his other legal activities include serving as a Fellow of the American Bar Foundation and a Trustee and Benefactor Fellow of the Oklahoma Bar Foundation. He also served as the Oklahoma County Bar Association president and spent two terms as an OCBA director.

He is survived by his wife, Sherry; their three daughters, Christen Conger, Jennifer Bentley and Erin Welch; and three grandchildren, Parker and Julianne Bentley, and Vivian Welch.



Kudos

Tulsa attorney **David J. Hyman** is the author of a chapter in the new third edition of *The Representing Physicians Handbook*, published by the American Health Lawyers Association. His chapter explains the roles of non-physician practitioners such as advanced practice nurses, psychologists and therapists in the modern healthcare system. He practices with the firm of Doerner, Saunders, Daniel & Anderson.

Oklahoma City attorney **Blake Patton** is a recipient of the 30/30 Next Gen award presented by iON Oklahoma Online. The Fellers Snider lawyer was recognized for having proven professional achievement, community involvement and commitment to Oklahoma's future.

Sharon Voorhees of Oklahoma City has been elected 2013 chairperson of the Oklahoma Community Service Commission by her fellow commissioners. Ms. Voorhees has served as a commissioner since her appointment by Gov. Frank Keating in 2002 and subsequent reappointment by Gov. Brad Henry. The commission administers the funds for Americorps in the state of Oklahoma. She is a partner in Shelton Voorhees Law Group.

The Oklahoma Society of CPAs honored **Sheppard "Mike" Miers Jr.** of Tulsa with the Rick Kells Outstanding Tax Professional Award

during the recent Oklahoma Tax Institute. The award recognizes individual achievement and leadership by a CPA practicing in taxation.

On The Move

Logan & Lowry LLP, with offices in Vinita and Grove, announces **Ryan H. Olsen** has joined the firm as an associate. He is a 2012 graduate of the TU College of Law, where he served as editor of the *Tulsa Law Review* and president of the Federalist Society. He has an M.A. in management and a B.A. in philosophy from Texas Christian University. Prior to practicing law, he served as a captain in the U.S. Army.

Judge L. Brad Taylor of Tulsa has been appointed by the governor as the new presiding judge of the Oklahoma Workers' Compensation Court. He was originally appointed to the court in 2012. Before his appointment, he was an associate at a Tulsa law firm and primarily practiced workers' compensation law.

Edmond law firm Rubenstein & Pitts PLLC announces **Todd A. McKinnis** has joined the firm. His practice focuses on real estate, commercial law, corporate and partnership law, and charitable and nonprofit organizations. Through his prac-

tice, he has served as a virtual outside general counsel for many privately held Oklahoma corporations, partnerships and limited liability companies. He earned his J.D. from OU College of Law. He has been an adjunct professor at OU College of Law and is a founding board member and serves as secretary of the Oklahoma City Memorial Marathon.

Wyoming Gov. Matt Mead has appointed **Shelley A. Cundiff** as the new circuit court judge for the state's Fourth Judicial District. Ms. Cundiff, a former OBA governor, has also worked as a magistrate and a municipal judge in Sheridan County, Wyoming, where she resides. She is a 1989 graduate of the TU College of Law.

Tulsa law firm Pray Walker announces **Bland Williamson**, a founding member of the firm, has rejoined its energy law practice. Prior to rejoining the firm, Mr. Williamson was senior vice president and general counsel of Laredo Petroleum Inc. His law practice has been concentrated in oil and gas law and related regulatory areas for more than 35 years. Mr. Williamson earned his B.S. degree in business from Stetson University and his J.D. from Emory University.

Hall Estill announces that **Michael H. Smith** of Oklahoma City and **Andrea S. Hoskins** of Tulsa were elected shareholders of the firm. Mr. Smith practices in all areas of intellectual property law, including patent,

trademark, trade secret and copyright. His patent law practice focuses on patent prosecution in a number of high-tech areas with emphasis on chemical, biochemical and mechanical related technologies. He regularly advises clients on a variety of strategic patent matters. He graduated with a B.S. from Oklahoma Baptist University and a J.D. from the OU College of Law. Ms. Hoskins practices primarily in the areas of civil litigation, business and corporate law. While in law school, she was the recipient of the OBA Outstanding Senior Law Student Award. She graduated with a B.A. from Northeastern State University and a J.D. from the TU College of Law.

Oklahoma City law firm Helms, Underwood & Cook announces **Tiffany Kay Peterson** is a new associate. She graduated *magna cum laude* from OCU School of Law in May 2012, where she received numerous CALI awards, had an article published in the *American University Labor and Employment Law Forum* and was awarded the Ernest L. Wilkinson Award for excellence in American Indian law. She also served as articles editor for the *Oklahoma City University Law Review*.

Scott Meacham was recently named president and CEO of i2E Inc., a private not-for-profit corporation headquartered in Oklahoma City. In addition to his new role at i2E, he will continue serving banking and financial clients at Crowe & Dunlevy, where he is a director. Mr. Meacham served as Oklahoma's 17th state treasurer from June 2005 to January 2011.

The shareholders of McAfee & Taft have elected employee benefits attorney **Brandon P. Long** and trial lawyers **Andrew L. Richardson** and **Harold C. Zuckerman** as fellow shareholders. Mr. Long is an ERISA attorney whose practice is concentrated on qualified retirement plans, health and welfare plans, and executive compensation. Mr. Richardson's practice is primarily focused on representing manufacturers and distributors in products liability litigation and other complex business disputes. Mr. Zuckerman's trial practice is focused on business litigation with an emphasis on defending major automakers, pharmaceutical companies and other manufacturers against product liability claims.

Conner & Winters LLP announces **Justin L. Pybas** has been named partner at the firm in its Oklahoma City office. Mr. Pybas represents financial institutions and corporate clients in a variety of commercial lending, real estate, general corporate and business transactional matters. He graduated from the OU College of Law with distinction in 2006.

Oklahoma City firm Phillips Murrah has named **Catherine L. Campbell**, **Jason A. Dunn**, **G. Calvin Sharpe** and **Kathryn D. Terry** as shareholders. Ms. Campbell focuses on appellate practice in both state and federal courts of appeal. Mr. Dunn's practice is primarily focused on defending clients in complex commercial litigation. Mr. Sharpe is a trial attorney who concentrates his practice in medical malpractice and catastrophic personal injury

defense. Ms. Terry's primary areas of practice are insurance coverage, labor and employment, and civil rights defense.

Tulsa lawyer **Courtney Bru** has been named a partner at Doerner, Saunders, Daniel & Anderson LLP. Her areas of practice include labor and employment law, as well as commercial and civil litigation. She represents clients on both state and federal matters, and works with employers to develop policies and practices designed to provide protections from employment-related claims. She earned her bachelor's degree *summa cum laude* from Auburn University and her J.D. from the Vanderbilt University Law School.

At The Podium

James C. Milton will serve as a faculty member for the "Rules of Trust Administration in Oklahoma" seminar. The event is set for April 24 in Oklahoma City.

Sarah Jane Gillett will be discussing "Board Governance III: Roles and Responsibilities" at the Oklahoma Center for Nonprofits March 6 and 14.

Frank B. Wolfe III will speak on the topic of immigration law at the 104th Annual Fundamentals of Employment Law seminar. The event will take place in April in Tulsa.

Randall J. Wood of Oklahoma City recently presented papers on "The

Expanding Agenda of the National Labor Relations Board” and “Employment Law Issues in the Workplace — 2012” during an educational seminar held in Oklahoma City.

Leah Farish of Tulsa recently presented on “Religious Accommodation and Free Exercise” during the annual ABA-sponsored Appellate Judges Education Institute in New Orleans.

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 Feb. 16 issue must be received by Jan. 22.

IN MEMORIAM

Ronald Douglas “Ron” Cox of Hugo died Dec. 28, 2012. He was born April 18, 1941, in Lynchburg, Va. He graduated from Lynchburg College and worked for General Electric before earning his law degree from OCU School of Law in 1972. **He served in the U.S. Marine Corps.** He practiced as a lawyer in southeastern Oklahoma for nearly 40 years. His family and friends remember him as a “true southern gentleman.”

Retired Judge William Walter Means died Dec. 3, 2012. He was born March 29, 1933 and graduated from Sand Springs High School. He earned his law degree in 1961 from the TU College of Law and began his career as a public defender. He later served as assistant district attorney in Tulsa County before beginning his career on the bench in 1967 with an appointment to the Court of Common Pleas. He was elected district judge in 1971, and was appointed to the Oklahoma Court of Civil Appeals in 1982. He retired in 1991 and

started a private conflict-resolution service. He served as an adjunct professor of law at TU for many years, receiving the law school alumni association’s Lifetime Achievement in Law Award in 2009. He was a devoted public servant who was active with the Tulsa-area Boy Scouts and was presented a Kiwanis Youth Service Award for his volunteering. His favorite hobby after retiring was restoring classic cars. Memorial donations may be made to the TU College of Law.

Long-time Bartlesville lawyer Lloyd G. Minter died Jan. 4. He was born in Pocosset on Nov. 2, 1918. He received his bachelor’s degree from Oklahoma Baptist University in 1940 and earned his J.D. from the OU College of Law in 1943. **During his military service in the U.S. Army in World War II, he was awarded the Combat Infantry Badge, the Bronze Star, three Battle Stars and the Purple Heart for wounds received in battle.** He joined Phillips Petroleum Compa-

ny’s legal staff in 1943, retiring in 1978 as senior vice president. He also served on the company’s board of directors. He later served as counsel to the Tulsa law firm of Boone, Smith, Davis and Hearst from 1978-1989. He served on the OBA Board of Governors in addition to numerous other civic, educational and philanthropic boards, and he was a member of the First Baptist Church in Bartlesville for more than 50 years. Memorial donations may be made to Oklahoma Baptist Homes for Children.

Horace Gibson Rhodes of Oklahoma City died on Jan. 1. He was born in Oklahoma City on Nov. 24, 1927, and graduated from New Mexico Military Institute in 1945. **He served briefly in the U.S. Army at the close of World War II, later serving in the U.S. Air Force during the Korean Conflict.** He graduated from OU in 1951 and from the OU College of Law in 1955. He began his career as a deputy insurance commissioner for the state of Okla-

homa. In 1957, he drafted Oklahoma's first comprehensive insurance code, still the basis of the current law. He became president of United Founders Life Insurance Company in 1959 and oversaw construction of the United Founders Tower, a landmark in northwest Oklahoma City. He left to pursue a career in mergers and acquisitions, and joined the Oklahoma City law firm of Kerr, Irvine in 1971 with which he remained associated until the end of his life. He was active in politics and served the Oklahoma Democratic Party in numerous capacities. Memorial contributions may be made to the Oklahoma City Community Foundation.

John R. "JR" Schneider of Oklahoma City died Dec. 15, 2012. He was born March 13, 1951, in Connersville, Ind. He graduated from Southern Illinois University in 1973 with a degree in communications/cinema and photogra-

phy, and earned a master's degree in occupational/vocational education in 1975. He moved to Oklahoma City in 1978 to attend OCU School of Law, earning his J.D. in 1983. He was a founding member of the Workers' Compensation Defense Council, his area of practice. He served as assistant general counsel and assistant chief attorney at the Oklahoma State Insurance Fund before joining Pierce, Couch, Hendrikson Law Firm in 1999. He was a member of St. Luke's United Methodist Church and was an avid car enthusiast. Memorial contributions may be made to St. Luke's TV Ministry, Skyline Urban Ministries, or Leukemia and Lymphoma Society.

Thomas Harry Trower of Tulsa died on Dec. 29, 2012. He was born in Bartlesville on Feb. 11, 1919, and graduated from Bartlesville High School. He attended OU and the OU College of Law, graduating in 1942. **He began**

service as a reserve officer in the U.S. Army in 1942. He was sent to the Pacific Theater of Operations in 1943, where he participated in the invasion of the Japanese held islands of Kwajalein and was awarded the Silver Star for his performance of duty. He subsequently served in the invasions of the islands of Saipan, Tinian, Leite and Okinawa. He was honorably discharged in 1945 having obtained the rank of captain. He moved to Tulsa in 1946 and began practicing law. He joined the Bovaird Supply Company in 1951, relocating to Oklahoma City in 1967 to engage in the oil and gas business. He returned to Tulsa in 1973 and practiced law with the firm of Houston and Klein until his retirement in 1994. He was an avid golfer and was devoted to his family. Memorial donations may be made to St. Simeon Foundation.

Oklahoma Bar Journal Editorial Calendar

2013

■ 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.

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PIERCE COUCH HENDRICKSON BAYSINGER & GREEN, L.L.P. is in need of experienced secretary for Workers' Compensation attorney in the Tulsa office. Good transcription and organization skills required; ability to communicate effectively with clients and service providers necessary as well. Competitive salary and excellent benefits offered. Please send résumés by email to kwolfe@piercecouch.com.

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God's Will Be Done

By Catherine Gass

Not long ago, I was asked to write down a special memory for my friend, Debra's, 45th birthday. A recent event reminded me of something that happened to her and me several years ago: I was driving, she was in the front seat, and we had some teenage girls giggling in the back seat. We were stopped in traffic at Penn & Memorial in Oklahoma City, where people are often seen on every corner holding signs that read, "out of work," "injured vet," "need a job," "have a family," "need a beer" or "hard times."

I generally don't give money to panhandlers. We give our money to local charities and let them hand out groceries or use the money however they see fit. That is the most sensible and practical thing to do, right? Besides, we need the tax write off. Debra, on the other hand, being the kind-hearted person that she is, started digging through her purse, pulled out \$5 and said, "Here, do you mind giving this to him?"

I'm sure I rolled my eyes as I rolled down the electric window just enough to hand it to the hot, sweaty man. He said, "Thank you and God bless" or something when the light turned green, and we took off again. As we continued driv-



“You gave MY \$5 to that homeless man?! God knew I wouldn't give it to him!”

ing Debra said, "I'll pay you back later."

"What?" I asked with a puzzled look on my face. "Pay back what?"

She said, "That was the \$5 I owe you for that book," to which I burst out hysterically and said between laughs, "You gave MY \$5 to that homeless man?! God knew I wouldn't give it to him!" We both had a good laugh, but I

think I found it to be the most humorous.

I found myself stopped again at the same corner, but the guys collecting money for Muscular Dystrophy were outside this time, invading homeless territory. I only had a \$1 bill on me at the moment, but I rolled down my window as the guy collecting money for Muscular Dystrophy walked past the usual guy on the corner, and I handed it to him.

"All I have with me is \$1," I said.

"That's okay," the man replied as he walked away from my car. "Do you mind if I give it to this guy?" he asked, as he was already handing it to the panhandler.

"SURE!" I said and laughed, as the light once again turned green and I drove away saying to myself, "God knew I wouldn't give it to him!"

I'm still waiting on that \$5 from Debra.

Catherine Gass has worked as a legal assistant to attorney Andrew Gass for the past 30 years, as well as being his wife, cook, house cleaner (questionable), among other things. They occasionally volunteer for Trinity Legal Clinic at their favorite local charity, Cross & Crown Mission, at 9th & McKinley in Oklahoma City.

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