

# WEST Oklahoma Bar JOURNAL

Volume 84 ♦ No. 29 ♦ Nov. 2, 2013



## Raising the Bar: Lawyers Who Make a Difference



### ALSO INSIDE

- OBA Annual Meeting
- 2014 Committee Sign-Up





# THE GENERAL PRACTICE OF LAW

## WHAT YOU NEED TO KNOW

PRESENTED BY OKLAHOMA CITY ABL

APPROVED FOR 6 HOURS CLE AND 1 HOUR ETHICS

### DECEMBER 6, 2013

OKLAHOMA JUDICIAL CENTER

8:30 A.M. TO 3:50 P.M.

## \$125

TO PRE-REGISTER, CONTACT KYSHA M. WILLIAMS, 405-603-5961  
OR KYSHA@OKCSPORTSLAWYER.COM, OR CALL ROBERT BLACK, 405-419-2652

8:30 - 9 A.M.	REGISTRATION
9 - 9:50 A.M.	SUCCESSFULLY NEGOTIATING A CRIMINAL CASE (WHAT PROSECUTORS WANT TO HEAR FROM YOU) DAVID W. PRATER, OKLAHOMA COUNTY DISTRICT ATTORNEY
9:50 - 10 A.M.	BREAK
10 - 10:50 A.M.	YOU DON'T CLOCK OUT AT FIVE: PERSONAL BEHAVIOR AND YOUR LAW PRACTICE GINA L. HENDRYX, OBA GENERAL COUNSEL
10:50 - 11 A.M.	BREAK
11 - 11:50 A.M.	EFFECTIVE CLOSING ARGUMENT EMMANUEL E. EDEM, NORMAN AND EDEM, PAST PRESIDENT OF OAJ (FORMERLY OTLA)
11:50 A.M. - 1 P.M.	LUNCH, ON YOUR OWN
1 - 1:50 P.M.	SUMMARY OF RECENT OPINIONS OF THE COURT OF CRIMINAL APPEALS JUDGE DAVID B. LEWIS, OKLAHOMA COURT OF CRIMINAL APPEALS PRESIDING JUDGE
1:50 - 2 P.M.	BREAK
2 - 2:50 P.M.	WHAT YOU NEED TO KNOW ABOUT SMALL CLAIMS TRIALS AND PROCEDURE JUDGE ROMAN M. MCELWEE, OKLAHOMA COUNTY SPECIAL JUDGE
2:50 - 3 P.M.	BREAK
3 - 3:50 P.M.	DOS AND DON'TS FOR THE COURTROOM JUDGE PATRICIA G. PARRISH, PRESIDENT OF THE OKLAHOMA COUNTY BAR ASSOCIATION



# HIDDEN

"The computer has become the file cabinet of thoughts, feelings, plots, conspiracies, and assets."

~ Brook Schaub  
Computer Forensics Manager



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*OBA Estate Planning, Probate and Trust Section  
and OBA Taxation Law Section present*

## **Continuing Education Presentations and Section Meetings at the OBA Annual Meeting**

*featuring*

### **Recent Updates in Oklahoma Tax Administration**

*by Tony Mastin – Executive Director,  
Oklahoma Tax Commission*

### **Recent Updates in Estate Planning**

*by Stephanie Chapman – Attorney, McAfee &  
Taft (Oklahoma City)*

### **Recent Updates in Oklahoma Taxation**

*by Sheppard F. (Mike) Miers Jr. – Attorney,  
Gable Gotwals (Tulsa)*

**Thursday, November 14, 2013  
3 – 6 p.m.**

**Cox Convention Center  
Room 4**

***Food, Beverages, Prize Drawings***

Free to Members of the Estate Planning, Probate and  
Trust Section or Taxation Section

(OBA members can sign up for either Section  
at the door)

*Plan to Stay and Meet Other Section Members at  
“An Evening with Oklahoma’s Best: Art, Music,  
Food and Wine”*

**7 – 9 p.m.**

**During the OBA Annual Meeting**

Sponsored in part by the:

OBA Estate Planning, Probate and Trust Section  
and OBA Taxation Law Section

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**THEME: RAISING THE BAR**  
LAWYERS WHO MAKE A DIFFERENCE  
EDITOR: MELISSA DeLACERDA

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## Events Create a Busy Fall Schedule

### Annual Meeting Quickly Approaching

By Jim Stuart

The OBA is a member of the **Southern Conference of Bar Presidents**, consisting of 17 states and the U.S. Virgin Islands. Each fall a conference is held in one of the member states, the location rotating such that a state hosts the conference every 18 years. This year Oklahoma was the host state, held in Oklahoma City on Oct. 17-19. A total of 137 persons from the member states were in attendance, including current and past bar presidents and bar executives.

The OBA and its members benefit from this annual conference. Not only do we showcase the host state, but

members share common issues and problems facing lawyers and the practice of law — such as judicial independence, court funding, law-related education and how lawyers can assist following a natural disaster. When Oklahoma experienced deadly tornadoes last May, member bar presidents and executives contacted us seeking to help, sharing from their own disaster relief programs and making contributions toward recovery efforts. My thanks to OBA staff for helping make this year's conference a real success.

Reflecting upon the **OBA Day of Service**, I was pleased but not surprised

to learn that Oklahoma lawyers give back regularly to their communities in a variety of ways. Many times the lawyers are known and recognized in some way for their public service.

Earlier this year the Board of Governors was charged with identifying and submitting articles about lawyers in their districts who are **unsung heroes of the legal profession**. In this issue we recognize some of those lawyers who have made a special contribution, often in a unique and unassuming way. I'm sure that through their stories you will join me in feeling a special sense of pride in being an Oklahoma lawyer.

I look forward to visiting with each of you at the **Annual Meeting** in Oklahoma City on Nov. 13-15. Time is running out. Don't forget to register and attend!

*Reflecting upon the OBA Day of Service, I was pleased but not surprised to learn that Oklahoma lawyers give back regularly to their communities in a variety of ways.*



President Stuart  
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# EVENTS CALENDAR

## NOVEMBER 2013

- 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 Lawyers Helping Lawyers discussion group meeting**; 6 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.; University of Tulsa College of Law, John Rogers Hall, 3120 E. 4th Pl., Rm. 206, 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
- 11 **OBA Closed** – Veterans Day Observed
- 13-15 **OBA Annual Meeting**; Sheraton Hotel, Oklahoma City
- 20 **Ruth Bader Ginsburg Inn of Court**; 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Donald Lynn Babb 405-235-1611
- 21 **OBA Appellate Law Practice Section meeting**; 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Collin Walke 405-235-1333
- 27 **OBA Clients' Security Fund Committee meeting**; 2 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Micheal Salem 405-366-1234
- 28-29 **OBA Closed** – Thanksgiving Observed

## DECEMBER 2013

- 3 **OBA Government and Administrative Law Practice Section meeting**; 4 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Tamar Scott 405-521-2635
- 5 **OBA Lawyers Helping Lawyers discussion group meeting**; 6 p.m.; Office of Tom Cummings, 701 NW 13th St., Oklahoma City; RSVP to Kim Reber kimreber@cabainc.com

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

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

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# Raising the Bar

## Lawyers Who Make a Difference

This month's feature article is the first of its kind for the *Oklahoma Bar Journal* — a focus on individual bar members who make a difference. The feature is inspired by OBA President Jim Stuart and the theme for his presidential year — Oklahoma lawyers giving back.

In January President Stuart said, "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."

Last month county bar associations and law firms across the state joined together to roll up their sleeves and to make his signature statewide project — the OBA Day of Service — a tremendous success in 52 counties. Charitable organizations, families struggling with hunger, veterans and first responders and children in need were the most common beneficiaries.

In its effort to devote one *Oklahoma Bar Journal* issue to lawyers who exemplify this presidential initiative, the Board of Editors encouraged bar leaders to each write an article about a bar member in their district who is a community leader, yet an unsung hero deserving of recognition. Each

article was written by a different anonymous bar association leader.

These featured bar members are only a few of the thousands of Oklahoma lawyers who give back to their communities. Perhaps you are one of those who make a difference, service performed quietly and without much fanfare. It's difficult to think of how a community would grow and prosper without the contributions of its local lawyers. Can you think of a single nonprofit organization that doesn't have a lawyer on its board?

The *Oklahoma Bar Journal* salutes all our unsung lawyer heroes who make their communities better places to live. Meet just a few of them.

---

### Lowell Barto, Stillwater

---

After learning of the plight of South Sudanese children on a radio station and later reading the book *Passport Through Darkness*, which tells the detailed story of these children, Payne County attorney Lowell Barto was deeply moved and turned to prayer to learn how best he could contribute and make a difference.

He did some research and quickly learned that volunteering would take him on an adventure far from his Stillwater existence and comfort zone. He applied to go on a short-term mission trip through Make Way Partners, a mission agency founded by *Passport Through Darkness* author Kimberly Smith and her husband in Alabama.



Lowell Barto



Once selected to participate, Lowell learned how little, due to the weight constraints, he would be allowed to bring with him. This would need to include his meals for every day, two changes of clothes, the water bottle and filter that the organization provided to him, mosquito repellant, tent and a sleeping bag.

Teams made up of 12 volunteers from around the country are only allowed into Sudan during the dry season. There are no roads; there is no drainage and no way to navigate without getting stuck when the rainy season hits. And, then, the mission groups visit only two weeks each year. Fortunately, the orphanage is open year-round.

On the last leg of their two-day journey there, team members fly in on 10-passenger Cessna propeller planes because there is no place for a jet to land in the dirt. Once landed, the volunteers are within walking distance of the orphanage and are greeted by friendly students and village people lined up and eager to shake their hands.

On Lowell's trip, the volunteers were divided into three smaller teams: medical, vacation Bible study and the team Lowell was on, which worked on child sponsorship.

The volunteers had tents under a pavilion, and the orphanage's perimeter was secured by a wire fence. Their day started at 7:30 a.m. with a team gathering that assessed the day before and discussed the current day's tasks. The meeting was followed by a devotional and a time to address any spiritual

## BACKGROUND

Picture for a minute the harsh living conditions of the African desert, where the temperature rises up to 110 degrees in the shade during the day, the landscape is dirt and trees, electricity only exists if you have a diesel-powered generator. Civil war, which has raged on for the past five decades since the British left in the mid 1950s, leaves thousands of orphaned children - homeless and fend- ing for themselves or, worse yet, sold as human slaves.

With the help of a native southern Sudanese man named James, nearly 300 such orphans gathered in the Sudanese desert trying to stay alive. The wild dogs and hyenas were their mortal enemies.

Turning down the right granted by President George W. Bush to come to the United States to be part of the federal program, Lost Sons of Sudan, James stayed behind to educate the orphaned Sudanese children in hopes of preventing human trafficking and to prepare the next leaders of their country.

While serving on a mission trip, U.S. citizen, Kimberly Smith, found James teaching school to three groups of children under the trees. He was teaching them the English alphabet (English is the national language of Sudan) and numbers, and was helping them memorize Bible verses.

Returning to the U.S., she wrote the book, *Passport Through Darkness*, that chronicles James' story and her efforts to partner with him in raising funds to improve his educational facilities and capabilities as well as provide housing for the children.

*Read more at [www.makewaypartners.org](http://www.makewaypartners.org) and consider sponsoring an orphan.*

**“ On the last leg of their two-day journey there, team members fly in on 10-passenger Cessna propeller planes because there is no place for a jet to land in the dirt. ”**

concerns. All meals were on their own, except for the last night when they had a party. They had generator-powered lights for only two or three hours each night.

After the team meeting around 8 a.m., the volunteers would separate into their smaller teams. In the medical clinic, there was a pharmacy with donated supplies in one corner, and the doctors and the dentist would see patients in the other two rooms. Sudanese people came from the nearby

*Lowell's volunteer duties include assisting the children at the orphanage with sponsorship paperwork.*



villages and lined up each day in advance for the care provided.

The younger school children attended the Vacation Bible School, which was taught by the older school children. In fact, the older children play a very important role in keeping the continuity of the educational programs going the rest of the year when there are no volunteers. Some of the teachers come from the local community/village and walk or ride their bikes over to the school.

The Sudanese government does not allow any child to be adopted out of its country. Therefore, Lowell's job of securing and maintaining sponsorships was extremely important to ensure the quality of life for each child.

While there, he and another volunteer were tasked with meeting each of the 600 orphans. They took a picture of each one and gathered the following information that would later be shared with his or her sponsor: favorite subject, what the child wanted to be when s/he grew up, his/her favorite thing to do, for what s/he was thankful for to God and his/her favorite Bible verse.

Lowell and his team member started on a Saturday and interviewed children all day every day through the next Friday, except for their 1 ½-hour lunch break. He was surprised to learn from the older children how many of them wanted to be involved in leadership positions in their government, which has only been a separate republic since the vote in July 2011. He was pleased by their ambition and tried to use the interview process as an opportunity to encourage each child.

Upon reflection, Lowell only wished that the team could have provided even more service. Lowell's "servant's heart" was drawn to this endeavor due, in large part, to its educational component. However, seeing the children smile, in spite of all that they have endured, he found priceless.

As author Dan Allender was quoted as saying, "A hero is an ordinary person who seizes the opportunity to step into the maelstrom to rescue, to care for those caught in the dark cruelty of their situation." Lowell Barto did just that.

---

## Elvin Brown, Norman

---

Elvin Brown moved to Norman during World War II. He was stationed at one of the two U.S. Navy bases in town. After his service, he moved back home to Kansas, but soon returned to Norman to attend the University of Oklahoma. He graduated from OU Law and was admitted to the bar in 1949. Elvin worked as an assistant county attorney and was elected district judge in Cleveland County. He served in that position until 1979.

During his legal and judicial career, Elvin was active with the Boy Scouts of America. Elvin worked throughout the state with the Boy Scouts. He was elected a state Boy Scout commissioner in 1972. In recognition of his achievements Elvin was awarded the "Silver Beaver," a council-level distinguished service award of the Boy Scouts of America. Recipients of this award are adult leaders who have made an impact on the lives of youth through service given to the Boy Scouts council. Local lawyers and business owners recall his coordination of putting flags on Main Street for Memorial Day, Flag Day and Independence Day. Elvin worked with the Boy Scouts for more than 30 years including service on the central Oklahoma district council board until 2010.

Elvin has been a member of the Norman Lions Club since the 1950s. He served on the Constitution and Bylaws committee for 40 years, and had more than 40 years of perfect attendance. Active in the local administration, he was elected to serve as president of the Norman Lions Club from 1964-1965. Elvin also served as a district governor of the club, a state-level office from 1966-1967. Norman attorneys remember that Elvin sold tickets to the Lions Club Carnival tickets.

"I had to prey on my friends," Elvin said.

In the late '50s, he began serving on the Cleveland County Board of Law Library trustees. He served on that board until 2010, over 30 years as president.

"When I was appointed to the board of law library trustees, I had the impression

**“ ‘If I had it  
to do all over again, I can’t  
think of anything I’d do  
different.’ ”**

that Elvin Brown had been president since before I was born," said Richard Stevens, current member of the Cleveland County Board of Law Library Trustees and OBA Board of Governors member-at-large. "In the 1980s, Elvin made law library announcements at the monthly motion docket."



*Elvin Brown*





*Elvin has been a member of the Norman Lions Club since the '50s.*

teered with the Norman Salvation Army. He kept up with local activities and served on the local executive committee for 30 years. While in the service of the Salvation Army, Elvin donated blood every eight weeks. In total he donated more than 30 gallons.

During the 1970s and 1980s, Elvin volunteered at the J.D. McCarty Center in Norman. He and other Shriners made visits to the patients who had cerebral palsy. They also helped put on birthday parties for the children at the center and took them to the Shrine Circus performances.

Elvin also served on the board of directors of Health for Friends,



*Elvin has been active with the Boy Scouts since the '70s, serving in various leadership roles and winning the "Silver Beaver" for his impact on the lives of youth.*

Elvin served as an adult Sunday school teacher for 30 years and was the president of the local First Christian Church. He also volun-



*Elvin working in his law office, which he shared with his long-time law partner, Debra Loeffelholz.*

a nonprofit which provides health service to those who cannot afford to pay, from 1995 to 2009.

Debra Loeffelholz, Elvin's longtime law partner, summed up his service to the community. "He believes that part of the responsibility of an attorney is to give back to the community that he is part of," she said. "Elvin has lived that responsibility."

Elvin, 91 years old and a World War II veteran, responded, "If I had it to do all over again, I can't think of anything I'd do different."

---

## Glenda Cantrell, Tulsa

---

Glenda Cantrell is a lawyer who works on employment law matters with the energy company ONEOK Inc. in Tulsa. She learned early on that strong family ties, hard work and service to others provide the foundation for a satisfying and productive life. She fully believes in the declaration by Booker T. Washington, "Those who are happiest are those who do the most for others."

Glenda's early years were spent on a small farm in rural Tennessee. She and her younger brother and sister shared many chores around the farm, including planting vegetables and weeding the garden that provided food for most of their meals. It was not a particularly easy life, but Glenda's family was close-knit and caring and was distinguished by strong women who taught her to follow her own path in life.

Glenda's grandmother, Hilda Mae, was born in 1896 — a time when women were not encouraged to set lofty educational or career goals. Hilda Mae, however, was different. She delivered the mail for the U.S. Postal Service by horseback and later earned her college degree to become a teacher. Glenda's Aunt Billie also went to college, majored in chemistry and then worked at the nuclear facility in Oak Ridge, Tenn., during World War II. She learned how to pilot a plane as part of the national civil defense program. Glenda's aunt and grandmother were both strong women who provided good examples for Glenda and her sister.

Her mother, another strong woman, followed in the footsteps of her mother-in-law Hilda, working her way through college to become a teacher when Glenda and her siblings were young. When Glenda was 13, her parents moved the family away from the farm. She



*Glenda Cantrell*

**“The apple has never fallen far from the tree in Glenda's family. The tradition of strong women and dedication to public service continues.”**

graduated from high school in the small town of Paris, Tenn.

With a solid family foundation supporting her, Glenda began college in 1972 and graduated from the University of Tennessee — Martin, paying her tuition by working as news director of the campus radio station and doing radio commercials. She set her sights on a mass communications major and was determined eventually to go to law school and work for the FCC.

But did you catch the year? 1972. That was not a particularly good time for a young woman in western Tennessee who aspired to be a lawyer, and female professional role models were few. But then again, in 1972, the burgeoning modern Women's Rights Movement was gaining momentum, and Glenda enthusiastically took up the cause, serving as president of her school's chapter of the National Organization of Women, where she worked



*Glenda pounds nails at a Habitat for Humanity house.*

with many other women seeking satisfying careers and lives.

Determined to meet her goal of becoming a lawyer, Glenda started law school at Washburn University in Topeka, Kan. in 1977. While devoting herself to law school and work, Glenda also made time to volunteer for a nonprofit organization which provided women with temporary places to stay following incidents of domestic violence. In her little apartment littered with law books, she began to provide shelter for women who were victims of abusive relationships. Their stories were devastating. Most of them were intelligent, loving, capable people; but little by little, they had given up their strength and control to their abusers. It often started with control over money, and gradually expanded to other areas of their lives. One particular aspect of this experience haunts Glenda to this day — when it came time for the women to leave the shelter of her small apartment and get on with their lives, virtually every one of them was picked up by her abuser and returned to live in the same abusive situation.

These experiences contributed to her long-standing and dedicated service to Tulsa's Domestic Violence Intervention Service (DVIS), an organization in which Glenda is completing her sixth year as a board of directors member.

"From an early age, Glenda Cantrell has been an advocate for victims of domestic violence, offering her unbiased support to help women and children in need," said Tracy Lyall, DVIS

executive director. "DVIS/Call Rape has been fortunate to call Glenda an important member of our team for the past six years, as she has served on the board and several board committees. Glenda joins a long legacy of strong women, and DVIS/Call Rape is grateful she is one of our most dedicated advocates. Her commitment to the clients served by DVIS, her leadership on the board, and her support personally and professionally has had tremendous impact on our organization."

Glenda is no longer a young law student sheltering abused women, only to watch them return to their abusers. She has learned that helping an abused woman gain the strength to break the cycle of domestic violence requires a long-term commitment and long-term support. DVIS provides the help necessary to break that cycle through counseling, financial support and love. Not every woman has the good fortune Glenda had, to be blessed with the support and strength of a close family, and she vowed to do what she could to help improve the lives of these women.

"There are a number of ways in which Glenda contributes to the success of DVIS/Call Rape beyond her service on the board and committees," Ms. Lyall continued. "Glenda assists with tours at our emergency shelter, promotes and attends many of our events, advocates our cause throughout the community which helps raise awareness about our resources for those in need, and she participates every year in our Adopt-a-Family program, which provides gifts to clients and their families during the holiday season. Glenda goes above and beyond as a board member to our organization and is an exceptional member of our community. We are honored to call her a friend."

Glenda's dedication to service and helping others is also a factor in her dedication and loyalty to her employer, ONEOK. Through grants from the ONEOK Foundation, established in 1997, the company has contributed



more than \$45 million to charitable organizations, projects and activities in the communities where its employees work and live. It also encourages its employees to contribute to their communities. For example, for every contribution ONEOK employees make to the annual United Way campaign, ONEOK matches it, dollar for dollar. All of ONEOK's 4,900 employees are also encouraged to double their contributions to eligible nonprofit organizations by applying for the company dollar-for-dollar match, up to \$5,000 annually and \$2,500 for retired employees.

Just as important to employees like Glenda, however, is ONEOK's recognition that providing service to others does not just mean giving money. It also includes giving time. Glenda is an enthusiastic participant in ONEOK's company volunteer program — Volunteers With Energy, through which ONEOK employees devote time to service projects for local nonprofit organizations. One of Glenda's favorites is Habitat for Humanity, where volunteers work directly with a deserving low-income family to physically build a home for that family. ONEOK helps build a Habitat house in Tulsa every year, and she has participated for five years in a row. Through the Volunteers With Energy program, Glenda has also volunteered for many other community organizations and activities, such as Life Senior Services, Tulsa Indian Art Festival and Mayfest.

Glenda's fellow attorney at ONEOK, Pat Cipolla, says she is always encouraging him to volunteer with service projects, and that Glenda's commitment to service inspires those around her.

The apple has never fallen far from the tree in Glenda's family. The tradition of strong women and dedication to public service continues. Glenda's sister is a nurse who works and volunteers in Tennessee, and her daughter Christa, who often accompanied Glenda on volunteer projects while growing up, is studying to become a teacher like her grandmother and great-grandmother. Christa's busy days, like those of her mother, include, of course, devoting time and energy to volunteer activities.

Glenda firmly believes that service to others is one of the keys to a satisfying life. She sees the positive results of volunteerism in her own life and in her daughter's life. She is also encouraged by the dedication to volunteerism

she sees in young people today, such as those who seek jobs and are newly employed by ONEOK, drawn to the company in part because of its proven dedication to public service. Service to others is a way of life for Glenda, and it makes her happy.

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## Eric Cavett, Oklahoma City

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Every summer, children in communities across Oklahoma gear up for the playful days of fishing, swimming, sleepovers, playing baseball, campfire stories and summer camp. In those same communities live hundreds of ordinary children living through extraordinary medical challenges. These children too often watch from afar through the windows of nondescript buildings as other children play, ride bicycles and run, hoping for a time when illness no longer limits them. One young Oklahoma lawyer, Eric Cavett, is doing his part to carry on a family tradition of bringing the joys of barefoot summer fun to children with serious — oftentimes terminal — illnesses.

The Cavett Kids Foundation ([www.cavettkids.org](http://www.cavettkids.org)) was founded in 1997 by Eric's uncle and Children's Hospital chaplain, Danny



*Eric Cavett*

Cavett, with a vision of providing Oklahoma's chronically and seriously ill children the same access to outdoor fun as healthy kids. The foundation's purpose was to provide a summer camp experience for children with all types of serious and terminal diseases, so that these children could learn how to cope with their disease, build character and help connect with others in a similar situation. Fifteen years later, Cavett Kids Foundation has six such camps across the region, dozens of events throughout the year and the Diversionary Play program at Children's Hospital in Oklahoma City.

Eric, a young trial lawyer with Foshee & Yaffee in Oklahoma City, serves on the foundation's board of directors and is actively involved in the camps and in growing the foundation. His passion is seeing children with life-threatening illnesses overcome their diseases and, for at least one week, spend their days out of the hospital, on a life-memorable adventure at summer camp.

"It's truly one of the most rewarding experiences that you can ask for," Eric said. "Your life and your problems pale in comparison to this child's daily fight for his/her life. At camp, that child forgets she has cancer, kidney failure, etc. and gets to enjoy being a kid for once in her life. It's truly incredible."

The selflessness of his service comes naturally for the Mustang native, whose family foundation has helped tens of thousands of children and their families from across Oklahoma as they battle life-threatening illnesses. The foundation is inspiring, but Eric says, "more importantly, the inspiration comes after you see a child in a wheelchair, bald and sick as she smiles for the



*Attorney Eric Cavett makes sure kids with chronic and life-threatening illnesses have the opportunity for summer camp fun through the Cavett Kids Foundation.*

first time in many months after she reels in a five-pound fish on a boat at Lake Texoma" where one summer camp is held.

Many children in treatment not only miss out on traditional summer fun, but also typical character-building opportunities — like Boy Scouts and Girl Scouts, team sports, even after-school activities — due to their illnesses. Cavett Kids Foundation gives these kids a childhood the way we all remember it to be, "with hands in the dirt and a worm on the hook," as Eric says. "Camp allows these kids to establish an identity away from the treatment room, to instill confidence while creating connections. This is the Cavett Kids experience — reminding campers their illness does not have to limit their ability to have a full life."

"It's hard to find the time, but you do it," Eric said. "You do it because you

believe in the cause and you believe that every child, regardless of their illness, should have at least one chance in their life to leave all the medications, doctor's visits, tests and needles behind to have fun during summer camp. And

**“ What started as one camp and a dream has now blossomed into six camps serving about 360 children with various life-threatening and chronic illnesses each year. ”**

when it's over, you can't wait for the next camp, when you get to meet the most amazing children."

Eric believes it is incumbent on lawyers to give back "because we possess an incredible talent not many people have to offer — leadership. Whether it's being a deacon at church or coaching a little league team, lawyers lead the community."

Cavett Kids is successful because of the hard work of dedicated staff and volunteers — from dialysis nurses who keep bedside vigil each night to the local fishermen who return every year to take the children fishing. Knowing that their children are safe and happy also gives parents the rare opportunity to relax and enjoy their temporary respite from daily caretaking duties.

"Helping others solve problems is what we do daily, but some of these kids' problems can't be solved," Eric said. "The least we can do is give of ourselves to provide these kids a summer camp."

### LESSONS FOR CAMPERS

Cavett Kids strives to instill in its campers three important lessons known as "The Three Cs:"

- Teach **cop**ing skills in a nurturing, fun environment
- Build **char**acter by reinforcing positive expectations and encouraging personal growth
- Establish meaningful **con**nections between children who often feel isolated from their peers.

The Three Cs are the cornerstone of each camp and the main reason that Cavett Kids activities so often becomes a transformative experience for both campers and volunteers. Volunteers speak of the amazing opportunity the camp presents to give back and have fun while helping Oklahoma children enjoy summer.

What started as one camp and a dream has now blossomed into six camps serving about 360 children with various life-threatening and chronic illnesses each year. The diagnoses may differ — leukemia, heart disease, cystic fibrosis and Crohn's disease to name just a few — and the treatments and outcomes may vary, but a common experience links all campers together, creating a unique environment where children

hear stories that sound remarkably like their own. For many, camp is the only place where these children feel truly understood, where they never feel left out.

"We live such different lives from the rest of the world," said Paige, a camper diagnosed with non-Hodgkin's lymphoma. When we come to camp, for once, we're normal."

Each camp fosters independence and self-sufficiency; it creates a sense of being able to do normal things while dealing with extraordinary challenges. In the process, support systems are formed, friendships that campers can rely on long after camp is over and the hardships of normal life have resumed.

"Children feel it and parents see it," Eric said. "Children come home tired but happy, fortified by fun and sunshine, excited about the challenges they faced and the friendships they made, instilled with newfound feelings of independence and — most important of all — proud of themselves and all that they accomplished."

Thanks to this young lawyer, his family and the host of caring Oklahomans, including the legal community, who volunteer at the camps and activities! When summer ends and Cavett Kids go back to school in the fall, these kids will have their own camp stories to tell. Isn't that extraordinary?

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Steve A. Coleman, Midwest City

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"Thank you for your service" is a statement of gratitude often expressed to men and women who have served our country in military service. More often than not, the sentiment is coupled with a warm smile and a hardy handshake.

Oklahoma attorney Steve Coleman is part of a team that offers more — much more — in gratitude to United States veterans. Steve is chairman of the board of directors of Oklahoma Honor Flights (OHF). It is estimated that nationally 750 World War II veterans die each day, therefore the mission of Oklahoma Honor Flights is simple: Transport Oklahoma veterans to Washington, D.C., to visit those memorials dedicated to honor their service and sacrifices.



"Oklahoma Honor Flights was organized in the fall of 2009 as an official affiliate of Honor Flight Network Inc. in Springfield, Ohio. Oklahoma became the 31st state to stand up as a "hub" to support the national effort. Oklahoma Honor Flights is a not-for-profit 501 (c)(3) volunteer organization created solely to honor Oklahoma's veterans."<sup>1</sup> With the completion of the June 5, 2013, flight, OHF has taken more than 1,400 World War II veterans on 15 flights. There are more than 200 Oklahoma World War II and 105 Korean Conflict veteran applications on file awaiting this opportunity. OHF has plans for two more flights in 2013 to honor Oklahoma men and women who helped change the world 65 to 70 years ago.



*Lawyer Steve Coleman (left) accompanies retired Judge John Amick, a World War II veteran, on an Honor Flight to Washington, D.C. Also pictured is OBA member Andria Stark Heafy, who serves as volunteer Honor Flight photographer.*



*Steve Coleman*

Led by Al Willoughby of Midwest City, Steve was part of the team collectively deciding in 2009 that Oklahoma World War II heroes should not have to travel to Texas to be honored for

their world-saving heroics. In 2009, Mr. Willoughby had traveled to Texas to participate in an Honor Flight sponsored by Dallas Honor Flights to visit the newly opened World War II Memorial. Mr. Willoughby was so moved by the experience, he turned to his Midwest City friends to begin an Oklahoma Chapter of Honor Flights. In November 2009, Gov. Brad Henry held a press conference at the State Capitol and urged all Oklahomans to support the newly created Oklahoma Honor Flights and its effort to honor Oklahoma World War II veterans in this special and unique way. Since 2009, individuals and leaders from across the state have generously and enthusiastically supported Oklahoma Honor Flights.

Steve is quick to praise the team that works tirelessly to coordinate the Honor Flights. He tells personal anecdotes acknowledging the efforts of the board of directors. Steve applauds the work of Rep. Gary W. Banz and his wife, Linda, of Midwest City, who review and manage almost all of the paperwork: applications from volunteers, veterans, guardians and donors, along with flight details, tour itinerary and scheduling. The board of directors solicits gifts from individuals and organizations to finance the Honor Flights and purchase the tokens of appreciation given to the veterans at the "Sendoff Reception" the night before the flight. Donors include businesses, schools and organizations, individuals and families, and a fair number of financial gifts in memory and

honor of loved veterans. Steve estimates that of the approximate \$2 million raised for honor flights, more than one-third of it can be traced directly to the generosity and creativity of Oklahoma lawyers.

The genesis for Steve Coleman's penchant for teamwork and community service probably began in school at Del City High School. As a freshman, young Steve idolized the upper class football players, especially a senior player named Bob Kalsu. Mr. Kalsu took a liking to Steve, remembering his name and encouraging his athletic participation. Mr. Kalsu returned to Del City in the summers to call evening practice for the high school players. He would direct the players through agility and running drills, dividing the players for games of touch football. Mr. Kalsu was confident and commanding, a born leader. He made an impression on young Steve, who watched as Mr. Kalsu was recruited by Bud Wilkinson to play for the Sooners in 1963 and matured into one of the best offensive linemen ever to play for the Sooners. Mr. Kalsu was later drafted in the eighth round by the Buffalo Bills of the American Football League. In early 1969, after his rookie season with the Bills, Mr. Kalsu, a man of integrity, honored his promise to satisfy his ROTC obligation by serving his country on active duty.

On July 21, 1970, James Robert Kalsu became the only American professional athlete to die in combat in Vietnam. Only seven active pro athletes would serve in Vietnam: six football players and a bowler.<sup>2</sup> Kalsu left behind a wife, daughter and son, who was born two days after his death. He also left behind many who mourned his death, among them a young Steve Coleman who treasured Kalsu's memory and his legacy.

Years later, Steve Coleman heard Al Wiloughby present the idea to honor America's servicemen and women by creating Oklahoma Honor Flights. Steve Coleman thought of Mr. Kalsu and long ago, carefree summer evenings filled with football practice and promise, of leadership and friendship, of dreams and deaths of men taken too early from loved ones and friends. Oklahoma Honor Flights, thought Coleman, would honor Mr. Kalsu and others like him who sacrificed so much for our country. The heroes of the greatest generation deserve no less.

**“ Steve Coleman  
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Honor Flights. ”**

Steve Coleman's eyes light up when he talks about Oklahoma Honor Flights. He describes the Sendoff Reception, held the night before the flights, which includes a "Parade of Patriots" as each veteran walks or is assisted into the reception hall by a young man or woman, usually a member of ROTC or a high school student. The name and picture of each veteran is shown on the big screen monitor and details of the veteran's military service are provided. The parade is interrupted by frequent applause from proud friends and family. As each veteran stands face to face with his young escort, the student hands the soldier a commemorative Oklahoma coin in thanks and recognition for service to our country. In return, the veteran gives the student a pocket Constitution, provided by the Oklahoma Bar Association, symbolizing the freedoms embodied in the U.S. Constitution they fought to protect. The veterans pause to remember their fellow soldiers who did not return home from war.

The charter flight leaves early the next day taking the veterans, their guardians for the flights and volunteers to Washington D.C., for the day trip. Steve says that "something magical always happens on each trip." He never knows what it will be beforehand but something spontaneous and special happens every time. He tells of the time school children from Corpus Christi, Texas, surprised the veterans with an impromptu chorus of "God Bless America" and then formed a line to personally shake hands and hug every veteran. He tells of crowds parting at war memorials and at the Tomb of the Unknown Soldier to allow the veterans to move to the front of the line. He tells of teary-eyed hugs given to the veterans from strangers who are too choked up to speak a

word and of hats and baseball caps removed from heads and respectfully placed over hearts when the veterans pass by. All day long, the veterans receive recognition and thanks for their service. They are photographed and asked to tell their stories. On the day of their Honor Flight, each veteran enjoys a day of glory.

Steve Coleman shies away from personal recognition for his service. He would rather encourage Oklahomans to make a donation to Oklahoma Honor Flights. He would rather talk about Oklahoma Honor Flights and Oklahoma veterans, the work of Rep. Gary and Linda Banz and the OHF Board of Directors, and the contributions of many attorneys who have supported OHF such as Jami Antonisse, Jim Waldo, Bob Nelson, Mack Martin, Andria Stark Heafy, Steve Barghols and Steve's own son Steve J. Coleman, to name only a few. Steve's daughter, Amanda Busch, who practices in San Francisco, flew home to Oklahoma to participate in an honor flight to honor both of her World War II veteran grandfathers. Retired Judge John Amick was also an honoree on a flight!

Steve Coleman has been an OBA member for 39 years, officing in Midwest City. He and his wife, Lori, have six children between them, two of whom are attorneys. He is the proud grandfather of five grandchildren! Steve's work with Oklahoma Honor Flights provides him the opportunity to work with other great volunteers in honoring the heroes of the greatest generation for their service to the United States. In a smaller and more personal way, it also provides Steve the opportunity to honor the memory and legacy of his friend Bob Kalsu.

1. "Oklahoma Honor Flights" by James R. Waldo, *The Oklahoma County Bar Briefcase*, December 2012, p.1, Vol.44, No.12.

2. "A Name On the Wall," *Sports Illustrated*, July 23, 2001, <http://goo.gl/4OAAFa>.

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## Mac Finlayson, Tulsa

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Mac D. Finlayson is with the Tulsa law firm of Eller & Detrich PC, where he practices business and consumer bankruptcy law and creditor's rights law. But Mac has another life far afield from the practice of law; he has been a member of the Rotary Club of Tulsa for 17 years and was the 2009 Rotarian of the Year. Founded in 1915, the club has always been

about service to others, both locally and internationally. It is Tulsa's largest community service club and one of the 10 largest of over 33,000 rotary clubs worldwide.

Of the many community service projects administered by the club, Mac is passionately involved in two in particular: the Partners in Education program with Celia Clinton Elementary School and the Henry P. Iba Citizen Athlete Awards.

The Rotary Club of Tulsa is connected with Celia Clinton Elementary School through the Tulsa Public Schools Partners in Education Program. This program connects students and teachers with corporate, education, volunteer, government and civic leaders. These partnerships help educators improve the academic and personal growth of all students. Through the Rotary/Clinton partnership, Mac has been a mentor to numerous children which includes serving as a "lunch buddy" with a student, having lunch with the student once a week. Many times Mac and his student will simply sit and talk about what is going on in the student's life. He recalled one student he mentored who was graduating from the fifth grade but the student's parents were not going to be able to attend the graduation ceremony. Mac attended in place of the parents so the student would not feel alone.



Mac Finlayson





*Because of his time spent as a volunteer firefighter, Mac organizes the Celia Clinton Elementary School fire safety program.*

Mac has also been a volunteer firefighter with the Beggs Rural Fire Department for 10 years and currently is department captain. Because of his knowledge and concern about fire safety, Mac organized a number of fire safety programs for the Celia Clinton students. At the demonstrations, the students are taught how to “get low and go” by watching “Sparkles, the Fire Safety Dog,” demonstrate how to get low to the ground, scoot out of the smoke and fire and get to the “meeting place.”

One of the students attending such a demonstration in the fall of 2009 was 5-year-old Angelica. A few weeks after the training, a fire broke out at Angelica’s home, and she used what she had learned at the school fire safety demonstration to get herself out of the burning house. She alerted neighbors about the fire and that her father was still inside. Angelica’s actions saved both her life and that of her father, all because of the fire safety demonstration Mac organized.

In addition to mentoring and fire safety programs, Mac teaches junior achievement, a form of financial literacy and exposure to the real business world, to the Clinton students. One of Mac’s goals with this program is to get the students to retain the concepts of the program after it is over in order to increase their likelihood

of achieving financial success later in life.

Apart from Celia Clinton School, in 2009, Mac mentored 18 high school students at Nathan Hale High School in the Tulsa Achieves program under which Tulsa high school students receive free tuition to Tulsa Community College if they meet the requirements of the program. There are a number of deadlines, numerous documents to fill out and other requirements that must be met to be eligible to receive free tuition at TCC. All 18 students were successful in meeting all

the program requirements under his mentoring and were able to attend TCC tuition free.

Mac’s other passion with the Rotary Club of Tulsa is the Henry P. Iba Citizen Athlete Awards dinners which began in 1994. The Iba Awards are given in recognition of America’s premier athletes who have excelled in their sports and have shown by their actions a desire to help others. These athletes’ outstanding personal involvement and success in their chosen work have made them heroes in the eyes of the world. The Rotary Club uses the proceeds from these highly successful dinners to fund the



*Mac after extinguishing a wildland fire.*

Rotary Foundation, which benefits local nonprofits with an emphasis on projects benefiting young people. Mac has been involved with the dinner the last 15 years and spends an unbelievable amount of time arranging for the honorees, dinner speakers and masters of ceremony. Evidence of how time consuming Mac's work with the award dinners is can be seen by the fact that the work on each year's dinner starts the day after each preceding year's award dinner. Some of the many notable sports celebrities Mac has contacted and dealt with include Peyton Manning and Drew Brees. Adrian Peterson and Swin Cash were the honorees at the dinner this past June.

"Mac is willing to give back, give back and give back, regardless of the circumstances," said Ron Butler, winner of the Rotary Club of Tulsa



*From left: Mac; Steve Rushin, author and Sports Illustrated staff writer; Lynn Swann, Pittsburgh Steelers; Will Shields, 2005 NFL Walter Payton Man of the Year; and Amy Alcott, WPGA Hall-of-Famer at the 2005 Iba Awards.*

**“Others have given everything for us in one form or other. If we do not perpetuate that philosophy, I fear we will devolve into a society where compassion is lost.”**

"James G. Saied Service Above Self ... and Then Some" award.

As if all this weren't enough, Mac is also an apheresis donor for the American Red Cross. In Mac's case, this means that during a 3.5-hour procedure, he donates platelets which are then infused into children suffering from leukemia.

When asked why he is so active in the Rotary programs and spends so much of his time away from his law practice, Mac replied: "I joined the Rotary Club of Tulsa not to help oth-

ers and contribute to the community — I was already doing that on my own through a variety of organizations. I joined Rotary to be around others who did and believed the same. Then, I discovered how much more could be accomplished with large numbers driving the effort. While we have to be realistic and fulfill respon-

sibilities to our families, profession and communities, I believe we must be (as Mouzon Biggs [well-known Tulsa minister at Boston Avenue Methodist Church] would say) "other-centered" when it comes to the less fortunate. Others have given everything for us in one form or other. If we do not perpetuate that philosophy, I fear we will devolve into a society where compassion is lost. Not everyone needs to be a firefighter, police officer, teacher or physician, but we need to use the tools we have been given to help those who have few or no tools to assist them."

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## Gaylene Flanary McCallum, Bartlesville

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*Gaylene Flanary McCallum*

Gaylene Flanary McCallum's signature smile and hardy laugh are big and genuine and inviting. Upon first impression, one might think she's led an ordinary life, and she is just another lawyer. But that could not be further from the truth. She is an extraordinary person who has an uncommon ability to handle life's unexpected changes. "Change Happens," has grown to be her motto over her lifetime. Of course, change happens to all of us, but Gaylene's journey has had more than the usual twists and turns, ups and downs. Gaylene has a wonderfully unique attitude toward change, especially toward the unexpected changes life sometimes hands out.

Helping others, especially those who cannot help themselves, is her true passion in life, and practicing law is but one of the many ways she

does that. She gives quietly and without fanfare or recognition.

In 1946, K.J. Flanary was a young MP in the U.S. Army at Ft. Sill. On a cool autumn day in November 1946, he was called out to respond to a report relating to an infant child being left alone for days at time. When Flanary got there he found a two-month-old baby girl, filthy and extremely malnourished. He took the infant directly to the local judge so he could see the child for himself. Flanary was immediately given temporary custody of the baby until the child's mother was located. Two days passed before the mother was found. And on the day she showed up, the woman relinquished her parental rights, and for a fee of \$5, a local lawyer drew up the adoption documents, and Gaylene Flanary became the daughter of K.J. and Dot Flanary.

Gaylene was raised as an "Army brat" — a term she carries with honor — moving frequently and living all over the world until her mother decided, "Gaylene is going to only one high school." Her father, a helicopter pilot, took a job as a flight commander at Fort Walters Helicopter School in Mineral Wells, Texas, where Gaylene graduated from high school at age 16.

Gaylene went to the University of Texas in Arlington but went home each weekend so her father could teach her to fly airplanes. By the time she turned 18, she'd earned her private pilot's license. She graduated with a degree in public administration, hoping to eventually become an airport manager. Shortly thereafter, Gaylene and her new husband, Norman McCallum, moved to St. Louis where she worked for Gray and Stewart, Attorneys at Law. After living there a couple of years, she and her husband moved back to Texas where Gaylene went into business with her father. Armed with commercial, rotorcraft, multi-engine and flight instructor ratings, Gaylene joined her father at Flanary Flying Service, a flight service and training school, focusing on teaching Vietnam veterans who had come back from the war with helicopter ratings how to fly fixed-wing airplanes. They also had a charter service, a jump club, did aerial inspections of power and pipe lines, took aerial photos for real estate companies and when necessity arose, picked up and transported dead bodies.

## A CHANGE IN PLANS

Being a pilot was her first passion, and she loved it. However, after a few years, she began having problems when flying into unfamiliar airports. It terrified her. She couldn't hear flight control and she didn't know why. Shortly thereafter, in her late 20s, she was diagnosed with a severe hearing loss as result of nerve damage to the otic nerve due to a childhood illness. Upon the realization her hearing would continue to deteriorate, and eventually leave her 'legally deaf,' she knew she could no longer safely pilot an airplane, and along with that came the gradual end of Flanary Flying Services. It was an unexpected and disappointing change, but it wouldn't stop Gaylene.

She and her husband moved to Dallas, where Gaylene worked in property management and real estate. This is when Gaylene decided she wanted to go to law school. Upon application, she was accepted to SMU School of Law; however, as sometimes happens in life, she came to a fork in the road. Just weeks before the start of school, she learned she was pregnant with her first child, Kenneth. Motherhood called, so law school would have to wait — at least temporarily. After the birth of her son, she reapplied at SMU and was again accepted. Ready to walk that path again, she learned she was pregnant with her second son, Kyle. And when her husband's job transferred him to Bartlesville, they moved. Another unexpected change in plans, her dreams of law school became a thing of the past (at least that's what she thought at the time).

Her hearing loss continued to worsen, and she hated it. She'd already lost her cherished career as a pilot, missed a chance to go to law school and now was in an unfamiliar city. In the beginning, due to her worsening hearing loss, she was apprehensive about going out to unfamiliar places and didn't even go shopping without a shopping buddy. She was "just so afraid of being deaf" it almost stopped her. But that was not "Gaylene."

While in Bartlesville, Gaylene enjoyed working as a stay-at-home mom to Kenneth and Kyle, but as they grew older, she began doing some temporary contract work for Phillips



**“ ...she began having problems when flying into unfamiliar airports. It terrified her. She couldn't hear flight control and she didn't know why. ”**

Petroleum, while attending the University of Tulsa where she graduated with her M.S. in applied mathematics.

Then life handed her another major change; after 23 years of marriage, she divorced. She was now a single mom raising two boys on her own, with no solid plans for the future. As Gaylene put it, "Middle-age divorce was a blow to my ego, and I knew I just needed to do something that made me feel good about myself, and that would make my boys proud of me." So, she packed up her two teenagers, and back to school she went, this time to the University of Oklahoma where she got an MBA. Immediately after graduate school, she applied and was accepted to OU College of Law, walking the path she thought had been closed to her years before. As a bonus, Gaylene was surprised when, even though she had not applied for it, she was awarded the United Handicap Workers of America Scholarship, not only because of her verified handicap, but also because of her exemplary grades and her history of serving the Norman community.



Being deaf made law school hard for her. Even though the United Handicap Workers of America provided her with a loop system to assist her, most of the professors were reluctant, or just refused, to wear the required microphone. At the end of her first semester, one professor said to her, "I'm surprised; you really are quite bright," to which she replied, "I don't hear; I'm not stupid."

And then something happened that again changed the course of her life. She met fellow law school student, Curtis DeLapp (who is now the Washington County district judge). Gaylene struggled to hear the lectures in class, making note-taking impossible. She noticed that Curtis would take meticulous and extensive notes, so Gaylene offered to type them for him. According to Gaylene, "They both ended up with a great set of notes." It was a symbiotic relationship that continues as a life-long friendship. They both received their J.D. degrees in 1991.

Being deaf, a single mom and struggling through law school did not stop her from serving others. While in school, she served on the board of Oklahoma Women in Law, was on the Moot Court Committee and volunteered as an intern at the pro bono clinic.

Gaylene persevered through law school remembering the advice she received from her friend and Bartlesville lawyer, Jerry Pierce: "Make sure you come out of law school as a lawyer who just happens to be deaf, not as the 'deaf' lawyer."

Becoming a lawyer was the fulfillment of Gaylene's second passion in life. She practiced in Norman a couple of years, but when her father was diagnosed with dementia and her mom became blind, she moved them with her to Hugo – just what the doctor ordered for her father: a small town. Soon afterward, her son Kyle relocated there also. Gaylene opened a law practice in Hugo in 1994 and hired Kyle as her part-time investigator. Gaylene continued to care for her parents until their deaths, focusing her practice on providing legal ser-

vices for the poor and "those who fall through the cracks."

## MORE BUMPS IN THE ROAD

Gaylene's life took another detour in 1999 when she was diagnosed with a brain tumor. But, Gaylene would not let this 'bump in the road' prevent her from doing what she loved. She continued to practice law and serve her clients. As a bonus, Kyle decided to go to law school, and upon graduating, returned to Hugo and joined his mother's law practice. Everything was "normal" for seven or eight years.

Then in 2008, Gaylene had a devastating car accident that left her with two shattered vertebrae in her neck and back. It was debilitating, and she couldn't practice law. After a couple of

years, with medical expenses adding up and little income coming in, Gaylene left her law practice in the good hands of her son and moved back to Bartlesville to live with her cousin, with the dwindling hope of ever practicing law again. She couldn't walk, had no money and no career. But 'giving up' is not in her nature, and she well knows how to handle unexpected change. Struggling through months of treatment and rehabilitation, Gaylene's passion for her clients and determination to serve oth-

ers again drew her back into the practice of law. She opened a small law office in Bartlesville where she began to work a few days a week. Eventually she was able to spend some time in her Hugo office, practicing law with her son again. Today, she is practicing part-time in both law offices.

Gaylene is a giver. She is a voice for those who cannot speak for themselves. Among those who call her "lawyer," "counselor" and "friend" are victims of domestic violence, children and the poor. She provided free legal services for victims of the Oklahoma City bombing and served as a volunteer lawyer for Spirit of Hope, a Native American tribal coalition devoted strictly to provide pro bono services to Native American women who are victims of domestic violence. During the course of her service at Spirit of Hope, Gaylene lost clients and their

**“ Gaylene is passionate about protecting her clients' rights and is always the first to step up and take a case pro bono when asked by the court. ”**

children to death at the hands of their abuser, and it continues to affect her perception of domestic abuse and her determination to serve those subject to it. Gaylene serves as a volunteer lawyer for the OBA Lawyers for America's Heroes program and gives free legal information and advice to participants in a local organization, Bridges Out of Poverty.

Her current "passion" is serving children. She provides numerous hours of pro bono services to the Washington County District Court serving as attorney and guardian *ad litem* representing children in adoption, juvenile deprived and child custody cases. She serves on the board and is an integral part of the Washington County School Supply Drive (Pack a Backpack). Among her other duties with the organization, she takes off work five days every year to help with the packing and distribution of the more than 2,500 backpacks that are provided to impoverished children in the Bartlesville area. Working with her son Kyle, Gaylene is establishing a counseling service in Hugo, focusing on the needs of children (at little or no cost to the family, of course). While still in its infancy, it's another project that occupies her time and attention.

Judge DeLapp says of his friend Gaylene, "We began law school together in the fall of 1988, and I have been impressed by her every day since. Gaylene was always prepared to argue her convictions regarding the law and its application when confronted by law school professors or other law students. She carried those convictions into private practice and has represented her clients in numerous counties before numerous judges. Gaylene is passionate about protecting her clients' rights and is always the first to step up and take a case pro bono when asked by the court. While she is serious about the law, she does not take herself too seriously and has a great sense of humor that still keeps me laughing. Some of my fondest memories of law school involve my friendship with Gaylene. Over the last 25 years, I have always been able to pick up the phone and call her when I need to laugh or have someone give me frank, honest advice. A practice that I know will continue in the future."

Gaylene does not think of herself as handicapped, and neither do those around her.

"Being hard of hearing is just one tiny part of me," she said. "I'd hate for anyone to take that

as defining me. I don't want to be anyone's role model — I have so many flaws."

She adds, with a sheepish grin, "It seems I'm always in trouble with someone."

"Obviously, I will never be a rich lawyer," says Gaylene with that signature smile and laugh of hers. "I'm old, and I have expenses, but some things other lawyers are concerned about, I'm not. I don't have much money, but I can donate my time to community service."

Gaylene isn't quite sure if she will "retire" as a lawyer. She says, "You never know what's out there. I just still don't know what I want to be when I grow up. I'm 67 years old and not sure this is what I want to do the rest of my life. I may end up running a grocery store. I don't know if this is my last career, but I do know I'll be working 'til they cart me off."

Gaylene is not a prideful person, except when it comes to her sons, Kenneth and Kyle. She says she couldn't be prouder of them and feels honored that when choosing their life careers they followed her two passions: law and aviation. Both of her boys continue to live in Hugo, where Kyle practices law and Kenneth is an avionics engineer.

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## Kade and Kate McClure, Lawton

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The Fort Sill military installation is an integral part of the Lawton community. The need for legal assistance on base and downtown for military personnel is enormous. In addition, southwest Oklahoma has a significant poverty population with legal assistance needs. The solution for these challenges in Comanche County for the past 30-plus years has been the efforts of the team of Kade A. McClure and Kathryn "Kate" A. Rodgers McClure.

For more than 35 years, Kade has served the community as managing attorney of the Lawton Office of Legal Aid, now Legal Aid Services of Oklahoma Inc. He has served as Comanche County Bar Association president and recently chaired the OBA Access to Justice Committee. He opened the Lawton office in 1977, which now provides legal services for low income and senior citizens in 10 southwest Oklahoma counties.



*Kade and Kate McClure*

Kade and his staff attorneys provide legal assistance which prevents domestic violence, protects consumers' income and assets and promotes maximum independence and dignity for those with disabilities and senior citizens.

"The toughest part of my job is turning away applicants who qualify financially," Kade said.

During the decades as the Lawton Legal Aid office managing attorney, he has hired and mentored many attorneys, paralegals and volunteers. John Roose, who was a staff attorney for Legal Aid Services in Lawton from 1998 to 2006, said of Kade, "He was always available for me in times of legal crisis, and he has helped shape my legal career in the most positive, ethical and professional manner."

Kade is as passionate as ever about the work he does and the selfless attorneys he has worked with over the years.

"Besides representing clients on their individual cases, the most rewarding aspect of my practice has been the opportunity to hire, train and mentor lawyers who believe – as I do – that nonprofit representations of Americans at the bottom of the economic spectrum validates our Constitutional guarantee of equal access to justice," Kade said.

Directing attorney in the Lone Star Legal Aid Houston office, Errol Summerlin, has known Kade for 34 years; he gave Mr. Summerlin his first job as a Legal Aid lawyer.

"The day of my initial interview, a typical Oklahoma norther' hit and I had to drive from Oklahoma City to Lawton in a raging blizzard. Kade and I were the only ones in the office that day. After the interview, he told me that anyone who would drive through that snowstorm – just for a chance to work with Legal Aid – was worthy of the position. He hired me two weeks later," Mr. Summerlin recalls.

He perceives Kade as a lawyer who corrects inequities within our society and one who is truly dedicated to assisting those who would go otherwise unrepresented.

In his first Legal Aid job under Kade's guidance, Mr. Summerlin was faced initially with Native American issues. He recalled that his superior was particularly troubled with the treatment Native Americans were receiving from the government and regulatory authorities.

"Kade threw me into the fire, assigned me to the Legal Aid of Oklahoma satellite office in Anadarko and mentored me as we tackled the Bureau of Indian Affairs, the courts and the community-at-large in restoring — in some measure — the respect and dignity of our Native American clients," Mr. Summerlin recalled.

Mr. Summerlin said Kade never misrepresented a fact, circumstance or condition, nor did he ever attempt to take advantage of anyone.

Kade's energy, love of life and "clients are always first" motto have stayed with the young man he interviewed during a snowstorm 34 years ago and helps guide him in his work to this day.

Eric Davis was employed by Kade at Legal Aid of Oklahoma Services of Lawton from October 2010 to May 2012. Mr. Davis is now employed as a staff attorney at the Oklahoma Corporation Commission.

Mr. Davis recalls, "Kade patiently fielded my questions and readily shared what he knew from experience. He encouraged me to serve on the boards of the Young Lawyers

Division and Teen Court. He was enthusiastic about the mission of Legal Aid and his commitment to assisting our clients. He was clearly influential in my professional development."

Kathryn "Kate" Rodgers McClure's first legal practice was with Legal Aid after her graduation from the National Law Center at George Washington Law School in Washington D.C. She practiced family and consumer law. She subsequently moved on to the Lawton Great Plains Child Support Office representing the state in administrative and judicial proceedings.

"Children were easy to get passionate about since they are among the most vulnerable Oklahomans," Kate said. "Being able to enforce their rights to child support, ensure their health and education was very satisfying."

Vicki Spurgeon, staff attorney at Great Plains Child Support Enforcement who worked with Kate for 12 years says of her former colleague, "She is the most humble yet inspirational mentor I have ever had in my legal career."

Ms. Spurgeon further said, "I was abundantly blessed to have worked with Kate so many years in OCSS and in community projects in our professional and personal capacities. Words simply cannot convey the fingerprint that she has made in our legal and local community."

Kate's tenure with the Department of Human Services Child Enforcement Division was from 1990 until 2002. She was recognized as Oklahoma's Child Support Employee of the Year in 1995.

In March 2010, she became chief of the Client's Services Branch of the Office of the Staff Judge Advocate at Fort Sill. She is responsible for supervising military and civilian legal per-

**“ They have given their talents to this community without need for praise. The McClures have raised the bar with their integrity to assist whenever and wherever required. ”**



sonnel as well as counseling and assisting active duty and retired military personnel and their family members.

She counsels on family, consumer, immigration, landlord tenant, real and personal property, insurance, wills and estates, and military administrative matters. A big part of her position is supervising lawyers and paralegals. She has been impressed with the high caliber of military lawyers assigned to Fort Sill from all parts of the country.

"It has been fun to work with these young lawyers, some just out of law school," Kate said. "They are sharp and highly motivated. I am privileged to be able to provide a background of Oklahoma law, and they are incredibly dedicated in assisting our soldiers with their personal legal affairs."

She has also served as an adjunct professor at Cameron University teaching legal procedures and civil law in the criminal justice program. She currently serves on the OBA Military Assistance Committee and as a pro bono volunteer.

2011 OBA President Deborah Reheard, who chairs the OBA Military Assistance Committee, said, "Kate is my favorite volunteer. She never misses committee meetings. She shares with us valuable knowledge about military matters. Kate is most knowledgeable and passionate about any task assigned to her."

Both Kade and Kate McClure have made a profound difference in southwest Oklahoma. Both are humble and unassuming. They have given their talents to this community without need for praise. The McClures have raised the bar with their integrity to assist whenever and wherever required. The OBA and our community salute them.



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## John W. Michael, Jefferson

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Retired District Judge John W. Michael is happily married to his wife of 25 years, Cheri. He is the father of three sons, Seth, Drew and Johnie; and the son of a Pond Creek minister. He served from 1975 until 1985 as an associate district judge for Grant County and from 1985 until his retirement in 2005 as a district court judge for Garfield County. Now, every Thursday and whenever otherwise necessary, he breaks from growing wheat and milo and raising cattle to drive south to Enid from his farm near Jefferson. There, he presides pro bono over the Garfield County drug court and helps citizens to better their lives.

Drug court is a judicially supervised rehabilitation program for non-violent, felony drug and alcohol offenders. In lieu of incarceration, drug court offers participants treatment and the opportunity to get a clean record. The numbers prove drug court successful. Graduates are 56.7 percent less likely than released inmates and 38.5 percent less likely than successful standard probation offenders to be rearrested. Graduates are 86.7 percent more likely to be employed, 29.6 percent more likely to have at least a high school education and 53.8 percent



*John W. Michael*

more likely to have their children living with them at home than they were upon entry to drug court.

The success of drug court stems from its comprehensive approach. It is a joint effort between the court, the district attorney, treatment providers, defense counsel and the participants themselves. Every participant is subject to randomized urinalyses and mandatory individual and group counseling sessions. Every participant is required to regularly appear in court. And every participant is rewarded at every appearance with either “goodies” and a round of applause for keeping clean or the “walk of shame” and a scolding for falling by the wayside.

John is at the center of the Garfield County drug court. Before every hearing, he meets with the drug court team and meticulously analyzes the progress of each participant. Drug court coordinator Judy Helberg de-



*Retired District Judge John W. Michael presides pro bono over the Garfield County drug court every Thursday in Enid.*

scribes him as “compassionate, fair and non-judgmental.” His sole concern is helping participants help themselves, their families and the community.

**“ Drug court is different. Its entire focus is on improvement. There are no losers. When a drug court participant succeeds, his family and community succeed as well. ”**

That concern is reflected in his approach to the participants themselves: authoritative but respectful and supportive. In meeting with the drug court team, he opts to call one participant first so that she can make it to work on time and to not confront another participant about a suspected night at the bar. “I don’t want to make a liar out of him... If he’s smart, he’ll lie to me.” Later, at the hearing, he reminds one participant that drug court appearances and urinalyses take priority over work and advises another participant “that should be reason enough not to smoke” after she blames her failure to work ordered community service hours on a mix-up caused by a smoke break. He scolds one participant for missing a mandatory counseling session. “You understand how important this is?!” In preparing to meet with juvenile offenders, he emphasizes school grades and family life and always the future. Ms. Helberg believes the genuine care the judge has for the well-being of the participants leaves many personally disappointed in themselves whenever they succumb to new use or noncompliance. It also motivates them to try harder to conquer their addictions and abusive habits.

John began to train for and preside over the Garfield County drug court in 1999. Though he retired in 2005, he continues his work with drug court because he is passionate about the positive effect it has on the community.

Much of the work of judging is determining who wins and who loses. Much of the work of judging in criminal proceedings is protecting

the community, not necessarily about improvement. Drug court is different. Its entire focus is on improvement. There are no losers. When a drug court participant succeeds, his family and community succeed as well.

The emphasis on success and improvement permeates everything about the judge, who also regularly volunteers to conduct civil marriage ceremonies and once attended a school open house meeting on behalf of a drug court participant. He takes pride in the successes of drug court graduates, including one who now works to establish halfway houses and as a fundraiser for sober living environments and another who returned to school and has now earned a master’s degree. As he describes it, drug court gives him the opportunity to “do that part of judging that [he] love[s] doing” and to “see real success.”

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## James Murray, Stillwater

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Stillwater attorney James V. “Jamie” Murray became involved in the Boy Scouts of America at age 11. He earned the rank of Eagle Scout by age 14. He continued to be involved in the Scout program as an adult, attending law school in Norman and serving as Scoutmaster



*James Murray*



*Scoutmaster Jamie Murray of Stillwater inspires a group of young Scouts during a rally.*

in the Norman area for two of the years he was in law school, graduating in 1985.

After graduation, Jamie concentrated on building his family and proudly added five sons to the Murray household. In 1989, he became Cubmaster for the Cub Scouts and has continued his active service until this day including attending Scout camp for more than 15 years. Jamie is also a regular at monthly campouts and Trappers' Rendezvous by Newton, Kan., every year.

"Scouting meant a lot to me and taught me life skills that have been of value to me even as an adult," Jamie said. "I wanted my sons and the other boys in my community to have those same opportunities."

In 2001, Jamie started a flag service in Stillwater as a fundraiser for his Scout Troop 822. Six patriotic holidays were identified through the year for display of flags at local businesses and residences around the community. The troop currently sets out approximately 75 American flags on each of these patriotic holi-

**“Despite a heavy general practice in Payne County, Jamie continues to spend hundreds of hours per year in the Scout program.”**

days and is able to raise in excess of \$4,500 each year.

In 1997, 2007 and 2013, Jamie organized and chaired Oklahoma-LDS Boy Scout Encampments. This is a three-day event involving between 600 and 900 scouts and leaders from all over the state of Oklahoma along with Scouting partner the Church of Jesus Christ of Latter-day Saints. The goal of the encampment is to teach core values to young men. The activities include programs, competitions, skills and physical feats and takes place on a 75,000-acre ranch in Osage County owned by the LDS Church.

Jamie attended the Philmont Scout Ranch in New Mexico for a two-week period in 2012, hiking over 75 miles with his Troop 822 of the Cimarron Council. All five of his sons obtained the rank of Eagle Scout. Jamie has completed Wood

Badge Training. He has been awarded or earned the Youth Religious Award, Adult Religious Award, District Award of Merit, Scout Leader Training Award, Scouter Key Award, Cubmaster Award and Cub Scouter Award.

Despite a heavy general practice in Payne County, he continues to spend hundreds of hours per year in the Scout program. Jamie is just one of the many lawyers in Oklahoma who have chosen to devote their time and energy to the young men who constitute Oklahoma's future. As he explains, "My goal is to help young men learn core values so that they can make good life decisions. Scouting allows me to help young men to learn to navigate the world."

## Richard Phillips, Clinton

Every lawyer has a busy practice. Every lawyer has family obligations. What distinguishes some lawyers is the time they are willing to commit as volunteers to make our state a better place.

Clinton attorney Richard Phillips learned from his parents, his in-laws and the older attorneys in the area that it was important to give back to his community in the form of service. From the time his children were little, he volunteered to support children sports activities. He coached teams of football, basketball, baseball and soccer. He was active in the booster clubs and even served as president of football and baseball booster clubs.

In Clinton where the Red Tornadoes are an important part of the fabric of the community, Richard spearheaded a program called the Tornado Buddies. In the program, a different member of the community “adopted” two players on the football team. The citizen was encouraged to have breakfast at least once a week with the players and have further contact with them throughout the week. The program gave kids contact with members of the community and allowed members of the community to see what type of boys were playing on their football team.



*Richard Phillips*

After Richard’s children were grown, he did not stop his volunteerism related to sports in his community. Remembering what his parents taught him, he volunteered to be the sideline reporter for the local radio coverage at Clinton High School football games. For eight years he has been the sidelines reporter at all home and away games. With the recent success of Clinton High School football, he has worked on Friday nights from August to December.

Richard didn’t stop with his love of sports in helping his community; he is also serving on the school board in Clinton. Though he has a busy general practice as



**“ Richard didn’t stop with his love of sports in helping his community; he is also serving on the school board in Clinton. ”**



a solo practitioner, he spends between 10 and 20 hours a month in his school board volunteer work. The most recent project in which he has been involved is the school board's goal of achieving a "one iPad to each student" ratio in Clinton public schools. The project is in the second year, and the goal is being accomplished.

Not only has Richard volunteered to help the youth of his community through sports and the school board, but he and other Custer County Bar Association members volunteer their time as attorneys in providing representation on cases in a deprived docket in his county.

He explains, "When I began my practice, the older attorneys in my county mentored the younger attorneys and were all appointed to deprived cases on a rotational basis. By example we saw that part of our practice was helping and volunteering our time when it was needed. Now that I am one of the older attorneys, I and other older attorneys choose to set the example for the younger attorneys in our community."

Richard is part of a group of attorneys, both young and old, who are dedicated to helping the children in their community by representing the parties in deprived cases on a limited payment basis as part of their commitment to their profession.

The children of Custer County are better off due to the volunteerism of Richard Phillips. The children of Oklahoma are better off due to the volunteer time of many, many members of the Oklahoma Bar Association.

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## Hugh Robert, Tulsa

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When he bartended in downtown Tulsa before finishing law school, Hugh Robert was in proximity to an issue that is as pervasive in Oklahoma as it is misunderstood: hunger.

As families, veterans and those who have fallen on hard times awaited meals at nearby soup kitchens, something about that tugged at Hugh's heartstrings.

Volunteering a few shifts at a soup kitchen turned into a fervent commitment to helping

hungry Oklahomans. After law school, he remained involved, and when a desperate soup kitchen informed him that their sponsor for a Thanksgiving turkey meal had pulled out at the last minute, he sent an email to lawyers



*Hugh Robert*

he knew who might want to come to the rescue. The \$1,000 vacated sponsorship was replaced with a collective \$2,500 donation, to the surprise of organizers.

In his practice with Sherwood, McCormick & Robert in Tulsa, Hugh has around 100 nonprofit clients; so, given that early success, it didn't take a whole lot to convince him to start his own nonprofit organization. He officially co-founded Lawyers Fighting Hunger in 2010 with attorneys Noble McIntyre of Oklahoma City, David Bernstein of Norman and Rachel Gusman of Tulsa.

### **MORE THAN A PROJECT**

Lawyers Fighting Hunger is more than a lawyer project. Since 2009, the organization's "informal" founding, it has grown to include small businesses and non-profit groups in Tulsa, Oklahoma City, Norman and El Reno.

At an Easter ham giveaway earlier this year, beneficiaries included Youth Services of Tulsa

Transitional Living Program, VA Homeless Program, Emergency Infant Services, Day Spring Villas, COURTS Programs and BRRX-Vets.

Since its 2009 beginnings, it has expanded, more than \$250,000 has been raised and more than 10,000 families have been fed. But there is much more work to be done.

**“ If you dig into the science and economics of nutrition a bit, it’s pretty simple. Good, nutritious food is usually more expensive. ”**



*Hugh Robert handles one of the 500 food boxes distributed by the Lawyers Fighting Hunger project on March 30, 2013. Volunteers and donors were on hand to welcome recipients and make their weekend more enjoyable.*

## HUNGER IN OKLAHOMA

The facts about hunger are mind-boggling. Oklahoma ranks in the top 10 most obese states but also in the top 10 hungriest states, according to the Regional Food Bank of Oklahoma. How can that be?

If you dig into the science and economics of nutrition a bit, it’s pretty simple. Good, nutritious food is usually more expensive. Unhealthy food (simple sugars and processed grains) is cheap and generally comes in larger volumes, which of course lasts longer. But with unhealthy food, your body isn’t getting many of the vitamins and nutrients it needs.

In other words, a person’s body type can be misleading. An obese person can actually be struggling with hunger and simply eating whatever is cheap and can fill a belly. Many other factors can also contribute to obesity in low-income populations.

The common view that people who are hungry don’t work is also misleading. Lawyers Fighting Hunger actually focuses on providing meals to the working poor and low-income families.

To skeptics, Hugh recommends volunteering for a few hours at a soup kitchen or food pantry. You won’t, he contends, see many of the stereotypes of hunger. Instead, you’ll see parents who are working two or three minimum wage jobs, people in slacks on their way to work, veterans, your neighbors and people who have simply fallen on very hard times.

“None of those people want to be there,” he said. “They aren’t scamming the system. They are doing whatever they have to do to feed their families.”

Lawyers Fighting Hunger is expanding quickly. The model is an attractive one. All of the money raised in a given city is spent in the city and food is distributed in the city. In other words, your donations don't float away to a regional or national headquarters. They stay in the community and go toward buying food and arranging distribution.

With the challenges of work and life and a thriving nonprofit, how does Hugh stay inspired?

"I am inspired three times a day," he said. "When I eat a meal, I see the faces of hunger, the people who are struggling to get by. Every-

one talks about rights of Americans — the right to free speech and so on — but I think more fundamentally than that. I think it's a right of Americans to not go hungry."

If you'd like to donate or get involved with Lawyers Fighting Hunger, please contact Hugh at [hugh@sm-oklaw.com](mailto:hugh@sm-oklaw.com) or visit the website, [www.lawyersfightinghunger.com](http://www.lawyersfightinghunger.com).

*A version of this article about Hugh Robert was originally written by Ralph Schaefer and published in the Tulsa Business & Legal News. Permission has been given for the story to be modified and published in the Oklahoma Bar Journal.*

## OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

### 2013

- December  
**Ethics & Professional Responsibility**  
Editor: Joe Vorndran  
[joe@scdtlaw.com](mailto:joe@scdtlaw.com)  
Deadline: Aug. 1, 2013

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

### 2014

- January  
**Meet Your OBA**  
Editor: Carol Manning
- February  
**Alternate Dispute Resolution**  
Editor: Judge Megan Simpson  
[megan.simpson@oscn.net](mailto:megan.simpson@oscn.net)  
Deadline: Oct. 1, 2013
- March  
**Business Litigation**  
Editor: Mark Ramsey  
[mramsey@soonerlaw.com](mailto:mramsey@soonerlaw.com)  
Deadline: Oct. 1, 2013
- April  
**Law Day**  
Editor: Carol Manning
- May  
**Diversity in the Law**  
Editor: January Windrix  
[janwindrix@yahoo.com](mailto:janwindrix@yahoo.com)  
Deadline: Jan. 1, 2014

- August  
**Children and the Law**  
Editor: Judge Megan Simpson  
[megan.simpson@oscn.net](mailto:megan.simpson@oscn.net)  
Deadline: May 1, 2014
- September  
**Bar Convention**  
Editor: Carol Manning
- October  
**Health Care**  
Editor: Emily Duensing  
[emily.duensing@oscn.net](mailto:emily.duensing@oscn.net)  
Deadline: May 1, 2014
- November  
**President's Topic**  
Editor: Melissa DeLacerda  
[melissde@aol.com](mailto:melissde@aol.com)  
Deadline: Aug. 1, 2014
- December  
**Ethics & Professional Responsibility**  
Editor: Judge Allen Welch  
[allen.welch@oscn.net](mailto:allen.welch@oscn.net)  
Deadline: Aug. 1, 2014

# WELCOME.



The Holland Hall experience is best understood by visiting the campus. Families are invited and encouraged to attend any of the events listed below. **Contact the Admission Team at (918) 481-1111.**

## Primary School Tours

Thursday, October 11, 2012 (8:30 a.m.)  
Tuesday, November 6, 2012 (9:30 a.m.)  
Wednesday, January 23, 2013 (8:30 a.m.)  
Tuesday, February 19, 2013 (8:30 a.m.)  
Tuesday, March 26, 2013 (9:30 a.m.)  
Wednesday, April 10, 2013 (8:30 a.m.)  
Thursday, May 9, 2013 (9:30 a.m.)

## Middle School Tours

Tuesday, October 16, 2012 (8:30 a.m.)  
Wednesday, November 7, 2012 (10:00 a.m.)  
Wednesday, January 9, 2013 (10:00 a.m.)  
Tuesday, February 19, 2013 (10:00 a.m.)  
Tuesday, March 26, 2013 (8:30 a.m.)

## Upper School Tours

(All tours begin at 8:00 a.m.)  
Tuesday, October 9, 2012  
Wednesday, November 7, 2012  
Wednesday, January 9, 2013  
Wednesday, February 13, 2013  
Tuesday, March 28, 2013



## HOLLAND HALL

[hollandhall.org](http://hollandhall.org)

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# OBA HEALTH LAW SECTION

*Please join us...*

**Wednesday, November 13, 2013**

In conjunction with the OBA Annual Meeting, the Health Law Section will be sponsoring a 6 hour CLE Track on Wednesday, November 13. Kim Holland, former Oklahoma Insurance Commissioner and current Executive Director of State Affairs for Blue Cross and Blue Shield, will be a featured speaker on health care reform from 11-11:50 a.m. See the Annual Meeting Schedule for the times and topics of the other presentations and for registration information.



**12-1 p.m.**

**Networking Lunch and  
Hot Topics Presentations**

**Physician Collaboration – Recent Antitrust Opinion  
on NPHO: Mike Joseph, McAfee & Taft**

**Medicaid and Insure Oklahoma Update –  
Oklahoma Health Care Authority Attorney**

**Health Care Innovation Update – Jan Slater,  
Oklahoma Center for Healthcare Improvement**

**1-1:50 p.m.**

**OBA Health Law Section  
and Oklahoma Health  
Lawyers Association  
Business Meetings**

**5-6 p.m.**

**Networking Cocktail  
Reception**

*Plan to Attend!*

# Seismic Operator and Surface Owner Rights Under Oklahoma's Seismic Exploration Regulation Act

*By Todd Blasdel*

Seismic surveys can be utilized for a variety of purposes, but in Oklahoma they are primarily used for oil and gas exploration. Oklahoma's oil and gas industry has a long history of using seismic exploration to search for drilling prospects. In fact, the first field tests that confirmed the validity of the reflection seismograph method of searching for oil were conducted in Oklahoma City on June 4, 1921,<sup>1</sup> and the first successful oil well drilled using a reflection seismograph occurred in Seminole on Dec. 4, 1928.<sup>2</sup>

Seismic exploration has now become one of the first steps that many exploration and production companies take in locating oil and gas reserves. From a technology standpoint, it is perhaps the best way to image deep subsurface geological structures to help assess and minimize drilling risks and costs. Because an onshore seismic survey requires extensive surface land use, seismic operations almost always require the operator to gain access to and occupy numerous tracts of private land. Therefore, it is critical to understand the legal rights of both seismic operators and surface owners before undertaking a seismic exploration program or executing a surface land use agreement.

## WHAT IS SEISMIC EXPLORATION?

Seismic exploration is accomplished by setting off a source of seismic waves near the ground surface, generally with a large, specialized vehicle equipped with an energy-emitting pad (commonly referred to as a vibe), or by firing a small explosive charge buried beneath the ground (shot hole). Seismic waves, created by the vibe or shot hole, travel through the subsur-

face. The seismic waves are recorded by sensitive equipment commonly known as geophones or seismometers which are placed on the ground surface. Density changes between rock and soil reflect the waves back to the surface. By recording the reflection, refraction and velocity of the seismic waves at various strategic locations, the subsurface structures can be mapped and analyzed to determine promising drilling prospects for oil and gas production.

Successful completion of a seismic program requires careful planning and execution. A seismic program will generally begin with the seismic company or its agent approaching the land owner to negotiate a surface land use permit. Surveyors help establish access routes for acquisition vehicles and crews by identifying gates, fences and other hazards. Surveyors also identify proposed horizontal and vertical seismic ground lines with markers such as stakes or pin flags in conjunction with Global Positioning Systems (GPS). Trees, brush or other impediments are cleared using a method approved by the landowner. If shot holes are necessary, shot hole drilling is conducted at each designated

source marker, and a dynamite charge with a length of cap wire attached is loaded down each hole. A hole-plug is inserted below the ground surface, a sealing product (usually bentonite) is placed in the shot hole, and drill cuttings are spread on the ground surface.

The seismic crew also must lay out cable and place geophones or seismometers on the ground surface according to the markers placed by the survey crew. The seismic line is recorded by positioning the energy source, created by either the vibe or by detonating each buried charge, in a predetermined sequence. The energy waves, reflected back by the subsurface formations, are picked up by the geophones and relayed to the recording truck. When the recording is completed, the seismic line crews pick up the cables, geophones, markers and other equipment or material left by their operations. In all, a seismic survey operation can cover hundreds of square miles and take months to complete.

The chronology of events outlined above demonstrates the importance of communication and cooperation between seismic acquisition personnel (seismic operators) and affected landowners (surface owners) before and throughout the seismic acquisition process. Understandably, many landowners have concerns about seismic operations adversely affecting farming, ranching, hunting and other recreational activities on their land. In those cases, seismic operators will routinely work with the surface owners to address concerns and minimize the surface impact during the acquisition process. Predetermined land use conditions can include limiting hours of operations, restricting access around sensitive areas or agreeing upon compensation for anticipated damages. Such conditions are usually documented in a written seismic surface use permit executed by both the seismic operator and the surface owner prior to the commencement of operations.

Of course, there are times when compromises on land use cannot be reached and the landowner denies the seismic operator access to the property. In such situations, it must be determined whether the seismic operator has the legal right to enter the property to conduct the proposed seismic activities over the objection of the surface owner.

#### **LEGAL RIGHT OF INGRESS AND EGRESS**

Oklahoma law has long held that where the mineral estate has been severed from the surface estate, the mineral estate is dominant for

**“ Without a dominant mineral estate, a non-interested and unwilling surface owner could prevent a mineral estate owner or lessee from ever developing the mineral assets beneath the surface. ”**

purposes of oil and gas development.<sup>3</sup> This means that a mineral owner or lessee<sup>4</sup> has the right to freely use the land (surface estate) above the prospective minerals (mineral estate) to the extent reasonably necessary for the purpose of exploration and production of oil and gas. This includes the legal right of reasonable ingress and egress upon the surface for purposes of mineral exploration (including seismic exploration<sup>5</sup>), development and production. The rationale behind this doctrine is sensible: without a dominant mineral estate, a non-interested and unwilling surface owner could prevent a mineral estate owner or lessee from ever developing the mineral assets beneath the surface. Therefore, if a seismic operator owns the minerals or holds a lease to the minerals beneath a landowner's severed surface estate, the law allows the seismic operator to occupy and use the surface to the extent reasonably necessary to conduct and complete its seismic exploration activities. However, if the seismic operator does not own, or possess a valid lease to, the mineral estate, the seismic operator may not enter or occupy the surface estate without permission from the surface owner.

So, how does a seismic operator who has the legal right of ingress and egress enforce its right to enter and occupy the property of an unwilling surface owner? Conversely, what rights does a surface owner have when a seismic operator seeks to enforce its right to enter the property? Oklahoma's Seismic Exploration Regulation Act<sup>6</sup> provides the statutory authority applicable to these issues.



## THE SEISMIC EXPLORATION REGULATION ACT

The act was enacted by the Oklahoma Legislature in 1998 with the stated purpose, “to protect the interests and property of citizens of Oklahoma.”<sup>7</sup> The law was created partly in response to complaints by some Oklahoma surface owners who claimed seismic operators had destroyed crops, removed fences and caused other damages.<sup>8</sup> The act directed and authorized the Oklahoma Corporation Commission to promulgate a specific list of rules governing seismic operations within the state. The commission subsequently codified these rules under Oklahoma Administrative Code §165:10-7-31.

The act was amended in 2012 through the efforts of Oklahoma Farm Bureau, an organization that serves Oklahoma agricultural and rural landowner interests. Oklahoma Farm Bureau’s primary objectives in amending the act were: 1) to strengthen notice requirements provided to surface owners before commencement of the proposed seismic exploration; and 2) to guarantee compensation to surface owners for reasonable damages caused by the seismic exploration activities.<sup>9</sup> The proposed changes to the law were negotiated and approved by the state’s agricultural, royalty owner and energy industry interest groups, including Oklahoma Farm Bureau, the Coalition of Oklahoma Surface and Mineral Owners and the Oklahoma Independent Petroleum Association. The amendments to the act went into effect on May 9, 2012.<sup>10</sup> Corresponding changes to the Oklahoma Administrative Code become effective July 1, 2013.

## NOTICE REQUIREMENTS BEFORE ENTRY

Even if the seismic operator has the legal right to enter a severed surface estate through mineral ownership or a valid lease, it cannot enter the property at will. The act requires that suffi-

cient notice be given before entry. Specifically, the seismic operator must attempt to notify all owners of the surface estate where the seismic exploration will occur at least 15 days before seismic operations begin. An “attempt to notify” the surface owner is considered sufficient when the notification, or notice of intent letter (NOI), is sent to the surface owner via U.S. mail and is postmarked at least 15 days prior to commencement of the seismic exploration. The NOI must be given at the surface owner’s last address shown in the records of the county clerk where the surface estate is located or an address known by the seismic operator to be more accurate.

In addition to the notification time requirements, the act also mandates that certain information accompany or be provided within the text of the NOI.<sup>11</sup> Along with the NOI, a seismic operator must provide the surface owner with a copy of the oil and gas lease<sup>12</sup> that grants the mineral exploration rights. The NOI must also provide the name of the company conducting the seismic exploration, the anticipated date of seismic operations and a legal description of the surface estate to be entered upon owned by the surface owner.

## UNLOCATABLE SURFACE OWNERS

If a surface owner cannot be located during an attempt to provide sufficient notice, the seismic operator must file an affidavit with the county clerk where the property is located within 90 days of the last mailing of notice. The affidavit must list the surface owner(s) who could not be located, and attest that the seismic operator mailed the NOI in compliance with the statutory requirements.

## SURFACE OWNERS’ RIGHTS TO REASONABLE DAMAGES

The act states that surface owners are entitled to reasonable damages that have been or will be sustained to the surface estate by reason of the operator’s seismic exploration.<sup>13</sup> Notably, reasonable damages are not specifically defined within the act and therefore are subject to debate. It could be argued that the reasonableness standard should be defined as whether the asserted damages were reasonably expected to occur, absent negligence, while operating within industry accepted standards. Case law will likely define this issue in the future.

Within the NOI, the seismic operator is required to make a written offer to compensate the surface owner for such reasonable damag-

es.<sup>14</sup> The surface owner then has 15 days from the postmark date of the NOI to accept the offer in writing. If the surface owner raises any reasonable issues concerning the offered compensation during the 15-day offer period, the act requires the parties to make good faith efforts to resolve the issues. If the surface owner accepts the offer, or a compromise is otherwise reached, the seismic operator must immediately remit the agreed-upon damages payment to the surface owner. Once payment is made, the seismic operator may commence operations under the terms and conditions of the agreement.

If the surface owner either rejects the proposed offer for reasonable damages compensation in writing, or fails to make a timely acceptance within the prescribed 15-day timeframe, then the surface owner is deemed to have rejected the offer. Likewise, any surface owners who cannot be located are deemed to have rejected the offer. It should be noted that a rejection of the offer for reasonable damages does not bar the seismic operator from continuing operations. However, there are still remedies available to a surface owner who has rejected the offer. The act provides that a surface owner who has rejected, or has been deemed to have rejected the offer, may file a small claims<sup>15</sup> or other appropriate civil action in the county where the surface estate is located against the seismic operator to recover the disputed damages.

While a surface owner may feel entitled to receive more compensation than is being offered, he must carefully consider whether to reject the offer and pursue a claim through the courts. The recent amendment to the act provides that the prevailing party in an action to recover reasonable damages pursuant to the act is entitled to recover the costs and expenses of the suit, including attorney fees and expert witness fees.<sup>16</sup> In order for the surface owner to be deemed the prevailing party, he must obtain a judgment *in excess* of the offer contained within the NOI. If the judgment entered is *equal to or less* than the amount of the offer within the NOI, although the surface owner is entitled to receive the judgment amount, he will be liable to pay the seismic operator's legal costs, expenses and fees. Additionally, if an action filed by a surface owner is dismissed other than by way of settlement prior to entry of judgment, the surface owner forfeits his right to receive *any* consideration or payment for all reasonable damages.

The threat of paying legal costs and fees (which might well exceed the actual compensa-

tion at issue) is an important component of the act. Inclusion of this provision provides ample incentive for both the seismic operator and the surface owner to act in good faith when negotiating fair compensation for reasonable damages. Furthermore, the prospect of receiving no compensation if the action is dismissed prior to settlement or judgment ensures that surface owners do not file frivolous claims without monetary consequence.

## **SURFACE OWNERS' RIGHTS TO EXTRAORDINARY DAMAGES**

It is important to note that accepting the seismic operator's offer for compensation of reasonable damages does not prohibit the surface owner from attempting to recover damages which are *unreasonably* caused by the seismic operations. This might include damages caused by the seismic operator's excessive or negligent use of the surface estate. However, "extraordinary damages" are not defined within the statute and will likely need to be determined on a case-by-case basis, or more specifically delineated through developing case law. If proven to be extraordinary, adequate compensation for such damages might be measured by the cost of necessary repairs to the land or damaged appurtenances, diminished land valuations (if applicable), or other equitable economic benchmarks.

If farming or hunting activities on the property will be adversely affected, then appropriate compensation should be carefully evaluated and considered. Depending on the quality of the crop, crop damages might be calculated by multiplying the commodity's market price with the area of affected yield. Alleged damages relating to affected hunting leases are more subjective and are usually evaluated and considered on a case-by-case basis.

## **COMPLAINTS AND FINES**

As directed by the act, a complaint may be filed with the Corporation Commission against a seismic operator alleged to have violated the requirements of the act or Administrative Code.<sup>17</sup> If it is deemed that a seismic operator has violated the rules governing seismic operations, the seismic operator may be subject to a penalty of up to \$1,000 per violation per day after the complaint procedures and proceedings have been completed.



## CONCLUSION

Recent advances in drilling and completions technology have led to a surge in oil and gas development in Oklahoma. As drilling operations in the state continue to rise, so will seismic exploration activities, making the Seismic Exploration Regulation Act a more important component of Oklahoma's increasing body of oil and gas laws. Understanding the fundamentals of the act is critical to mitigating conflict and increasing cooperation between the seismic operators and affected surface owners.

1. The 1921 crew was led by Dr. John C. Karcher from the University of Oklahoma to image an area where oil seeps were noted along Belle Isle Creek near the current Belle Isle Library in Oklahoma City. *Oklahoma Historical Society's Encyclopedia of Oklahoma History and Culture* (2007): <http://goo.gl/Vbli5C>.

2. Dr. Karcher went on to co-found Geophysical Research Company, which successfully drilled and produced oil from the Viola Limestone formation in Seminole using seismic reflection techniques. Texas State Historical Association Handbook of Texas Online: <http://goo.gl/zG1Gp1>.

3. *Wellsville Oil Co. v. Carver*, 242 P.2D 151 (Okla. 1952).

4. Where a lease does not expressly mention or exclude the privilege of conducting geophysical exploratory operations, the lessee has the implied right to conduct seismic testing. *Yates v. Gulf Oil Corp.* 182 F. 3d 286 (5th Cir. 1950).

5. See Eugene Kuntz, et al. *A Treatise on the Law of Oil and Gas*, §12.7 (1964).

6. 52 OKLA. STAT. §§318.21 – 318.23.

7. 52 OKLA. STAT. §318.21(A).

8. Vandewater, Bob. "Seismic Rules Prompt Concerns." *The Daily Oklahoman* Nov. 18, 1998: <http://newsok.com/article/2633601>.

9. While Oklahoma's Surface Damage Act guaranteed compensation for reasonable damages caused by drilling and production operations, damages caused by seismic exploration activities were not subject to the same requirements. *Anschutz Corp. v. Sanders*, 734 P.2d 1290 (Okla. 1987).

10. Two identical versions of the amendment were actually passed in 2012. Senate Bill 1665 failed to contain an emergency clause which would have made the bill effective immediately rather than on Nov. 1, 2012. As a result, Senate Bill 243 was subsequently passed with an emergency clause making the bill effective on May 9, 2012.

11. See 52 OKLA. STAT. §318.22(D)(4) for exact language to be included in the NOI.

12. Presumably, a seismic operator would be required to include any assignment or other documentation reflecting a change in ownership or leasehold rights outside of the original lease.

13. Prior to the 2012 amendments, an argument could be made that seismic operators were under no obligation to pay for reasonable damages caused by the use of the surface during seismic operations. Offers made in consideration for signing a permit were generally considered gratuitous in nature and could be revoked if the surface owner refused access. The recent amendments now ensure that a surface owner will be entitled to receive compensation for any reasonable damages incurred.

14. While "reasonable damages" is a relatively subjective characterization, a typical offer for such damages within the industry is currently \$10 per acre.

15. A surface owner may file a civil claim under the Small Claims Procedure Act (12 OKLA. STAT. §1751, *et al.*) if the alleged damages do not exceed \$7,500, exclusive of attorney fees and other costs.

16. See 52 OKLA. STAT. §318.22(D)(4).

17. An environmental complaint shall follow the procedures under OAC §165:5-1-25; other complaints shall follow the procedures under OAC §165:10-7-7.

## ABOUT THE AUTHOR



Todd Blasdel works in the Geophysical Services Department at Devon Energy. He received his J.D. from the OU College of Law in 2002 and is currently a candidate to receive a master's degree in energy management from Oklahoma City University.



## OBA member selected as Administrative Law Judge

Ange Aunko Hamilton, formerly of Lawton, has been selected as Administrative Law Judge for the Social Security Office of Disability Adjudica-

tion and Review in Valparaiso, Indiana.

Ms. Hamilton is a graduate of the University of Oklahoma and Oklahoma City University School of Law. She previously served as an Indian Probate Judge for the Office of Hearings and Appeals (USDOJ). Ms. Hamilton is a member of the Kiowa Tribe of Oklahoma. She is the daughter of the late Albert and Isabel Aunko of Lawton; grandparents are John and Jessie Aitson Aunko of Saddle Mountain, and John and Carmen Robles of Lawton. She is married and has two children.

**2013 Criminal Law Section Luncheon & Annual Meeting**  
***Petroleum Club of OKC***  
***Wednesday, Nov. 13, 2013, Noon-1:30***



The Honorable David B. Lewis, Presiding Judge of the Oklahoma Court of Criminal Appeals, will be the speaker for the 2013 Criminal Law Section Luncheon during the OBA Annual Meeting. He was originally appointed to the state's highest criminal court on Aug. 5, 2005, and became its Presiding Judge earlier this year. A graduate of the OU College of Law, Judge Lewis's distinguished career includes work in private practice in Lawton, service as an assistant district attorney in Comanche County, and as both a Special District Judge and District Judge in Comanche County, where he also served as Chief Judge.

The luncheon also will honor recipients of the Section's Professional Advocacy Awards.

A gourmet luncheon will be served. The luncheon is open to all OBA members and guests, whether or not members of the Section. **PLEASE register on or before November 8, so that we may ensure adequate luncheon plates are provided.**

**~~~Door Prizes~~~**

Eight pairs of tickets to the NBA OKC Thunder game against the Utah Jazz scheduled for Sunday, November 24, will be given as door prizes.

**Must be present to win!**

~~~~~

**Registration Form (due November 8, 2013)**

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Address: \_\_\_\_\_

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

E-mail: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

OBA Number \_\_\_\_\_

**Registration (Check Appropriate Boxes)**

☐ \$15 - **Section members** and Guests of Section members;

☐ \$30 - non-section member of OBA (includes \$15 section dues & enrollment for 2013)

\$ \_\_\_\_\_ Total

**Payment (Select One):**

Check \_\_\_\_\_ Cash \_\_\_\_\_

Visa \_\_\_\_\_ Mastercard \_\_\_\_\_ Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

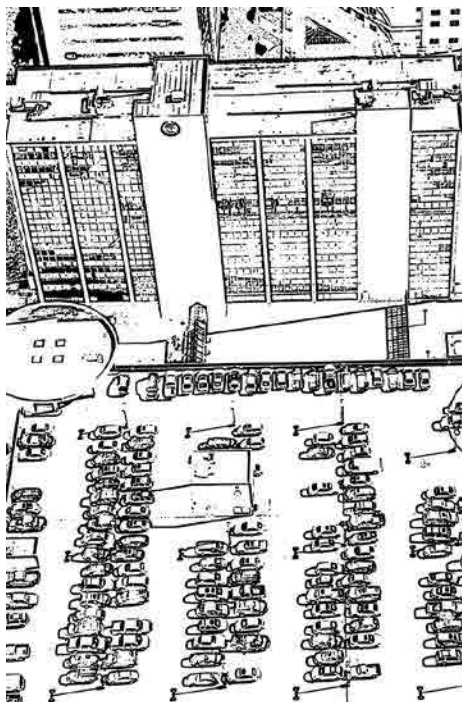
Signature required: \_\_\_\_\_

Remit form and payments to Tracy Sanders, Membership Coordinator  
 OBA, P.O. Box 53036, Oklahoma City, OK 73152; or fax to (405)416-7001

# Annual Meeting HIGHLIGHTS

## Annual Meeting Registration

It's not too late to register! Team up with the other OBA Defenders of Liberty at their Oklahoma City Sheraton Hotel headquarters. Your registration fee includes Wednesday and Thursday super-powered breakfast in the top-secret hospitality area and Wednesday evening's President's Legal Superhero Reception. Wednesday and Thursday afternoon, if you need a break from fighting injustice, break treats will be available in the hospitality area. Fee also include Thursday evening's OBA section event - The Best of Oklahoma: Art, Music, Food & Wine, a chocolate convention gift and Vendors Expo. Register online at [www.amokbar.org](http://www.amokbar.org).



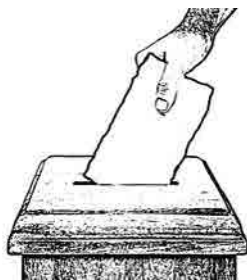
## Need a Hotel Room?

The deadline for reserving Sheraton OKC Hotel rooms at the special OBA rate has passed. If you missed the deadline, Craig Combs is holding a small block of room reservations for you. Please contact him at [craigc@okbar.org](mailto:craigc@okbar.org) or call 405-416-7040 to book a room reservation.



## House of Delegates

**Delegates** - Fourteen counties have not yet certified delegates to represent their county at the House of Delegates. Is your county one of them? See the list of delegates in this issue. Delegate certification needs to be sent ASAP to OBA Executive Director John Morris Williams at [johnw@okbar.org](mailto:johnw@okbar.org) or fax 405-416-7001.



**Resolutions** - OBA Bylaws Ch. 1, App. 2, Article VIII, Sec. 6 state "Before a proposal to place a measure upon the Legislative Program or to endorse it in principle is submitted to vote, by any method, it shall be published in at least one issue of the journal of the Oklahoma Bar Association and posted on the OBA website, prior to the beginning of the Annual Meeting, together with a notice that it will be submitted to vote, specifying date, time, place and manner." A proposal must be sent in bill format to Executive Director John Morris Williams by **Monday, Nov. 4, 2013**, for publication in the *Oklahoma Bar Journal* Nov. 9, 2013, issue. See resolutions that will be voted upon under Bar Business at [www.amokbar.org](http://www.amokbar.org).



2013 OBA ANNUAL MEETING

## OKLAHOMA BAR ASSOCIATION SECTIONS PRESENT

### AN EVENING WITH OKLAHOMA'S BEST: ART, MUSIC, FOOD AND WINE

Thursday November 14, 2013 • 7 – 9 p.m. • Sheraton Hotel Ballroom (2nd Floor)

#### EVENT DETAILS

Event free to all OBA members • No Annual Meeting registration required  
• 6-foot table provided (table reservation required) • Sections encouraged to have hand-out material for prospective members • Room available for set-up at least one hour before event • Sections encouraged to have pins or stickers to be worn promoting the section • Sections encouraged to have approximate head count for food and beverages at least 72 hours prior to event

#### ART

More than 20 local artists  
Work featuring paint, pen and ink,  
jewelry, sculpture, mixed media, fused glass  
Works presented will be for sale



#### MUSIC

Tom Nix, pianist • Known for performances  
at State Capitol and Governor's Mansion  
Copies of new CD available for sale



#### FOOD AND WINE

Complimentary wine provided • OBA currently working with local wineries  
and Sheraton Hotel to provide Oklahoma wines at event  
• Local wineries will be taking orders for anyone wishing to stock up  
• Cash bar also provided • Tasty hors d'oeuvres made with Oklahoma-  
grown and produced food

### MANY THANKS TO OBA SECTIONS FOR HOSTING THIS EVENT!

**SECTIONS: RESERVE YOUR DISPLAY TABLE FOR THE EVENT BY WEDNESDAY, NOV. 6!**

Contact Roy Tucker, [RTucker@muskogeeonline.org](mailto:RTucker@muskogeeonline.org) or Jan Thompson, [JanT@okbar.org](mailto:JanT@okbar.org).

# 2013 OBA Annual Awards

## OBA Awards:

### *Individuals for Whom Awards are Named*

**NEIL E. BOGAN** — Neil Bogan, an attorney from Tulsa, died unexpectedly on May 5, 1990 while serving his term as president of the Oklahoma Bar Association. Mr. Bogan was known for his professional, courteous treatment of everyone he came into contact with and was also considered to uphold high standards of honesty and integrity in the legal profession. The OBA's Professionalism Award is named for him as a permanent reminder of the example he set.

**HICKS EPTON** — While working as a country lawyer in Wewoka, attorney Hicks Epton decided that lawyers should go out and educate the public about the law in general, and the rights and liberties provided under the law to American citizens. Through the efforts of Mr. Epton, who served as OBA president in 1953, and other bar members, the roots of Law Day were established. In 1961 the first of May became an annual special day of celebration nationwide designated by a joint resolution of Congress. The OBA's Law Day Award recognizing outstanding Law Day activities is named in his honor.

**FERN HOLLAND** — Fern Holland's life was cut tragically short after just 33 years, but this young Tulsa attorney made an impact that will be remembered for years to come. Ms. Holland left private law practice to work as a human rights activist and to help bring democracy to Iraq. In 2004 she was working closely with Iraqi women on women's issues when her vehicle was ambushed by Iraqi gunmen, and she was killed. The Courageous Lawyer Award is named as a tribute to her.

**MAURICE MERRILL** — Dr. Maurice Merrill served as a professor at the University of Oklahoma College of Law from 1936 until his retirement in 1968. He was held in high regard by his colleagues, his former students and the bar for his nationally distinguished work as a writer, scholar and teacher. Many words have been used to describe Dr. Merrill over the years, including brilliant, wise, talented and dedicated. Named in his honor is the Golden Quill Award that is given to the author of the best written article published in the *Oklahoma Bar Journal*. The recipient is selected by the OBA Board of Editors.

(cont'd on page 2358)

## Law School Luncheons

**Wednesday, Nov. 13**

*These awards will be presented at these events.*

### OUTSTANDING SENIOR LAW SCHOOL STUDENT AWARD

**Selby P. Brown, University of Oklahoma College of Law**

Selby P. Brown currently serves as the editor-in-chief of the *Oklahoma Law Review*. Her comment, "Don't Throw the Baby Out with the Bath Water: The Merits of the Intermediate Approach to the Securities Litigation Uniform Standards Act, 66 OKLA. L. REV.," will be published this winter. She was a regional champion and national qualifier at this year's American Bar Association National Appellate Advocacy Competition.



After graduation, she will work as a term clerk for Judge Robert Bacharach of the U.S. Court of Appeals for the 10th Circuit. Subsequently, she will move to Philadelphia to start at the law firm of Dechert LLP, where she worked as a summer associate during the summers of 2012 and 2013.

In law school, she has worked as a constitutional law teaching assistant for Professor Harry F. Tepker and as a research assistant for Professor Brian McCall. She has also externed for Judge Timothy D. DeGiusti of the U.S. District Court for the Western District of Oklahoma.



She received her Bachelor of Arts degree in history from Vassar College in 2009, where she played varsity squash and was heavily involved in music and theater productions. She has also volunteered for the American Red Cross as a workplace giving assistant and Grassroots Campaigns Inc. as lead canvass director.

## OUTSTANDING SENIOR LAW SCHOOL STUDENT AWARD

**Diane Hernandez, University of Tulsa College of Law**

Diane Hernandez currently serves as the editor-in-chief of the *Tulsa Law Review*. She also serves as a law school ambassador and the vice president of the Latino Law Students Association at the TU College of Law. She has been on the honor roll for four semesters. Earlier this year, she participated in the 16th Annual Research Colloquium at the University of Tulsa, presenting her research in a paper titled "Foreign Nationals on Death Row in America and Consular Notification Compliance under the Vienna Convention."



Originally from Denver, Colo., she worked as a legal writing teaching assistant for Professor Richard Paschal and as a summer associate at Hall Estill in Tulsa. She has interned in the U.S. District Court for the Northern District of Oklahoma, as well as for the Tulsa office of Legal Aid Services of Oklahoma.

Prior to law school, she worked with victims of domestic violence in obtaining protection orders and developing safety plans. She was also a volunteer English/Spanish interpreter for various organizations including Rocky Mountain Immigrant Advocacy Network and Border Action Network. She is a certified court interpreter for the Tulsa County District Court and a member of the PTA at Kendall Whittier Elementary. She earned her bachelor's and master's degrees from Baylor University.

## OUTSTANDING SENIOR LAW SCHOOL STUDENT AWARD

**Taylor Robertson, Oklahoma City University School of Law**

Taylor Robertson is the managing editor of the *Oklahoma City University Law Review*. His comment, "What Can Brown Do for You? You're Fired: Punitive Damages for Rogue Employee Conduct in *Jones v.*

*UPS*," was published in Volume 37.3 of the *Oklahoma City University Law Review*. His note, "Lights, Camera, Arrest: The Stage is Set for a Federal Solution of a Citizen's Right to Record the Police in Public," received the Outstanding Law Review Note Award and will be published in the *Boston University Public Interest Law Journal* in the fall of 2013.



During law school, he worked in the Oklahoma Attorney General's Office Criminal Appeals Division, performed research for former federal Judge Robert H. Henry and worked as a summer associate at Haynes and Boone LLP in Dallas, where he focused on business litigation and corporate finance.

A native of Dallas, Texas, he is a three-year member of the American Association for Justice trial competition team, and he also received three CALI Excellence for the Future Awards for the highest grade in contracts I, federal criminal law and litigation sequence II. After graduation, he will return to Haynes and Boone LLP in Dallas where he has accepted an offer of employment in the litigation department. He received his bachelor's degree in business from Wake Forest University.

## Annual Luncheon Thursday, Nov. 14

*These awards will be presented at this event.*

## EARL SNEED CONTINUING LEGAL EDUCATION AWARD

**Donna J. Jackson, Oklahoma City**

Donna J. Jackson is the recipient of this year's Earl Sneed Award because of her dedication and service to the OBA. She has planned and developed national-quality programs that have made significant contributions to improving the practice of attorneys attending her classes.

She has more than 25 years of legal experience. Her practice focuses on estate planning with an emphasis in



Medicaid, veterans benefits and special needs planning, including trusts, special needs trusts, wills, durable power of attorneys and living wills. Her practice also includes taxes, corporate, trust, individual, gift and estate, probates and business organizations.

She currently serves as secretary of the OBA Estate Planning, Probate and Trust Section. She is a member of the National Academy of Elder Law Attorneys, Wealth Counsel, Elder Counsel and Academy of Special Needs Planners. She serves on several national committees including the ABA-Senior Law Division Estate Planning and Elder Law committees, and she serves as vice chair of the National Academy of Elder Law Attorneys Tax Steering Committee and as liaison to the Public Policy Committee.

She has been a member of the Oklahoma Society of CPAs for more than 30 years and has served on its Consulting Services, Health Care Industry, Taxation, Business Valuation/Forensic & Litigation Support and Continuing Professional Education committees. She is a platinum patron contributor to the society.

She was honored as one of *Oklahoma Magazine's* Five Star Wealth Managers in Estate Planning in 2012 and 2013. In addition to being a keynote speaker for the OBA and Strafford and National Business Institute, she has presented hundreds of seminars on estate, tax and related topics to the general public, various major corporations, CPAs, financial planners and attorneys.

For the last two years, she has served as president of the Winds House, a transitional housing facility in Oklahoma City for individuals living with HIV and AIDS.

She received her Bachelor of Science degree and master's degree in accounting from OSU, her J.D. from the OCU School of Law and her LL.M. in elder law from Stetson College of Law in Florida.

## EARL SNEED CONTINUING LEGAL EDUCATION AWARD

**D. Kenyon "Ken" Williams Jr., Tulsa**



D. Kenyon Williams Jr. is a well-recognized teacher of other attorneys in Tulsa County as well as the entire state. Throughout his 36-year career, he has been a teacher and frequent legal writer and presenter in continuing legal education programs. He has served as chair of the Tulsa County Bar Association CLE Committee.

His 2010 presentation of "The Legal Ethics of Fee Arbitration" remains one of TCBA's resources for members seeking ethics credits and as a teaching tool to broaden the use of the association's Fee Arbitration Committee as a method of resolving disputes with citizens and to improve public perception of attorneys.

In 2012, he received a President's Award from the TCBA for his work chairing the Fee Arbitration Committee and in 2013, he was named to the Power Attorneys & Legal Professionals list by the *Tulsa Business & Legal News*. He is a shareholder of the Hall Estill Law Firm and has been recognized for his work in environmental litigation. He is the president-elect of the TCBA and will become president in August 2014.

He received his Bachelor of Science degree in petroleum engineering from TU and his J.D. from the TU College of Law.

## AWARD OF JUDICIAL EXCELLENCE

**Judge Clancy Smith, Tulsa/Oklahoma City**

Judge Clancy Smith, vice-presiding judge for the Oklahoma Court of Criminal Appeals, is the recipient of the 2013 Award of Judicial Excellence.



After working in the private practice of law for 14 years, she was appointed special judge in Tulsa County in 1994. She served in the family law division and received the Outstanding Family Law Judge Award from the OBA Family Law Section in 1996. From 1996-2005, she served as a special judge in the criminal division where she conducted preliminary hearings, arraignments and bond hearings.

In 2005, Gov. Brad Henry appointed her as a district judge in Tulsa County where she served in the criminal division and presided over more than 100 felony jury and non-jury trials. During this time, she began her support of the Women in Recovery program in Tulsa County which provides an alternative to incarceration for women with substance abuse charges facing significant prison sentences.

In 2010, she was appointed to the Oklahoma Court of Criminal Appeals by Chief Justice James E. Edmondson to fill the unexpired term of Judge Charles Chapel.

She also served as president of the Johnson-Sontag Chapter of the America Inns of Court for three years.

In 2010, she received the James Sontag Award for Ethics and Civility and the 2010 Mona Salyer Lam-bird Spotlight Award.

She received her Bachelor of Arts degree in English from OSU and her J.D. from the TU College of Law.

## **LIBERTY BELL AWARD**

### ***Women's Service and Family Resource Center***



### ***Women's Service and Family Resource Center***

The Women's Service and Family Resource Center in El Reno is the recipient of the 2013 Liberty Bell Award for the assistance, including legal resources, it provides to victims of domestic abuse and sexual assault.

The WSFRC is a respected organization among multi-disciplinary entities that works to stop domestic violence and sexual assault in the community. This organization works closely with legal professionals to provide support to petitioners at victim's protective order court hearings. The WSFRC also provides speakers for community groups, organizations or schools upon request and trains volunteers to offer services to victims of domestic violence and sexual assault.

Those associated with the WSFRC often provide a pillar of strength for those affected by sexual assault or domestic violence during a dangerous time in their lives.

## **JOE STAMPER DISTINGUISHED SERVICE AWARD**

### ***Steven L. Barghols, Oklahoma City***

Steven Barghols is the recipient of the Joe Stamper Distinguished Service Award for his many years of service to the Oklahoma Bar Association and the Oklahoma County Bar Association.

His contributions to the OBA span more than 35 years. During his membership with the OBA, he has served on more than 10 of the association's committees and task forces. In 1999, he served as founding chair

of the OBA Diversity Committee. As a member of the Legal Ethics and Unauthorized Practice of Law Committee from 1987-1996, he co-authored various ethics opinions. In 2002, he was the co-principal drafter of the OBA Standards of Professionalism.



He has served as president, vice president and director of the Oklahoma County Bar Association. He has also served as president of the Oklahoma County Bar Foundation, the William J. Holloway Jr. American Inn of Court and the Oklahoma City Mineral Lawyers Society. He also is an Oklahoma Bar Foundation trustee.

Active in community and civic matters, he has served as president of the Edmond Public Schools Foundation, as a trustee and Management Committee member of the Oklahoma Foundation for Excellence, and as a trustee and Executive Committee member of the University of Oklahoma's Associates Council.

In 2009, he was the recipient of the 2009 OCBA President's Award. He has also received the OBA Neil E. Bogan Professionalism Award and the OCBA Bobby G. Knapp Bar Leadership Award. He currently serves as a member of the OBA Diversity, Awards, Strategic Planning and Alternative Dispute Resolution committees.

He received his Bachelor of Arts degree in history and political science from OU and his J.D from the University of Texas School of Law in 1976.

## **ALMA WILSON AWARD**

### ***Ben Loring, Miami***

Ben Loring is the recipient of the Alma Wilson Award for his dedication to improving the lives of children across the state.

He spent 13 years in private practice prior to being elected Ottawa County district attorney. During his initial term, he was appointed to the Oklahoma Commission on Children and Youth, a state-wide organization dedicated to the coordination and planning of local and state resources that help children. He was the first member of the OCCY to be re-elected as chairman. The commission also has oversight responsibility for all children's facilities in the state and



assists with developing legislative proposals related to children's issues.

After serving two terms as district attorney and returning to private practice, he decided to continue his service with OCCY. After 15 years with the commission, he was unable to continue his service due to term limits in 2013. However, he has been selected as a director of the Children's Advocacy Center of Oklahoma beginning in 2014.

As an assistant prosecutor for the last 10 years, he has accepted responsibility for all the juvenile cases and handled most of the felony cases involving child victims. Although his district court has only two jury dockets each year, he has tried 14 jury trials involving child victims since he rejoined the district attorney's office in 2003.

In 2003, he helped develop and implement a graduated sanctions program to address juvenile delinquent behavior outside of the juvenile court system. The purpose of this program was to address the issues with the juvenile and family as a whole, in an attempt to keep the juvenile from becoming part of the criminal justice system.

Since 2008, he has also participated in the Partnership of Ottawa County Inc. The organization places an emphasis on children and families and was formed during Mr. Loring's time as district attorney. He currently serves as vice president of the organization.

Outside of the legal profession, he has served as a baseball and basketball coach, youth group leader, and Cub Scout and Boy Scout leader.

He earned his J.D. from the OU College of Law in 1978.

## **NEIL E. BOGAN PROFESSIONALISM AWARD**

**Reid E. Robison, Oklahoma City**



Reid E. Robison is honored with the Neil E. Bogan Professionalism Award in recognition of his career that has represented the highest standards of the legal profession.

Following law school, he served as an assistant attorney general for the state of Oklahoma as well as a captain in the U.S. Air Force Judge Advocate General Corps.

He has served as a trial lawyer for his entire career. He has represented clients in trial-related matters

throughout Oklahoma and courts around the country. He has tried numerous cases and argued appeals in state and federal appellate courts. On the appellate level, he has argued cases in Oklahoma and Delaware as well as in the United States Courts of Appeals for the 5th, 8th, 10th and 11th circuits.

He has devoted countless hours as a volunteer in many professional organizations, including as president of the Oklahoma County Bar Association, president of the Luther J. Bohanon American Inn of Court, and as fellow and state chairman of the International Academy of Trial Lawyers.

He earned his Bachelor of Arts degree from OU and his J.D. from the OU College of Law in 1968, where he served as a member of the *Oklahoma Law Review* Board of Editors.

## **JOHN E. SHIPP AWARD FOR ETHICS**

**Frederick K. Slicker, Tulsa**

Frederick K. Slicker is the recipient of the John E. Shipp Award for Ethics based on his dedication to improving the ethics and professionalism of the bar and enhancing the image of the legal profession.



He has served on many committees, including the Tulsa County Bar Association Professional Responsibility Committee and the OBA Professionalism Committee. While serving as chairman of the TCBA Professional Responsibility Committee, he set new standards for how the committee operated by efficiently processing complaints and educating the committee on changes in the law and trends at the state and national level. His committee peers describe him as someone who constantly contributed and made every effort to assist legal professionals during encounters with professionalism issues.

In 2010, he was selected by the TCBA to receive the Neil E. Bogan Award for Professionalism, recognizing him for his outstanding contributions to the legal profession and his faithful adherence to the highest ideals of the profession. He was the recipient of the TCBA President's Award in 2005 and 2007.

He earned his Bachelor of Arts degree from the University of Kansas, his J.D. with highest distinction from the University of Kansas Law School in 1968 and later received his Masters in Law degree from Harvard Law School in 1973. He served as a captain in



the U.S. Army Judge Advocate General Corps from 1968-1972.

## **FERN HOLLAND COURAGEOUS LAWYER AWARD**

**Albert J. Hoch Jr., Oklahoma City**



Albert J. Hoch Jr. is a recipient of the Fern Holland Courageous Lawyer Award for his willingness to provide an effective defense to some of the most difficult-to-represent defendants, even at the risk of personal and professional hardship.

He has more than 25 years of experience practicing law in the Oklahoma City area and has represented clients across

the state. Throughout his career, he has represented clients who are appointed by the Oklahoma Indigent Defense System when others will not represent them or have a conflict due to assaults against attorneys or threats of physical violence. His cases have involved altercations in the courtroom, client threats against the judges and prosecutors, high media coverage and even clients trying to sneak weapons into the courtroom.

He has consistently defended these clients and obtained outcomes which oftentimes were extraordinary for the defendants involved. Several judges and even prosecutors have specifically requested that OIDS assign him to cases so that they may proceed to trial with counsel who will provide a zealous representation even at the risk of the negative effect it may have on his practice.

He received his J.D. from the OCU School of Law in 1986.

## **FERN HOLLAND COURAGEOUS LAWYER AWARD**

**David Prater, Oklahoma City**

Oklahoma County District Attorney David Prater is honored as a recipient of the Fern Holland Courageous Lawyer Award in recognition of his undaunted actions in a role that often requires tough decision making.

As the current Oklahoma County District Attorney, Mr. Prater faces many moments that test his courage. A notable instance came during the *State v. Jerome Jay Ersland* case, in which he chose to take to trial the case of a man who opened fire on two teenagers who attempted to rob his pharmacy. This decision, involv-

ing a hot button issue in society, came with heavy political ramifications.

He began his law enforcement career at just 19 years of age when he was hired by the Cleveland County Sheriff's Office as a deputy sheriff. Later, he became the youngest cadet ever to graduate from the Norman Police Academy. During his time with the department, he was awarded more than 20 commendations from Norman's chief of police.



From 1993-2001, he served Oklahoma County and the state as an assistant district attorney under Bob Macy and as an assistant attorney general, in the Grand Jury Unit, under Attorney General Drew Edmondson.

Prior to being elected as Oklahoma County district attorney in 2006, he maintained a private law practice in Oklahoma City, with the firm of Huddleston, Pike, Henderson, Cusack & Parker.

In 1988, he completed his law enforcement administration degree from the University of Oklahoma, and he earned his J.D. from OU in 1991.

## **FERN HOLLAND COURAGEOUS LAWYER AWARD**

**Micheal Salem, Norman**

Micheal Salem is honored with the Fern Holland Courageous Lawyer Award in recognition of his work in *Awad v. Zirrax, et al.*, No. CIV-10-1186-M, now pending before the United States District Court for the Western District of Oklahoma. This is the second OBA Courageous Lawyer Award for Mr. Salem; he was also honored in 1984.



The *Awad* case involved a constitutional challenge to Oklahoma State Question 755, an amendment to the Oklahoma State Constitution that passed with 70 percent of the total vote. SQ755 prohibited courts from using Sharia law, International law and the "legal precepts of other nations or cultures" when making rulings.

Against significant adverse publicity, Mr. Salem represented Muneer Awad, the executive director of the Council on American-Islamic Relations — Oklahoma Chapter, who sought to enjoin certification of the results for SQ755, claiming that it

violated the establishment clause of the First Amendment to the U.S. Constitution. Eventually, on Aug. 15, 2013, the entire amendment created by SQ 755 was permanently enjoined.

He has built a reputation of taking unpopular stances on behalf of his clients. He has represented clients in cases including a class action involving all death row inmates' Sixth Amendment right to counsel, as well as numerous controversial cases in Oklahoma involving free speech and religion clauses of the First Amendment.

He has served the OBA as a member and chair of the Clients' Security Fund Committee as well as the Legal Ethics Advisory Panel. He has written two articles published in the *Oklahoma Bar Journal*, one of which won a Golden Quill Award. As part of his contributions to the University of Oklahoma College of Law, he established two scholarship awards for students who have written papers on the subject of civil liberties.

He was selected as an honorary member of the Order of the Coif by the OU College of Law chapter in 2012. He was named "Solo Practitioner of the Year" by the ABA Solo and Small Firm section for 2001-2002. He earned his J.D. from the OU College of Law in 1975.

## **General Assembly**

### **Friday, Nov. 15**

*These awards will be presented at this event.*

## **OUTSTANDING COUNTY BAR ASSOCIATION AWARD**

### **Comanche County Bar Association**

The Comanche County Bar Association is a recipient of the Outstanding County Bar Association Award for its relentless dedication to providing service to those in their community and throughout the state.

This year, the CCBA initiated a clothing drive for the Moore tornado victims and delivered items to First Baptist Church in Moore. The CCBA paid for four \$750 scholarship grants to local high school students using association funds. Additionally, the CCBA held 12 CLE luncheons during 2013.

The CCBA also assisted in winding down three law practices, including providing countless hours of pro bono hours to close out those practices' active cases.

The CCBA has also made a major impact during statewide OBA events by conducting an "Ask a Lawyer" program on Law Day and by volunteering with Habitat for Humanity to build a home for a local veteran during OBA Day of Service. In addition, Comanche County lawyers volunteered at the 94th Annual Lawton Rotary Club track meet and conducted a legal seminar and cookout at a Lawton-area battered women's shelter in conjunction with OBA Day of Service.

## **OUTSTANDING COUNTY BAR ASSOCIATION AWARD**

### **Osage County Bar Association**

The Osage County Bar Association, although small with about 40 members, has been selected for this award for its significant impact in the community it serves.

The OCBA provides about 10 hours of CLE per year to county bar members as well as members from surrounding counties. The OCBA raised money for Christmas presents for children who are in foster care placements with a local Indian tribe. The OCBA has started a major fundraising initiative to provide Internet access to the Osage County Courthouse.

The county bar is working to bridge the gap between attorneys who practice primarily within the Osage County District Court and attorneys who work for the Osage Nation. All practicing attorneys within the Osage Nation are now members of the OCBA and regularly attend events. The OCBA is working to educate and bring together area attorneys regarding the many rules of Indian law which must be strictly followed to prevent the legal work from being determined invalid. The OCBA also held a workshop in September to benefit Delaware and Osage tribal members in estate planning and elder law.

## **HICKS EPTON LAW DAY AWARD**

### **Custer County Bar Association**

The Custer County Bar Association is a recipient of the Hicks Epton Law Day Award for its innovative local celebration of Law Day. The CCBA organized a fun and creative way to get school kids thinking about the law and the legal system.

CCBA members staged four mock trials for fifth-grade students from Arapaho-Butler, Clinton and Weatherford schools. The students were summoned on March 26 for the trial of Henry Farmer, who was accused of setting his pigs loose in Miss Petunia's yard one too many times. The trial included witnesses, and the fifth graders served as the jurors. More than

300 students participated in the project and each received a pocket Constitution, provided by the OBA Law-related Education Department, to take with them.

The county bar also went to county high schools to speak with the senior classes and hand out the legal guide for young adults distributed by the Oklahoma Bar Association. These seminars covered topics including landlord/tenant obligations, credit, constitutional rights, family law and DUIs.

Additionally, the CCBA had several attorneys on hand to answer questions on the evening of Ask A Lawyer in conjunction with the statewide celebration of Law Day.

## **HICKS EPTON LAW DAY AWARD**

### ***LeFlore County Bar Association***

The LeFlore County Bar Association was selected for this year's Hicks Epton Law Day Award for the numerous events and presentations in which the LCBA participated. Led by Jolyn Belk, the Law Day chair for the county, the LCBA did an excellent job of reaching out to the association's community.

The LCBA conducted mock trials for hundreds of third and fifth graders in LeFlore County. Students participated as jury members, prosecutors and defense attorneys. County bar members acted in other roles necessary for the trials.

The LCBA hosts a quiz bowl each year with teams from various county high schools competing. In a ceremony at the LeFlore County District Courthouse as part of the Law Day activities, the winning teams were awarded trophies by Judge Ted Knight. Outstanding individual awards were also presented.

During Law Day, the LCBA also visited numerous high schools in LeFlore County presenting a program to seniors titled, "You're 18 Now — It's Your Responsibility."

The county bar was also active in the annual Ask A Lawyer program during Law Day.

## **GOLDEN GAVEL AWARD**

### ***Lawyers Helping Lawyers Assistance Program Committee***

The OBA Lawyers Helping Lawyers Committee Assistance Program Committee is honored with this year's Golden Gavel Award for its continuous service and dedication to helping advance the well-being of Oklahoma lawyers. Led by Clif Gooding and Tom Riesen, the LHLAP Committee members spend a great deal of time aiding OBA members in various ways.

Lawyers Helping Lawyers offers statewide assistance to OBA members and are on call 24/7. The program assists OBA members who are having difficulties that adversely affect their practice. Difficulties can be from a variety of sources — not just drugs and alcohol but also depression, stress, relationship challenges and gambling. The committee designs aid that is in the best interest of the affected member. The LHLAP Committee exercises compassion, tolerance, restraint and patience with people who are often at the worst point in their lives.

LHL Committee members participate in outreach efforts by raising funds and otherwise encouraging support for the LHL Foundation. The committee also facilitates and participates in monthly discussion groups in Oklahoma City and Tulsa. The groups cover a wide variety of topics from mental health subjects to substance abuse and practice management.

## **OUTSTANDING YOUNG LAWYER AWARD**

### ***Jennifer Heald Castillo, Oklahoma City***



Jennifer Heald Castillo is the recipient for this year's Outstanding Young Lawyer Award for her extensive service to the Oklahoma Bar Association Young Lawyers Division. She has chaired many YLD committees and has served as an officer for the past four years. During 2012, she served as the chair for the YLD and successfully guided the division to its most prosperous year.

She also served as a member of the Board of Governors in 2012 and currently serves as a trustee for the Oklahoma Bar Foundation. She currently sits on the Oklahoma Academy for State Goals Board of Directors, co-chairing its Report Committee in 2010.

She focuses her practice primarily on administrative law with an emphasis on regulatory matters. She also has experience in the areas of general civil litigation, ad valorem tax matters, bankruptcy and creditors' rights. She is currently a member of the Ruth Bader Ginsburg American Inn of Court.

She received her Bachelor of Arts degree in theater from Cameron University in 1996, her Master of Arts in communications from OU in 1999 and her J.D. from the OCU School of Law in 2002.

## OUTSTANDING SERVICE TO THE PUBLIC AWARD

### **Molly Aspan, Tulsa**

Molly Aspan is a recipient of the Outstanding Service to the Public Award in recognition of her work as chair of the OBA Disaster Response and Relief Committee.

The committee has been particularly active this past year in light of the multiple tornadoes in Moore, Shawnee, El Reno and other areas. The committee established a hotline for impacted residents and also sent volunteers to affected cities to allow storm victims immediate face-to-face legal advice. The committee was so active that the OBA hired a coordinator to assist the volunteer chair. To date, the committee has coordinated 260 volunteer attorneys in Oklahoma to provide free legal assistance in response to 616 requests for legal advice from survivors of the tornadoes.

Ms. Aspan recently made a presentation at a Federal Emergency Management Agency training session in Chicago. FEMA is using the committee's plan in creating a national model for legal assistance in response to disasters.

In 2006, Ms. Aspan was named the Tulsa County Bar Association Young Lawyer of the Year, and she received the James Sontag Award presented by the Council Oak/Johnson-Sontag American Inn of Court in 2009. She was named the OBA Outstanding Young Lawyer for 2011, and she was a recipient of the 2012 Leadership in Law award presented by the *Journal Record*. In addition, she is a member of the Hall Estill law firm's Recruitment & Diversity Committee.

She received her Bachelor of Arts degree in economics and political science from Fort Hays State University in 2000 and her J.D. from the University of Kansas School of Law in 2003.



## OUTSTANDING SERVICE TO THE PUBLIC AWARD

### **Linda Scoggins, Oklahoma City**

Linda Scoggins is a recipient of the Outstanding Service to the Public Award for her service to the community as an ambassador of the legal profession.

She has volunteered her time as a board member, officer and legal counsel to community healthcare pro-

viders for approximately 20 years. She most recently served on the board of directors for Variety Health Foundation and Variety Health Center, the state's largest provider of maternal and child healthcare to low-income families.

She has garnered a reputation as one of the top health lawyers in the state and has been a speaker on employment and health law-related topics at numerous seminars sponsored by the OBA, Oklahoma Health Lawyers Association, Oklahoma Hospital Association, OU College of Law and Oklahoma County Bar Association. She was one of the founding members of the Ruth Bader Ginsburg American Inn of Court, where she served as president from 2010-2012 and continues to serve as a member of the executive committee.

She received her Bachelor of Arts degree from OU in 1969 and her J.D. from the OU College of Law in 1981.



## AWARD FOR OUTSTANDING PRO BONO SERVICE

### **William J. Doyle, Tulsa**



William J. "Bill" Doyle is a recipient of the Award for Outstanding Pro Bono Service for his donated time, expertise and advocacy for any and all military personnel.

Prior to entering private practice in Tulsa, he was a captain in the U.S. Army from 1963-1965; thus establishing a connection with a cause that would continue throughout his career.

Inspired by former OBA President Deborah Reheard, who said, "For those who have served, we must serve," 2011-2012 TCBA President Faith Orlowski charged Mr. Doyle to structure a new Military/Veterans Committee. Coordinating with the Mayor's Veteran's Committee, the city's veteran website and the Community Service Council in its work with the Veterans Court, the Vet Center and the VA's homeless programs, he worked to identify the holes in existing programs. He initiated a committee and began to address the unmet needs of veterans in his community. With each passing year, he has attempted to expand the program.

He is the senior partner in the firm of Doyle & Salisbury in Tulsa. He received his Bachelor of Arts degree from OU in 1960 and his J.D. from the TU College of Law.

## **AWARD FOR OUTSTANDING PRO BONO SERVICE**

### ***Gaylene Flanary McCallum, Bartlesville***

Gaylene McCallum is a recipient of the Award for Outstanding Pro Bono Service for her outstanding commitment to service in the face of adversity and hardship.

She serves numerous groups of people, including victims of domestic abuse, children and those living in poverty. She provided free legal services for victims of the Oklahoma City bombing and served as a volunteer lawyer for Spirit of Hope, a Native American tribal coalition devoted strictly to providing pro bono services to Native American women who are victims of domestic abuse.



She serves as a volunteer lawyer for the Oklahoma Lawyers for America's Heroes program. She also gives free legal information and advice to participants in Bridges Out of Poverty, a social service organization. She provides pro bono services to the Washington County District Court, serving as attorney and guardian *ad litem* representing children in adoption, guardianship, juvenile deprived and child custody cases.

She has continued to serve and help others, despite personal obstacles throughout her life. She worked many years as a licensed commercial pilot but was unable to continue in that career because of a severe hearing loss that began in her 20s. She decided to delay law school in favor of raising her two sons and eventually faced divorce after 23 years of marriage. In 2008, years after beginning her legal career, she suffered two shattered vertebrae in a car accident and had to stop working for some time. Her resilience enabled her to ultimately return to practicing law out of offices in both Bartlesville and Hugo.

She graduated from the University of Texas at Arlington with her bachelor's degree in public affairs with emphasis in public administration, earned an MBA degree from OU, and received her J.D. from the OU College of Law in 1991.

*Read more of Ms. McCallum's story in the "Raising the Bar" feature article in this issue.*

## **MAURICE MERRILL GOLDEN QUILL AWARD**

### ***Doris J. Astle, Western Oklahoma & Tulsa***

Doris J. Astle receives the Maurice Merrill Golden Quill Award for her article titled "Juvenile Justice: Life and Death," which appeared in the Aug. 17, 2013, issue of *The Oklahoma Bar Journal*.



She served for seven years in various positions at a medical clinic in Stillwater. She also served for three years as a transactional attorney at her own law office in Tulsa. She is a former partner with the Tulsa firm of Hall Estill and is now an associate professor of criminal justice at Southwestern Oklahoma State University. She is a member of the OBA Criminal Law Section.

She earned her B.S., M.S., and Ph.D. degrees in sociology from OSU and her J.D. from TU 1981.

## **MAURICE MERRILL GOLDEN QUILL AWARD**

### ***Duane Croft, Norman***

Duane Croft receives the Maurice Merrill Golden Quill Award for his article titled "Encryption, Privacy and the Dark Side of the Internet," which appeared in the March 16, 2013, issue of *The Oklahoma Bar Journal*.



He practices in Norman, focusing in the areas of criminal defense, DUI defense, divorce, child custody, and wills and estate planning. He has several years of engineering experience and training, and he is a qualified patent attorney.

He earned a B.S. degree in physics/math from the University of Pittsburgh in 1979. He spent the next 20 years performing safety analysis engineering and accident analysis/investigation at several nuclear power plants. He earned his J.D. from the OU College of Law, passing the U.S. Patent bar in 2004 and the Oklahoma bar in 2005.



# Do the right thing.

**We understand that the law is a learned profession and that among its tenets are devotion to public service, improvement of the administration of justice and access to justice for our fellow citizens.**

Standards of Professionalism §1.1

The OBA Professionalism Committee encourages you to review all the standards at <http://bit.ly/14ErsGp>

## **OBA Awards:**

### ***Individuals for Whom Awards are Named***

(cont'd from page 2348)

**JOHN E. SHIPP** — John E. Shipp, an attorney from Idabel, served as 1985 OBA president and became the executive director of the association in 1998. Unfortunately his tenure was cut short when his life was tragically taken that year in a plane crash. Mr. Shipp was known for his integrity, professionalism and high ethical standards. He had served two terms on the OBA Professional Responsibility Commission, serving as chairman for one year, and served two years on the Professional Responsibility Tribunal, serving as chief-master. The OBA's Award for Ethics bears his name.

**EARL SNEED** — Earl Sneed served the University of Oklahoma College of Law as a distinguished teacher and dean. Mr. Sneed came to OU as a faculty member in 1945 and was praised for his enthusiastic teaching ability. When Mr. Sneed was appointed in 1950 to lead the law school as dean, he was just 37 years old and one of the youngest deans in the nation. After his retirement from academia in 1965, he played a major role in fundraising efforts for the law center. The OBA's Continuing Legal Education Award is named in his honor.

**JOE STAMPER** — Joe Stamper of Antlers retired in 2003 after 68 years of practicing law. He is credited with being a personal motivating force behind the creation of OUJI and the Oklahoma Civil Uniform Jury Instructions Committee. Mr. Stamper was also instrumental in creating the position of OBA general counsel to handle attorney discipline. He served on both the ABA and OBA Board of Governors and represented Oklahoma at the ABA House of Delegates for 17 years. His eloquent remarks were legendary, and he is credited with giving Oklahoma a voice and a face at the national level. The OBA's Distinguished Service Award is named to honor him.

**ALMA WILSON** — Alma Wilson was the first woman to be appointed as a justice to the Supreme Court of Oklahoma in 1982 and became its first female chief justice in 1995. She first practiced law in Pauls Valley, where she grew up. Her first judicial appointment was as special judge sitting in Garvin and McClain Counties, later district judge for Cleveland County and served for six years on the Court of Tax Review. She was known for her contributions to the educational needs of juveniles and children at risk, and she was a leader in proposing an alternative school project in Oklahoma City, which is now named the Alma Wilson SeeWorth Academy. The OBA's Alma Wilson Award honors a bar member who has made a significant contribution to improving the lives of Oklahoma children.

# JUVENILE LAW SECTION MEETING

*Featuring Attorneys for Baby Veronica*

**Thursday Afternoon November 14, 2013**

**4 hours of FREE CLE**

**INCLUDING 1 HOUR OF "FREE" ETHICS"**

*All Volunteers with Oklahoma Lawyers for Children and  
Tulsa Lawyers for Children are welcome to attend!*

**The Juvenile Law Section proudly supports OLFC and TLC will make the room  
assigned to the Juvenile Law Section available for additional FREE CLE  
opportunities during Thursday morning.**

***Morning Session: Contact OLFC and TLC for training/CLE opportunities***

***Afternoon Session:***

- |                        |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>12:45 to 1 p.m.</b> | <b>Registration and Welcome</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>1 to 1:50 p.m.</b>  | <b>Jurors, Witnesses &amp; the Parties: Finding Useful<br/>Information in the Age of Social Media<br/><i>Wes Billingsley</i></b>                                                                                                                                                                                                                                                                                         |
| <b>2 to 2:20 p.m.</b>  | <b>Section Meeting and Awards Presentations</b>                                                                                                                                                                                                                                                                                                                                                                          |
| <b>2:20 to 4 p.m.</b>  | <b>A Look at the Baby Veronica Case &amp; its Impact on the Indian<br/>Child Welfare Act in Oklahoma -<br/>• <i>Rob Nigh/attorney for the father</i><br/>• <i>Phil &amp; Noel Tucker/attorneys for the mother<br/>&amp; the adoptive parents</i><br/>• <i>Paul E. Swain/attorneys for the<br/>adoptive parents</i><br/>• <i>Angel Smith/attorney for the child</i><br/>• <i>Chrissi Nimmo/attorney for the Tribe</i></b> |
| <b>4:10 to 5 p.m.</b>  | <b>Juvenile Ethics - "50 Questions in 50 Minutes"<br/><i>Tsinena Bruno-Thompson &amp; Ben Brown</i></b>                                                                                                                                                                                                                                                                                                                  |

# OBA Nominating Petitions

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

## OFFICERS

### PRESIDENT-ELECT

**DAVID A. POARCH JR., NORMAN**

Nominating Petitions have been filed nominating David A. Poarch Jr. for election of President Elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2014.

A total of 203 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Cleveland, Garfield, Love and Pottawatomie

### VICE PRESIDENT

**SUSAN S. SHIELDS, OKLAHOMA CITY**

Nominating Petitions have been filed nominating Susan S. Shields for election of Vice President of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2014.

A total of 136 signatures appear on the petitions.

## BOARD OF GOVERNORS

### SUPREME COURT JUDICIAL DISTRICT No. 2

**KEVIN T. SAIN, IDABEL**

Nominating Petitions have been filed nominating Kevin T. Sain for election of Supreme Court Judicial District No. 2 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2014.

A total of 35 signatures appear on the petitions.

Nominating Resolutions have been received from the following county: McCurtain

### : SUPREME COURT JUDICIAL DISTRICT No. 8

**JAMES R. MARSHALL, SHAWNEE**

Nominating Petitions have been filed nominating James R. Marshall for election of Supreme Court Judicial District No. 8 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2014.

A total of 29 signatures appear on the petitions.

A Nominating Resolution has been received from the following county: Pottawatomie

### : SUPREME COURT JUDICIAL DISTRICT No. 9

**JOHN W. KINSLOW, LAWTON**

Nominating Petitions have been filed nominating John W. Kinslow for election of Supreme Court Judicial District No. 9 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2014. A total of 44 signatures appear on the petitions.

### : MEMBER-AT-LARGE

**DEIRDRE O'NEIL DEXTER, SAND SPRINGS**

Nominating Petitions have been filed nominating Deirdre O'Neil Dexter for election of Member at Large of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2014.

A total of 170 signatures appear on the petitions.

**JON D. STARR, TULSA**

Nominating Petitions have been filed nominating Jon D. Starr for election of Member at Large of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2014. A total of 69 signatures appear on the petitions.

# 2013 House of Delegates

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

| COUNTY                     | DELEGATE                        | ALTERNATE                  |
|----------------------------|---------------------------------|----------------------------|
| <b>Adair Co.</b> .....     | Ralph Keen .....                | Jeff Jones                 |
| <b>Alfalfa Co.</b> .....   | Marcus Jungman.....             | Kyle Hadwiger              |
| <b>Atoka Co.</b>           |                                 |                            |
| <b>Beaver Co.</b> .....    | C. Todd Trippet.....            | Jerry L. Venable           |
| <b>Beckham Co.</b> .....   | Avery "Chip" Eeds.....          | Judge Michelle Kirby Roper |
| <b>Blaine Co.</b> .....    | F. Douglas Shirley              |                            |
| <b>Bryan Co.</b> .....     | Chris D. Jones .....            | P.L. Pat Phelps            |
| <b>Caddo Co.</b>           |                                 |                            |
| <b>Canadian Co.</b> .....  | W. Mark Hixson .....            | Suzanne Heggy              |
|                            | Nathan Richter .....            | Ashton Handley             |
|                            | Sandy Steffen .....             | Charles Gass               |
|                            | Jack Dawson .....               | Valerie Baker              |
| <b>Carter Co.</b> .....    | Mike Mordy .....                | Tom Walker                 |
|                            | Judge Dennis Morris             |                            |
| <b>Cherokee Co.</b> .....  | B.J. Baker.....                 | Gayle McNamara             |
| <b>Choctaw Co.</b> .....   | Thomas J. Hadley .....          | Robert L. Rabon            |
| <b>Cimarron Co.</b> .....  | Judge Ronald L. Kincannon ..... | Stanley Ed Manski          |
| <b>Cleveland Co.</b> ..... | Alissa Hutter Preble .....      | Kathryn Flood              |
|                            | Tyson Stanek .....              | David Swank                |
|                            | Dave Batton .....               | Sharon Sitzman             |
|                            | Peggy Stockwell.....            | Benjamin Odom              |
|                            | Judge Steve Bonner.....         | Beth Stanley               |
|                            | Henry Herbst.....               | Richard Vreeland           |
|                            | Richard Stevens .....           | Rebekah Taylor             |
|                            | Judge Lori Walkley.....         | John Sparks                |
|                            | Don Pope.....                   | Craig Sutter               |
|                            | Dave Stockwell .....            | Jim Loftis                 |
|                            | Jan Grant Johnson .....         | Debra Loffelholz           |
|                            | Holly Iker .....                | Josh Turner                |
|                            | Mike Johnson .....              | Catherine (Kate) Butler    |
|                            | David Poarch .....              | Cindee Pichot              |
|                            | Gary Rife.....                  | Weldon Nesbitt             |
|                            | Amy Pepper .....                | Jamie McGraw               |
|                            | Mike Salem.....                 | Greg Tontz                 |

|                             |                                   |                           |
|-----------------------------|-----------------------------------|---------------------------|
|                             | Rick Sitzman.....                 | Ann Harcourt              |
|                             | Jan Meadows.....                  | David Ponder              |
|                             | Blake Virgin .....                | Jeanne Miller             |
| <b>Coal Co.</b> .....       | Trae Gray .....                   | Richard Branam            |
| <b>Comanche Co.</b> .....   | Grant Shepard .....               | Dietmar Caudle            |
|                             | Robin Rochelle.....               | Ana Basora                |
|                             | Aimee Vardemann                   |                           |
| <b>Cotton Co.</b> .....     | Kathleen Flanagan .....           | Mark Clark                |
| <b>Craig Co.</b> .....      | Kent Ryals .....                  | Pamela Hartley            |
| <b>Creek Co.</b> .....      | Sheri Eastham .....               | Ben Waters                |
|                             | Glen Hickerson.....               |                           |
| <b>Custer Co.</b> .....     | Juan Garcia .....                 | Richard J. Phillips       |
| <b>Delaware Co.</b>         |                                   |                           |
| <b>Dewey Co.</b> .....      | Judge Rick Bozarth.....           |                           |
| <b>Ellis Co.</b> .....      | Judge Joe L. Jackson.....         | Laurie E. Hays            |
| <b>Garfield Co.</b> .....   | David Ezzell.....                 | Glenn Devoll              |
|                             | Karig Culver.....                 | Kaleb Hennigh             |
|                             | Amber Gill .....                  | David Trojan              |
| <b>Garvin Co.</b> .....     | Daniel Sprouse .....              | Kristin Jarman            |
| <b>Grady Co.</b> .....      | Alexandra Rupp.....               | Ryland Rivas              |
|                             | Dan Williams .....                | Judge Richard Van Dyck    |
| <b>Grant Co.</b> .....      | Judge Jack D. Hammontree Jr. .... | Steven A. Young           |
| <b>Greer Co.</b> .....      | Eric Yarborough .....             | Judge Danny R. Deaver     |
| <b>Harmon Co.</b> .....     | W. Mike Warren .....              | David L. Cummins          |
| <b>Harper Co.</b> .....     | Judge Megan L. Simpson .....      | Abby M. Cash              |
| <b>Haskell Co.</b>          |                                   |                           |
| <b>Hughes Co.</b>           |                                   |                           |
| <b>Jackson Co.</b>          |                                   |                           |
| <b>Jefferson Co.</b>        |                                   |                           |
| <b>Johnston Co.</b> .....   | Paule Wise                        |                           |
| <b>Kay Co.</b> .....        | Brian Hermanson                   |                           |
|                             | Richard Johnson                   |                           |
| <b>Kingfisher Co.</b> ..... | E. Edd Pritchett                  |                           |
| <b>Kiowa Co.</b> .....      | Thomas W. Talley.....             | Ricky Marsh               |
| <b>Latimer Co.</b> .....    | F. Nils Raunikar                  |                           |
| <b>LeFlore Co.</b> .....    | Dru Waren .....                   | Jolyn Noel Belk           |
| <b>Lincoln Co.</b> .....    | Greg D. Pollard                   |                           |
| <b>Logan Co.</b> .....      | Jeff Hirzel.....                  | Rebecca King              |
| <b>Love Co.</b> .....       | Kenneth L. Delashaw Jr. ....      | Richard A. Cochran Jr.    |
| <b>Major Co.</b>            |                                   |                           |
| <b>Marshall Co.</b>         |                                   |                           |
| <b>Mayes Co.</b> .....      | Gerald Robert Lee.....            | Jacqueline Cathryn Rhodes |
| <b>McClain Co.</b> .....    | John Mantooth .....               | William Deveraux          |
| <b>McCurtain Co.</b> .....  | Kevin T. Sain .....               | Scott F. Doering          |
| <b>McIntosh Co.</b> .....   | Samuel S. Barnes.....             | Brendon Bridges           |
| <b>Murray Co.</b> .....     | Phil S. Hurst .....               | John Scaggs               |
| <b>Muskogee Co.</b> .....   | Matthew Beese .....               | Tony Allen                |
|                             | Justin Stout .....                | Paige Frix                |
|                             | Roy Tucker .....                  | Betty Outhier Williams    |
| <b>Noble Co.</b> .....      | Debbie L. Smith .....             | Vicky Beier               |
| <b>Nowata Co.</b>           |                                   |                           |



**Okfuskee Co.****Oklahoma Co.**

|                                |                     |
|--------------------------------|---------------------|
| Judge Patricia Parrish .....   | Daniel Couch        |
| Angela Ailles Bahm .....       | Richard Rose        |
| James R. Webb .....            | Robert Black        |
| John Oldfield .....            | Sheila D. Stinson   |
| Judge Bryan Dixon .....        | Keith Givens        |
| John W. Coyle .....            | Juston Givens       |
| Judge Barbara Swinton .....    | Regan Beatty        |
| Judge Lisa Hammond .....       | Cherish Ralls       |
| Judge Lisa Tipping Davis ..... | Jennifer Castillo   |
| Robert C. Margo .....          | Justin Hiersche     |
| David Donchin .....            | Jeremy Rowland      |
| Judge Thomas E. Prince .....   | John Barbush        |
| Judge Lynne McGuire .....      | Brandon Long        |
| Nancy Parrott .....            | Charles Alden       |
| John Gile .....                | Phillip G. Whaley   |
| Michael Mullins .....          | Daniel Webber       |
| Robert N. Sheets .....         | Tracey Martinez     |
| Gary Derrick .....             | Judge Robert Bell   |
| LeAnne Burnett .....           | Marc Edwards        |
| Leslie Lynch .....             | James Jennings      |
| Mark Folger .....              | J. Chris Condren    |
| Mack Martin .....              | Lance Leffel        |
| Judge Glenn Jones .....        | Sarah Schumacher    |
| Laura McConnell-Corbyn .....   | Denise Cramer       |
| John Heatly .....              | Michelle Harrington |
| David Cheek .....              | Glenn White         |
| Judge Don Andrews .....        | John Handy Edwards  |
| Ben Butts .....                | Matthew Kane        |
| Gary Chilton .....             | Teresa Rendon       |
| Derek Burch .....              | M. Courtney Briggs  |

**Okmulgee Co.****Osage Co.****Ottawa Co.****Pawnee Co.****Payne Co.**

|                           |                   |
|---------------------------|-------------------|
| Jesse J. Worten           | John M. Weedn     |
| Charles W. Chesnut .....  | Patrick Pickerill |
| John S. Nobles .....      | Brenda Nipp       |
| D. Scott Pappas .....     | Robyn Baker       |
| Susan Worthington .....   | Brandee Hancock   |
| Monica Turek .....        | Blake Lynch       |
| Mindy Beare .....         | Kim Adams         |
| Ellen Quinton .....       | Jason Christopher |
| T. Walter Newmaster ..... | Christine Pappas  |
| Leslie Taylor .....       | Brandi Nowakowski |
| James R. Marshall .....   | Andrew D. O'Gwynn |
| Joe Vorndran .....        | Charlie Rowland   |
| James T. Branam .....     |                   |

**Pittsburg Co.****Pontotoc Co.****Pottawatomie Co.****Pushmataha Co.****Roger Mills Co.****Rogers Co.**

|                              |                  |
|------------------------------|------------------|
| Justin Greer .....           | Kathy Lahmeyer   |
| Noah Sears .....             | Melinda Wantland |
| R. Victor Kennemer III ..... | William D. Huser |

**Seminole Co.****Sequoyah Co.****Stephens Co.**

|                    |                   |
|--------------------|-------------------|
| Jamie Phipps ..... | William B. Buxton |
|--------------------|-------------------|

|                             |                                  |                           |
|-----------------------------|----------------------------------|---------------------------|
| <b>Texas Co.</b> .....      | Cory B. Hicks .....              | Douglas D. Dale           |
| <b>Tillman Co.</b> .....    | Clyde H. Amyx II .....           | Kelly Tice                |
| <b>Tulsa Co.</b> .....      | Judge William C. Kellough.....   | Kimberly K. Hays          |
|                             | Paul D. Brunton.....             | James C. Milton           |
|                             | Bob Farris .....                 | Michael S. Ashworth       |
|                             | Charles Hogshead .....           | Shannon D. Taylor         |
|                             | Bill LaSorsa .....               | Tamera A. Childers        |
|                             | Renee DeMoss.....                | Justin B. Munn            |
|                             | Kenneth L. Brune.....            | Amber Peckio Garrett      |
|                             | Larry D. Leonard.....            | J. Christopher Davis      |
|                             | Leonard Pataki.....              | Cara Collinson Wells      |
|                             | Hugh Rineer .....                | Jeremy Ward               |
|                             | Ken Williams.....                | Lori Warner Kingston      |
|                             | Molly Aspan.....                 | Michael James O'Malley    |
|                             | Paul Naylor.....                 | James L. Colvin III       |
|                             | N. Kay Bridger-Riley.....        | Adam Montessi             |
|                             | Judge Millie Otey.....           | Alexander Sisemore        |
|                             | Judge Martha Rupp Carter.....    | Bruce A. McKenna          |
|                             | Deirdre Dexter .....             | Jack L. Brown             |
|                             | James R. Gotwals.....            | Catherine M. Cullem       |
|                             | Faith Orlowski .....             | Tony W. Haynie            |
|                             | Robert B. Sartin .....           | Georgenia Van Tuyt        |
|                             | John R. Woodard III .....        | Jay Dunham                |
|                             | Steve Balman .....               | David "Mike" Thornton Jr. |
|                             | Zach Smith.....                  | Ryan C. Harper            |
|                             | Ron Main.....                    | Bill Sanders              |
|                             | Robert P. Redemann               |                           |
|                             | Trisha L. Archer                 |                           |
|                             | Julie Evans                      |                           |
|                             | Kimberly K. Moore-Waite          |                           |
| <b>Wagoner Co.</b> .....    | Richard Loy Gray Jr.....         | Eric W. Johnson           |
|                             | Judge Douglas Kirkley .....      | W. Grant Huskey           |
| <b>Washington Co.</b> ..... | Amy K. Hart.....                 | P. Scott Buhlinger        |
|                             | Kinder Shamhart.....             | Linda Thomas              |
| <b>Washita Co.</b> .....    | Judge Christopher S. Kelly ..... | Skye Shepard-Wood         |
| <b>Woods Co.</b> .....      | Mark Keller .....                | Jeremy Bays               |
| <b>Woodward Co.</b> .....   | Jay Mitchel.....                 | Bryce Hodgden             |

## DELEGATE

*Oklahoma Judicial  
Conference* .....

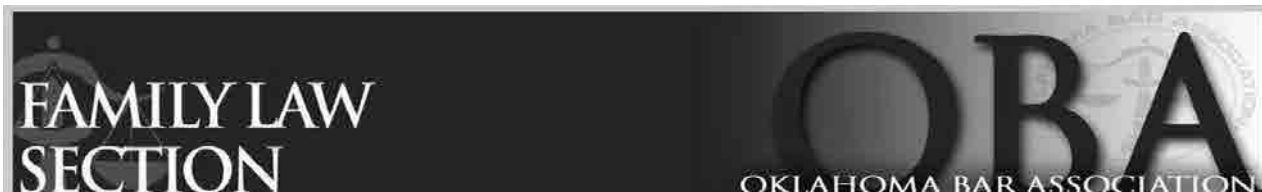
Dist. Judge Mary Fitzgerald .....

Assoc. Dist. Judge Mickey J. Hadwiger .....

## ALTERNATE

Dist. Judge George Butner

Assoc. Dist. Judge Mark Moore



## 2013 OBA FAMILY LAW SECTION ANNUAL MEETING Thursday, November 14, 2013

**Oklahoma Bar Association • 1901 N. Lincoln Blvd., Oklahoma City, OK 73105**

The OBA Family Law Section is a Presumptive Oklahoma MCLE Provider. This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 5 hours of mandatory CLE credit, with 0 hours Ethics Credit.

**PRE-REGISTRATION WITH THE OBA FLS IS NOT REQUIRED.** Attendance is FREE on Thursday for all OBA FLS Members. Non-OBA FLS members may attend and receive CLE credit by paying the \$25 dues for 2013 at the door.

**OBA FLS MEMBERS WHO ARRIVE AT THE BAR CENTER AND CHECK IN NO LATER THAN 8:50 A.M. WILL BE AUTOMATICALLY ENTERED IN A DRAWING FOR A \$100 VISA GIFT CARD!!**

| DATE/TIME                  | EVENT / TOPIC                                                                                                                                                                                                                                                                                                           | LOCATION/SPEAKER                                                                 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <b>Wednesday, 11/13/13</b> | <b>Wednesday Events Require Registration &amp; Payment to OBA</b>                                                                                                                                                                                                                                                       | <b>Sheraton Hotel / 1 North Broadway Avenue, Oklahoma City</b><br>Sheraton Hotel |
| 9 A.M. – 4:50 P.M.         | OBA Multi-Track CLE Programs: Juvenile/ Criminal Law, Health Law, Technology & Recent Developments                                                                                                                                                                                                                      |                                                                                  |
| 7 P.M. – 9:30 P.M.         | President's Legal Superhero Reception                                                                                                                                                                                                                                                                                   | Sheraton Hotel                                                                   |
| 9 P.M. – Midnight          | OBA Family Law Section Hospitality Suite Open                                                                                                                                                                                                                                                                           | Sheraton Hotel #1215                                                             |
| <b>Thursday, 11/14/13</b>  | <b>OBA FLS ANNUAL MEETING &amp; FREE CLE DAY</b>                                                                                                                                                                                                                                                                        | <b>OBA Center / 1901 N. Lincoln</b>                                              |
| 8 A.M. – 8:30 A.M.         | Breakfast and Sign In                                                                                                                                                                                                                                                                                                   | Shuttle available from Sheraton to Bar Center                                    |
| 8:30 A.M. – 9 A.M.         | <input type="checkbox"/> Welcome! Announcements & Comments<br><input type="checkbox"/> FLS Business Meeting (Election & Budget) & Committee Reports<br><input type="checkbox"/> Door Prizes & Drawing for those arrived/checked in by 8:50 a.m.<br><input type="checkbox"/> <b>HoganTaylor LLP Sponsor Presentation</b> | <b>Donelle Ratheal, FLS Chair</b><br><br><b>Hogan Taylor LLP Speaker</b>         |
| 9 A.M. – 10:10 A.M.        | <b>Keynote Speaker: ADVANCE CONSTRUCTIVE CROSS EXAMINATION for FAMILY TRIAL LAWYERS</b> (Sponsored by the OBA FLS and the OBA FLS Practice Manual)                                                                                                                                                                      | <b>Roger J. Dodd, Park City, Utah</b><br>(Introduction by Shane Henry)           |
| 10:10 A.M. – 10:20 A.M.    | Break (10 minutes)                                                                                                                                                                                                                                                                                                      |                                                                                  |
| 10:20 A.M. – 10:30 A.M.    | Door Prizes & Grand Prize Drawing 1                                                                                                                                                                                                                                                                                     | Donelle Ratheal, FLS Chair                                                       |
| 10:30 A.M. – 11:30 A.M.    | (Continued) <b>ADVANCE CONSTRUCTIVE CROSS EXAMINATION for FAMILY TRIAL LAWYERS</b> (Sponsored by the OBA FLS and the OBA FLS Practice Manual)                                                                                                                                                                           | <b>Roger J. Dodd, Park City, Utah</b>                                            |
| 11:30 A.M. – 2:15 P.M.     | <b>Lunch</b> (Free shuttle service between Bar Center and Sheraton Hotel for OBA Luncheon or lunch on your own)                                                                                                                                                                                                         | OBA Annual Luncheon (Noon – 1:45 p.m. ) or On Your Own                           |
| 2:15 P.M. – 3:25 P.M.      | <b>RECENT DEVELOPMENTS IN FAMILY LAW</b>                                                                                                                                                                                                                                                                                | <b>Professor Robert G. Spector</b>                                               |
| 3:25 P.M. – 3:35 P.M.      | Break (10 minutes)                                                                                                                                                                                                                                                                                                      |                                                                                  |
| 3:35 P.M. – 3:45 P.M.      | Presentation by OBA FLS Practice Manual                                                                                                                                                                                                                                                                                 | <b>Practice Manual Co-Chairs</b>                                                 |
| 3:45 P.M. – 4:55 P.M.      | <b>THE HIDDEN LAW: AN ANALYSIS OF UNPUBLISHED FAMILY LAW CASES FROM THE COURT OF CIVIL APPEALS</b>                                                                                                                                                                                                                      | <b>Professor Robert G. Spector</b>                                               |
| 4:55 P.M. – 5:20 P.M.      | <input type="checkbox"/> Awards Presentations (Outstanding Law Student(s), Family Law Judge, GAL, Mediator, and Family Law Attorney)<br><input type="checkbox"/> Door Prizes & 2013 Attendance Prize<br><input type="checkbox"/> Grand Prize Drawing 2                                                                  | Donelle Ratheal, FLS Chair                                                       |
| 5:20 P.M.                  | Adjourn                                                                                                                                                                                                                                                                                                                 | Shuttle from Bar Center to Sheraton                                              |
| 7 P.M. – 11:00 P.M.        | "The Best of Oklahoma Art, Music, Food & Wine" Reception (Annual Meeting registration not required -all invited!)                                                                                                                                                                                                       | Sheraton Hotel                                                                   |
| 9 P.M. – Midnight          | OBA Family Law Section Hospitality Suite Open                                                                                                                                                                                                                                                                           | Sheraton Hotel #1215                                                             |
| <b>Friday, 11/15/13</b>    | OBA General Assembly begins at 9:00 AM & House of Delegates immediately following (Open to all OBA Members)                                                                                                                                                                                                             | Sheraton Hotel                                                                   |

# OBA/CLE

Sheraton Hotel, Oklahoma City, 6 MCLE Hours

|                 | <b>Juvenile/Criminal Law Track</b><br>Qualifies for 6 hrs. juvenile law training per 10 A.O.S. Sec. 1-8-10(B)1<br>Ben Brown<br>Gail Stricklin | <b>Health Law Track</b><br><br>Cori Loomis                                                                                                                         | <b>Recent Developments</b><br><br>Travis Pickens                                                                                                             | <b>Technology Track</b><br><br>Jim Calloway                                                                                |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>9-9:50</b>   | <b>Fundamentals of the Indian Child Welfare Act (ICWA)</b><br><br>Steve Hager                                                                 | <b>2013 A Year in Review<br/>A Fast and Furious Review of This Year's Top Developments</b><br>cosponsored by the Health Law Section<br>Karen Rieger<br>Cori Loomis |                                                                                                                                                              | <b>PDF Tips and Tricks That Will Change Your Practice</b><br><br>Brett Burney<br>Jim Calloway                              |
| <b>10-10:50</b> | <b>The Trauma Informed Attorney</b><br><br>Jackie Steyn                                                                                       | <b>Licensure Board Issues: Update on Rules and Navigating Disciplinary Proceedings</b><br><br>Kim Stevens, RN, JD<br>Elizabeth Scott                               | <b>Criminal Law Update</b><br><br>Barry Derryberry<br>Andrea Miller                                                                                          | <b>How to Use Technology to Market Your Law Practice</b><br><br>Brett Burney<br>Jim Calloway                               |
| <b>11-11:50</b> | <b>Best Practices for Show Cause Hearing: Balancing Needs of Child with Rights of Parents</b><br>Panel<br>Judge Mike Warren officiating       | <b>Health Care Reform Update</b><br><br>Kim Holland<br><i>Session sponsored by Oklahoma Health Lawyers Association</i>                                             | <b>Family Law Update</b><br><br>Professor Robert G. Spector                                                                                                  | <b>iLitigate on an iPad</b><br><br>Brett Burney<br>Jim Calloway                                                            |
| <b>2-2:50</b>   | <b>Ethics Questions in 50 Minutes</b><br><br>Ben Brown<br>Tsinena Thompson                                                                    | <b>Advanced Stark and AKS Compliance: Case Studies and Hypotheticals</b><br>Elizabeth Tyrrell<br>Greg Frogge<br>Pat Rogers                                         | <b>Employment Law Update</b><br><br>David Strecker                                                                                                           | <b>50 Hot Technology Tips in 50 Minutes</b><br><br>Brett Burney<br>Jim Calloway                                            |
| <b>3-3:50</b>   | <b>Expungement</b><br><br>Dave Stockwell                                                                                                      | <b>HIPAA and Health Information Exchange: Big Data, Big Issues</b><br><br>Teresa Burkett                                                                           | <b>Insurance Law Update</b><br><br>Rex Travis                                                                                                                | <b>21st Century Ethics and Technology – Cloud Services and Mobile Devices (Ethics)</b><br><br>Brett Burney<br>Jim Calloway |
| <b>4-4:50</b>   | <b>DUI</b><br><br>Charles Sifers                                                                                                              | <b>Health Care Litigation Update: Impact of Oklahoma SCT Decision on Lawsuit Reform and Provider Liability</b><br><br>John Wiggins                                 | <b>Civility Matters (Ethics)</b><br>Bill Grimm<br>Dan Folluo<br>Gary Homsey<br>G. Calvin Sharpe<br>James Jennings<br>Monte Bottoms<br>Judge Patricia Parrish | <b>E-Discovery Update</b><br><br>Brett Burney                                                                              |



# Program of Events

All events will be held at the Sheraton Hotel unless otherwise specified.  
 Submit meeting room and hospitality suite requests to Craig Combs at [craigc@okbar.org](mailto:craigc@okbar.org).  
 Submit meeting program information to Lori Rasmussen at [lorir@okbar.org](mailto:lorir@okbar.org).

## TUESDAY, NOVEMBER 12

OBA Registration ..... 4 – 7 p.m.  
 Sheraton Lobby

Oklahoma Fellows of the  
 American Bar Foundation ..... 6:30 – 9 p.m.  
 Southwest Ballroom  
 Devon Tower  
 50th Floor

## WEDNESDAY, NOVEMBER 13

Oklahoma Fellows of the  
 American Bar Foundation ..... 7:30 – 9 a.m.  
 Red Carpet Room

OBA Registration ..... 8 a.m. – 5 p.m.  
 Century Ballroom Foyer  
 Second Floor

OBA Hospitality ..... 8 a.m. – 5 p.m.  
 Aria Lounge  
 First Floor

Board of Bar Examiners ..... 8:30 – Noon  
 Frontier Room

OBA/CLE Seminar ..... 9 – 11:50 a.m.

See seminar program for speakers  
 and complete agenda

Health Law ..... 19th Century Ballroom  
 Juvenile/Criminal Law ..... 18th Century Ballroom  
 Recent Developments ..... 20th Century Ballroom  
 Technology ..... Plaza South Ballroom

OU College of Law  
 Alumni Reception  
 and Luncheon ..... 11:30 a.m. – 1:30 p.m.  
 Red Prime Steak  
 504 N. Broadway Ave.

**Outstanding Senior Law School Student  
 Award**  
 Selby P. Brown  
 University of Oklahoma College of Law

OCU School of Law  
 Alumni Reception  
 and Luncheon ..... Noon – 1:30 p.m.  
 Venetian Ballroom  
 14th Floor  
 Skirvin Hilton Hotel  
 One Park Ave.

**Outstanding Senior Law School Student  
 Award**  
 Taylor Robertson  
 Oklahoma City University School of Law

TU College of Law  
 Alumni Reception  
 and Luncheon ..... Noon – 1:30 p.m.  
 Red Carpet Room

**Outstanding Senior Law School Student  
 Award**  
 Diane Hernandez  
 University of Tulsa College of Law

OBA Health Law  
 Section Luncheon ..... Noon – 1:30 pm  
 Green Country Room



OBA Criminal Law Section

Luncheon ..... Noon – 1:30 pm  
*Petroleum Club  
35th Floor*

OBA Board of Governors Meeting ..... 2 – 4 p.m.  
*Kiamichi Room*

OBA/CLE Seminar ..... 2 – 4:50 p.m.

*See seminar program for speakers  
and complete agenda*

Health Law ..... 19th Century Ballroom  
Juvenile/Criminal Law ..... 18th Century Ballroom  
Recent Developments ..... 20th Century Ballroom  
Technology ..... Plaza South Ballroom

OBA Law Day Committee ..... 3 – 5 p.m.  
*Great Plains Room*

Reception for County Law Day  
Chairpersons ..... 4:30 – 5 p.m.  
*Great Plains Room*

Legal Ethics Committee ..... 4:30 – 6 p.m.  
*Frontier Room*

OBA Health Law Section Reception ..... 5 – 6 p.m.  
*Green Country Room*

OBF Fellows Reception ..... 5:30 – 7 p.m.  
*Suite 1504*

**President's Legal Superheroes  
Reception ..... 7 – 9:30 p.m.  
Century Ballroom**

*(Free for everyone with  
meeting registration)*

*Celebrate the Annual Meeting with OBA President Jim  
Stuart. Each attendee receives two drink tickets.*



Past Presidents' Dinner ..... 8 – 10 p.m.  
*Petroleum Club  
36th Floor*

## THURSDAY, NOVEMBER 14

OBA Access to Justice  
Committee ..... 7:30 am – 8:30 am  
*Frontier Room*

American College of  
Trial Lawyers ..... 8 – 9:30 a.m.  
*Red Carpet Room*

American College of Trust  
& Estate Counsel ..... 8 – 9:30 a.m.  
*Kiamichi Room*

OBA Registration ..... 8 a.m. – 5 p.m.  
*Century Ballroom Foyer*

OBA Hospitality ..... 8 a.m. – 5 p.m.  
*Aria Lounge*

OBA Family Law Section ..... 8 a.m. – 5:15 p.m.  
*Emerson Hall  
Oklahoma Bar Center  
1901 N. Lincoln Blvd.*

Annual Insurance, Tort &  
Workers' Compensation  
Update ..... 8:30 a.m. – 4 p.m.  
*Cox Center, Room 3*

*Program offered by the  
Oklahoma Association for Justice*

OBA Juvenile Law Section ..... 8:30 a.m. – 5 p.m.  
*Green Country Room*

OBA Credentials Committee ..... 9 – 9:30 a.m.  
*Boardroom*

OBA/CLE Plenary Session ..... 9 – 11:40 a.m.  
*Plaza Ballroom*

Panel Discussion

TOPIC: *Media and the High-Profile Case*

Moderator: Dick Pryor, Oklahoma Educational  
Television Authority (OETA)

Panelists: José Baez, the Baez Law Firm, Coral Gables & Orlando, Fla.; David Prater, District Attorney District #7; Oklahoma City Jacqui Ford, Jacquelyn Ford Law, P.C., 2011 Clarence Darrow Recipient, Oklahoma City; and Adrianna Iwasinski, Reporter, KWTU News 9, Oklahoma City

Speakers: David McKenzie, Office of the Public Defender of Oklahoma County, 1997 Clarence Darrow Recipient, Oklahoma City; and Pamela Stillings, the Law Office of Pamela Stillings, Oklahoma City

TOPIC: *Hearsay and the Confrontation Clause: The Apostle Paul, the American Revolution and Beyond*

Speaker: Garvin Isaacs, Garvin A. Isaacs Inc., Oklahoma City

TOPIC: *Creative Voir Dire in the Digital Age*

MCLE Commission ..... 9:30 – 11 a.m.  
Great Plains Room

OBA Rules and Bylaws Committee..... 10 – 10:30 a.m.  
Boardroom

OBA Resolutions Committee ... 10:45 – 11:45 a.m.  
Boardroom

**OBA Annual Luncheon  
for Members, Spouses  
and Guests..... Noon – 1:45 p.m.  
Century Ballroom**

(\$35 with meeting registration)

**Earl Sneed Award**  
Donna J. Jackson, Oklahoma City  
D. Kenyon Williams Jr., Tulsa

**Award of Judicial Excellence**  
Judge Clancy Smith, Tulsa/Oklahoma City

**Liberty Bell Award**  
Women's Service and Family Resource Center  
of El Reno

**Joe Stamper Distinguished Service Award**  
Steven Barghols, Oklahoma City

**Alma Wilson Award**  
Ben Loring, Miami

**Neil E. Bogan Professionalism Award**  
Reid E. Robison, Oklahoma City

## John E. Shipp Award for Ethics

Frederick K. Slicker, Tulsa

## Fern Holland Courageous Lawyer Award

Albert J. Hoch Jr., Oklahoma City

David Prater, Oklahoma City

Micheal Salem, Norman

## President's Awards

To be announced

### FEATURING:



### José Baez

The Baez Law Firm  
Coral Gables  
& Orlando, Fla.

TOPIC: *Why Casey Anthony was Found  
Not Guilty*

Jose Baez book signing ..... 2 – 2:30 p.m.  
Kiamichi Room

OBA Law Schools Committee ..... 2 – 3 p.m.  
Frontier Room

OBA Board of Editors..... 2 – 3:30 p.m.  
Boardroom

OBF Executive Committee ..... 2:30 – 3:30 p.m.  
Red Carpet Room

Council on Judicial Complaints..... 2 – 4 p.m.  
Great Plains Room

OBA Bankruptcy and  
Reorganization Section..... 2 – 4 p.m.  
Cox Center, Room 1

Oklahoma Criminal Defense  
Lawyers Association ..... 2 – 4 p.m.  
Cox Center, Room 11

OBA Real Property Law Section..... 2 – 4 p.m.  
Cox Center, Room 9

OBA Leadership Academy.....2 – 4:45 p.m.  
*Plaza South Ballroom*

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OBA Estate Planning,  
Probate and Trust Section  
and OBA Taxation Law Section  
Joint Meeting.....3 – 6 p.m.  
*Cox Center, Room 4*

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Oklahoma Bar Foundation  
Board of Trustees .....3:30 – 5:00 p.m.  
*Red Carpet Room*

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OBA Litigation Section .....4 – 5 p.m.  
*Frontier Room*

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OBA Military & Veterans Law Section ...4 – 5 p.m.  
*Kiamichi Room*

---

OBA Business and Corporate  
Law Section.....4 – 5:30 p.m.  
*Cox Center, Room 20*

---

OBA Law Office Management  
and Technology Section.....4 – 6 p.m.  
*Cox Center, Room 15*

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OBA YLD Board of Directors  
Annual Meeting .....4:30 – 5:30 p.m.  
*Suite 308*

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OBA Financial Institutions  
and Commercial Law Section .....4:30 – 6 p.m.  
*Cox Center, Room 19*

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OBA Workers' Compensation  
Section Annual Meeting.....5:30 – 8 p.m.  
*Nonna's in Bricktown  
1 S. Mickey Mantle Drive*

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OBA Energy and Natural  
Resources Law Section.....6:30 – 7 p.m.  
*Frontier Room*

**OBA Sections Present –  
The Best of Oklahoma:  
Art, Music, Food & Wine ..... 7 – 9 p.m.  
Century Ballroom**

*(Free for everyone with  
meeting registration)*

*Complimentary hors d'oeuvres  
Artwork by local artists available for purchase*



*Artwork by Nick Hermes*

FEATURING:



**Pianist  
Tommy Nix**

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## FRIDAY, NOVEMBER 15

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**President's Breakfast ..... 7:30 – 8:45 a.m.  
Plaza South Ballroom**

*(\$25 with meeting  
registration)*

FEATURING:



**José Luis  
Hernandez-Estrada**  
Classical Conductor  
musician, author  
and mentor

TOPIC: *Community Support for Music Education*

OBA Registration ..... 8 a.m. – Noon  
*Century Ballroom Foyer*

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OBA Hospitality ..... 8 a.m. – Noon  
*Century Ballroom Foyer*

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**Oklahoma Bar Association**  
**General Assembly ..... 9 – 10 a.m.**  
***Century Ballroom***

**Outstanding County Bar Association Award**  
*Comanche County Bar Association*  
*Osage County Bar Association*

**Hicks Epton Law Day Award**  
*Custer County Bar Association*  
*LeFlore County Bar Association*

**Golden Gavel Award**  
*Lawyers Helping Lawyers Committee*

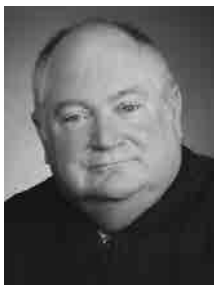
**Outstanding Young Lawyer Award**  
*Jennifer Castillo, Oklahoma City*

**Outstanding Service to the Public Award**  
*Molly Aspan, Tulsa*  
*Linda Scoggins, Oklahoma City*

**Award for Outstanding Pro Bono Service**  
*William J. Doyle, Tulsa*  
*Gaylene Flanary McCallum, Bartlesville*

**Golden Quill Award**  
*Doris J. Astle, Shawnee*  
*Duane Croft, Norman*

## **General Assembly Speakers:**



**Vice Chief Justice**  
**John F. Reif**  
Oklahoma Supreme  
Court

**Vice Presiding Judge**  
**C. Clancy Smith**  
Oklahoma Court  
of Criminal Appeals



**Jim Stuart**  
President  
Oklahoma Bar Association

**Oklahoma Bar Association**  
**House of Delegates ..... 10 a.m. – Noon**  
***Century Ballroom***

*Election of Officers & Members  
of the Board of Governors  
Approval of Title Examination Standards  
Resolutions*



**Renée DeMoss**  
President-Elect  
Presiding

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Tellers Committee ..... 10:30 a.m. – Noon  
*Boardroom*



**GUNGOLL JACKSON**

GUNGOLL JACKSON BOX & DEVOLL, P.C.

ATTORNEYS & COUNSELORS AT LAW

Enid • Oklahoma City

**Gungoll, Jackson, Box  
& Devoll, P.C.**

**Presents**

**David E. Burget**



**www.GungollJackson.com**

David E. Burget was born and raised in Norman and is the third generation of his family to practice law. Both of his grandfathers, his dad and a brother are also attorneys. David earned a liberal arts degree from the University of Oklahoma, graduating with honors as a member of the Phi Beta Kappa fraternity. He later attended OU Law School, where he was on the Dean's Honor Roll and served as writing competitions editor for the American Indian Law Review.

He specializes in employment law matters and business formation in addition to practicing personal injury and other civil litigation.

David enjoys reading, running, sports and spending time with his family. He and his wife live in Norman, where they are active in the Norman Community Church.

Burget can be reached at the firm's Oklahoma City office.

**Gungoll, Jackson, Box and Devoll, P.C.**

Attorneys and Counselors at Law

1-800-725-0436

**Enid Office**

323 West Broadway, Enid, OK 73701 • 580-234-0436

**Oklahoma City Office**

101 Park Avenue, Suite 1400, Oklahoma City, OK 73102

405-272-4710

## NOTICE OF JUDICIAL VACANCY

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

**District Judge  
First Judicial District, Office 1  
Texas County**

This vacancy is due to the retirement of the Honorable Greg A. Zigler, effective January 1, 2014.

**To be appointed to the office of District Judge one must be a registered voter of the respective judicial district at the time (s)he takes the oath of office and assumes the duties of office. Additionally, prior to appointment, such appointee shall have had a minimum of four years experience as a licensed practicing attorney, or as a judge of a court of record, or both, within the State of Oklahoma.**

This is the **SECOND** notice of judicial vacancy for the position of District Judge, First Judicial District, Texas County, Oklahoma. The first notice of judicial vacancy resulted in only two applications being received. A minimum of three (3) nominees for this judicial position is required by the Constitution to be sent to the Governor and Chief Justice of the Supreme Court for selection of the next District Judge. (Okla. Const. Art. 7B, Sec. 4)

Application forms can be obtained on line at [www.oscn.net](http://www.oscn.net) under the link to Judicial Nominating Commission, or by contacting Tammy Reaves, Administrative Office of the Courts, 2100 N. Lincoln, Suite 3, Oklahoma City, Oklahoma 73105, 405-556-9862. Applications must be submitted to the Chairman of the Commission at the same address **no later than 5 p.m., Friday, November 15, 2013. If applications are mailed, they must be post-marked by midnight, November 15, 2013.**

Larry D. Ottaway, Chairman  
Oklahoma Judicial Nominating Commission





# 2013

## OBA ANNUAL MEETING REGISTRATION

Please complete a separate form for each registrant.

Name \_\_\_\_\_

Email \_\_\_\_\_

Badge Name (if different from roster) \_\_\_\_\_ Bar No. \_\_\_\_\_

Address \_\_\_\_\_

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

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

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

### Check all that apply:

- ☐ Judiciary ☐ OBF Past President ☐ OBA Past President
- ☐ YLD Officer ☐ YLD Board Member ☐ YLD Past President
- ☐ Board Bar Examiner ☐ OBF Fellow
- ☐ 2013 OBA Award Winner ☐ Heroes Program volunteer
- ☐ Delegate ☐ Alternate ☐ County Bar President:

County \_\_\_\_\_

### ☐ **YES! Register me for the 2013 Annual Meeting, November 13-15 in OKC. Registration fee includes:**

Wednesday & Thursday continental breakfast in hospitality area

President's Reception • Wednesday & Thursday afternoon break treats in hospitality area

OBA Sections Present The Best of Oklahoma: Art, Music, Food & Wine

Chocolate convention gift • Vendors Expo

☐ MEMBER: ☐ \$60 through Oct. 21; \$85 after Oct. 21 .....\$ \_\_\_\_\_

☐ NEW MEMBER (Admitted after Jan. 1, 2013): ☐ Free through Oct. 21; \$25 after Oct. 21 ...\$ \_\_\_\_\_

### REGISTER

☐ **BY MAIL** with payment or  
credit card information to:  
OBA Annual Meeting  
P.O. Box 53036  
Okla. City, OK 73152

☐ **FAX** with credit card information to:  
(405) 416-7092

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

**CANCELLATION POLICY** - Full refunds  
will be given through Nov. 6, 2013.  
No refunds will be issued  
after that date.

## HOTEL ACCOMMODATIONS:

Fees do not include hotel accommodations. For reservations call Sheraton Hotel at 405-235-2780.  
Call by Oct. 21 and mention "Oklahoma Bar Association 2013" for a special room rate of \$102 per night.  
To make reservations online, visit [www.starwoodmeeting.com/Book/OKBarAssociation2013](http://www.starwoodmeeting.com/Book/OKBarAssociation2013)  
For hospitality suites, contact Craig Combs at 405-416-7040 or email: [craigc@okbar.org](mailto:craigc@okbar.org).

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

- ☐ Wednesday President's Reception
- ☐ OBA Sections Present The Best of Oklahoma: Art, Music, Food & Wine

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

- ☐ Wednesday: CLE Multitrack only, (\$125 through Oct. 21; \$150 after Oct. 21;  
6 MCLE hours \$25 for new members through Oct. 21; \$50 after Oct. 21) ..... \$ \_\_\_\_\_
- ☐ Wed. & Thurs.: CLE Multitrack and Plenary (\$175 through Oct. 21; \$200 after Oct. 21;  
9 MCLE hours \$50 for new members through Oct. 21; \$75 after Oct. 21) ..... \$ \_\_\_\_\_
- ☐ Thursday: CLE Plenary only, (\$75 through Oct. 21; \$100 after Oct. 21;  
3 MCLE hours \$25 for new members through Oct. 21; \$50 after Oct. 21) ..... \$ \_\_\_\_\_
- ☐ Thursday: Annual Luncheon (\_\_\_\_\_ number of tickets @ \$35 each) ..... \$ \_\_\_\_\_
- ☐ Friday: President's Breakfast (\_\_\_\_\_ number of tickets @ \$25 each) ..... \$ \_\_\_\_\_

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

- ☐ Wednesday: Law School Luncheon ☐ OCU ☐ OU ☐ TU  
(\_\_\_\_\_ number of tickets @ \$35 each) ..... \$ \_\_\_\_\_

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

## PAYMENT OPTIONS:

- ☐ Check enclosed: Payable to Oklahoma Bar Association
- Credit card: ☐ VISA ☐ Mastercard  
☐ Discover ☐ American Express

Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Authorized Signature \_\_\_\_\_

## QUESTIONS?

Contact Mark Schneidewent  
at 405-416-7026; 800-522-8065  
or [marks@okbar.org](mailto:marks@okbar.org).

# The OBA Needs YOU – Join an OBA Committee Today

Our association depends on you – its members – to make good things happen in our profession and in our communities. We accomplish so much through the work of OBA committees, and I'm encouraging you to get involved in 2014 – we need YOU! Through telephone participation or videoconferencing from Tulsa, you can attend meetings from virtually anywhere, including while sitting at your own desk.

The easiest way to sign up is to go online at [www.okbar.org](http://www.okbar.org). Just scroll down to the bottom of the page, and under "Members," click on "Join a Committee." Or if you prefer paper, fill out this form and mail or fax as set forth below. I will be making committee appointments soon, so please sign up by Dec. 2, 2013. I look forward to working with you in 2014!



Renée DeMoss, President-Elect

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## Standing Committees

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- |                                     |                                              |                                           |
|-------------------------------------|----------------------------------------------|-------------------------------------------|
| • Access to Justice                 | • Diversity                                  | • Paralegal                               |
| • Awards                            | • Group Insurance                            | • Professionalism                         |
| • Bar Association Technology        | • Law Day                                    | • Rules of Professional Conduct           |
| • Bar Center Facilities             | • Law-related Education                      | • Solo and Small Firm Conference Planning |
| • Bench and Bar                     | • Law Schools                                | • Strategic Planning                      |
| • Civil Procedure and Evidence Code | • Lawyers Helping Lawyers Assistance Program | • Uniform Laws                            |
| • Communications                    | • Legal Intern                               | • Women in Law                            |
| • Disaster Response and Relief      | • Legislative Monitoring                     | • Work/Life Balance                       |
|                                     | • Member Services                            |                                           |
|                                     | • Military Assistance                        |                                           |

Note: No need to sign up again if your current term has not expired. Check [www.okbar.org/members/committees/](http://www.okbar.org/members/committees/) for terms

Please Type or Print

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ OBA # \_\_\_\_\_

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

FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Committee Name

1st Choice \_\_\_\_\_

2nd Choice \_\_\_\_\_

3rd Choice \_\_\_\_\_

Have you ever served  
on this committee?

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

If so, when?  
How long?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☒ Please assign me to ☐ one ☐ two or ☐ three committees.

Besides committee work, I am interested in the following area(s):

\_\_\_\_\_

Mail: Renée DeMoss, c/o OBA, P.O. Box 53036, Oklahoma City, OK 73152

Fax: (405) 416-7001

# What's Your Fate?

By Jim Priest and Reggie Whitten

Reviewed by Melissa DeLacerda

Oklahoma attorney Reggie Whitten suffered the loss of his 25-year-old son in a motorcycle accident that was fueled by valium and alcohol abuse. Brandon Whitten had been fighting drug and alcohol abuse for a number of years at that point.

*What's Your Fate?* is one of the many positive results of Brandon Whitten's death. Reggie Whitten and his best friend, attorney Jim Priest, have created an educational program FATE: Fighting Addiction Through Education. *What's Your Fate?* is part of the ongoing educational process created by Mr. Whitten and Mr. Priest to try to stop young people from starting to use drugs and alcohol.

The book starts with the story of Brandon Whitten's death and the aftermath to his loved ones. It also includes testimonials by Oklahoma athletes who have made good decisions with regard to drug and alcohol use. The volume also contains testimonials from other Oklahomans who relate how substance abuse has impacted their lives.

The book is easy to read and alternates between touching stories about the results of alcohol and drug abuse and education about



how alcohol and drugs impact a person physically and mentally — and detrimentally affect human performance. The volume will speak especially to young men, as the majority of the athletes who have contributed their stories are male athletes, well-known to Oklahomans.

FATE is a nonprofit organization with the mission to educate the public on substance abuse and addiction issues in Oklahoma. It also strives to motivate individuals and groups to work to significantly reduce the incidence of substance abuse in the state. A special focus of FATE is preventing substance abuse among young people. It is dedicated to changing the culture of substance abuse by telling true stories of successes and failures. More information about FATE can be obtained at [www.FATE.org](http://www.FATE.org).

What's Your Fate? should be read by all parents who suspect drug or alcohol abuse in their children and should be required reading for every adolescent in Oklahoma.

Ms. DeLacerda practices in Stillwater and serves as chair of the Oklahoma Bar Journal Board of Editors.

# The End is Near

By John Morris Williams

Not the end of the world. Just the end of the year. The theme of this edition is service to others. I appreciate your selfless giving. However, I want you to do some things for yourself. Already on our radar are the post-Annual Meeting, end-of-the-year activities and events. As the year ends, OBA members should:

**1** Make sure you have all your Mandatory Continuing Legal Education hours. Between now and the end of the year there will be numerous opportunities to get CLE hours from the OBA. You can get credits online or in person. MCLE rules allow for you to get up to six hours of credit viewing archived materials online. Additionally, you can earn “live” credit by attending in person or viewing a live program online. Every year I see a substantial list of OBA members who fail to get their annual credit. Ultimately, members who fail to get their credit will have their licenses suspended. There are changes coming next year that could make waiting until the very last minute very expensive.

**2** Pay your dues. Just like the rest of you, I get a dues statement and pay dues. Although I could hand a check to staff, my preference is to pay online with my bank card. It is quicker and easier than finding my checkbook and walking down the hall.

OBA systems are secure and safe. I would not use them or encourage you to use them if they were not. Late dues payments, like late MCLE compliance, have a new twist coming next year. Once you are on the suspend list there will be no taking names off the list prior to the Supreme Court issuing a suspension order. Also, remember to join at least one section and make your charitable foundation gifts as well when you pay your dues.

**3** Get involved in a section or join a committee. Section membership is easy. Just pay your section dues when you pay your membership dues, and it's done. Likewise, joining a committee is super easy. Just go to [www.okbar.org](http://www.okbar.org) and sign up online. You can designate up to three committees and hit send. Your request will automatically go to the president-elect who makes committee appointments for the coming year. You will be notified of your appointment. Easy-peasy to be involved and help chart the course for your practice and your association.

**4** Plan some “ME TIME.” Yep, right now get out your calendar and mark off some vacation time, and let everyone who might want to encroach on that time know as soon as possible. A vacation next August seems a long time off. In a busy practice that time

can be taken up quickly if you don't plan. Besides, everyone will be agreeable to say “yes” right now.

**5** Make a New Year's resolution and stick to it. Lose weight, learn to cook Chinese, learn to speak Spanish or to just spend more time with friends and family. I could cite several articles on the work-balance issue. We all know that our health, our relationships and our careers are all better when we take better care of ourselves. This year find just one thing and do it. I promise you that your practice will benefit from it in one way or another.

I know it seems a bit early to be talking about the end of the year. My personal experience is that if you don't take a minute right now to calendar these items and make a bit of a plan, you will be sitting at your desk on Jan. 2 saying, “Oh yeah, I meant to do that.” You calendar and plan for clients all the time. This year, if you don't already do it, calendar and plan for your practice and your personal well-being. Your service to others is best when you are at your best.



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



# Small Firm Lawyers and Innovation

By Jim Calloway

*(Author's note: This was not originally intended to be a companion piece to last month's column, "The Seven Deadly Sins of Opening a New Solo Law Practice,"<sup>1</sup> but it turned out that way, with that one covering the basics and this one being a more advanced treatment.)*

Encouraging innovative behavior in law firms is a challenge.

Actually, innovative behavior is often a challenge in many types of businesses. (An exception is noted for today's technology companies where innovation is required.) It is just easy and more comfortable to do things the way they have always been done.

So, if innovation is a challenge generally, it is multiplied for lawyers where our professional discipline is bound by precedent and code.

Rapid advances in technology are a challenge for the law. Many of us recall the tortured application of common law principles to defamation claims in online forums. Were the forums considered "publications" like books or newspapers with the publisher held liable for anything that appears within the pages; or were these websites "distributors" like newspaper stands

or telephone service providers, and therefore not responsible for an obscene call or defamation? Applying those common law principles would have led to the absurd result that a website operator who tried to exercise control and remove offensive posts could be held responsible, while one that allowed offensive items to remain on their site enjoyed immunity (Luckily, common sense prevailed, and section 230 of the federal Communications Decency Act ultimately addressed this).

**“Our training and experience make us quite risk-averse.”**

Jordan Furlong provided a thought-provoking blog post, *Why lawyers don't innovate*, on his Law21 blog.<sup>2</sup>

"People do what they feel like doing," Mr. Furlong wrote. "And most lawyers feel like doing today what they did yesterday. David Maister's final book, *Strategy and The Fat Smoker*, made this point very clearly: No matter how sensible and positive a

particular change might be, lawyers (like everyone else) will change only if they want to change. And very rarely do they want to do that."

He also directed our attention to Dr. Atul Gawande's article in the *New Yorker Magazine*, "Slow Learning,"<sup>3</sup> about why some innovations spread quickly and others slowly. I've recommended Gawande's book, *The Checklist Manifesto*, previously in this column. The magazine article will have less direct application to law firm operations but is great reading about what motivates people to resist or embrace innovation. It contains some revelations.

But let's be candid. Lawyers are perhaps more resistant to change than your average individual. Not only do we operate under precedents and code, but our training and experience make us quite risk-averse. We are hired to counsel clients on ways to minimize their risks, and we often deal with the aftermath of things that have gone wrong. We are trained to look for weaknesses and expose them. We also have the verbal skills to contest innovative ideas effectively.

Lawyer-coach Debra Bruce posted a comment to Mr. Fur-

long's blog post, again quoting professional services firm guru, David Maister, from an article he wrote several years ago titled "Are Law Firms Manageable?"

Mr. Maister wrote, "In a room full of lawyers, any idea, no matter how brilliant, will be instantly attacked. Lawyers are expert loophole finders, trained to find counterexamples of or exceptions to any proposition. Accordingly, within a short time, most ideas, no matter who initiates them, will be destroyed, dismissed, or postponed for future examination."<sup>4</sup>

Critical thinking and healthy skepticism are certainly part of the lawyer's toolbox, and many of our clients are far better off because of those skills. An environment of innovation is great for today's businesses, but innovation comes with risk and the certainty of some failure.

I hope all readers will take the time to read Furlong's blog post and Dr. Gawnde's article. Mr. Furlong has since followed up with another post, "Law firm innovation: From idea to implementation."<sup>5</sup>

### **DIFFERENCES FOR SOLO AND SMALL FIRM LAWYERS**

Much of the reading material I have cited above assumes groups of lawyers decide innovation initiatives in law firm management committees or director's meetings.

An often-quoted statistic is that most lawyers in the U.S. practice in a solo or small firm setting. That is certainly true in Oklahoma. A solo practitio-



**“‘Drone law’ sounds like something involving international treaties and high tech innovation now.”**

ner has no committees to ask for approval, and a small firm consisting of even five or six lawyers can all meet together as opposed to a committee of a dozen lawyers trying to adopt a policy that will impact many more lawyers in the firm.

Solo and small firm lawyers should be considering improvements and innovations to the same extent as larger firms, even if they may not have the increasingly typical external motivation of a general counsel from a large, corporate, client-demanding change. Across Oklahoma from Ardmore to Yukon and across the country as well, there are many small firm lawyers serving clients ranging from individuals to large companies.

So let's look at some possible innovations for these types of law practices.

### **CONVENIENCE AS A SERVICE MODEL**

In my column, "The Law Convenience Store," in the September/October issue of *Law Practice* magazine,<sup>6</sup> I discussed the idea that a law firm that primarily serves individual clients should consider innovations that would improve convenience for clients. Maybe that could include regularly being open one weekday evening so clients can schedule appointments that did not necessitate missing work. This would be particularly true in a suburban location where many people commute to work in the city. As noted in the article, many law firm staff might easily trade working a Thursday evening for taking Friday afternoon off.

### **DOCUMENT REPOSITORIES FOR CLIENTS**

A huge amount of electronic discovery is now often handled by shared online document repositories. Many large law firms and other businesses use online document repositories for a variety of reasons.

Small firm lawyers have probably thought that client document repositories were out of their price range. But consumer clients, who might not be used to organizing many paper records, might appreciate having an online document repository that they could log into to review their records.<sup>7</sup> Now online practice management systems, Clio<sup>8</sup> and My Case,<sup>9</sup> have online individual repositories built right into the standard monthly service package. No doubt the others will follow suit.

The idea of an online repository where a client can log in and review all documents associated with their matter will be attractive to many and, no doubt, scary to a few.

### **AUTOMOBILE SALE 'CLOSINGS'**

Many, many years ago, before anyone had ever heard of LegalZoom™ and similar services, a service for people to download self-help legal forms was launched in Great Britain. I do not recall the name of the service, but I heard the gentlemen who launched the service speak at ABA TECHSHOW™. The most interesting thing was that the number one self-help document downloaded — by far — was an agreement to buy or sell an automobile. They noted this was a type of legal transaction that historically had rare, if any, lawyer involvement.

But this is a transaction that many people do every year, and it is certainly possible to get burned. Perhaps this transaction would not merit a lawyer opening a file. But there are a lot of things that could be covered with proper forms and instruction sheets. A lawyer might develop a system to do automobile sale “closings” at a reasonably small fee that could be handled by staff. People would schedule appointments and meet with the lawyer’s staff only. They would receive a simple form that could be completed with basic information and notary service (Photo IDs required), and the seller could be also given Form 773<sup>10</sup> under 46 Okla. Stat. 1107.4 to protect themselves in the event the

buyer failed to register the title. A little thought would no doubt generate other information that should be distributed.

Note that innovation requires work and risk. Doing a single “automobile closing” would perhaps not make economic sense for the lawyer. Building a system for these and then promoting the system so that it could be done regularly might be interesting. The cautious lawyer would check with his or her malpractice carrier to see if the service was covered and also discuss with an ethics expert whether a conflicts check was required for this limited service.

### **SERVICES FOR HOME BUYERS**

In many states, lawyers are involved in residential real estate contract negotiation and closings. This is not so in Oklahoma, which leaves many people signing one of the most, if not the most, significant contracts in their lives without a lawyer’s advice. Just imagine how many fewer people would have signed up for a floating interest rate instead of a fixed one if they had been counseled on the risk and benefit of each.

Perhaps there is an opportunity for information services to the prospective home buyer. There is a lot of common sense advice based on experience here mixed with legal advice. (e.g. Buyers should always be present when the inspector does the home inspection.)

### **FANTASY FOOTBALL OPPORTUNITIES**

In a recent blog post, I examined whether the fact

that fantasy sports is now over a \$1 billion-per-year industry presents opportunities for lawyers. I concluded it did. But perhaps that ship has already sailed. You can read the blog post online.<sup>11</sup>

### **CONCLUSION**

Solo and small firm lawyers have the advantage of not having to convince many partners to go along with a new idea. It is a good time to consider innovation. There are many changes in society and consumer technology. These changes bring opportunity. “Drone law” sounds like something involving international treaties and high tech innovation now. But when many people (or police departments) begin buying remote-control drones with cameras installed at the local hobby shops, you can bet there will be many resulting problems and legal work for solo and small firm lawyers.

1. 84 *Oklahoma Bar Journal* 2161 (Oct. 12, 2013), online at <http://goo.gl/e8nJml>

2. [www.law21.ca/2013/08/why-lawyers-dont-innovate/](http://www.law21.ca/2013/08/why-lawyers-dont-innovate/)

3. <http://goo.gl/4mKMxO>

4. <http://davidmaister.com/articles/are-law-firms-manageable/>

5. [www.law21.ca/2013/10/law-firm-innovation-from-idea-to-implementation/](http://www.law21.ca/2013/10/law-firm-innovation-from-idea-to-implementation/)

6. <http://goo.gl/pu1D4G>

7. Many of us consistently tell lawyers to copy clients on everything. But have you ever wondered how many actually retain their copies and how many just read them and discard them?

8. [www.goclio.com](http://www.goclio.com)

9. [www.mycase.com](http://www.mycase.com)

10. [www.tax.ok.gov/mvforms/773.pdf](http://www.tax.ok.gov/mvforms/773.pdf)

11. <http://goog.gl/xvvBXF>

*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](mailto:jimc@okbar.org). It's a free member benefit!*

# Changes to Ethics Portion of Website

By Travis Pickens

My office, with the assistance of the OBA's IT Department, has made some changes to the ethics opinion pages on the OBA website that will make searches easier and faster.

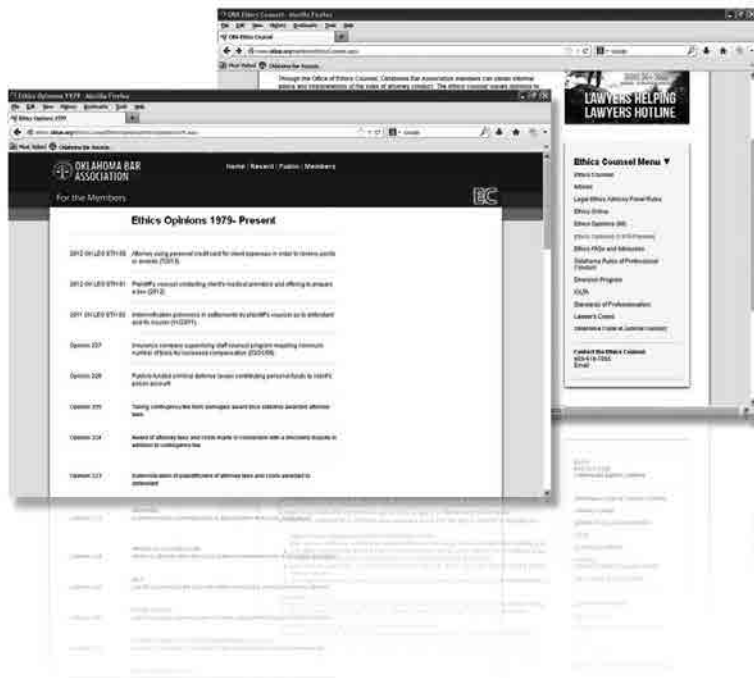
The first change is to declutter the search field. Now, only links to specific ethics opinions will be shown as a search result, instead of everything in the ethics and professionalism pages. The broader search field had value, but you had to sift through it in order to find the pertinent ethics opinions, which after all is what you were looking for. Now, when you put in a key term into the search box, you will find a neat, tidy, list of links to only the ethics opinions that contain that term. Faster, cleaner, better.

Another change, and the one that will make the most difference to your experience, is an ethics opinion index that covers all the Oklahoma opinions from 1979 to the present. These opinions account for all of the Oklahoma ethics opinions to which this office routinely refers in programs and consultations with lawyers. You will find a list of the opinions (most

recent opinions first) with their assigned number or legal citation, a short description of the issue involved, the date the opinion was issued and a link directly to that ethics opinion. A topical index for the entire body of index opinions is on the way, but for this key group of 35 opinions from 1979 to present, you can scroll through them quicker than reviewing an unfamiliar topical format.

I have always contended that lawyers want to do the right thing, but they should not have to guess what the right thing is. These changes will help — and there is more help to come.

*Mr. Pickens is OBA ethics counsel. Have an ethics question? It's a member benefit and all inquiries are confidential. Contact Mr. Pickens at [travis@okbar.org](mailto:travis@okbar.org) or 405-416-7055; 800-522-8065.*



To find the new index, go to [www.okbar.org/members/EthicsCounsel](http://www.okbar.org/members/EthicsCounsel) and click on "Ethics Opinions (1979 – Present)" in the Menu box.

# Meeting Summary

*The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Thursday, Sept. 19, 2013.*

## **SWEARING-IN CEREMONY**

Justice Kauger administered the oath of office to Norman attorney Jim Drummond, who was appointed by the Board of Governors to fill the vacancy on the board created upon the death of Governor Sandee Coogan, who represented District 5. The term expires Dec. 31, 2015. Mr. Drummond introduced family members and guests present.

## **RESOLUTION NO. 2: PROPOSED LEGISLATION – APPOINTMENT OF DISCOVERY MASTER**

Jim Milton, Civil Procedures/Evidence Code Committee chairperson, reviewed a proposal submitted by the committee to create new law to be codified as 12 O.S. 2011, Sec. 2053. Discussion followed. The board voted to recommend the resolution be adopted by the OBA House of Delegates.

## **RESOLUTION NO. 1: PROPOSED AMENDMENT TO MCLE RULES**

Mandatory Continuing Legal Education Commission Chairman Jack Brown reviewed the proposal amending 5 O.S. 2003, Ch. 1, App. 1-B, Rule 2 of the Rules for MCLE. He reported an excellent response of more than 60 comments was received during the comment period.

Comments were shared with the board, and he said most comments favored the change. Discussion followed. The board voted to recommend the resolution be adopted by the OBA House of Delegates.

## **TECHNOLOGY STRATEGIC PLAN**

Bar Association Technology Committee Chair Gary Clark reported the committee has revised the previous plan adopted 13 years ago. Three main goals are identified: 1) to help OBA members use information technology to better serve their clients, 2) to improve service delivery to the public through the use of information technology, including [www.okbar.org](http://www.okbar.org) and 3) to improve the efficiency and effectiveness of information technology in the internal management of the OBA and in its communication with OBA members. The plan also includes the provision for the IT director to review the plan annually and report on new technologies that have become available. The plan also states the committee will review the plan thoroughly and revise it completely in 2018. The board approved the OBA Information Technology Strategic Plan.

## **REPORT OF THE PRESIDENT**

President Stuart reported he attended the TU College of Law reception held in his honor, SCBP planning meeting and OBA Awards Committee meeting. He presented 50-year OBA

membership pins at the Tulsa County Bar Association luncheon, called in to Tulsa radio station KRMG for an interview, OBA leadership class dinner cruise, OBA Budget Committee meeting and Boiling Springs Institute in Woodward. He conducted the OBA executive director annual review, worked on OBA Annual Meeting planning, welcomed the OBA Leadership Class and presented at the OBA Lawyers Helping Lawyers Banquet.

## **REPORT OF THE PRESIDENT-ELECT**

President-Elect DeMoss reported she attended the 2014 Budget Committee meeting, Tulsa County Bar Association annual luncheon and meeting, TCBA retirement reception for Executive Director Sandra Cousins, reception for President Stuart at TU, Diversity Committee event planning meeting, OBA Day of Service planning/events, Oklahoma Attorney Mutual Insurance Co. board meeting and various 2014 planning meetings.

## **REPORT OF THE PAST PRESIDENT**

Past President Christensen reported she attended the August Board of Governors meeting, Lawyers Helping Lawyers banquet and auction planning meetings, the LHL banquet and auction, SCBP planning meetings, OBA Budget Committee meeting and planning meetings and budget conferences with President-Elect DeMoss.

## REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended numerous meetings on the technology initiative, YLD meeting, staff directors meeting, monthly staff celebration, Lawyers Helping Lawyers planning meeting, LHL foundation dinner, Tulsa County Bar Association annual lunch, reception for TCBA retired Executive Director Sandra Cousins, University of Tulsa reception for President Stuart, planning meetings and budget conferences with President-Elect DeMoss, Section Leaders Council meeting, SCBP planning meeting, Boiling Springs Legal Institute, Budget Committee meeting and Annual Meeting planning meeting. He met with Dick Beale regarding changes to the insurance program as a result of federal legislation and worked on legislative outreach with Past President Christensen.

## BOARD MEMBER REPORTS

**Governor Drummond** reported he attended the Cleveland County Bar Association meeting and Lawyers Helping Lawyers Cornerstone Banquet as a granite table sponsor. He also continued to press for submission of voting drafts of two ethics opinions (cloud opinion included) in his role as Legal Ethics Advisory Panel coordinator. **Governor Farris**, unable to attend the meeting, reported via email that he attended the August Board of Governors meeting, Tulsa County Bar Association annual luncheon/meeting, TCBA retirement reception for Executive Director Sandra Cousins, TU law school reception for President Jim Stuart, TCBF capital campaign meeting and TCBA Board of Directors Planning Retreat. **Governor Gifford** reported he

attended the Oklahoma County Bar Association (OCBA) August board meeting, OCBA dinner at the Beacon Club, OBA August board meeting and OCBA Day of Service task force meetings. **Governor Hays** reported she attended the Tulsa County Bar Association annual luncheon/meeting, TCBA retirement reception for Executive Director Sandra Cousins, TU law school reception for President Jim Stuart, August Board of Governors meeting, OBA Family Law Section monthly meeting for which she prepared and presented the budget report and Section Leaders Council meeting, at which she gave the Family Law Section report. She conducted the Women in Law Committee meeting and participated in conference planning, participated in OBA Family Law Section Annual Meeting planning and communicated with YLD regarding Day of Service activities. **Governor Jackson** reported he attended the August Board of Governors meeting, Garfield County Bar Association meeting and Boiling Springs Legal Institute. **Governor Meyers** reported he attended the August Board of Governors meeting and Comanche County Bar Association meeting. He also worked on miscellaneous activities relating to the Oct. 7 board meeting in Lawton in addition to preparing for the OBA Budget Committee meeting and presenting the Licensed Legal Intern Committee Annual Report at the board meeting. **Governor Pappas** reported she attended the August Board of Governors meeting, has-been planning meeting, August Payne County Bar Association meeting and August Logan County Bar Association meeting. She worked on OBA Day of Service via emails and phone calls and worked on the invita-

tion list and events for the has-been party via emails. **Governor Parrott** reported she attended the Oklahoma County Bar Association August board meeting, OCBA dinner at the Beacon Club, OBA August Board of Governors meeting, OCBA Day of Service task force meetings and multiple meetings and planning sessions for OBA Day of Service projects. **Governor Smith** reported he attended the August Board of Governors meeting and Muskogee County Bar Association meeting. **Governor Stevens** reported he attended the August Board of Governors meeting, August Cleveland County Bar Association meeting and Lawyers Helping Lawyers Cornerstone Banquet. **Governor Thomas** reported she coordinated with Governors Pappas and Parrott to plan and finalize the board's Day of Service project, met with YLD representative Aaron Pembleton for a Day of Service planning session, made a brief presentation to the Bartlesville Downtown Kiwanis Club regarding the OBA Day of Service event scheduled in Washington County and finalized plans for the Washington County and Nowata County combined Day of Service event. She attended Jane McConnell's iCivics program presented to the Bartlesville Downtown Kiwanis Club, TU law school reception for OBA President Jim Stuart, OBA Lawyers Helping Lawyers Cornerstone Banquet and President-Elect DeMoss' Budget Committee meeting.

## REPORT OF THE YOUNG LAWYERS DIVISION

Governor Vorndran reported he chaired the YLD August board meeting and attended Day of Service planning meetings.



## REPORT OF THE SUPREME COURT LIAISON

Justice Kauger reported June 4-5, 2014, has already been confirmed for next year's Sovereignty Symposium. The free CLE at the movies series at the Oklahoma Judicial Center in Oklahoma City continues. She reported the next offering will be *Inherit the Wind* with Justice Taylor serving as the moderator.

## LEGAL INTERN COMMITTEE ANNUAL REPORT

Governor Meyers, liaison to the Legal Intern Committee, reviewed the committee's annual report, which was submitted to the Oklahoma Supreme Court. It was noted the committee in July 2012 adopted New Interpretation 2012-1 that provides a provision for appeal when a licensed legal intern misses the application deadline to sit for the first available bar examination after graduation and has been denied an exception by the Board of Bar Examiners.

## COMMITTEE LIAISON REPORTS

Governor Hays reminded board members that on Oct. 4 the Tulsa County Bar Association is participating in a Think Pink event and celebrating its 110th anniversary with an open house and evening dinner dance at the Mayo Hotel. She said the Women in Law Conference is close, and award winners have been announced. Past President Christensen reported 136 people attended the Lawyers Helping Lawyers banquet,

and comedian Argus Hamilton was well received. She said the next step is for outreach to the county bar associations. She and other committee members are available to speak at county bar events. Another project will be expanding the foundation's website with more content and separating the website from the OBA as the foundation becomes independent. She thanked board members for their support of the banquet.

## REPORT OF THE GENERAL COUNSEL

A written status report of OBA disciplinary matters for August 2013 was submitted for the board's review. Past President Christensen thanked the Communications Department for sending out news releases about the governor's appointment of three laypersons to the Professional Responsibility Tribunal.

## AWARDS COMMITTEE RECOMMENDATIONS

As an Awards Committee member, Governor Parrott reviewed the proposed list of OBA award winners as recommended by the committee for presentation at the OBA Annual Meeting in November. The board approved the committee's recommendations.

## LEGAL AID SERVICES BOARD OF DIRECTORS APPOINTMENT

The board approved President-Elect DeMoss' recommendation to reappoint Dwight L. Smith, Tulsa, for a three-year term on the Legal Aid Services of Oklahoma board. The term will expire Dec. 31, 2016.

## LAW PRACTICE MAGAZINE

Management Assistance Director Calloway introduced his new assistant, Nickie Day. He reported he was asked to be a joint guest editor for the July/August 2013 Big Ideas issue of *Law Practice* magazine, which contains thought-provoking and provocative ideas about the future of the legal profession. He said top people in the field were recruited as authors, and the magazine is available free online to OBA members.

## EXECUTIVE SESSION

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

## UPCOMING EVENTS

Details about the Board of Governors Day of Service Project for Emerson School were discussed, and maps were handed out to Love Link Ministry, a joint service project for the board and the Oklahoma Bar Foundation Trustees. Governor Meyers reported the has-been party originally scheduled for October has been postponed, but he shared details about the next board meeting in Lawton. Board members were reminded to make their own hotel reservations.

## NEXT MEETING

The Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Oct. 7, 2013. A summary of those actions will be published after the minutes are approved. The next board meeting will be held at 2 p.m. on Wednesday, Nov. 14, 2013, at the Sheraton Hotel in Oklahoma City in conjunction with the OBA Annual Meeting.



**GUNGOLL JACKSON**

GUNGOLL JACKSON BOX & DEVOLL, P.C.

ATTORNEYS & COUNSELORS AT LAW

Enid • Oklahoma City

**Gungoll, Jackson, Box  
& Devoll, P.C.**

**Presents**

**Benjamin K. Davis**



**www.GungollJackson.com**

Benjamin K. Davis grew up on a farm and ranch near Guthrie, where he and his family continue to raise wheat, hay and cattle in addition to operating a dairy.

He attended Oklahoma State University, majoring in agricultural economics and accounting, where he served on the executive team for the College of Agriculture Student Council, was a member of the President's Posse and was active in the FarmHouse fraternity. He later graduated from the University of Oklahoma Law School, where he was a member of the American Indian Law Review and the Dean's Honor Roll.

He specializes in agriculture and natural resource law, oil and gas litigation, general civil litigation and banking law.

Ben and his wife live in Edmond, where they are active members of the Edmond Faith Bible Church in addition to being avid Oklahoma State University sports fans. Ben is also a member of the Sirloin Club of Oklahoma, which raises money to support the Oklahoma Youth Expo. In his spare time, he enjoys fly fishing, golfing and spending time with his wife.

Davis can be reached at the firm's Oklahoma City office.

**Gungoll, Jackson, Box and Devoll, P.C.**

Attorneys and Counselors at Law

1-800-725-0436

**Enid Office**

323 West Broadway, Enid, OK 73701 • 580-234-0436

**Oklahoma City Office**

101 Park Avenue, Suite 1400, Oklahoma City, OK 73102

405-272-4710

## **NOTICE OF JUDICIAL VACANCY**

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

**Associate District Judge  
Seventeenth Judicial District  
Choctaw County, Oklahoma**

This vacancy is due to the death of the Honorable James R. Wolfe on September 7, 2013.

**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](http://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 p.m., Friday, November 15, 2013. If applications are mailed, they must be postmarked by midnight, November 15, 2013.**

Larry D. Ottaway, Chairman  
Oklahoma Judicial Nominating Commission

# Let's Celebrate the Oklahoma Bar Foundation!

*By Susan Shields*

Please consider this a personal invitation from me and the entire Oklahoma Bar Foundation Board of Trustees and staff to attend the annual OBF Fellows Reception on Wednesday, Nov. 13, 2013, at 5:30 p.m.

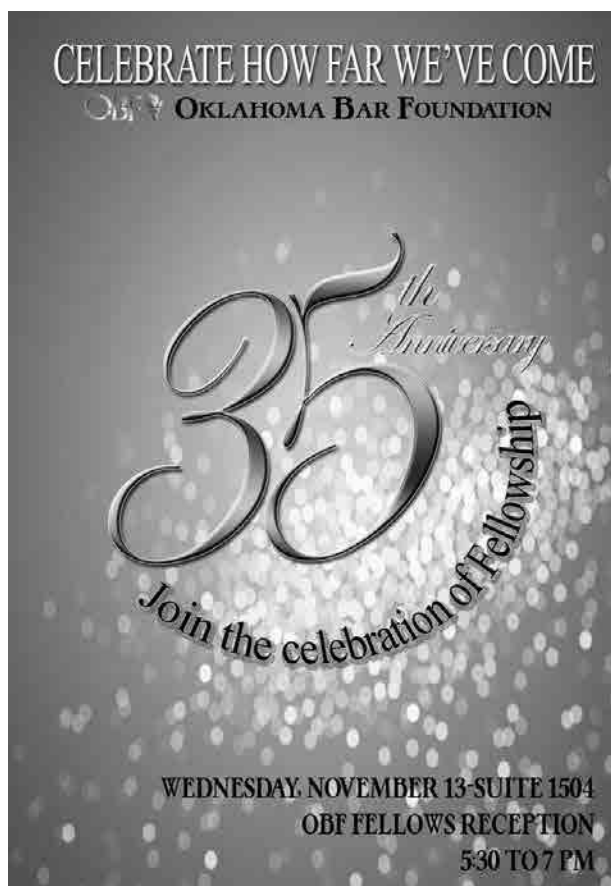
There is a lot to celebrate this year. In 2013, the OBF Fellows Program — first introduced at the 1978 OBA Annual Meeting — marks 35 years of helping Oklahomans on behalf of attorneys across the state. Oklahoma's IOLTA program also celebrated 30 years of service during 2013.

The OBF achieved a significant milestone in 2013, surpassing the \$11 million grant award level for total grants awarded. In addition to the OBF individual Fellows Program, 2013 also marked the introduction of the new "OBF Community Fellows Program," approved by the OBF Board of Trustees in response to requests from law firms, county bar associations, OBA sections and committees, IOLTA banks, businesses and other groups that asked how they could help the OBF to better meet growing needs for charitable law-related services. The Community Fellows Program allows organizations and groups to unite with individu-

al lawyers who are OBF Fellows to support a common cause — the promotion of justice, provision of law-related services and advancement of public awareness and better understanding of the law.

Join the celebration of fellowship by becoming an individual member of the OBF

Fellows Program through your organization's or group's membership in the new OBF Community Fellows Program. In addition, consider working with the OBF to designate *cypres* funds in class action cases and other types of proceedings — like probate or other matters involving unallocated discretionary funds or residual



balances — to be directed to the Oklahoma Bar Foundation. Please also remember to include a general charitable contribution to the OBF with annual bar dues.

#### REASONS TO SUPPORT YOUR OBF

- OBF is the primary grant-making organization in Oklahoma, supporting legal services and law-related education services across the state.
- OBF enables lawyers and related affiliates to do good works and activities with tax-exempt status for exclusively public purposes.

- OBF provides a funding umbrella for many diverse law-related programs and projects, which makes your charitable giving easy.

- The OBF supports causes that lawyers, law firms and related affiliates care about.

- OBF provides a layer of oversight monitored by an extremely talented board of lawyers with varied backgrounds.

- OBF is a qualified IRS Code 501(c)(3) philanthropic organization with a proven 67-year record of service from 1946 to 2013.

The OBF truly appreciates the monetary contributions received from all of our generous Fellows that transform and improve the lives of Oklahomans in need. Please join OBF in its 2013 celebration of Fellowship! Come to the Fellows Reception at the OBA Annual Meeting as we toast the continued success and contributions of Oklahoma lawyers to the many charitable organizations your Oklahoma Bar Foundation supports.

*Ms. Shields is OBF president and can be reached at [susan.shields@mcafeetaft.com](mailto:susan.shields@mcafeetaft.com).*

## *Tributes and Memorials*

Tribute and Memorial Gifts offer a simple and meaningful way to honor people who have played an important role in your life or whose accomplishments you would like to recognize. Graduating from law school, passing the bar, marking a milestone birthday, celebrating a colleague's retirement are just some of the many occasions for which making a tribute gift to the Oklahoma Bar Foundation can be especially meaningful for you and the person you wish to honor or for the family and friends of the person you wish to remember. A Memorial gift in lieu of flowers is a fitting way to express your feelings and honor a departed friend, colleague or loved one.

Tributes and memorials gifts are a great way to acknowledge the people you care about while helping to ensure that low-income and disadvantaged Oklahomans can access the legal advice and assistance they need or that school children learn about rights, responsibilities and the rule of law.

The OBF will send the person you designate a card notifying them that you made a special remembrance gift in their honor or in memory of a loved one to help the OBF continue working to make Oklahoma a fairer and better place for everyone. Gifts will be used in meeting the on-going mission of the Oklahoma Bar Foundation, Lawyers Transforming Lives through the advancement of education, citizenship and justice for all.

MAKE YOUR TRIBUTE OR MEMORIAL GIFT TODAY AT: [WWW.OKBARFOUNDATION.ORG/MAKE-A-CONTRIBUTION](http://WWW.OKBARFOUNDATION.ORG/MAKE-A-CONTRIBUTION)

OR IF YOU PREFER, PLEASE MAKE CHECKS PAYABLE TO:  
OKLAHOMA BAR FOUNDATION P. O. BOX 53036 OKLAHOMA CITY OK 73152-3036

E-MAIL: • [FOUNDATION@OKBAR.ORG](mailto:FOUNDATION@OKBAR.ORG) • PHONE: 405-416-7070

*The OBF respects the privacy of donors and will not sell or share your personal information.*



# OKLAHOMA BAR FOUNDATION

## 2013 OBF Community Fellow Enrollment Form

### UNITE TO PROVIDE HELP FOR THOSE IN NEED AS AN OBF COMMUNITY FELLOW

☐ OBA Section or Committee ☐ Law Firm/Office ☐ County Bar Assoc. ☐ IOLTA Bank ☐ Corporation/Business ☐ Other Group

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

Contact: \_\_\_\_\_

Mailing & Delivery Address: \_\_\_\_\_

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

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**The OBF Community Fellows is a new benevolent program of the Oklahoma Bar Foundation allowing organizations and groups to unite with individual lawyers who are OBF Fellows to support a common cause: *The promotion of justice, provision of law-related services, and advancement of public awareness and better understanding of the law.***

#### The OBF Provides Funding For:

- Free legal assistance for the poor and elderly
- Safe haven for the abused
- Protection and legal assistance for children
- Public law-related education programs, including programs for school children
- Other activities that improve the quality of justice for all Oklahomans

***OBF NEEDS YOUR HELP TO  
SERVE OKLAHOMANS  
IN NEED!***

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

#### Choose from three tiers of OBF Community Fellow support to pledge your group's help:

\$ \_\_\_\_\_ **Patron** \$2,500 or more per year

\$ \_\_\_\_\_ **Partner** \$1,000 - \$2,499 per year

\$ \_\_\_\_\_ **Supporter** \$250 - \$999 per year

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

Print Name & Title: \_\_\_\_\_

OBF Sponsor: \_\_\_\_\_

Please kindly make checks payable to: Oklahoma Bar Foundation P O Box 53036 Oklahoma City OK 73152-3036

Phone: (405) 416-7070 • E-Mail: [foundation@okbar.org](mailto:foundation@okbar.org)

**Thank you for your generosity and support!**

# Practice of Law Requires Constant Learning

By Joe Vorndran

I have recently had the pleasure of co-counseling a couple of matters with more experienced lawyers who practice outside of my primary practice areas. The experiences I have gained through this exposure have been invaluable, and I believe that I am a better lawyer for it. Don't get me wrong, I expected this outcome, but what I did not expect was that my more experienced counterparts shared my opinion of our collaborative efforts. The mutual respect and appreciation was not born of a new groundbreaking legal theory or some other extraordinary factor — but rather the simple exercise of sharing different approaches and learning from one another.

As lawyers, we possess a high level of competency in the law, but I think most of us will admit that our individual knowledge is merely a drop in the bucket when applied to the body of information that exists. As a bar association, however, the breadth of our knowledge is far-reaching and allows for the effective dissemination of that expertise. The practice of law requires each of us, both the young and the experienced, to be constantly learning about changes in the law, our clients, opposing counsel, judges and ourselves.

One of my favorite things about this process is that we are taught almost exclusively by our peers. Whether conducting research by interview, attending CLE, engaging in hard fought litigation or reviewing an *Oklahoma Bar Journal* article, our fellow lawyers are constantly teaching us. Not all of the lessons are good, but they all have the potential to make us better at our craft if we take the time to apply them.

When I set out on my legal career, it was with the goal of mastering my profession. As I have progressed in my legal journey, I have even been as bold as to sit back in my chair at the end of a long day, and feeling particularly proud,

think to myself — “I’ve got this law thing figured out.”

As you might expect, that thought is typically shattered the next morning when fortunes turn, and I am reminded that I still have a lot to learn. I know now that this approach has been all wrong. I need to accept that I will never have it “all figured out.” Otherwise, my complacency will begin to erode my competency. It is with this in mind that I am encouraging lawyers, both young and old, to support the MCLE resolution extending CLE requirements to active members over the age of 65.

*Mr. Vorndran practices in Shawnee and serves as the YLD chairperson. He can be reached at [joe@sdtlaw.com](mailto:joe@sdtlaw.com).*

## YLD Annual Meeting Events

*Sheraton Hotel, Oklahoma City*

### Hospitality Suite

*Evenings*

Wednesday, Nov. 13  
& Thursday, Nov. 14

*Room 308*

### Board Meeting

*4:30 p.m.*

Thursday, Nov. 14  
*Room 308*



### **OBA Section Beautifies Victims' 'Environment'**

OBA Environmental Law Section members recently pitched in to help beautify the Oklahoma City YWCA facility. Volunteers pulled weeds, raked, planted flowers and mulched, and as a result, the shelter's vulnerable residents have an attractive and well-cared-for place to live. In addition to the work and supplies, the section donated an additional \$400 to the YWCA, which serves victims of domestic violence. Betsey Streuli and Sarah Penn were co-chairs for the event.

"The YWCA serves such a vital function to the women and children of Oklahoma, and it is important that the grounds and housing there feel like a home to those they serve," said ELS Chair-elect Laura Finley. "The staff was so grateful for our efforts, and I was extremely humbled and touched to be even a small part of the mission at the YWCA."

*Environmental Law Section members (from left) Sarah Penn, Courtney Carter, Tad Alford and Jennifer Boyle volunteer in the Oklahoma City YWCA gardens.*



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### **Lawyers Encouraged to Devote Time, Talent to Serving Communities in 2013**

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* is supporting this effort by spotlighting those lawyers and law firms who give of their time, talent and financial resources to better their communities. Have a great story or photos to share? Email Lori Rasmussen at [lorir@okbar.org](mailto:lorir@okbar.org).

### **Interim MCLE Reports Emailed to Members**

Are you wondering how many CLE credits you have completed for 2013? Your 2013 Interim MCLE Report was emailed to you on Oct. 15. You can also view your MCLE transcript online at [my.OKBar.org](http://my.OKBar.org). If you are not exempt, you have until Dec. 31, 2013, to earn any remaining credit you need without having to pay a late fee. If you have questions, email [mcle@okbar.org](mailto:mcle@okbar.org). Still need CLE for 2013? Check out great fall offerings at [www.okbar.org/members/CLE!](http://www.okbar.org/members/CLE!)

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### **Free Discussion Groups Available to OBA Members**

Don't forget — Lawyers Helping Lawyers discussion groups take place in Oklahoma City and Tulsa the first Thursday of each month. Each meeting is facilitated by committee members and a licensed mental health professional. In Oklahoma City, the group meets from 6 – 7:30 p.m. at the office of Tom Cummings, 701 N.W. 13th Street. The Tulsa meeting time is 7 – 8:30 p.m. at the TU College of Law, John Rogers Hall, 3120 E. 4th Place, Room 206. There is no cost to attend and snacks will be provided. RSVPs to Kim Reber, [kimreber@cabainc.com](mailto:kimreber@cabainc.com), are encouraged to ensure there is food for all.

Upcoming meetings:

Nov. 7 – Stress Management and the Practice of Law

Dec. 5 – Tips that Work - Maintaining Healthy Relationships



### **Ethics Opinions Now Online**

Need to quickly view an Oklahoma ethics opinion? The OBA Office of Ethics Counsel has developed an easy-to-use index for the 36 ethics opinions issued by the Legal Ethics Advisory Panel since 1979. The index is available online at <http://goo.gl/jxzhEQ>. These opinions include those most often used and referred to by the office. There is a brief description of the issue in each opinion, along with a link directly to the opinion itself. Have an ethics question? Contact Travis Pickens at 405-416-7055; 800-522-8065. It's a member benefit, and all inquiries are confidential.

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### **OBA YLD Board of Directors Elections**

The YLD again has a full slate of candidates running for Board of Directors positions, so let your voice be heard and exercise your right to vote! Elections are underway and are being conducted electronically. YLD members should have received an email Oct. 28 from the OBA with a link to the ballot. All ballots must be submitted to the Nominating Committee by 5 p.m. on Thursday, Nov. 7. Results will be announced at the YLD Annual Meeting in Oklahoma City on Nov. 14 at 6 p.m. Information about the candidates is available online at [www.okbar.org/members/YLD/Elections2014](http://www.okbar.org/members/YLD/Elections2014).

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### **OBA Member Reinstatement**

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

Kevin Eugene Jacobs  
OBA No. 11366  
2916 Stafford Rd.  
Edmond, OK 73012-3610

### **Celebrate Freedom Week – Nov. 11-15, 2013**

Veterans Day week has been designated by the Oklahoma Legislature as a time for schools to honor veterans and learn about the U.S. Constitution. The OBA Law-related Education Dept. has a number of ways you can help your local school participate in Freedom Week activities. Check out [www.okbar.org/public/LRE/LREConstitutionDay](http://www.okbar.org/public/LRE/LREConstitutionDay) to get started!



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### **Member Benefit Update – New at Fastcase: Annotated Oklahoma Statutes**

Online legal research provider Fastcase has improved coverage for OBA members by releasing a new annotated version of the Oklahoma Statutes. To find annotations, browse to the bottom of a statute section that has been cited in judicial opinions, and you'll see a list of citing cases, along with their decision dates and number of citations to each. And as with search results, you can sort the citing cases by date or by authoritativeness. To use Fastcase, sign in with your MyOKBar username (OBA number) and password on the OBA website. Fastcase is a free benefit available to all OBA members!



# Kudos

**E**sther Bell, CEO of Global Intellectual Property Asset Management PLLC was recently appointed to the Nonprofit Organizations Committee of the International Trademark Association, a global, not-for-profit association of trademark owners and professionals dedicated to supporting trademarks and related intellectual property.

**D.** Michael McBride of Crowe & Dunlevy has been named treasurer of the International Masters of Gaming Law, a nonprofit association that consists of more than 300 gaming attorneys, regulators, educators, executives and consultants from around the world dedicated to the education and exchange of professional information concerning all aspects of gaming law.

**T**he Dallas-based Center for American and International Law's board of trustees has elected **Mark D. Christiansen** of McAfee & Taft as secretary. The organization sponsors one of the two largest energy industry lawyers groups in the country.

# On The Move

**S**teven Kendall of Pauls Valley has been appointed by Gov. Mary Fallin to be associate district judge for Garvin County. He is replacing Judge John Blake who is retiring. Mr. Kendall is currently an attorney at Garvin, Agee, Carlton and Mashburn. He has previously served as assistant district attorney for Cleveland County and was in the U.S. Army Reserve. Additionally, he is a past Legal Aid of Western Oklahoma board member and past president of the Garvin County Bar Association. He holds a bachelor's degree in history from West Texas A&M University and a J.D. from OU.

**P**hillips Murrah announces that **Elizabeth Knox** and **John Bunting** have joined the firm as associate attorneys. Ms. Knox's practice focuses on commercial litigation with an emphasis on the construction industry. She interned for the University of Oklahoma Office of Legal Counsel and externed for Legal Aid Services of Oklahoma. She graduated in 2013 from the OU College of Law and received her undergraduate degree in marketing and management from Westminster College in Fulton, Mo. While in law school, she was awarded American Jurisprudence awards in legal research and writing & advocacy and was also a member

of the *American Indian Law Review*. Mr. Bunting is a commercial litigator who has represented clients including construction contractors, energy and natural resource companies, property developers and other law firms. The scope of his practice includes insurance coverage litigation and advising clients on insurance and indemnity issues. He previously worked for the Dallas law firm Haynes and Boone LLP and was an associate at Fellers, Snider, Blankenship, Baily, & Tippins PC in Oklahoma City. He graduated from the OU College of Law in 2010 with highest honors and received his undergraduate degree in regional development from the University of Arizona, where he graduated *summa cum laude*. He is a member of the Order of the Coif, was awarded the William T. and James T. Comfort Scholarship and contributed to the *Oklahoma Law Review*.

**D.** Craig Story, of counsel with Phillips Murrah, has moved offices. His new mailing address is P.O. Box 18757, Oklahoma City, 73154 and his physical address is 1000 W. Wilshire Blvd., Suite 351, Oklahoma City, 73116. His phone number is 405-840-5240.

**B**est & Sharp announces that **Stuart Ashworth** has joined the firm as an associate. Mr. Ashworth graduated from the University of Tulsa College of Law with honors in May 2013. At Best & Sharp his practice areas will include

medical malpractice defense, municipal liability, civil rights and general insurance defense.

**D**eBee Gilchrist announces that **Michael N. Clark** has become associated with the firm. Mr. Clark received his B.B.A in vocational ministry from Oklahoma Christian University and his J.D from OU. He joins the firm's practice in the area of estate planning. Mr. Clark has been practicing law for 10 years in Edmond.

**G**ungoll, Jackson, Box & Devoll PC recently added two new associates, **David E. Burget** and **Benjamin K. Davis**. Mr. Burget earned a liberal arts degree from OU, graduating with honors as a member of the Phi Beta Kappa fraternity. He attended the OU College of Law, where he was on the Dean's Honor Roll and served as writing competitions editor for the *American Indian Law Review*. His practice focuses on employment law and business formation in addition to practicing personal injury and other civil litigation. Mr. Davis majored in agricultural economics and accounting at OSU where he served on the executive team for the College of Agriculture Student Council, was a member of the President's Posse and was active in the FarmHouse fraternity. He later graduated from the OU College of Law, where he was a member of the *American Indian Law Review* and the Dean's Honor Roll. His practice area focuses on agriculture and natural resource law, oil and gas litigation, general civil litigation and banking law.

**T**homas Ishmael, formerly with the firm of Hornbeek Vitali & Braun, recently joined AT&T as senior attorney — litigation in Oklahoma City. He serves as in-house litigation counsel and advises the AT&T President — Oklahoma and the Oklahoma External Affairs group.

**K**evin Freeman of Alliant Energy Corporation was recently promoted to the position of lead attorney. He is responsible for managing the legal issues related to large capital construction projects and other complex commercial transactions. He graduated from the OCU School of Law in 1992.

**K**en Ray Underwood announces the relocation of his practice to 1408 S. Harvard Ave., Suite B, Tulsa, 74112. He will continue to focus his practice on representing people with catastrophic injuries from medical mistakes, wrecks, unsafe premises and dangerous products. He can be reached by phone at 918-582-7447 or email at ken@ulawok.com.

## At The Podium

**W**arren E. Mouledoux III and **Gary W. Farabough** of the Ardmore law firm Pasley, Farabough and Mouledoux presented on the opt out and arbitration sections of Senate Bill 1062 at the Metropolitan Healthcare Annual Meeting on Sept. 24 in Norman.

**C**hris A. Paul, general counsel of Blueknight Energy Partners, recently presented the keynote address, "A Primer on Legal Issues Associated with Oil and Gas Control Systems — How SCADA Reliability and Data Quality Impact Exposures and Opportunities," at the Schneider Electric-Telvent Users Conference in Banff, Alberta. He also recently presented "Pipeline Risk Management and Insurance" with Curtis Craig, general counsel of Explorer Pipeline Company, at the Association of Oil Pipelines Annual Business and Legal Conference in Newport Beach, Calif.

**T**ammy Westcott, Tulsa County assistant district attorney and director of alternative courts in Tulsa County, recently presented a seminar on being a proactive prosecutor in alternative courts at the Upper Midwest Drug Court Conference in North Dakota and at the Oklahoma State Drug Court Conference in Edmond. She also assisted training Veterans' Treatment Court teams in Michigan, Oregon and Pennsylvania as a faculty facilitator for the National Drug Court Institute.

**K**eith R. Gibson of Williams, Box, Forshee and Bullard PC spoke on Oklahoma's Solid Waste Displacement Act at the National Solid Waste Management Association's annual meeting at Quartz Mountain Resort in Lone Wolf on Oct. 2. The act gives the solid waste industry protection of eminent domain laws if they are displaced by municipal or county actions. Mr. Gibson was part of the

team that successfully advocated for its passage.

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:  
Jarrod Beckstrom  
Communications Dept.  
Oklahoma Bar Association  
405-416-7084  
barbriefs@okbar.org

**A**rticles for the Dec. 14  
Issue must be received by  
Nov. 18.

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## IN MEMORIAM

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**R**obert Saxon Baker died on Sept. 29. He was born on June 5, 1937, in Oklahoma City. He attended George Washington University and OU, majoring in history and political science. While in law school at OU, he served as vice president of Phi Delta Phi and case editor for the *Oklahoma Law Review*. Following his graduation in 1961, he joined Pierce, Mock, Duncan, Couch & Hendrickson. In 1973 he established his own insurance defense law firm, which he led for 25 years. He most recently served as of counsel for the Crowe & Dunlevy securities litigation practice group. He was a member of the Oklahoma Association of Defense Counsel, the Federation of Insurance and Corporate Counsel, the International Association of Insurance and Corporation Counsel and was a past vice-chairman of the OBA Automobile Law Committee and past president of the National Junior Bar Association. **He served as a first lieutenant and provost marshal in the Oklahoma Air National Guard.** He was dedicated to serving the Oklahoma City, as evidenced by his actions. Beginning in 1969, he

taught as a visiting lecturer at the OU School of Medicine, subsequently identifying a critical gap in community forensic services. Acting on that insight, he helped establish the Oklahoma Board of Medicolegal Investigations for the Office of the Chief Medical Examiner and he continued to play a role in forensic service through his 11-year chairmanship of that board. In 1976 he co-founded the Committee of 100, a group committed to providing financial assistance to widows of state and local firefighters or police officers killed in the line of duty. Mr. Baker was also passionate about the welfare of at-risk children and young adults, taking instrumental roles in establishing the Make-A-Wish Foundation and actively participating in the Junior Achievement Program in Oklahoma City. He loved to sing and loved cars as well. Memorial contributions can be made to the Free to Live Animal Sanctuary in Edmond and/or the Colonial Williamsburg Foundation.

**Daniel David Draper III** died Oct. 19. He was born Aug. 4, 1971. He grew up in

Stillwater and received his bachelor's degree from OSU where he was a member of the Sigma Nu fraternity. He earned his M.B.A. and J.D. from OU, graduating in 1999. He established a law practice after a stint with Rhodes Hieronymus in Tulsa. He was an avid runner, studied astronomy and was a member of Destiny Life Church. Memorial contributions can be made to the Oxley Nature Center – Red Bud Valley, 5701 E. 36th St. North, Tulsa, 74115.

**N**orman Landa died Oct. 5, 2013. He was born Oct. 14, 1938, in Tulsa. He received his B.A. and a J.D. from OU, earning the latter in 1963. At OU, he was a member of the Pi Lambda Phi fraternity. He practiced law in Tulsa before eventually settling in Dallas in the late 1960s. His practice focused on labor and employment law and he valued his friendships with his clients and colleagues. He dearly loved his family, his friends and his dogs. Memorial contributions can be made to the American Lung Association and/or the American Diabetes Association.



**M**onica Luebker died Sept. 22 in Rockwall, Texas. She was born Oct. 4, 1966, and received her J.D. from SMU in 1991 and practiced in the Dallas area for 20 years. She was a partner at Fishman Jackson Luebker PLLC where she had an active plaintiff and defense practice in business, securities, intellectual property and labor litigation. She successfully defended class action lawsuits, prosecuted and defended employment discrimination cases and non-competition agreements and handled securities claims on behalf of international clients under federal and state securities laws.

**L**ifelong Ponca City resident **James A. McNeese** died Oct. 16. He was born on March 3, 1918, in Oklahoma City. When he was six months old his family moved to Ponca City where he lived the rest of his life. He attended the College of Wooster in Wooster, Ohio for two years before transferring to OU in 1938. He received his bachelor's degree in 1940 and his law degree in 1947. **He enlist-**

**ed in the Navy in June 1941 and was called to active duty in September of that year. He was part of the closing operations in the Philippines and Okinawa and left the Navy in 1945 as a lieutenant commander.** He was one of the organizers of Sooner Life Insurance Company which was started in 1958 and sold to US Life in 1979. He was a director of Oklahoma Natural Gas Company for 23 years and a commissioner for the Oklahoma Welfare Commission for six years. Mr. McNeese loved Ponca City and was active in the community including a three-year term as mayor. Mr. McNeese also served in the Oklahoma Legislature as a representative from Kay County. While a member of the First Presbyterian Church, he served as an elder, trustee and deacon. He also served a term as trustee of the Presbyterian Synod of the Sun Foundation. He later joined Grace Episcopal Church where he served as treasurer and helped create an endowment fund for the church. In his later years, he was active in the refurbish-

ment of the Marland Estate Artist Studio that now houses the works of Bryant Baker, the sculptor of "The Pioneer Woman." Memorial contributions can be made to Grace Episcopal Church, 109 N. 13th, Ponca City, 74601.

**C** **Michael Zacharias** died Oct. 1 in Tulsa. Born on May 22, 1939, in Athol Springs, N.Y., he moved to Oklahoma in 1959. He earned two degrees from TU, an undergraduate journalism degree and a J.D. in 1970. He first worked as a journalist, writing for the *Tulsa World*, *Sapulpa Herald* and *Claremore Progress*. His legal career began at the Tulsa County District Attorney's office and lasted 42 years including a stint as a special district judge in Tulsa County. He was active in the academic and legal communities, receiving various awards for his service including the OBA Family Law Section Lifetime Achievement Award for Exemplary Service. He enjoyed rowing, snow skiing, running, traveling, photography, cooking and eating.





## Photo Galleries



Women in Law Conference



Day of Service



High School Mock Trial



Solo and Small Firm Conference

Check out photos from the latest OBA events – including the Women in Law Conference and Diversity Awards.

**[www.okbar.org/  
members/photogallery](http://www.okbar.org/members/photogallery)**

## A Fulfilling Professional Life



Everyone wants to have a positive and happy personal life and a fulfilling and rewarding professional life. But you may be surprised to learn that a lawyer failing to find personal fulfillment professionally can be a clear indicator of a greater level of risk for a future malpractice claim or disciplinary complaint.

**[www.attorneyatwork.com/is-your-professional-life-personally-fulfilling/](http://www.attorneyatwork.com/is-your-professional-life-personally-fulfilling/)**

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## Local Court Rules



In addition to statutes and opinions, many sets of court rules are online. Some may have been added since you last visited the site.

**[www.oscn.net](http://www.oscn.net)**

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## Join a Committee

Want to make a difference in your association? Consider joining an OBA committee.

**<http://goo.gl/bqlf29>**



## SERVICES

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### HANDWRITING IDENTIFICATION POLYGRAPH EXAMINATION

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**UNITED HEALTH FOUNDATION** America's Health rankings 2012 cancer deaths - Utah ranked 1st Oklahoma 42nd <http://www.americashealthrankings.org/UT-OK/2012> Wonder how Mormons reduce Cancer Deaths? Contact Choate Construction Management, 209 East Broadway Avenue, Seminole, 74868, 405-382-8883, [PottawatomieOK@live.com](mailto:PottawatomieOK@live.com).

**OF COUNSEL LEGAL RESOURCES — SINCE 1992 —** Exclusive research & writing. Highest quality: trial and appellate, state and federal, admitted and practiced U.S. Supreme Court. Over 20 published opinions with numerous reversals on certiorari. **MaryGaye LeBoeuf** 405-728-9925, [marygaye@cox.net](mailto:marygaye@cox.net).

**LEGAL RESEARCH:** retired law professor/trial attorney available to do research, brief writing, investigations, trial preparations, special projects, leg work, etc. on hourly basis. Les Nunn 404-238-0903. Not admitted in OK.

## SERVICES

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**INSURANCE EXPERT** - Michael Sapourn has been qualified in federal and state courts as an expert in the Insurance Agent's Standard of Care, policy interpretation and claims administration. An active member of the Florida Bar, he spent 30 years as an Insurance agent and adjuster. He is a member of the National Alliance faculty, a leading provider of education to agents. Call 321-537-3175. CV at [InsuranceExpertWitnessUS.com](http://InsuranceExpertWitnessUS.com).

**TREE DAMAGE, CONSULTING ARBORIST,** expert witness, tree appraisals, reports, damage assessments, herbicide damage, hazard assessments, all of Oklahoma and beyond. Certified arborist, OSU horticulture alumni, 23 years in business. [BillLongArborist.com](http://BillLongArborist.com); 405-996-0411.

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**AV RATED MIDTOWN OKLAHOMA CITY FIRM** seeks associate 0-3 years experience. Very busy, fast-paced insurance defense office offering competitive salary, health/life insurance, Simple IRA, etc. Candidates with strong academic background and excellent writing skills, please send a cover letter, résumé and writing samples via email to [Hrsearch029@yahoo.com](mailto:Hrsearch029@yahoo.com).

**STATE AGENCY LOCATED IN OKLAHOMA CITY** is seeking a qualified trial attorney with experience in civil rights and governmental tort litigation. The successful candidate will have outstanding legal judgment and be able to effectively and professionally research, prepare, analyze and understand complex information and legal issues. The successful candidate must maintain the integrity of the State Agency as well as the confidentiality of information as required by the Agency and the Oklahoma Rules of Professional Conduct. Applicants must be a licensed attorney in the State of Oklahoma with a minimum of 5 years trial litigation experience preferred. Strong writing and oral advocacy skills are a must. Salary is commensurate with experience and qualifications. Please send résumé and writing sample by November 10, 2013 to "Box W," Oklahoma Bar Association, PO Box 53036, Oklahoma City, OK 73152.

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**NORTHWEST OKC AV-RATED LAW FIRM** has immediate position available for an associate attorney with 3-5 years experience in the general civil business practice area with an emphasis in civil litigation. Must have experience with pretrial discovery and motion practice. Must have excellent research and writing skills. Submit a confidential résumé with salary requirements, references and writing sample to "Box Z," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

**OKLAHOMA CITY AV RATED MEDICAL MALPRACTICE DEFENSE FIRM** seeks associate attorney with 0-5 years experience. Experience in civil litigation is preferred. Must have excellent research and writing skills. All replies kept confidential. Résumé, law school transcript, and a writing sample should be sent to: "Box X," Oklahoma Bar Association, P.O. Box 53506, Oklahoma City, 73152.

**KIRK & CHANEY**, a mid-size AV downtown OKC firm, seeks experienced attorney to handle a diverse civil litigation practice, including complex civil litigation and family law matters. Salary is commensurate with experience. Please send résumé, law school transcript and two writing samples to Kirk & Chaney, Attn: Ms. Chris Leigh, 101 Park Avenue, Suite 800, Oklahoma City, OK 73102.

**HILTGEN & BREWER** is accepting résumés for an Associate Attorney position with +5 years experience. Primary skills would include brief writing in the areas of Civil, Commercial, Personal Injury, Product Liability and Defense Litigation. Offering a competitive salary with excellent benefits. Send résumé, writing sample, salary requirements and references to [stodd@hiltgenbrewer.com](mailto:stodd@hiltgenbrewer.com).

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THE FIRM OF NELSON TERRY MORTON DEWITT PARUOLO & WOOD is seeking an attorney with 2 - 4 years experience in civil trial practice, insurance litigation and insurance coverage. Submit your résumé, cover letter and a writing sample to Robin Fitzpatrick at P. O. Box 138800, Oklahoma City, Oklahoma 73113.

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## SEMINAR

OKLAHOMA PARALEGAL ASSOCIATION-ANNUAL MEETING & Fall Seminar-November 9, 2013, Territory Cellars Winery, Stroud, OK. 4 hours of CLE, includes Ethics in the Oil Patch, Immigration Law, DUI & Drug Law, Trial & Evidence Preparation. Contact [oparascal@hotmail.com](mailto:oparascal@hotmail.com) or 405-755-6714 or visit [www.okparalegal.org](http://www.okparalegal.org) for registration.

LAST CHANCE SEMINAR - OKLAHOMA DUI SEMINAR. All about SFST & Breath Testing Intoxilyzer 8000. December 6, 2013, 9 a.m. to 4:30 p.m. Hampton Inn Midwest City, OK. For Information Please Call: 405-361-2762. [www.duiconsulting.net](http://www.duiconsulting.net). Click on Seminars.

## LOOKING FOR A WILL

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# A Moment of Grace

By Michael J. Blaschke

There was a hall outside my room that I suppose was a fire exit. It had a heavy metal door at my end but was open to the outside at the far end. Stairs led down at the left to the lobby of the hotel where I was staying during this very long and difficult trial. I called the place an alcove even though I do not really know what an alcove is. I called it that because it was my place of sanctuary, of rest from the worry and anxiety of trial, and alcove sounded so much more inviting and friendly than hall or fire escape.

I went there every day, morning and night, to get away from the terror and heartbreak of the courtroom. All litigation is soul-killing but this case more so. Much more so. So I would go out morning and night to breathe a little, gaze at the world a little and offer some hope, some prayer up to the little piece of sky I owned in the rectangle formed by the hall/alcove at its far end. Just me, the sun and the moon as they rose or set. Collect myself, think about something else, anything else. Think about something real, because whatever goes on in court, whatever else it may be, it is not real. Surreal perhaps, but not real. Not human.

It was May, springtime. On my second or third visit to remind myself that existence was more than the bloodless combat of trial, I was startled by flight and noise screaming by my head. At first glance I thought it was a bat and instinctively backed up. But then a small bird began flying back and forth across the window of sky in my alcove, very quickly, chirping very fast and in a shrill way which could only be heard as...anger. Clearly I had disturbed the bird and looked around. Indeed, there was a nest on top of a light fixture in the hall. Babies. I backed all the way up the hall to the door past the light/nest and just watched quietly. I wanted the bird to have all the space it want-

ed, while still allowing myself a little refreshment from the daily absurdity.

This became our pattern, the bird and I. I learned to open the door as quietly as I could and steal in silently. Slowly, slowly, the bird quit flying away when I came in on little cat's feet as the poet says. At first it instantly flew away, but our pattern took hold. It started coming back to the nest as I stood there, and then it did not leave at all but just sat and stared at me upon my morning and evening search for some truth.



Company came to visit. The bird was small with a coal black head and back with an orange vest. We were joined eventually by a twin with a light beige vest instead of an orange one. I know nothing of birds, ornithology, but certainly this was male and female, mother and father, sitting a nest. The new bird took a lesson from his partner and quickly learned not to fly away, too.

I must now use the only words I know how to use. Human words in relation to wild animals are, I know,

silly at best but they are the only way I know to tell you what happened next. We began to trust each other. We began to talk. I cannot adequately tell you how much I looked forward to my talks with the birds, what feelings I shared with them. I was able to unburden on the birds the sadness and loneliness I was feeling from the day in court.

I really had no one else to talk to, as my family was far away, and a telephone is no way to relieve stress and pain. So I talked to my friends the birds. They got used to me, and I got used to them. I stood at the back of our alcove, looked up to the nest and let loose my sorrow. They responded with... the happiest chirping and bird noise I think I have ever heard and shall ever hope to hear. It never failed to make me feel better. Never. I was recharged every time. I know with absolute certainty that they were saying, "We are going to be parents! A mom and dad! Our babies are coming! Join us! Sing with us!" So went our days, happy parents drawing up a beleaguered human. How much they have to teach us!

As the days passed, after reflection I realized these were simply not animals upon whom I had projected feelings I wanted to have. This was not just an accident of nature. This was grace, beautifully and profoundly. Grace and God in the presence of avian and expectant parents, reminding me of better days and why I am here. Here yes to help people, or try to, with the cold sterility of the law, while not forgetting that grace and real life are always available, always there, always open, open to me.

On my last day and last visit to the birds, tiny heads were poking above the rim of the nest. Their father was feeding them.

*Mr. Blaschke practices in Oklahoma City.*





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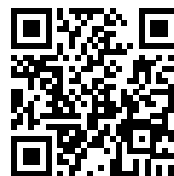
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