

# OKLAHOMA BAR JOURNAL

Volume 85 ♦ No. 11 ♦ April 12, 2014

Law Day 2014

# Democracy



**ALSO INSIDE**

• Digital Estate Planning • OBA Member Anniversaries • Diversity Awards



**April 24**  
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Program Planner/Moderator: Jim Calloway, MAP Director, Oklahoma Bar Association, Oklahoma City

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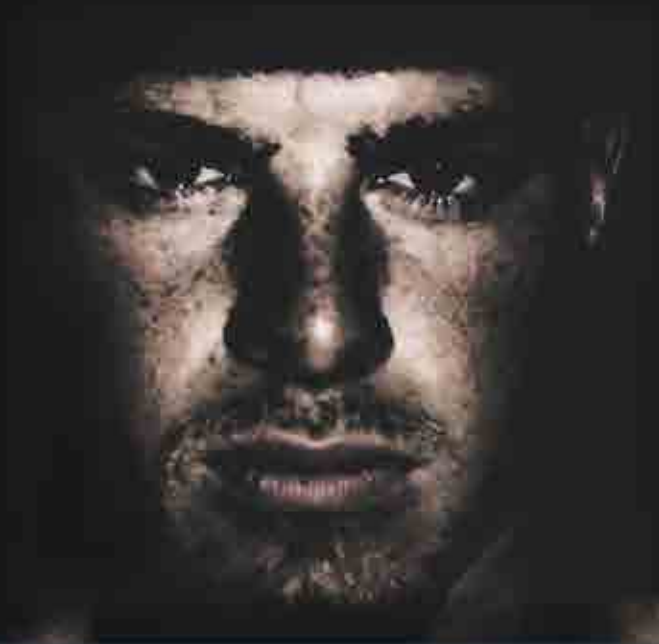
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The seminar starts at 9:00 a.m. and adjourns at 2:50 p.m.  
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OTHER COUNTIES ARE ALSO GIVING LEGAL ADVICE. CONTACT YOUR LOCAL LAW DAY CHAIRPERSON TO VOLUNTEER.

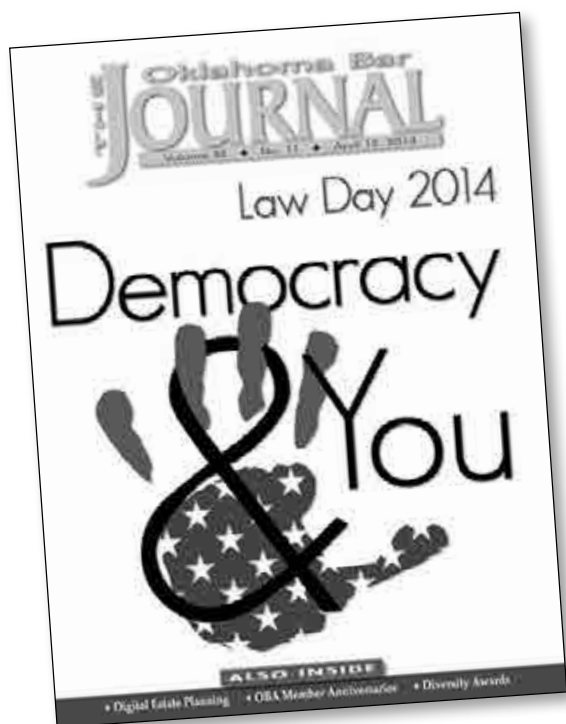
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THEME:  
LAW DAY

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# Law School Education in a Changing Legal Environment

By Renée DeMoss

Congratulations are in order for our three state law schools. All are making great strides in improving the quality of legal education in Oklahoma and in responding to unprecedented challenges in a changing legal world.

The young and energetic deans of our schools, Valerie Couch, Janet Levit and Joe Harroz, deserve our whole-hearted admiration and support. They are bright, innovative and have the best interests of their students at heart. Nothing but good can come from the leadership of these individuals.

Their skills will likely be tested in the coming years, as troubles for law school graduates that primarily began to surface after the 2008-2009 recession continue. Cutbacks made in new lawyer hires left many graduates without jobs, and those who found employment often earned salaries insufficient to pay back the debt accumulated to pay for their educations.

This led to a dramatic drop in the number of applicants willing to apply to, and pay for, law school. Law school enrollment declined nationwide nearly 25 percent in the three years from 2009-2012, and although the job market is improving, some commentators say that the number of students enrolled is still 20-25 percent higher than the number of new law jobs that are projected to be available upon graduation.

Other challenges abound. Those students who do get their law degrees are often criticized for lacking “practical” legal skills, and employers are no longer willing or able to pass on to clients the costs of teaching such skills.

The rapidly changing legal environment also means that new lawyers must receive training to practice in a future where clients will likely demand more legal services at lower costs and where competing web-based services will be providing documents like wills, leases and incorporation papers.

And what do law schools do about the shrinking applicant pools? If the choice is to keep enrollment numbers up and funds

flowing in by lowering admission standards, bar passage rates could suffer.

Solutions to some problems have been proposed. Law schools now provide more practical training through legal clinics, supervised externships, unpaid internships, skills courses, mentoring and innovative interdisciplinary programs.

More radical long-term changes are suggested in the 2014 ABA Task Force Report, such as training people without law degrees to provide limited legal services. Another proposal suggested by others is a two-year law program.

The OBA stands ready to help our law schools weather the storms of change. The OBA Law Schools Committee is working in partnership this year with all three schools to highlight job opportunities in smaller towns. Several OBA sections offer scholarships to law students, and students often can participate in OBA CLEs for no fee, such as the Appellate Advocacy Seminar held at the Oklahoma Judicial Center on April 11.

When my class graduated from OU College of Law in 1984, we did not face unmanageable debt or a challenging job search. It is a different world today. Let's do everything we can to help our three Oklahoma law schools and their graduates survive and flourish.

*The OBA  
stands ready  
to help our  
law schools  
weather the  
storms of  
change.*



*Renée DeMoss*  
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# EVENTS CALENDAR

## APRIL 2014

- 14 **Licensed Legal Intern Swearing-In Ceremony**; 12:45 p.m.; Judicial Center, Oklahoma City; Contact Wanda Reece 405-416-7000
- 15 **OBA Bench and Bar Committee meeting**; 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Judge David B. Lewis 405-556-9611
- 16 **OBA Law-related Education Attorneys in the Classroom training**; 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Suzanne Heggy 405-556-9612
- 18 **OBA Professional Responsibility Commission meeting**; 9:30 a.m.; Oklahoma Bar Center, Contact Dieadra Goss 405-416-7063
- OBA Access to Justice Committee meeting**; 10 a.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Laurie Jones 405-208-5354
- OBA Rules of Professional Conduct Committee meeting**; 3 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Paul Middleton 405-235-7600
- 22 **New Admittee Swearing-In Ceremony**; Supreme Court Courtroom; Contact: Board of Bar Examiners 405-416-7075
- OBA Communications Committee meeting**; 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Dick Pryor 405-740-2944
- 23 **OBA Work/Life Balance Committee**; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Sarah Schumacher 405-752-5565
- OBA Clients' Security Fund meeting**; 2 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Micheal Salem 405-366-1234
- 24 **OBA Leadership Academy class**; 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Heidi McComb 405-416-7027
- 25 **OBA Board of Governors meeting**; 3 p.m.; Idabel Chamber of Commerce, 7 SW Texas St., Idabel; Contact John Morris Williams 405-416-7000

**Lawyers Helping Lawyers training**; 10 a.m.; Oklahoma Bar Association, Oklahoma City with teleconference; Contact Hugh Hood 918-856-5373

**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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# Law Day 2014

## Democracy is Focus in 2014

*By Richard Vreeland and Jennifer Prilliman*

**D**emocracy is more than just “government of the people, by the people, for the people.” It also requires that we ensure that the government continues to function for the people, that citizens help each other and that rights are protected. As we celebrate Law Day this year it is a reminder of the important role we each play in our democracy. As lawyers, we play a unique role in protecting these rights. Whether it is representing clients and ensuring they receive proper due process, giving our time to service organizations, or just being active participants in our community.

Law Day is an opportunity for us to pause and acknowledge issues both present and past. The OBA Law Day Committee is excited to once again highlight and celebrate the work that lawyers do in our communities. The tradition of Law Day has a long history of more than 60 years and began here in Oklahoma. Wewoka attorney and past OBA President Hicks Epton developed the idea for Law Day in the late 1950s, and it has evolved into a national celebration. This year Oklahomans will observe Law Day on May 1 with activities and events throughout the state.

Again this year we held our annual art and writing contests for students in kindergarten through 12th grade. This year we revamped the contests to place a greater emphasis on scholarly writing and included writing prompts aligned with state mandated curriculum to encourage teachers to participate. The contest focused on the “Democracy and You” theme. We have also put together once again

an informative television show, highlighting the important topics and the impact lawyers make on the lives of individuals and the law. Additionally, with the help of all our attorney volunteers, we will continue to offer 12 hours of nonstop free legal advice.

### **ASK A LAWYER TV SHOW**

We are excited about this year’s Ask A Lawyer television show, set to air Thursday, May 1 at 7 p.m. on OETA stations across the state.



*Volunteer lawyers answer calls for legal advice during the 2013 Ask A Lawyer event in Oklahoma County.*

# Ask A Lawyer

Thursday, May 1

7-8 p.m.

OETA stations

## FEATURING SEGMENTS ON:

- ☆ Examining the Judiciary
- ☆ Water Law
- ☆ Human Trafficking
- ☆ OBA Disaster Response
- ☆ Legal Potpourri

Hosted and  
Moderated by  
Dick Pryor

Special Guests:

Oklahoma Supreme Court  
Chief Justice Tom Colbert

OBA President  
Renée DeMoss



The show includes a look at the history of the judiciary in Oklahoma. With the help of retired judges and lawyers including OBA President Renée DeMoss we explore the Supreme Court scandal of the 1960s and how that led to our current system of judicial selection employing the Oklahoma Judicial Nominating Commission.

Water is something we all need and use, and therefore there are many interests at play in the area of water law. In this segment, lawyers are interviewed about the issues and challenges of water management in our state, and explore the need for a long-term plan for allocation and conservation of this vital resource.

Human trafficking is an international problem that affects all kinds of people, and Oklahoma is not immune. You will hear from a prosecutor and the chair of the OBA Human Trafficking Task Force about the role lawyers are playing in addressing this serious issue.



*OBA Disaster Response and Relief Committee Chair Molly Aspan of Tulsa is interviewed for the Ask A Lawyer TV show about the committee's efforts to assist storm victims with their legal challenges after the May 2013 tornadoes and flooding.*

Disasters, both natural and manmade, are something Oklahoma knows all too well, and the OBA Disaster Response and Relief Committee stands ready to provide legal assistance when necessary. You will hear from a woman whose home was destroyed by Oklahoma tornado and the devastating effect it had on her family. You will hear how a volunteer attorney helped her put the pieces of her life back together.

Chief Justice Tom Colbert also appears to join in the celebration of Law Day and to recognize the student contest winners and their winning artwork.

## CONTESTS AND ACTIVITIES

This year more than 1,000 students from across the state submitted entries centered on this year's theme, "Democracy and You." This year, a new element was added that asked students in first-12th grades to focus on different aspects of the Law Day theme through grade appropriate writing prompts. Oklahoma's students rose to the occasion by submitting hundreds of essays demonstrating an excellent grasp of the subject matter. The high quality work made judging the contest a difficult task for Law Day Committee members! The winners have been announced, and the winning entries can be viewed at [www.okbar.org](http://www.okbar.org) and on page 751 of this issue.

## FREE LEGAL ADVICE

We are well under way in preparing for the statewide Ask A Lawyer call-in event, to be held on Thursday, May 1, when the public can call in for free legal advice for 12 nonstop hours. The Ask A Lawyer call-in event is a great way for all Oklahoma lawyers to participate in the celebration of Law Day. This annual event gives us a unique opportunity to provide a valuable community service while promoting a positive public image of attorneys and the OBA.

Callers statewide will be able to reach an attorney throughout the day on May 1. The OBA and the committee work with each county's Law Day chairperson in setting up a network of local phone numbers during the broadcast. Volunteer attorneys in each participating county staff the phones and answer



*Oklahoma City lawyer Larry Derryberry discusses challenges and issues surrounding water law during the Ask A Lawyer TV show.*

questions for a predetermined time period. Oklahoma and Tulsa County attorneys work together to staff the toll-free, statewide telephone number from 9 a.m. – 9 p.m.

Your help is needed to make this community service project a success. It takes a total of 30 attorneys for each two-hour shift to fully staff the statewide number. That effort, combined with the local county bars, creates a huge need for attorneys to step forward. To volunteer, contact your local county Law Day chairperson and the activities planned for each county are listed in a related story in this issue.

The Law Day Committee has again committed to branch out to the Latino community by offering free legal advice in Spanish. Each shift in Tulsa and Oklahoma City will need Spanish-speaking volunteers. If you speak Spanish or know non-attorneys who would volunteer to translate, we need your help!

## DIRECTIVE AND PROCLAMATION

Continuing an OBA Law Day tradition, Chief Justice Tom Colbert signed the Law Day Directive, encouraging courts to host Law Day events. Gov. Mary Fallin has again this year signed a proclamation designating May 1, 2014, as Law Day in Oklahoma.

## GET INVOLVED

As we get ready to celebrate Law Day next month, the OBA Law Day Committee is already preparing for next year's Law Day activities. If you have ideas for next year's Law Day or just want to be involved then join us on this fun, yet hardworking committee. If you would like to join you can contact Richard Vreeland, 405- 360-6631, [richard.vreeland@laok.org](mailto:richard.vreeland@laok.org); or Jennifer Prilliman, 405-208-5174, [jsprilliman@okcu.edu](mailto:jsprilliman@okcu.edu).

We hope that you will participate in Law Day, whether it is volunteering to provide free legal advice in your county or making a



*Ardmore attorney and former Oklahoma Rep. Burke Mordy served as House prosecutor during the impeachment trial of Justice N.B. Johnson during the Oklahoma Supreme Court Scandal of the 1960s. Mr. Mordy discusses the trial and its lasting impact during the "Examining the Judiciary" segment of the Ask A Lawyer TV show.*



*Oklahoma Supreme Court Chief Justice Tom Colbert and OBA President Renée DeMoss welcome Law Day contest first-place winners to a recognition ceremony at the state Capitol. Also attending were Justice Yvonne Kauger, Law Day Committee Co-Chairs Richard Vreeland and Jennifer Prilliman.*

presentation to a local school group or organization. With the commitment of the Law Day Committee, county Law Day chairpersons and the help of each and every one of you, this year's Law Day will be great celebration highlighting the many roles OBA members are involved in our communities.

#### ABOUT THE AUTHORS



Jennifer Prilliman is the associate director and law library professor for the Oklahoma City University School of Law Library. She serves as co-chair of the OBA Law Day Committee. She is a 2005 graduate of the OU College of Law.



Richard Vreeland is the managing attorney for the Norman and Shawnee offices of Legal Aid of Oklahoma. He serves as co-chair of the OBA Law Day Committee. He is a 2006 graduate of the OU College of Law.



LAW DAY  
2014

## CONTEST WINNERS



More than 1,000 Oklahoma students from pre-kindergarten through 12th grades entered this year's annual Law Day contests, themed "Democracy and You." This year's theme encourages Oklahoma students to contemplate the meaning of democracy and how the rule of law impacts everyday life.

This year, we tried something new, aligning our writing contest with Oklahoma's C<sup>3</sup> education standards. Writing prompts were created for students first through 12th grade, which turned out to be a tremendous success. Many of our contest winners this year were written entries.

We also continued our art contests with coloring contests for pre-kindergarteners, kindergarteners and transitional first graders and a free-form art contest for first through 12th grades. In the free-form category, students were allowed to enter anything from collages to dioramas to poetry. We had several incredible entries for this category.

One student was designated the "grand prize winner" for having submitted the best overall entry from all grades. County bar associations will officially present the contest winners in their county with plaques and prize money later this school year.



# Grand Prize Contest Winner

## Rule of Law

By *Natalie Evans*

The rule of law is a vague term that can be seen in three different contexts, all of which contribute to the safety of the individual human rights from being withdrawn or distorted. In one context the term is understood as “rule according to law” meaning no specific person can be forced by the government to pay civil damages or endure criminal punishment unless in strict agreement with explicitly defined laws. In another framework the term is considered “rule under law” which is understood to ensure that no branch of government transcends the law, and no public official may take any action that does not follow the law. Thirdly, rule of law has come to be seen as “rule according to a higher law” meaning that government cannot force citizens to comply with any law unless it follows specific unwritten but universal rules of equality, ethics and justice that go beyond human legal structures (West Encyclopedia, par. 1).

Rule of Law, in the context of Rule according to Law, suggests some things about the structure of the laws themselves, for example, laws should be very basic and clear in their arrangement, and able to be applied universally. Therefore, the law should be reasonably steady, of clearly expressed guidelines that people can refer to before taking any type of actions, and have the attributes of “generality...and certainty” (Wikipedia contributors, par. 15). In an article entitled “Rule of Law,” in the *Gale Encyclopedia of American Law*, it clearly states that “no persons may be prosecuted for an act that is not punishable by law.” When the government attempts to penalize an individual for a criminal act that was not illegal at its occurrence that the rule of law has been broken because the government surpasses its lawful ability to discipline. This idea is revealed through the ban against “EX POST FACTO LAWS in the U.S. Constitution” (Gale Encyclopedia, par. 4). The Rule according to law is also broken when the government endeavors to penalize a person for breaking an unclear or badly structured...

## Natalie Evans

Edmond Memorial High School,  
Edmond

Teacher: Greg Oppel



Read the rest of Natalie's story at [www.okbar.org](http://www.okbar.org)

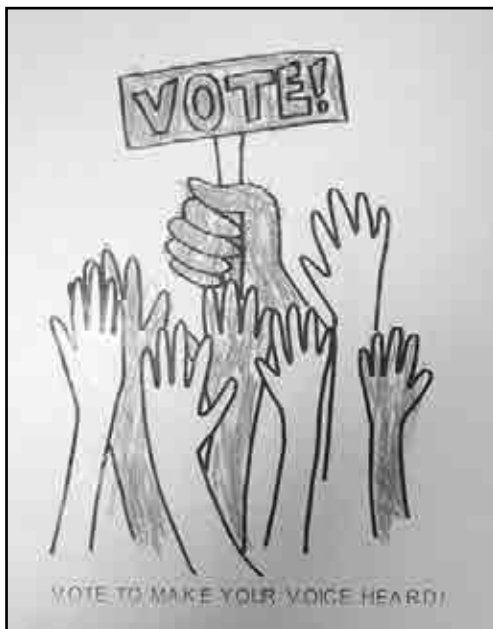
## Coloring Contest Winners Pre-Kindergarten



### **1st Place** **Jennifer Diotte**

Monroe Elementary,  
Oklahoma City

Teacher: Beverly Rosenberg



### **2nd Place** **Christopher Armenta**

Idabel Primary South, Idabel

Teacher: Nancy Carol Marshall

# Coloring Contest Winners ☆ Kindergarten

## 1st Place Cambri Castleman

Denison Elementary, Idabel

Teacher: Nealie Wake



## 2nd Place Carissa Prock

Vian Elementary, Vian

Teacher: Mrs. Bethel



# Coloring Contest Winners ☆ Transitional First



**1st Place**  
**Isaac Denny**

Stilwell Elementary School,  
Stilwell

Teacher: Dian Walker



**2nd Place**  
**Lily Ritter**

Stilwell Elementary School, Stilwell

Teacher: Dian Walker

## Art Contest Winners ☆ First Grade

### 1st Place Ben Ott

Covenant Community School,  
Stillwater

Teacher: Susan Schaefer



### 2nd Place Lucas Stanley

Maryetta Elementary, Stilwell

Teacher: Samilou Smith



# Writing Contest Winners ☆ Second Grade

## Why is it Important to Follow Laws?

*By Callen Villagrana*



### 1st Place Callen Villagrana

Horace Mann Elementary,  
Duncann

Teacher: Angela Giles

It is important to follow laws because if people didn't the United States of America would be a downright mess! The country would be a very bad and horrible place. There would not be any visitors because there would be criminals everywhere!

What would happen if I did not follow the laws?

I would be stealing from stores. I would be driving a car right now. If I got angry with someone I could punch them. So now the reasons I should not do these things:

If I stole from stores then the people from the store might hurt me because there are no laws. Also that is not fair to the owners because they use their money to buy stuff and they expect to get money back.

If I drove a car, for me, it would be awesome but in the next 5 minutes I would probably crash. And maybe even die or hurt someone else.

If I could punch somebody then that same person could punch me! Imagine you are taking a stroll around the block and you are about to turn a corner and BAM! Someone smacks you in the face! No one is safe anywhere!

Long ago it was probably just like all this stuff I just told you about and ever since they had to keep adding and adding laws. Now we have a beautiful land because we get along and have laws to keep us safe.

### 2nd Place Kate Morrison

Frontier Elementary School, Edmond

Teacher: Melissa Estes

To read Kate's story, go to [www.okbar.org](http://www.okbar.org).



## ★ Art Contest Winners ☆ Second Grade



**1st Place**  
**Sadi Blalock**

Horace Mann Elementary,  
Duncan

Teacher: Teresa Blalock



**2nd Place**  
**Austin**  
**Buchanan**

Clara Reynolds Elementary,  
Harrah

Teacher: Heather Talley





# Writing Contest Winners ☆ Third Grade

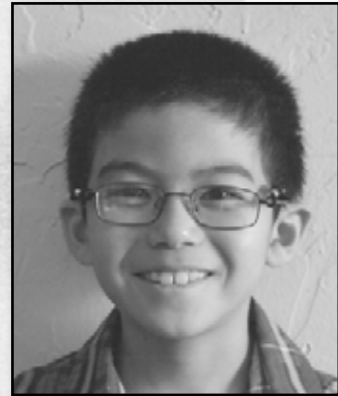


## The Judicial Branch

*By Morris Chi*

The Judicial branch of government is a part of the government which sees whether or not something goes with the Constitution. The head of the judicial branch is the Supreme Court. Its decisions set precedents. The judicial branch oversees the court system of the U.S., and is the highest court in the state.

The judicial branch of government is important because if we didn't have them there wouldn't be any laws. They also keep us safe. If we didn't have laws, people would probably steal from us and say that we stole from them. We could go to jail instead of them. People would probably do bad things. The judicial branch is a part of the government which says if a person is guilty or not. It is important to have them.



**1st Place**

**Morris Chi**

Frontier Elementary School,  
Edmond

Teacher: Melissa Estes



**2nd Place**  
**Zack Duck**

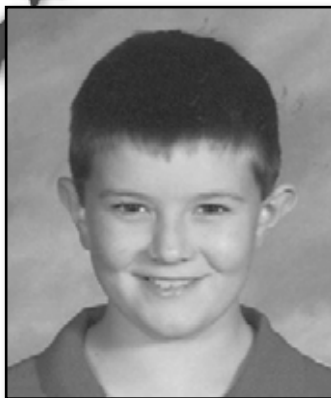
Frontier Elementary School, Edmond

Teacher: Melissa Estes

To read Zack's story, go to [www.okbar.org](http://www.okbar.org)



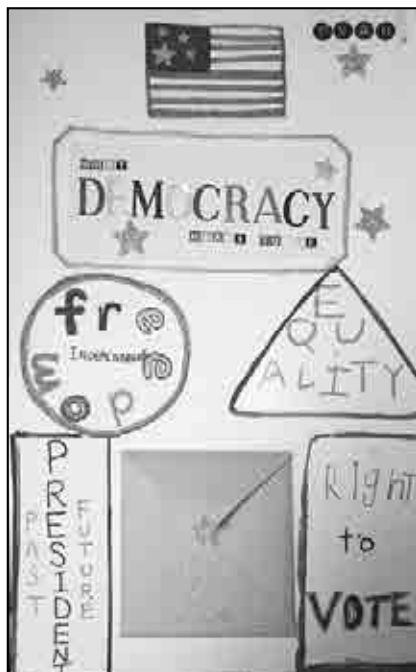
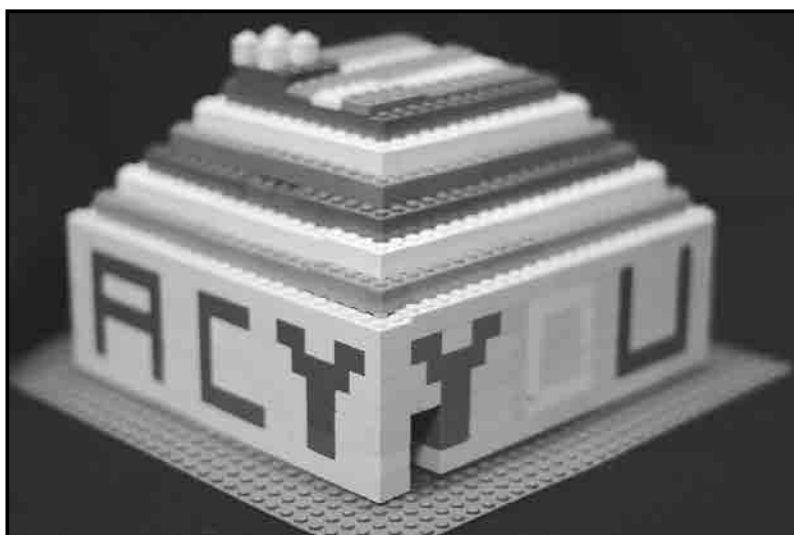
## Art Contest Winners ☆ Third Grade



**1st Place**  
**Griffin Kidd**

Horace Mann Elementary,  
Duncan

Teacher: Teresa Blalock



**2nd Place**  
**Evan Ott**

Covenant Community School,  
Stillwater

Teacher: Tabatha Watkins

# Writing Contest Winners ☆ Fourth Grade

## Law Day

*By Trinity Kuehl*

I think our laws meet the needs of American Citizens by protecting us from both each other and the government. Our country was founded by immigrants who left their homeland in hope of starting a new life with a new government. One made of checks and balances, and where the people were in control.

### 1st Place Trinity Kuehl

Covenant  
Community School,  
Stillwater

Teacher: Tabatha Watkins

My 12th great-grandfather, Robert Mathis Jr. boarded a boat in Liverpool, England in 1720. He would arrive in Jamestown, Virginia six months later. He wanted a new life in a new world. His grandson, Edmund Mathis, my first ancestor to be born in America, would later fight in the Revolutionary War in 1776. These grandfathers of mine risked their lives to not only come to America, but to fight for our freedom. They helped establish laws in this new country. These laws would guarantee us life, liberty and the pursuit of happiness.

The laws have changed over the past 237 years.

There are many laws I do not understand. For instance, in New York State you cannot sell large size soda. To me, that is taking away a freedom of choice. I think there should be laws in place to prevent ridiculous laws like that from ever being created.

There are some laws, like the "Make My Day Law" that are put in place to protect us from each other. Back when my grandfather was fighting for the establishment of this country, laws like the "Make My Day Law" were not needed. It is a law that has become a need, and the government met that need.

American citizens benefit from the laws of our land much more than citizens from other countries benefit from the laws of their land. We have freedom that many other countries have never, and will never, have. Freedom of religion, education, speech, right to bear arms, and the freedom of expression are not freedoms many other countries have. They are freedoms that are guaranteed to us, but often taken for granted. Our laws are written by our elected officials, voted on by the people, and then signed into law by another elected official. American citizens have control over our laws by voting into office our elected officials.

## ★ Art Contest Winners ☆ Fourth Grade



### 1st Place Daryn Reese

Covenant  
Community School,  
Stillwater

Teacher: Tabatha Watkins



### 2nd Place Janessa Chastain

Maryetta Elementary, Stilwell

Teacher: Samilou Smith



# Writing Contest Winners ☆ Fifth Grade



## The Judicial Branch of Government

*By Lexi Robinson*

The Judicial Branch is very important in our American government. There are three courts in the Judicial Branch. They are the Supreme Court, the Circuit Court, and the District Court. These courts decide what the laws mean, they decide how the laws apply to the people, and the courts also make sure the laws don't break the rules of the Constitution. The Judicial Branch may be the smallest branch of government, but it's just as important as the other two branches.

One of the reasons why the Judicial Branch of government is important is that the courts decide what the laws mean. For example, one state government might think the law means one thing, and another state government might think it means something else, so Supreme Court decides which one is right.

Another reason why the Judicial Branch of government is important is that the courts decide how the laws apply to the people. The courts settle arguments, disagreements, and disputes between people or organizations. They help keep peace in our country.

The final reason why the Judicial Branch of government is important is that the courts make sure the laws don't break the rules of the Constitution. Sometimes the Constitution is hard to understand. Sometimes people or state governments interpret the Constitution their own way, but the Supreme Court decides how it should be interpreted.

The Judicial Branch of government decides what the laws mean, decide how the laws apply to the people and they also make sure the laws don't break the rules of the Constitution. Our government would not work without all three branches of the government. The Judicial Branch of government is extremely important in America.



### 1st Place **Lexi Robinson**

Frontier Elementary School,  
Edmond

Teacher: Melissa Estes

### 2nd Place **Taylor Dowell**

Canton Elementary, Canton

Teacher: Jack Haub

To read Taylor's story, visit [www.okbar.org](http://www.okbar.org).





## Art Contest Winners ☆ Fifth Grade



**1st Place**  
**Chloe Cooper**

Maryetta Elementary, Stilwell

Teacher: Samilou Smith



**2nd Place**  
**Kinley Downing**

Piedmont Intermediate School,  
Piedmont

Teacher: Kathy Dickerson



# ★ Writing Contest Winners ☆ Sixth Grade



## 1st Place **Jacob Jungheim**

Duncan Middle School,  
Duncan

Teacher: Stacy Smith

## Democracy & You

*By Jacob Jungheim*

In my view, laws are made for three basic reasons. They are to help people know what behaviors are right and wrong, help keep people safe, and help government run smoothly. Understanding how laws are made will help people know when society is being harmed. Studying the enforcement of laws will also guide people in supporting the law when it helps society and resisting the law when it hurts society. With that in mind, I believe that one of the best things a person can do for other people is to learn how laws are made and enforced.

Laws are important in helping us know what is right and wrong. If people could not tell the difference between right and wrong, it would lead to chaos with people being hurt all the time. Knowing how laws are made will show people how to support laws that encourage good behavior and stop laws that promote the opposite. Also, being aware of how laws are enforced will help us make rules that are easier for police to support moral laws and for us to resist morally bad laws.

People stay safe through laws. Laws on food, drugs, cars, and many other things help protect people from being hurt. When we understand how laws are made, it makes it easier to design laws that help guard people from harm. Being aware of how laws are applied is also important in making sure that people are really protected from harmful things.

Government needs good laws to make it run smoothly. When bad laws are passed, it hurts the government by making it unable to enforce the laws that keep society from being hurt. It is important to understand how laws are made so that people can encourage good government by passing worthy laws. Understanding how laws are enforced is required to make sure that no one in government misuses the powers given to him.

## 2nd Place **Addison Moody**

Longfellow Middle School, Norman

Teacher: Traci Argo

To read Addison's Story, visit [www.okbar.org](http://www.okbar.org).

☆ Art Contest Winners ☆ Sixth Grade



**1st Place**  
**Emma Watkins**

Oklahoma Bible Academy,  
Enid  
Teacher: Charlotte Williams



**2nd Place**  
**Abigail Miles**

St. Elizabeth Ann Seton  
Catholic School,  
Edmond  
Teacher: Merideth Miller





# Writing Contest Winners ☆ Seventh Grade



## Rule of Law in the World

*By Haley Callegan*

The rule of law in the United States is different from other judicial systems in the world because our government gives the people more rights than other governments give their people. The rule of law in the United is based on the Constitution. It is the supreme law of the United States.

Other countries have different judicial systems than the United States does because they do not have a constitution. The United Kingdom does not have a written constitution. The United Kingdom's judicial system of law is changed constantly by Parliament and decisions of Law Courts, but there is not a written document. New Zealand also does not have a written constitution. It has a collection of statutes, treaties, and decisions of Courts. Saudi Arabia does not have a constitution because their laws are governed by the Quran and a royal decree called the Basic Law. Israel does not have a written constitution, but has a set of Basic Laws. Some of these countries are monarchies. The United States is a democracy.

Some countries have no rule of law at all. Countries without a rule of law usually have poverty, corruption, dictatorships, and the people have no rights. Myanmar (Burma) has no rule of law after a military coup. Somalia's government fell and warlords run the country. Somalia is a lawless country with wars between warlord groups. Many African countries and countries in the Middle East do not have governments or constitutions but have rules that people follow. Some countries are run by dictators or small groups of people.



## 1st Place Haley Callegan

St. Elizabeth Ann Seton  
Catholic School,  
Edmond

Teacher: Merideth Miller

## 2nd Place Cailin Harrington

St. Elizabeth Ann Seton  
Catholic School,  
Edmond

Teacher: Merideth Miller

To read Cailin's story, go to [www.okbar.org](http://www.okbar.org)



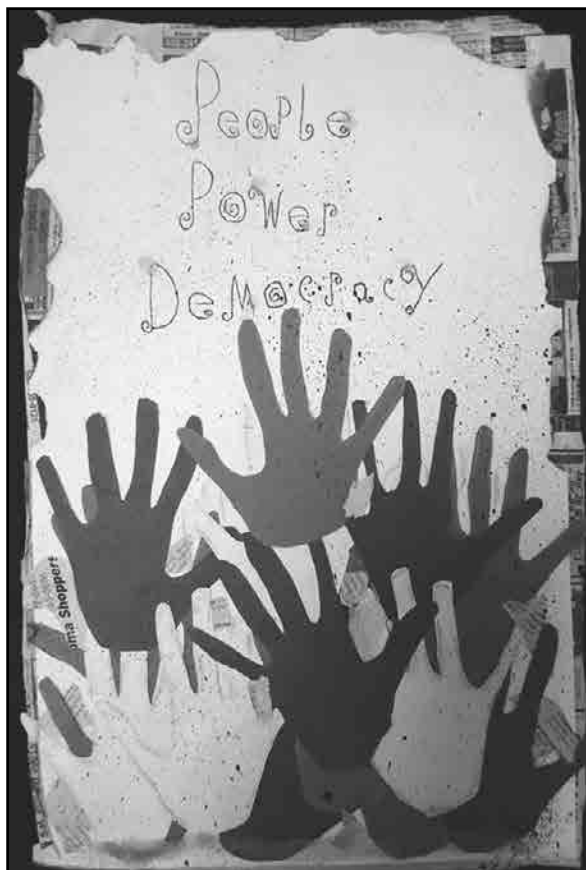
## Art Contest Winners ☆ Seventh Grade



**1st Place**  
**Emily Moore**

Oklahoma Bible Academy, Enid

Teacher: Charlotte Williams



**2nd Place**  
**Emily Koehn**

Oklahoma Bible Academy,  
Enid

Teacher: Charlotte Williams

# ★ Writing Contest Winners ☆ Eighth Grade

## Law Day – Democracy and You

*By Harrison Wyatt*



### 1st Place Harrison Wyatt

Covenant Community  
School, Stillwater

Teacher: Kelly Carman

Our nation's judicial system is used every day, and is vital to how our country's law system is run and maintained. When it was established it drastically changed how our government was run. How the system was originally when it was established is the same way it is used today. This system has some of the most influential power in our government, at times it is the deciding factor in very important disputes and complications.

During the early days of the Federal Convention in 1887, delegates agreed to have a national judiciary in the new government. Article three of the constitution drafted, established a Supreme Court and left the congress to determine whether other federal courts would be part of the nation's judiciary. America's judiciary is an adversary system — in which litigants present their case before a neutral party and allow the jury to determine the truth of the conflict. This system is very effective when dealing with high priority lawsuits down to small disagreements, such as maybe some of the court shows on television, to the major court cases involving murder or some other major crime.

Today this law system is used everywhere in the United States, and by everyone. This system is vital to getting the right people in prison or other detainment of other sorts. If this system was not used I see there being a lot of mishaps and problems in who should really be imprisoned. If this system was not used perhaps, some of the most important and popular court cases in history would have not turned out the way they should have and did. This system in my opinion is the right one and most effective to have the right outcome in court cases everywhere.

The majority of legal disputes in the United States are settled in state courts, but the federal courts still have considerable amount of power. Many rulings become precedent with law or an interpretation of a law established by a court ruling. And this is normally the case when...

Read the rest of Harrison's story at [www.okbar.org](http://www.okbar.org)

### 2nd Place Caleb McQuay

Hope Christian Academy, Skiatook

Teacher: Rachel Keeney

To read Caleb's story, go to [www.okbar.org](http://www.okbar.org)



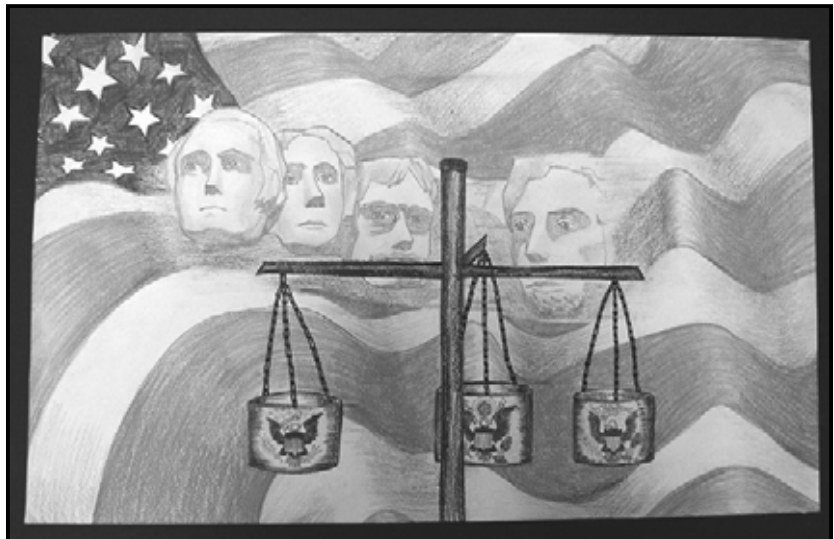
# ★ Art Contest Winners ☆ Eighth Grade



## 1st Place Elah Alcuitas

Oklahoma Bible Academy,  
Enid

Teacher: Charlotte Williams



Our democracy is known as brave  
All the soul of the country,  
Lies deeper than a cave.  
Our democracy  
Where the flag wavers roam  
Where the people are stronger  
Together than alone.  
Our democracy knows war  
When we see it  
In this country to be free,  
We do not need a permit  
Our democracy recognizes  
The pride within our hearts  
Our democracy is known as America  
And I'm proud of it



## 2nd Place Madison Stanford

Rongey Middle School,  
Kiefer

Teacher: Lorrie Quinnelly



# Writing Contest Winners ☆ Ninth Grade



## Democracy and You

*By Alex Roberts*

Democracy is a government that is controlled by the people. It is my opinion that Democracy is a flawed form of government because of this. People don't always know best and if a country's citizens make all the decisions, you better make sure you are well liked by them, or it's probably not going to end well for you. Since it's the people's decision, all of them could choose to kill you on a whim, or torture you or humiliate you. Basically everyone could decide what they wanted to do with you, and the government would be powerless to stop it because it is ruled by the people.

People may start with noble intentions, but they often let their intentions be ruled over by greed, ambition, and ill-will towards others. So if Democracy were the form of government now, I speculate that America would have a lot more enemies and our economic situation would be a lot worse than it already is. If people made the laws I also speculate that America would have less law and more anarchy and destruction.

Democracy may seem like a good idea at first glance, but really it's just a flawed, yet popular form of government. Another point is, people will always be competing for what they want, and so if a large portion of America's people want something that is not necessarily useful, just a product of their own greed, and another, smaller portion wants something actually useful to America, who's going to win here? It is my opinion that this would also happen a lot if America was ruled by a Democracy.

Since our government is balanced by the judicial system, it allows our people to have a voice like a Democracy, while we have laws in place to prevent the people from having too much power. Thus, we have a Democratic Republic for our government. We have mixed in Democracy's principles with our government.



## 1st Place Alex Roberts

Covenant  
Community School,  
Stillwater

Teacher:  
Elizabeth Albright

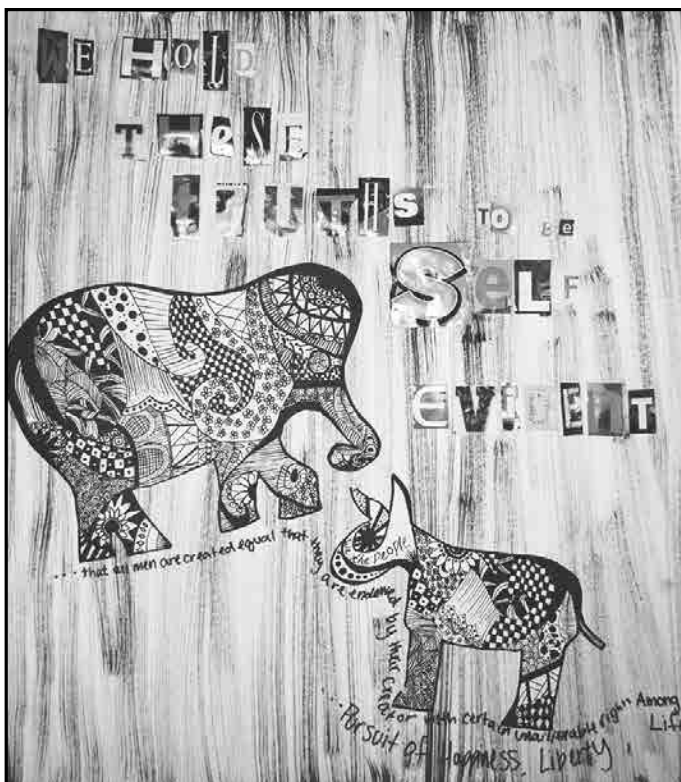
## Art Contest Winners ☆ Ninth Grade



**1st Place**  
**Elise Hamann**

Oklahoma Bible Academy, Enid

Teacher: Charlotte Williams



**2nd Place**  
**Chase Olson**

Oklahoma Bible Academy, Enid

Teacher: Charlotte Williams

# ★ Writing Contest Winners ☆ 10th Grade



## 1st Place Jaidan Alley

Pawnee High School,  
Pawnee

Teacher: Becky Beagle

## Powerful Society

*By Jaidan Alley*

If I was asked to describe our society, I honestly would not have an answer. As a teenager, I have come across this word, but have never paid much attention to it. If the word society is looked up in the dictionary, it will read, “people in general thought of as living together in organized communities with shared laws, traditions, and values” (Merriam-Webster, 2013). As Americans we live in a society. Living in the United States we have many freedoms, but to maintain those we have to have rules and examples for the people to follow. Law and the judicial branch play a huge and powerful role in our society.

Laws are the rules and regulations established in a community by authority. Some people might see laws as harsh commandments; however, in all reality, our country would not function without laws. Laws can keep us safe, keep our government running, and even take part in students’ education. They are created to keep things focused and civilized.

Laws are not just a barrier made by strict men sitting around a table, to keep us young people out of trouble. If you take a look, laws can be enforced in the home, in a school club, and even at the community swimming pool.

Read the rest of Jaidan’s story at [www.okbar.org](http://www.okbar.org).



## 2nd Place Tristan Zirkle

Lawton High School, Lawton

Teacher: Dr. Terry Freeman

To read Tristan’s story, visit [www.okbar.org](http://www.okbar.org).







## Art Contest Winners ☆ 10th Grade

### We the People

*By Payton Strubhar*

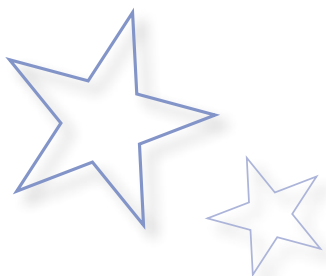


**1st Place**

**Payton Strubhar**

Piedmont High School,  
Piedmont

Teacher: Dustin Fields



Accomplish the insurmountable  
Surpass previous expectations  
Enhance and strengthen the nation

**In order to form a more perfect union,**

We broaden our views

Put others first

Value the principles of equality

**Establish justice, insure domestic tranquility,**

We maintain peace and serenity

Protect individual rights

Have faith in the concept of morality

**Provide for the common defense,**

We safeguard our homeland

Unite to form an invincible force

Band together in times that are tough

**Promote the general welfare,**

We provide for the public good

Look out for others

Know the significance of compassion

**And secure the blessings of liberty,**

We treasure the gift of freedom

Cherish our independence

Shelter our rights and privileges

**To ourselves and our posterity**

**Do ordain and establish this Constitution**

**For the United States of America**

**2nd Place**

**Allie Dooley &  
Kenya Patthier**

Claremore High School,  
Claremore

Teacher: Jan McClaren





# Writing Contest Winners ☆ 11th Grade



## Innocent Until Proven Guilty

By Harley Roché

"Of all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have," proclaims the Supreme Court of the United States (T.S. Center).

The right to counsel, as stated in the Sixth Amendment in the Bill of Rights, is attached to every court case in the history of the United States whether it be from juvenile to adult or criminal to civil. Every person has the right to be represented because he or she is presumed innocent until proven guilty, and this is possibly one of the most important amendments.

One of the most preeminent cases of all time pertaining to the right to counsel is *Gideon v. Wainwright* in which a man named Clarence Earl Gideon was arrested for breaking and entering. When he came before the court, he asked the judge to appoint a lawyer to represent him. The judge responded that in the state of Florida he could not be appointed a lawyer unless he was charged with a capital offense. Since he had only been charged with a felony, he had to conduct his own court case (T.S. Center). Though Gideon did the best he could, he was nowhere near as good as a legal advisor, so the jury found him guilty. Because of the jury's finding, he was sentenced to five years in prison (U.S. Center)...

Read the rest of Harley's story at [www.okbar.org](http://www.okbar.org).



## 1st Place Harley Roché

Pawnee High School,  
Pawnee

Teacher: Becky Beagle

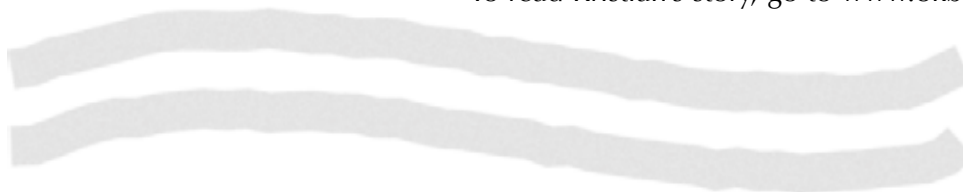


## 2nd Place Kristian Cardenas

Lawton High School, Lawton

Teacher: Dr. Terry Freeman

To read Kristian's story, go to [www.okbar.org](http://www.okbar.org)





## Art Contest Winners ☆ 11th Grade

### The New Face of Democracy in 2124

*By Finnian Bender*

#### 1st Place

#### Finnian Bender

Edmond Memorial High School,  
Edmond

Teacher: Regan Killackey

The final results rolled in and the computers continually tallied each vote. Quickly, the computers reached a final calculation. The announcers broadcast the news to the entire nation: "Mark Johnson has been re-elected as the sixty-fourth President of the United States!" Bob Smith, local hardware store owner and taxpayer, paid no attention to the announcement. He had not voted for Johnson, and neither had anyone else he knew. In 2124, only the heads of big businesses and the select few individuals who were already elected to office were allowed to vote in elections. Because of this revised system, the corporations easily controlled the winners of each government office, and they had done so for many years. There were still a few old timers who remembered when everybody had the vote, but since the 34th Amendment has outlawed all history education, soon no one would remember when voting was a right for all, the cornerstone of our democratic society.

The death of America's democracy started out so innocuously that few noticed. In 2025, a popular and charismatic member of the newly formed People's Party proposed a bill. This short piece of legislation proposed that all persons diagnosed with any type of mental disability that impacted the ability to communicate should not be allowed to vote. The bill's proponents argued that if these persons had communication difficulties, then what was the likelihood that they really understood anything about the demographic process. Despite the opposition of a few advocacy groups, the logical...

Read the rest of Finnian's story at [www.okbar.org](http://www.okbar.org).



#### 2nd Place

#### Bryanna Hayes

Claremore High School,  
Claremore

Teacher: Jan McClaren

To read Bryanna's poem, go to [www.okbar.org](http://www.okbar.org).



# ★ Writing Contest Winners ☆ 12th Grade



## **1st Place Robert Landon Hester**

Edmond Memorial High  
School, Edmond

Teacher: Greg Oppel

## **The Role of the Judiciary in Protecting Economic Development**

*By Robert Landon Hester*

Throughout the history of the United States the judicial branch of the government has had an absolutely vital role in interpreting and in deciding the effects of laws relating to the economy. At different points in time the courts have found laws to mean different things for both businesses and consumers, and as a result the economy has been affected by the interpretations of these courts. Different rulings in economic disputes have supported the interests of different business and consumer groups, and this has created a system that favors each of these groups in different ways. The role of the Judiciary in economic disputes, which arise often, is a determining factor in U.S. legal policy and public opinion. The judicial system protects the legal rights of corporations, small business, and consumers with interpretations of laws that are frequently based on popular views at the time, and is a strong influence in shaping policy and public opinion.

The rulings of various courts have often protected the interests of different groups, and this has helped policy on these issues reach a sort of equilibrium where everyone's rights are protected. An example of this protection of rights would be in a case where a group of monks argued for their rights to make caskets to sell to the public, a method of supporting themselves that was made illegal by a Florida law requiring a difficult to obtain license to sell caskets (Bandow). In this case over whether this act that favors big business was legal, a U.S. District court ruled that "The Court finds no rational relationship between the Act and public health and safety" (Bandow). In this case, the court protected the rights of small businesses and consumers by undoing the effects of a law that they interpreted as unreasonable. This shows that the interpretation of laws by courts will change what legislators can and can't do, and can have moderating influence on lobbyists and the powerful figures that manipulate the creation of laws to favor their own interest. In this way the courts help bring fairness and balance to the economy, and prohibit laws that are seen by the public as unfair from having a wide effect.

## **2nd Place Tyler Robison**

Edmond Memorial High School, Edmond

Teacher: Deana Huff

Read Tyler's story at [www.okbar.org](http://www.okbar.org).

# Art Contest Winners ☆ 12th Grade



## The Greatest Gift of All

*By Phyllis Thompson*

I wake up  
On my 18th birthday  
Go to school,  
Go to work.  
When I do get home it's late,  
& my parents are already sleeping.  
I look at the pile of mail  
On the kitchen table;  
Cards and a few small gifts.  
Birthdays aren't what they used to be,  
The closer you get to  
Being grown up.  
Under some bits of ripped paper shuffled  
across the space, I find  
a skinny envelope.  
I tear the fold,  
Retrieve what is inside.  
  
It is the right to vote  
& to change the nation  
& to achieve what our founders hoped for,  
& it is mine;  
all concise and soon-to-be on that  
registration form.  
I scratch ink to it,  
Filling out a piece of  
America's future.

### 1st Place Phyllis Thompson

Claremore High School,  
Claremore

Teacher: Jan McClaren

Then I put it  
In a new skinny envelope  
And put that by my things so that I'll  
Remember to mail it.  
The next day I drive  
To the post office,  
Drop it in the slot,  
& am on my way.  
I wake up,  
Go to school,  
Go to work.  
I check our mailbox  
Twice a day until it arrives,  
& when it does,  
I grin because  
The least extravagant present  
contained the most valuable gift of all.

### 2nd Place Kendall Williams

Claremore High School, Claremore

Teacher: Jan McClaren

To read Kendall's story, go to [www.okbar.org](http://www.okbar.org).





We honor our dear friend,  
colleague and mentor

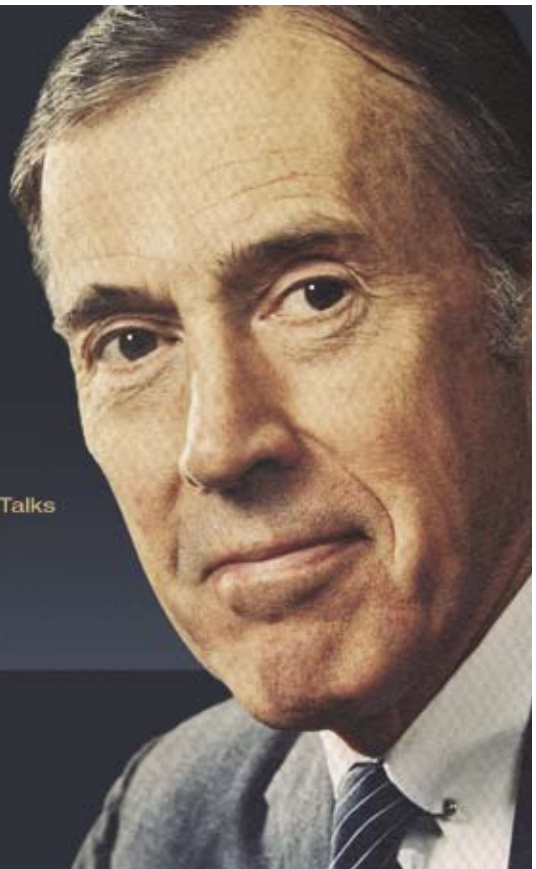
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Deputy U.S. Attorney General | U.S. District Court Judge  
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JUSTICE FOR ALL

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## NOTICE OF INVITATION TO SUBMIT OFFERS TO CONTRACT

THE OKLAHOMA INDIGENT DEFENSE SYSTEM BOARD OF DIRECTORS gives notice that it will entertain sealed Offers to Contract ("Offers") to provide non-capital trial level defense representation during Fiscal Year 2015 pursuant to 22 O.S. 2001, §1355.8. The Board invites Offers from attorneys interested in providing such legal services to indigent persons during Fiscal Year 2015 (July 1, 2014 through June 30, 2015) in the following county: **100% of the Oklahoma Indigent Defense System caseloads in Cleveland, County, Oklahoma.**

Offer-to-Contract packets will contain the forms and instructions for submitting Offers for the Board's consideration. Contracts awarded will cover the defense representation in the OIDS non-capital felony, juvenile, misdemeanor, traffic, youthful offender and wildlife cases in the above counties during FY-2015 (July 1, 2014 through June 30, 2015). Offers may be submitted for complete coverage (100%) of the open caseload in any one or more of the above counties. Sealed Offers will be accepted at the OIDS offices Monday through Friday, between 8:00 a.m. and 5:00 p.m. **The deadline for submitting sealed Offers is 5:00 PM, Monday, April 21, 2014.**

Each Offer must be submitted separately in a sealed envelope or box containing one (1) complete original Offer and two (2) complete copies. The sealed envelope or box must be clearly marked as follows:

FY-2015 OFFER TO CONTRACT  
\_\_\_\_\_ COUNTY / COUNTIES

TIME RECEIVED:  
DATE RECEIVED:

The Offeror shall clearly indicate the county or counties covered by the sealed Offer; however, the Offeror shall leave the areas for noting the time and date received blank. Sealed Offers may be delivered by hand, by mail or by courier. Offers sent via facsimile or in unmarked or unsealed envelopes will be rejected. Sealed Offers may be placed in a protective cover envelope (or box) and, if mailed, addressed to OIDS, FY-2015 OFFER TO CONTRACT, Box 926, Norman, OK 73070-0926. Sealed Offers delivered by hand or courier may likewise be placed in a protective cover envelope (or box) and delivered during the above-stated hours to OIDS, at 111 North Peters, Suite 500, Norman, OK 73069. **Please note that the Peters Avenue address is NOT a mailing address; it is a parcel delivery address only.** Protective cover envelopes (or boxes) are recommended for sealed Offers that are mailed to avoid damage to the sealed Offer envelope. **ALL OFFERS, INCLUDING THOSE SENT BY MAIL, MUST BE PHYSICALLY RECEIVED BY OIDS NO LATER THAN 5:00 PM, MONDAY, APRIL 21, 2014 TO BE CONSIDERED TIMELY SUBMITTED.**

Sealed Offers will be opened at the OIDS Norman Offices on Tuesday, April 22, 2014, beginning at 9:00 AM, and reviewed by the Executive Director or his designee for conformity with the instructions and statutory qualifications set forth in this notice. Non-conforming Offers will be rejected on Tuesday, April 22, 2014, with notification forwarded to the Offeror. Each rejected Offer shall be maintained by OIDS with a copy of the rejection statement.

Copies of qualified Offers will be presented for the Board's consideration at its meeting on **Friday, April 25, 2014, at a place to be announced.**

## NOTICE OF INVITATION TO SUBMIT OFFERS TO CONTRACT

With each Offer, the attorney must include a résumé and affirm under oath his or her compliance with the following statutory qualifications: presently a member in good standing of the Oklahoma Bar Association; the existence of, or eligibility for, professional liability insurance during the term of the contract; and affirmation of the accuracy of the information provided regarding other factors to be considered by the Board. These factors, as addressed in the provided forms, will include an agreement to maintain or obtain professional liability insurance coverage; level of prior representation experience, including experience in criminal and juvenile delinquency proceedings; location of offices; staff size; number of independent and affiliated attorneys involved in the Offer; professional affiliations; familiarity with substantive and procedural law; willingness to pursue continuing legal education focused on criminal defense representation, including any training required by OIDS or state statute; willingness to place such restrictions on one's law practice outside the contract as are reasonable and necessary to perform the required contract services, and other relevant information provided by attorney in the Offer.

The Board may accept or reject any or all Offers submitted, make counter-offers, and/or provide for representation in any manner permitted by the Indigent Defense Act to meet the State's obligation to indigent criminal defendants entitled to the appointment of competent counsel.

FY-2015 Offer-to-Contract packets may be requested by facsimile, by mail, or in person, using the form below. Offer-to-Contract packets will include a copy of this Notice, required forms, a checklist, sample contract, and OIDS appointment statistics for FY-2010, FY-2011, FY-2012, FY-2013 and FY-2014 together with a 5-year contract history for each county listed above. The request form below may be mailed to OIDS OFFER-TO-CONTRACT PACKET REQUEST, Box 926, Norman, OK 73070-0926, or hand delivered to OIDS at 111 North Peters, Suite 500, Norman, OK 73069 or submitted by facsimile to OIDS at (405) 801-2661.

\* \* \* \* \*

### REQUEST FOR OIDS FY-2015 OFFER-TO-CONTRACT PACKET

Name: \_\_\_\_\_ OBA #: \_\_\_\_\_

Street Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

County / Counties of Interest: \_\_\_\_\_



# Law Day 2014

## County Law Day Chairpersons

---

**Adair**

Joe D. Adair  
918-696-2172

**Beaver**

Todd Trippet  
580-625-4597

**Blaine**

Judge Mark Moore  
580-623-5025

**Bryan**

Julie Cuesta-Naifeh  
580-924-4032

**Choctaw**

John Frank Wolf III  
580-326-6427

**Cleveland**

Don G. Pope  
405-360-7555

**Comanche**

Aimee Vaderman  
580-355-2100

**Craig**

Ryan Olsen  
918-527-7955

**Creek**

Mel Gilbertson  
918-227-4750

**Dewey**

Judge Rick Bozarth  
580-328-5521

**Garvin**

Laura Shaeffer  
405-238-7368

**Garfield**

Dustin Conner  
405-742-8583

**Grant**

Judge Jack  
Hammontree  
580-395-2258

**Kay**

Raegen Jowers  
580-761-5576  
and  
Jessica Ward  
580-370-2227

**LeFlore**

Jolyn Belk  
918-647-8681  
and  
Amanda Grant  
918-962-2436

**McCurtain**

Kevin Sain  
580-208-2880

**McIntosh**

Brendon Bridges  
918-689-2528

**Okfuskee**

Don W. McFarland  
918-623-2717

**Oklahoma**

Curtis Thomas  
405-552-2351

**Okmulgee**

Hilary McKinney  
918-758-4384

**Ottawa**

Matt Whalen  
918-540-2199

**Payne**

Jimmy Oliver  
405-624-8383

**Pontotoc**

Jenna Owens  
405-624-8383

**Pushmataha**

Charlie Rowland  
580-298-2525

**Seminole**

Judge Tim Olsen  
405-257-3386,  
Gordon Melson  
405-382-4540  
and  
Jack Cadenhead  
405-382-6341

**Stephens**

Jamie Linzman-  
Phipps  
580-658-1447

**Texas**

Catherine Seagraves  
580-338-3868

**Tulsa**

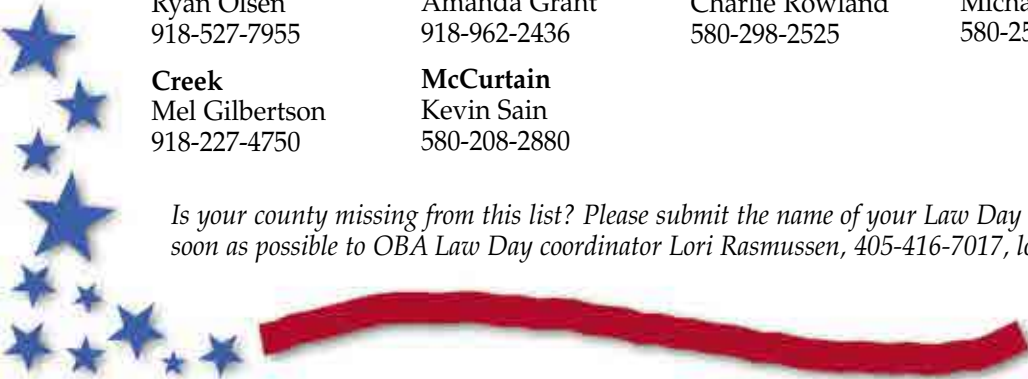
Rachel Mathis  
918-582-3400

**Wagoner**

Richard Loy Gray  
Jr.  
918-485-2889

**Woodward**

Michael Meinders  
580-254-5551



*Is your county missing from this list? Please submit the name of your Law Day chairperson as soon as possible to OBA Law Day coordinator Lori Rasmussen, 405-416-7017, [lorir@okbar.org](mailto:lorir@okbar.org).*



# LAW DAY 2014



## County Bar Association Activities

### ★ Adair County Bar Association

The Adair County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.

### ★ Beaver County Bar Association

The Beaver County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.

### ★ Blaine County Bar Association

The Blaine County Bar Association is celebrating Law Day with Judge Mark A. Moore speaking to Watonga Elementary School students about education and the practice of law. The Blaine County Drug Court will also participate in Law Day with an essay and poster contest.

### ★ Choctaw County Bar Association

Several members of the Choctaw County Bar Association will attend the Tri-County Bar Association Law Day Banquet in Idabel on April 26. The Choctaw County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone.

### ★ Cleveland County Bar Association

The Cleveland County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.

### ★ Comanche County Bar Association

The Comanche County Bar Association will host its annual Law Day luncheon on April 29 at 11:30 a.m. at the Hilton Garden Inn in Lawton. Oklahoma Supreme Court Justice Yvonne

Kauger will be the featured speaker. CCBA scholarship winners will be announced during the luncheon. Tickets for the luncheon are \$20. The annual Law Day golf tournament will be held at the Lawton Country Club on May 9 at 10 a.m. In addition, the association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone.

### ★ Craig County Bar Association

The Craig County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.

### ★ Creek County Bar Association

The Creek County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.

### ★ Garfield County Bar Association

The Garfield County Bar Association has many activities planned for the 2014 celebration of Law Day and will keep its members active throughout the day. The day will begin with Lawyers in the Classroom, where lawyers from the GCBA will speak to middle school students throughout Garfield County about various legal topics. The members of the GCBA will also announce the winners for the Law Day coloring contest on this day. This coloring contest features many students throughout Garfield County, and will be judged by the Garfield County district judges. The GCBA will also be participating in the Ask a Lawyer program, in conjunction with the statewide campaign to answer legal questions by phone.

### ★ Grant County Bar Association

The Grant County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.

### ★ Kay County Bar Association

The Kay County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone. In addition, student tours of the courthouse are being planned.

### ★ LeFlore County Bar Association

New for the LeFlore County Bar Association this Law Day was a live juvenile court CLE for six credits of specific juvenile court training (include one ethics credit) held on April 10. The next event will occur on Law Day, May 1, and will be a courthouse tour for fifth grade students attending schools in Poteau, Spiro and Heavener. In conjunction with the tour, Judge Sullivan will preside over a mock trial in which students will participate as jurors and attorneys. There will be a couple of highway patrol officers present to allow the children to look through their cars as well.

On May 1, the bar association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone. Throughout the week, members of the association will make presentations to high school juniors in LeFlore County about their rights and responsibilities at age 18. Trophies for LeFlore County High School Quiz Bowl participants will be presented to the winning schools and students by Judge Knight.

### ★ McCurtain County Bar Association

The McCurtain County Bar Association will be hosting a Law Day banquet for the Tri-County Bar Association (Choctaw, McCurtain and Pushmataha counties) on April 26 at the Idabel Country Club. Oklahoma Supreme Court Justice Douglas L. Combs will be the featured speaker. Local attorneys will be visiting area schools throughout the month of April. The locally produced Ask A Lawyer radio show will air on KKBI-Broken Bow on April 26, featuring a number of local lawyers.

### ★ Muskogee County Bar Association

The Muskogee County Bar Association will participate in the Ask A Lawyer program in

conjunction with the statewide campaign to answer questions by phone.

### ★ Okfuskee County Bar Association

The Okfuskee County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.

### ★ Oklahoma County Bar Association

- *Law Day Luncheon – May 1, Skirvin Hotel Grand Ballroom*

The Oklahoma County Bar Association is sponsoring the luncheon this year featuring Oklahoma Court of Criminal Appeals Presiding Judge David Lewis. The *Journal Record* will present this year's *Journal Record* Award as well as recognize the "Leadership in Law" Award recipients. The Liberty Bell Award and the Howard K. Berry Sr. Award will also be presented at this year's Law Day Luncheon. Students from the Douglass High School Moot Court Team will be guests of the OCBA and will be placed at various tables to interact with the attorneys and judges at the luncheon. The centerpiece stuffed animals will be donated to the various police departments in western Oklahoma County. Tickets are available by calling the OCBA at 405-236-8421.

- *Ask A Lawyer Program – May 1 at OETA*

Volunteers will be handling phone calls from 8:45 a.m. to 9 p.m. Matt Blue will be chairing this subcommittee, and volunteers may sign up by visiting the OCBA website at [www.okcbar.org](http://www.okcbar.org) or by calling the bar office at 405-236-8421.

- *COALA Student Program*

The Central Oklahoma Association of Legal Assistants (COALA) will be sponsoring high school and legal assistance program students who will tour the Oklahoma County Courthouse and speak with various judges in the morning. Students will then attend the Law Day Luncheon.

- *Civic Speakers*

The OCBA Law Day Committee is providing lists of speakers at various civic clubs and other venues in Oklahoma County. These groups have been contacted in an attempt to provide legal speakers during Law Day week.

## ★ Okmulgee County Bar Association

The Okmulgee County Bar Association is planning two events in honor of Law Day. Local lawyers will participate in the Ask a Lawyer call-in program in conjunction with the statewide campaign. This year the association is also hosting a countywide essay contest for high school juniors and seniors. Prizes will be awarded May 1 for the top three essays. The first place prize is a tablet computer generously donated by Tulsa Community College Campus Bookstores. Contact: Hilary McKinney Sadhoo at okmulgeecountybar@gmail.com.

## ★ Payne County Bar Association

### • Courthouse Tours

A class of Stillwater Middle School seventh graders will receive tours of the Payne County jail and courthouse on May 6. These tours will include presentations by a judge, assistant district attorney and the court clerk. The students will also watch a drug dog demonstration by the Payne County Sheriff's Office. After the tours the students will have lunch on the courthouse lawn.

### • Bowling Tournament

PCBA will host a bowling tournament on April 30 to benefit the Saville Center for Child Advocacy. The Saville Center is a local organization that works with law enforcement and the legal system to provide trauma services for children who have reported abuse.

### • Lawyers in the Library

A pro bono legal advice clinic organized by the PCBA will be held at the Stillwater Public Library on May 8 from 8 a.m. – 3 p.m. This clinic will be staffed by members of the PCBA who will give consultations to community members on a walk-in basis. Additionally, PCBA will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone.

### • Courthouse Staff Lunch

An appreciation lunch will be hosted by the PCBA on May 2 for the many people who work in the courthouse. Local attorney James Murray will prepare a barbeque lunch on the courthouse lawn. This event is open to everyone who works in the courthouse including judges, bailiffs, district attorney, court clerk, sheriff's department and all related staff members.

## • School Presentations

Local attorneys will speak to high school seniors about the legal consequences of turning 18. Lawyers will pass out the "You're 18 Now — It's Your Responsibility!" booklets prepared by the OBA YLD and answer questions from the students. These events will take place not only at Stillwater High School but also at the other rural county schools.

## • Honor Docket

PCBA will hold an Honor Docket on May 1. This docket will allow local attorneys to present awards and prizes to the winners of the youth art and essay contests. The Hert Scholarship will be presented to an outstanding high school senior to assist with college and the Liberty Bell Award will be given to a member of the community for outstanding civic leadership.

## • Art, Essay and YouTube Contests

PCBA is hosting a coloring contest for the county's first and second graders, a free-form art contest for the county's third through fifth graders, and essay and YouTube video contests for high school seniors. Winners will receive cash prizes and be presented their awards at the Law Day Honor Docket on May 1.

## ★ Pontotoc County Bar Association

The Pontotoc County Bar Association and East Central University's Political Science and Legal Studies Department hosted their annual Law Day activities on Tuesday, April 1 on ECU's campus at the Chickasaw Business and Conference Center. There were panels and speakers throughout the day, as well as a networking luncheon with area legal professionals and ECU students at noon. OBA MAP Director Jim Calloway provided a free CLE on "iPads for Lawyers" at 11 a.m. in the Rudolph Hargrave Moot Courtroom. A free CLE on legal ethics with OBA General Counsel Gina Hendryx took place at 1 p.m. in Foundation Hall.

## ★ Pushmataha County Bar Association

During the month of April, the Pushmataha County Bar Association will speak with Antlers Public Schools government students about the judicial branch of government and answer questions about the legal profession as a potential career choice. The association will also participate in the Tri-County Bar Association's Ask a Lawyer radio program. A one

hour show is planned to air on local radio station KDOE 102.3.

### ★ Seminole County Bar Association

As its birthplace, Law Day has always been special in Seminole County, and this year will be no different. To open Law Week celebrations, Seminole County's young lawyers from both the District Attorney's Office and the criminal defense bar will be speaking to county middle school students about the legal profession. Every junior high school in the county will host a presentation by one of our young lawyers. The association is also conducting two essay contests open to all county junior high school students and all county high school seniors who plan on attending Seminole State College. The association is awarding a \$500 scholarship to Seminole State College to the winning senior essay contestant and a gift certificate to the winning junior high school essay contestant. Seminole County will also participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone.

The association will hold its annual Law Day activities on April 30. There will be CLE beginning at 8:30 a.m. in the Seminole County Courthouse in Wewoka. At noon, a Law Day luncheon will be held at the Rudolph Hargrave Community Center. Supreme Court justices are expected to attend. OBA President Rénee DeMoss will be the featured speaker.

### ★ Texas County Bar Association

The Texas County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.

### ★ Tulsa County Bar Association

The Tulsa County Bar Law Day Committee has numerous events planned for the 2014 celebration of Law Day.

- *Naturalization Ceremony*

The ceremony kicked off the events of this year's Law Week. What better way to celebrate "Democracy & You" than by welcoming several new United States citizens. This event was Wednesday, April 9, in the Monte Cassino Performing Arts Center.

- *Student Art and Writing Contest*

The contest is open to Tulsa county students in PreK — 12th grade. Students submit

artwork based on the Law Day theme "Democracy & You."

- *Ask A Lawyer*

The statewide community service event is back again! The 12-hour call-a-thon will be held on Thursday, May 1 from 9 a.m. to 9 p.m. Additional details about this popular and fun event will be posted to [www.tulsabar.com](http://www.tulsabar.com) and will be announced in emails to the TCBA membership.

- *Civics in the Classroom*

The event will take place at Owasso 8th Grade Center, East Central High School and Thoreau Middle School. An elementary school is still to be confirmed. Discussions with students will focus on the role of the law in society, specifically jury service, settling disputes, the Constitution's role in society, the right to vote, the importance of not only voting but being an informed voter in a democratic society.

- *Immigration Clinic*

New this year, the clinic will take place Saturday, April 19 from 9 a.m. to 1 p.m. at the Hicks Community Center.

- *TCBF Law Day Luncheon*

The annual luncheon wraps up this year's events on Friday, May 2. The event takes place in a new location this year at the Tulsa Country Club. Keynote speaker will be Oklahoma City University President Robert Henry, who has also served as judge for the U.S. 10th Circuit Court of Appeals. Seating begins at 11:30 a.m. and lunch will be served from 12:00-1:30 p.m. Ticket information is available at [www.tulsabar.com](http://www.tulsabar.com) or contact the TCBA at 918-584-5243.

### ★ Wagoner County Bar Association

Wagoner County Bar President Richard Loy Gray Jr. will speak on "Democracy and Voters' Rights and Responsibilities" with Destiny Christian Academy High School civics and government classes as well as Lincoln Alternative High School classes in April. The county bar will assist in registering new eligible student voters.

The association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer questions by phone.





## Oklahoma's Newest Courtroom

Deborah Shallcross has extensive family law experience both inside and outside the courtroom as a retired Judge of 30 years. She is uniquely qualified to offer a Private Trial courtroom or arbitration and mediation outside the courthouse. Oklahoma law allows the appointment of a Referee in family law cases. Former Judge Shallcross conducts a trial and provides a Decision with detailed Findings of Fact and Conclusions of Law to the parties and to the assigned Judge. The assigned Judge reviews the Recommendations of the Referee and enters the Decree of Dissolution.

### **BENEFITS INCLUDE:**

***Less expensive.*** There are no other dockets or emergency matters that require the Judge's time, therefore a trial that could take five days in a traditional courtroom, typically takes two under this system.

***Less stressful and more private.*** The Private Trial is held in a conference room at the GableGotwals law office or at counsel's office. Attorneys control the schedule and environment.

***Quicker resolution for your clients.*** Our Family Court Judges have large dockets and are extremely busy. The Private Courtroom provides the option to fast track the case and allow you to better manage your time and your client's resources.

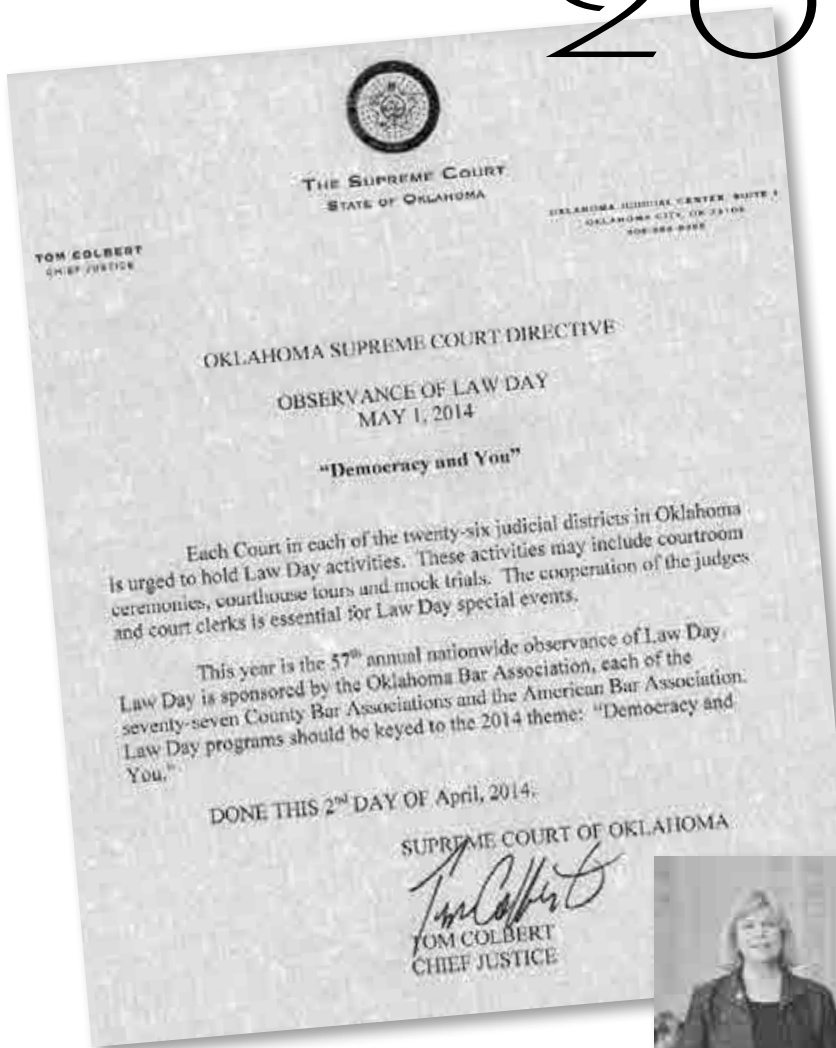
***Your clients have all the same rights as with a traditional trial, including the right to appeal.***

**If you are interested in learning more, please contact  
Deborah Shallcross at (918) 595-4819 or [dshallcross@gablelaw.com](mailto:dshallcross@gablelaw.com).**

TULSA · OKLAHOMA CITY · [www.gablelaw.com](http://www.gablelaw.com)



# LAW DAY 2014



Oklahoma Supreme Court Chief Justice Tom Colbert (seated) signs the Law Day Directive before presenting awards to Law Day contest winners during a ceremony at the State Capitol. Witnessing were OBA President Renée DeMoss (left) and OBA Law Day Committee Co-chairs Richard Vreeland and Jennifer Prilliman.

# STATE OF OKLAHOMA



EXECUTIVE DEPARTMENT

## Proclamation

*Whereas, Law Day is a day of public acknowledgment of our nation's and Oklahoma's heritage of justice, liberty, and equality under the law, and May 1<sup>st</sup> has been declared "Law Day" by the United States Congress; and*

*Whereas, the Oklahoma Bar Association has declared the theme for Law Day 2014 as "Democracy and You"; and*

*Whereas, this year's theme recognizes that the right to vote is the very foundation of government by the people, and when voters participate in free and fair elections, they reinforce the legitimacy of the rule of law; and*

*Whereas, striving to establish and protect every citizen's right to vote has been a central theme of American legal and civic history; and*

*Whereas, this year's Law Day theme, "Democracy and You," calls on all Oklahomans to reflect on the importance of a citizen's right to vote and the challenges we face in ensuring that all Americans have the opportunity to participate in our democracy;*

*Now, therefore, I, Mary Fallin, Governor of the State of Oklahoma, do hereby proclaim May 1, 2014 as*

### "Law Day"

*in the state of Oklahoma and urge the citizens, schools, businesses and media to use this occasion to preserve and strengthen the rule of law.*

*In Witness Whereof, I have hereto set my hand and caused the Great Seal of the State of Oklahoma to be affixed.*



*Done at the Capitol, in the City of Oklahoma City, this 12<sup>th</sup> day of March, in the Year of Our Lord two thousand and fourteen, and of the State of Oklahoma in the one hundred and sixth year.*

*Christ Berger*  
SECRETARY OF STATE

*Mary Fallin*  
GOVERNOR

# Digital Assets

## Planning for the Future

By Melissa S. Taylor

**S**top for a minute and make a quick mental list of your assets. You probably immediately thought of some of the following: your home, heirlooms, automobiles, jewelry, bank accounts, stock accounts, business ownership and mineral interests. These are the types of assets that one normally considers when designing an estate plan in the event of death (for example, a will or trust) or management plan in the event of incapacity (for example, a durable power of attorney).

But have you contemplated estate or management planning for your *digital assets*? In other words, what will happen to your email accounts, social networking accounts, iTunes, blogs, cloud software, etc. in the event of your death or incapacity? At first, you might think you have no need for digital asset planning, but consider the following:

- Do you receive bank and/or stock statements, bills or other information via email which your fiduciary — that is, your successor trustee, named personal representative, proposed guardian or attorney-in-fact (fiduciary) — will need?
- Does someone else have the capability to access password-protected computer and online accounts?
- Should your fiduciary close or maintain your social networking accounts (Linked In, Twitter, Facebook)?
- Do you have a website or blog from which you derive financial value? Should the site be maintained? Could it be sold?
- Do you have photographs or other sentimentally valuable materials stored on

cloud software or multimedia websites? Who can access them?

- Do you have downloaded books or music?

If any of these apply, you may be in need of some digital asset planning.

The first thing to consider is whether your fiduciary will have the necessary knowledge and authority to access your digital assets. Most digital assets require a username and password to access them. Consider keeping an updated list of usernames and corresponding passwords with your governing document (for example, will, trust or power of attorney) or explaining in a note attached to your governing document where your fiduciary might find such information. Additionally, if your fiduciary is not technologically savvy, you may want to consider naming a separate or additional “digital asset fiduciary.”

Your fiduciary will also need authority to access your digital assets. Oklahoma is a front-runner in this area as one of only six states with a law that provides certain fiduciaries with the power to access and control certain digital asset accounts.<sup>1</sup> However, Oklahoma’s statutory authorization applies only to personal repre-



sentatives, so other fiduciaries will need the governing document to provide explicit authorization. And if you want your Oklahoma personal representative to have more direction, you might provide more explanation in your will. For example, the governing document might state:

My fiduciary shall be authorized to take control of, conduct, continue or terminate any accounts on any websites and any electronic devices, to the extent permitted under a terms-of-service agreement. My fiduciary shall be authorized and may maintain ongoing access to digital property, assets and accounts. Digital property, assets and accounts include but are not limited to information created, generated, sent, communicated, received or stored by electronic means on a digital service or digital device.<sup>2</sup>

But be careful! Notice that the sample language only includes authority “permitted under a terms-of-service agreement.” Generally, before creating a digital asset, you must agree to such an agreement. If you’re like most people, you don’t read these agreements but just check the box stating something like “I agree to the terms-of-service agreement” so you can go ahead and get started. For example, the last time I downloaded an app on my phone, I had to agree to the updated term-of-service agreement that was 99 pages long. Did I read it or even skim it? No. I clicked on the “I agree” button so that my chosen app would download. In a quick survey of friends — including several lawyers — not one person said they had actually read or even skimmed the terms-of-service agreement required to download songs and apps onto his or her phone.

A terms-of-service agreement likely addresses whether someone else like your fiduciary can access and/or maintain the account. For example, pursuant to the terms of the applicable terms-of-service agreements, a fiduciary cannot access your Facebook or Gmail accounts.<sup>3</sup> However, if authorized, a fiduciary may access your iTunes account.<sup>4</sup> A fiduciary may seek written approval from the provider, but the provider is not required to deliver such approval, and a court generally cannot compel the provider to do so.<sup>5</sup>

**“...I had to agree to the updated term-of-service agreement that was 99 pages long. Did I read it or even skim it? No.”**

Thus, despite the authorization provided by statute or your governing document, a fiduciary who maintains or accesses a digital asset without the provider’s written approval might be guilty of violating federal criminal law. This could carry a hefty financial penalty and/or imprisonment.<sup>6</sup> While a surviving spouse or child might disregard such penalty as too remote, it is unlikely a corporate fiduciary will attempt such access without the provider’s prior written approval. This might be another good reason to name a separate digital asset fiduciary.

Further, certain digital assets like iTunes and Kindle downloads are licensed for use only by the person purchasing them. That person does not “own” those assets to sell, give or pass down to others, but rather merely has a license that expires upon death. Thus, unlike past generations who could pass down their library collections, whether or not valuable or sizeable, future generations may lose out on being able to listen to a parent’s or grandparent’s favorite songs or read a favorite book, unless, of course, the future generation also purchases the electronic copy of the song or book title.

To avoid this result, some estate planners are implementing a “digital asset trust” or other entity (e.g., limited liability company) which purchases and holds the licenses of the electronic downloads. Because an entity doesn’t die like a person, the license arguably continues in perpetuity, or at least several generations, and the entity’s beneficiaries or members can continue to enjoy these digital assets as long as they remain beneficiaries or members through the use of trust or corporate law.

Don’t be surprised if your governing document doesn’t currently address digital assets. As you can imagine, this is a pretty new concept and the law is just now taking steps to catch up. As mentioned before, Oklahoma is one of only six states to even begin addressing it statutorily.

That said, you may want to revisit your estate and management plans to include digital asset planning.

- Do you need to name a separate digital asset fiduciary, and if so, who should it be?

- How will your fiduciary access your digital assets?
- Does your governing document provide your fiduciary with the power to access your digital assets?
- Are you and your fiduciary both comfortable with him/her accessing your digital assets?
- Do you need or want a digital asset trust?

1. 58 O.S. §269.

2. This language is adapted from Oklahoma's statute, 58 O.S. §269, and the National Conference of Commissioners on Uniform State Laws' draft Fiduciary Access to Digital Assets Act. Uniform Laws Commission, Fiduciary Access to Digital Assets Act, <http://goo.gl/RfngIZ> (March 2014).

3. Facebook, Statement of Rights and Responsibilities, [www.facebook.com/legal/terms](http://www.facebook.com/legal/terms) (updated Nov. 15, 2013) ("You will not ... access an account belonging to someone else."); *see, e.g.*, Google, "Accessing a Deceased Person's Mail," <https://support.google.com/mail/answer/14300> (last accessed March 26, 2014).

4. Apple, iTunes Store – Terms and Conditions, [www.apple.com/legal/internet-services/itunes/us/terms.html](http://www.apple.com/legal/internet-services/itunes/us/terms.html) (updated Sept. 18, 2013) ("You shall not access or attempt to access an Account that you are not authorized to access.").

5. Stored Communications Act (SCA), 18 U.S.C. §§2701 *et seq.*

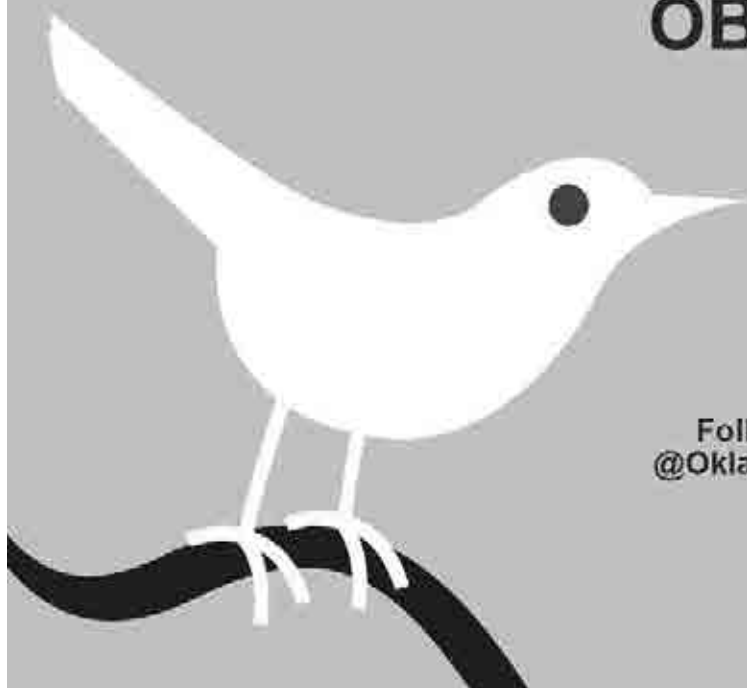
6. SCA, 18 U.S.C. §2701; Computer Fraud and Abuse Act, 18 U.S.C. §1030.

#### ABOUT THE AUTHOR



Melissa Taylor joined Trust Company of Oklahoma in April 2013 as vice president and trust officer where she focuses on client trust and estate needs. She previously practiced tax law, probate administration, trust and estate planning, and employee benefits law at GableGotwals. She is a graduate of OU and the TU College of Law. She also earned an LL.M in taxation from the University of Alabama School of Law.

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# Bar Members Observe Membership Anniversaries

The Oklahoma Bar Association celebrates with its members who reach significant milestone anniversaries in 2014.

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# Legislative Monitoring Committee Report

By *Duchess Bartmess*

Although there are less than two months left in the current legislative session, there is still a lot to be done. The Legislative Monitoring Committee is continuing to review more than 100 legislative matters still considered active. As each deadline passes, it becomes more and more important that the remaining measures be reviewed not only by the committee, but by individual OBA members for changes in current law or adoption of new provisions of law. Any one of the measures still being considered for action by the Legislature could contain provisions of potentially critical importance to individual practitioners in their efforts to provide legal services to their clients.

## TOP 10 BILLS

As promised, here is the status of the first 10 measures reported on and recommended for review by OBA members:

**HB 2405** On general order in the Senate as of March 18. Amends liability limits language in the Governmental Tort Claims Act.

**HB 2536** On general order in the Senate as of March 25. Adds two new sections of law regarding legal custody of a child with specified limitations and exceptions.

**HB 2731** No longer considered active.

**HB 2790** On general order in the Senate as of March 18. Modifies probate procedure — adds



new requirement to the elements for petition for summary administration; authorizes issuing letters of special administration without a hearing; alters requirements for notice to creditors and notice of hearing.

**HB 3368** No longer considered active.

**SB 1475** Senate engrossed version referred to the House Judiciary Committee on March 13. Changes the responsibilities of court-appointed fiduciary reporting requirements; alters termination provisions; and makes notice of revocation requirements.

**SB 1600** On general order in the House as of March 26. Adds to the locations where an officer with probable cause may, without a warrant, arrest a person involved in an accident who is under the influence of alcohol, intoxicating liquor, or a controlled dangerous substance.

**SB 1897** No longer considered active.

**SB 1993** Engrossed Senate version referred to House Judiciary Committee on March 19. Creates a new statutory responsibility for support and education by the mother of a child born out of wedlock; modifies procedures relating to establishment of paternity of the child; includes new language to make each parent responsible for support of child; modifies provisions relating to responsibilities of parent whose rights have been terminated and as to child if adopted.

**SB 2089** Engrossed Senate version with title stricken referred to House Judiciary Committee on March 13. Adds requirement that a landlord of a multifamily dwelling of more than four families shall maintain public safety and protection from habitual gang or drug activity; defines "habitual gang or drug activity;" adds authority of tenant to bring suit for failure to provide such safety and protection; grants district attorney authority to prosecute landlord; district attorney given discretionary authority to distribute monies recovered.

## **MORE BILLS WORTH YOUR ATTENTION**

The following measures have not previously been discussed. They are also being tracked by the committee. They have survived the first two major deadlines and are among those measures still considered to be active. In addition to Legislative Monitoring Committee efforts, speakers at the OBA Day at the Capitol meeting discussed some of these measures deserving of attention of OBA members as they relate to the practice of law.

### **CIVIL LIABILITY**

**HB 2325** On general order in the Senate as of March 18. Extends civil immunity during a time of emergency to those individuals and agencies that provide shelter, adds the federal government to the list of requesting agencies and adds tornados to the list of natural disasters covered by the statute.

**HB 2338** On general order in the Senate as of March 25. Exempts from liability any individual, business, school or church that renders emergency care, aid, shelter or other assistance during a natural disaster or catastrophic event unless damage was caused by the gross negligence or willful or wanton misconduct of the individual or entity rendering the emergency care, aid, shelter or assistance.

### **VISITATION RIGHTS OF PARENTS**

**HB 3001** Engrossed House version referred to the Senate Judiciary Committee on March 18. Provides if a custodial parent prevents visitation with the noncustodial parent or hides the child for more than six months, the noncustodial parent will not have to pay any ordered child support or alimony for the time visitation is prevented or child is hidden.

**SB 1612** On general order in the Senate as of March 26. Pertains to interference with visitation rights of noncustodial parent; modifies

procedures related to enforcement of visitation rights; requires assessment of attorney fees and court costs; provides forms.

## **OTHER ISSUES**

**HB 2686** Engrossed House version referred to the Senate Judiciary Committee on March 18. Requires any claim or challenge as to the constitutionality of a state statute be considered and ruled upon by a panel of at least three district judges of the judicial district in which the case is pending; requires the panel include the district judge assigned to the case and additional district judges assigned randomly; provides that if the case has not been assigned to a district judge, the panel of district judges will be assigned randomly; all other issues in the case may be considered and determined by the assigned judge; if the district judge or panel finds a state statute to be unconstitutional, the finding must be made by written opinion. The bill specifies that it does not preclude the Supreme Court from assuming original jurisdiction pursuant to Section 4 of Article VII of the Oklahoma Constitution.

**HB 2366** Engrossed House version referred to the Senate Judiciary Committee on March 18. Creates Oklahoma Citizens Participation Act; provides for motion to dismiss certain actions; setting time limit for filing motion; permits exception if good cause shown; suspending discovery; requiring hearing on motion; setting timing for hearing; extending timing of hearing if court allows limited discovery; specifying time period for court to rule on motion; directing dismissal if certain evidence is shown; prohibiting dismissal if certain evidence is shown; requiring court to consider pleadings and affidavits; authorizing court to allow limited discovery; directing court to issue findings if requested by the party filing the motion; prescribing time period for the findings; providing for appeal if court fails to rule on motion; directing appellate court to expedite appeal; mandating court to award costs, fees and other expenses if dismissed; providing for sanctions; permitting court to award costs and fees if motion is frivolous and excluding certain actions from the act.

**HB 3365** On general order in the Senate as of March 25. New law regarding product liability action brought against a product manufacturer or seller; creates rebuttable presumption that product manufacturer or seller is not liable for any injury to a claimant caused by some aspect

of the formulation, labeling or design of a product if it is established that mandatory governmental safety standards that governed the product risk that allegedly caused harm were complied with; also applies for the same liability action brought against a manufacturer or seller if it is established that the product was subject to premarket licensing or approval by the federal government; limits application.

**SB 1497** On general order in the Senate as of March 26. Provides any person denied access to meetings of a public body, other than executive sessions may bring a civil suit for declarative or injunctive relief or both; if successful, the individual will be entitled to reasonable attorney fees; if the public body successfully defends a civil suit and the court finds that the suit was clearly frivolous, the public body will be entitled to reasonable attorney fees.

**SB1678** Engrossed Senate version referred to House Economic Development & Financial Services Committee on March 18. Authorizes surcharge of bank processing fee for use of credit cards on certain activities or transactions; limiting surcharge to actual bank processing fees; requiring certain disclosure; allows a person acting on behalf of the principal to surcharge the credit card processing fee incurred as it relates to the person acting on behalf of a principal in a lawful business activity or transaction in which money is paid by credit card to the agent or deposited in the agent's lawful trust for the purpose of facilitating activity.

**SB 1754** Engrossed Senate version with title stricken referred to House Insurance Committee on March 13. New language to require property and casualty insurers licensed in Oklahoma who write commercial insurance to provide, upon written request of a client of the insurer, the commercial loss history of the insured for the past 36 months; requires the insurer to provide the requested information within 15 calendar days of the client's request; provides insurer who fails to comply without good cause will be subject to a fine of \$100 for each day the insurer fails to comply with the request; fine payable to the Oklahoma Insurance Department.

**SB 1775** Engrossed Senate version referred to the House Judiciary Committee on March 13.

Establishes a statute of limitation to be commenced within one year of this bill's effective date on an action challenging the constitutionality of an act of the Legislature.

**SB 1893** Engrossed Senate version referred to the House Judiciary Committee on March 13. Adds language related to discovery adding language that provides parties may obtain discovery regarding any matter that is relevant to any party's claim or defense; adds the authorizations for release of records by court order upon showing of good cause to the methods of discovery; provides that the party making a physical or mental injury claim must provide to the other parties a release or authorization allowing the parties to obtain medical records and bills and a release or authorization for employment and scholastic records.

**SB 1904** Engrossed Senate version referred to the House Economic Development & Financial Services Committee on March 19. Modifies the definition of "Oklahoma assets" under the Family Wealth Preservation Trust Act; modifies language concerning the corpus and income from a preservation trust that is exempt from attachment or execution by eliminating the exclusion for any additional property contributed to the preservation trust by the grantor having an aggregate fair market value, determined as of the date of each contribution, minus liabilities to which the property is subject, in excess of \$1 million.

#### CURRENT BILL STATUS?

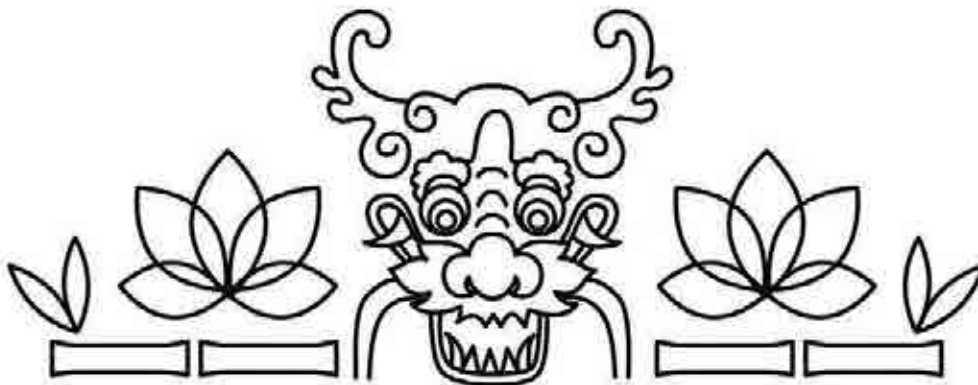
To find the current status of a bill, scroll down to the bottom of the Oklahoma State Legislature's website at [www.oklegislature.gov](http://www.oklegislature.gov). More information about bills the OBA is watching can be found at [www.okbar.org/members/Legislative](http://www.okbar.org/members/Legislative).

#### ABOUT THE AUTHOR



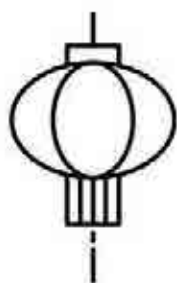
Ms. Bartmess practices in Oklahoma City and chairs the Legislative Monitoring Committee. She can be reached at [duchessb@swbell.net](mailto:duchessb@swbell.net).





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# Diversity Awards: Call for Nominations

## Deadline June 20

Do you know a judge or lawyer who has championed the cause of diversity? Have you worked with a business or organization that is demonstrating leadership in promoting diversity initiatives in the workplace or community? Now is the time to nominate them for the third annual Ada Lois Sipuel Fisher Diversity Awards, which will spotlight the work and accomplishments of those in our profession who advocate for greater equality and inclusiveness.

Nominations will be accepted in the following categories: members of the judiciary, licensed attorneys, and groups and entities that have championed the cause of diversity. All nominations must be received by June 20, 2014. Recipients will be honored at the OBA Diversity Committee CLE and Awards Luncheon on Oct. 16, 2014.

Information regarding the selection criteria and nomination process may also be accessed at [www.okbar.org](http://www.okbar.org). For additional information, please contact OBA Diversity Committee Chair Ruth Addison at 918-587-0000.

### SELECTION CRITERIA AND NOMINATION PROCESS

Three diversity awards will be given to a business, group or organization that has an office in the state of Oklahoma and has met one or more of the following criteria:

- Developed and implemented an effective equal opportunity program as demonstrated by the organization's commitment to the recruitment, retention and promotion of individuals of underrepresented populations regardless of race, ethnic origin, gender, religion, age, sexual orientation, disability or any other prohibited basis of discrimination



- Promoted diversity initiatives that establish and foster a more inclusive and equitable work environment
- Demonstrated continued corporate responsibility by devoting resources for the improvement of the community at large
- Exhibited insightful leadership to confront and resolve inequities through strategic decision-making, allocation of resources and establishment of priorities

Two more diversity awards will be given to licensed attorneys and an additional award will be given to a member of the Oklahoma judiciary who has met one or more of the following criteria:

- Demonstrated dedication to raising issues of diversity and protecting civil and human rights
- Led the development of innovative or contemporary measures to fight discrimination and the effects
- Fostered positive communication and actively promoted inter-group relations among populations of different backgrounds

- Participated in a variety of corporate and community events that promoted mutual respect, acceptance, cooperation or tolerance and contributed to diversity awareness in the community and workplace
- Reached out to a diverse array of attorneys to understand firsthand the experiences of someone from a different background

#### NOMINATIONS & SUBMISSIONS

- Include name, address and contact number of the nominee.
- Describe the nominee's contributions and accomplishments in the area of diversity.
- Identify the diversity award category (business/group/organization, licensed attorney or judiciary) in which the nominee is being nominated.

The submission deadline is June 20, 2014. Submissions should not exceed five pages in length. Submit nominations to [diversityawards@okbar.org](mailto:diversityawards@okbar.org).

The OBA Diversity Committee's award honors the courage of Ada Lois Sipuel Fisher, who was the first African-American woman to attend an all-white law school, the OU College of Law. The award recognizes her actions in championing the causes of diversity.



Painting by Mitsuno Ishii Reedy

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# Mock Trial Program Invigorates Love of Law

By Melissa Peros

Trials are complicated, entertaining and inspiring. More than that, mock trials help to instill in people a love and dedication for the law which lasts a lifetime. If you were to ask the judges of the Oklahoma High School Mock Trial competition — some who have been generously volunteering their time for years — why they participate, the answer is simple: it reinvigorates their own love of the law and inspires our future leaders. While the collection of amazing volunteers and committee members is diverse and widespread, many of them participated in the program as high school students.

Those who did not often tell me they wish they'd had the opportunity for such an enriching program in their youth. Students learn dedication, strategy and sportsmanship which make them better advocates in every area of life. The blessing of the Mock Trial program is that — it shapes our youth into the vibrant and dedicated leaders of the future in the legal community and beyond.

Each year, the Mock Trial program is blessed to gain new volunteers and recent law school graduates who began their legal journey in the program. On that note, the Mock Trial Committee is pleased to announce that



*Mock Trial Committee members are (from left): Todd Murray, Marsha Rogers, Melissa Peros, Coordinator Judy Spencer, Andrea Medley, Christine Cave, Dan Couch and Joe Carson.*

another stellar year of competition has come to a successful and impressive end.

For those who did not get to see the case this year, imagine yourself a jury member on the murder trial of the year — the gruesome death of a teenage girl who discovered and reported a cheating scam at her dangerously competitive private school. With the defendant's life on the line, both the defense and the prosecution had to master and present complex medical testimony, centered around the significant issue of rigor mortis and time of death. The 42 teams competing in this year's competition rose to the task and competed with a fierceness and dedication as strong as the winter weather in Oklahoma. The state championship round impressed everyone who attended and gave us a small glimpse of those students who

will bless our profession in the coming generations.

## WINNING TEAMS

Holland Hall Upper School claimed the championship this year in a fierce battle with Clinton High School Gold Team during the state finals on March 4 at the OU College of Law. Even more exciting, this was Holland Hall's first year of competition in the program. Retired Judge Edward Cunningham presided over the round and said that it was "one of the most impressive trials he had ever seen." The esteemed judging panel for the round also included Justice Norma Gurich, Judge Shon Irwin, Judge David Lewis, Judge Carl Funderburk and Judge Millie Otey.

The other top finishing teams for 2013-2014 were third place Moore High School; fourth place Ada High School; fifth





*Judging the final championship round were (from left): Judge Carl Funderburk, Judge Millie Otey, Judge David Lewis, Retired Judge Edward Cunningham, Justice Noma Gurich and Judge Shon Erwin.*

place Jenks High School; sixth place Southmoore High School; seventh place Broken Arrow High School; and eighth place Okarche High School. Holland Hall will spend the next two months preparing a brand new case for the national competition to be held May 8-10 in Madison, Wis.



## SPECIAL THANKS

First and foremost, the committee would like to thank the Oklahoma Bar Foundation for the generous funding grant which allows us to offer such a special program to the community. Our thanks also extend to the Oklahoma Bar Association and its sections, including the Litigation Section, which have supported the program this year. Their overwhelming support is something that has made our program one of the best in the nation.

We also owe special thanks to our esteemed judiciary who provided us with the use of their courtrooms and participated as judges. We also would like to recognize our esteemed colleagues for their dedication to the program – without the volunteered time of Oklahoma attorneys we would not be able to have such a successful program.

I would personally like to thank my fellow committee members: Executive Vice Chairperson Dan Couch, Immediate Past Chair Nicole Longwell, Vice Chairperson/Trial Sites Marsha Rogers, Vice Chairperson/Case Development Christine Cave and fellow members Jennifer Bruner, Julie Austin, Todd Murray, Tai Du, Dan Couch, Andrea Medley, Karolina Roberts, Joe Carson and Scott Inman, whose dedication to our cause exceeds all bounds. Finally, many special thanks to our very dedicated and lovely Mock Trial Coordinator Judy Spencer, without her the program would not function.

## RECRUITMENT ASSISTANCE

This year, the Mock Trial Committee saw a significant increase in the number of new

schools in competition. We had 37 different schools for a total of 42 teams. We are looking to increase that number even higher now that the 2014 season has come to a close. If you would like to involve your former high school or child's school, we would love any assistance or insight. We are also looking for volunteers to be attorney coaches for our teams across the state and would love for anyone who is interested to get involved. Do you know of a school or students interested in participating? Would you be interested in serving as an attorney coach or joining the Mock Trial Committee? Please email [mocktrial@okbar.org](mailto:mocktrial@okbar.org).

## PROGRESS OF THE YEAR AND NEW INITIATIVES

This year the Mock Trial Committee has made significant progress in the program. Beyond just hosting the rounds and providing all the materials, the committee presented a coaching and student workshop this year which welcomed more than 250 attendees. The workshop taught the students and coaches every aspect of the competition and prepared them for the coming season. The committee hopes to expand this workshop in the future by having one in Oklahoma City and one in Tulsa so that more teams can attend.

The committee also has wonderful instructional videos regarding parts of the trial and tips for all mock trial participants up on its website. We would like to thank the OBA and Brandon Haynie for the IT support and help they provided on this initiative. Students from around the state have already been using the videos

and are thrilled about the new resource.

Now is the time to get involved and to help grow the program and enrich the lives of Oklahoma students. Work starts soon to prepare for next year's program that begins in the fall. If you would like to be involved in any way, please contact [mocktrial@okbar.org](mailto:mocktrial@okbar.org). We will see you next year.

*Ms. Peros practices in Oklahoma City and serves as chairperson for the High School Mock Trial Committee.*

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Douglas Sanders  
Adam Scham  
Paul Schulte  
Desmond Sides  
Russell Singleton  
Kimberly Slinkard  
Don L. Smitherman  
Bill Speed  
Frank Stout  
Julie Strong  
Charles Sullivan  
Kyle Sweet  
Melissa Taylor  
Rex Thompson  
Amanda Thrash  
Jim Tillison  
Haylie Treas  
Judge Jill Weedon  
Ginger Williamson  
Christy Wright  
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AND SCORING  
PANELISTS**  
Kim Adams  
Daniel Aizeman  
Leah Avey  
Brad Avey  
Sandra Balzer  
Ferris Barger  
Capt. Cody Barnes  
JAG  
Rob Barris  
Rebecca Bauer  
Mindy Beere  
Kirsten Bernhardt  
Terry Bigby  
Wes Billingsley  
Wm. Mark Bonney  
Sam Bratton  
Maj. Carol Brewer/JAG  
Teresa Brown  
Mary Burdren  
Ann Butler  
Sharon Byers

Jeff Byers  
Daniel Card  
Emily Carmichael\*  
Adrienne Cash  
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Rachel Cohen  
Steve Coleman  
Lance Cook  
Michael Coulson  
J. Cramer  
Sandy Crosslin  
Judge Edward  
Cunningham\*\*\*\*  
Erin Dailey  
Kara Davis  
Maj. Christian  
Deichert/JAG  
Michael Denton\*\*\*  
Deirdre Dexter\*\*  
Charles Dickson  
Mark Dobbins  
Linda Donelson  
Jeannine Doughty  
Capt. Tarik Downie/  
JAG  
Preston Draper  
Elaine Dunlap  
Blake Dutcher  
Valerie Dye  
Josh Edwards  
Kyle Endicott  
Celeste England  
Judge Shon Erwin\*\*\*\*\*  
Rebecca Farns  
Caroline Featherstone  
Mike Fields  
Bart Fite  
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Deb Fortune  
Natalie Fullbright  
Jodie Gage  
Robert Garcia  
Mike Garrison  
Alecia George  
Bret Glenn  
Amber Godrey  
Roger Gofton

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Jennifer Gray	Blake Lynch	Linda Pizzini	Matt Thomas
David Guten*	Keith Magill	Sonja Porter**	Scott Thomas
Deborah Hackler	Aharon Manley	Shannon Prescott	Rex Thompson**
John Hadden	Carin Marcussen	Jessica Rainey	Lorena Rivas Tiemann
Matt Haire	James Marshall	Judge Dana Rasure	Perry Tirrell
Judge Sarah Hall	Halli Martin	Scott Ray	Haylie Treas
Cheryl Hamby	James Maupin	Ryan Reaves	Michael Trewitt
Diane Hammons	Kieran Maye**	Josh Reid	Roy Tucker
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Barbara Hatfield	Hillary McKinney	Chuck Richardson	Georgenia Van Tuyl*
Gaylon Hayes*	Jason McVicker	Kim Richey	Debbie Vincent
Sarah Hill	Mark Melton	Charles Rogers	Todd Wagner
Libby Hines	Jennifer Miller	Marsha Rogers*	Brecken Wagoner
Mike Hogan	Madison Miller	Carolie Rozell	Jessica Ward
Megan Holden	Judge Gary Miller	Lara Russell	Richard Warzynski*
Michelle Huffman	Anne Mize	Jake Sandlin	Sharon Weaver
Trevor Hughes	Chad Moody	Kathryn Savage	Matt Wheatley
Amber Hurst	Scott Morgan	Mark Schwebke****	Rod Wiemer
Tina Izadi	Kevin Morrison	Susan Schwebke	Jim Wilcoken
Jo Lynn Jeter*	Phillip Morton*	Paul Scott	Betty Williams
Tyler Johnson*	Lou Ann Moudy	Jason Seay	Franklin Willis
Janet Johnson	Brenda Nipp	John Severe	Mike Wilson
Nick Johnson	Pat O'Connor	Micah Sexton	Alex Wilson
Debbie Johnson*	Elizabeth Oglesby	Matt Sheets	Allison Wilson
David Keglovits	Drew O'Gwynn	Grant Shep	Geri Wisner
Bryan Kingery	Jill Oliver	Darrell Shepherd	Grace Yates
Elizabeth LaBauve	Jimmy Oliver	Carmelita Shinn	
Toni Lacy	Ivan Orndorff	Steven Shreder	*served twice
Anne Lawrence	Susan Otto	Susan Sikes-Cavcey	**served three times
Paige Lee*	Jenna Owens	Kara Smith	***served four times
K. Wayne Lee	Christine Pappas	Sandy Steffen	****served five times
Mike Lewis***	Matt Patterson	Justin Stout	*****served six times

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# What Has Value?

*By John Morris Williams*

For several years I have heard at national meetings about the changes in the practice of law. Many of the changes seemed like mega law firms in big cities issues. I listened carefully and was wondering if, and when, some of those trends would reach places like Oklahoma. I think they have reached our borders and some have crossed into our territory.

The futurist predicted the work of lawyers would change. Online legal service providers and non-lawyers would provide routine and noncomplicated tasks that traditionally were the work of lawyers. History does have a lesson here. Fifty years ago or so lawyers were involved in many real estate transactions. It was not unusual for a lawyer to be involved in residential transactions. Today, almost all residential real estate purchases are done by real estate brokers. The only role for lawyers in these transactions is to provide a title opinion either directly or for a title insurance company. Additionally, there are many commercial real estate transactions that do not involve lawyers, except for the title work. These transaction are done on preprinted forms that in all likelihood were prepared by a lawyer.

The providing of forms was once considered a “value” of

lawyers. Today, the world is awash in forms. A quick Internet search provides numerous forms on just about any legal subject. A recent speaker I heard suggested that lawyers should just give away the forms — that is, not charge for them. He suggested the value of lawyers is to provide the knowledge on which form to use and to give advice and counsel. In a way, that is why lawyers have always a form. However, the billing statement containing the line item for cost of producing a form may be becoming obsolete.

**“It is not the forms  
that we provide that  
have value.”**

I recently read a press release stating that an East Coast mega firm was moving to a new location, and as part of cost savings, the firm was eliminating almost all its support staff. Some of my friends in the mega firms are telling me that the day of assigning multiple lawyers and support staff to most matters is going by the wayside. The lone lawyer producing forms and pleadings harkens

back to a much earlier time and is very consistent with many solo practitioners now.

The job market, coupled with competing online services and non-lawyers providing services, has impacted practice in our state and will continue to do so. What has not changed is the value lawyers bring to complicated and difficult questions and issues. To put it simply, if anyone can “Google” the answer, there is not much value in providing the answer. On the other hand, lawyers possess real value in knowing not only the answer but which questions to ask. Our value is in intuitive processing and reasoning which by education and training no other profession or technological advancement can approach in the realm of the law.

The “experts” say that for now and evermore the practice of law has changed and that the work of lawyers will be confined to those identified areas of value relating to complex matters and conflicts. The recent decline in law school admissions and the aging of our profession all point to a smaller number of lawyers doing work at unique levels of complexity on a consistent basis.

I encourage all lawyers to do their own investigation and

reading on matters relating to the future of the practice of law. Sometimes the experts are wrong. Sometimes they are right, and those who are most informed are the ones who are best prepared. It is my belief that there is real danger in not examining what value there is in what we are providing and ensuring that we as a profes-

sion guard zealously the important role we play in serving the public and maintaining our legal system. It is not the forms that we provide that have value. It is knowing which form to use and how to properly apply the facts and circumstances with the law that has value — always has and I

believe always will be the real value of lawyering.



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

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# Reading Online News Items (2014 Edition)

By Jim Calloway

The 25th anniversary of the World Wide Web just occurred. The creation date is said to be March 12, 1989, which is the date that Sir Tim Berners-Lee wrote a paper proposing an arrangement of information organization and linking that grew into the WWW. Now 87 percent of American adults use the Internet and 90 percent of those say that its growth has been a good thing, according to survey results released earlier this year by the Pew Research Internet Project.<sup>1</sup>

How we consume the news has certainly changed with the growth of online information and many great newspapers and magazines have gone out of business because of the availability of free information online. It is certainly no secret that the Internet and the proliferation of cable TV channels has given rise to many more limited focus sources of current news and information. One can have a focus limited to only sports news, only Oklahoma news or only technology news.

But most of us want a variety of current information sources and designing a customized newsfeed so that you get a variety of the content that you want, whether from

blogs or large media companies, is an efficient way to stay on top of current information. Social media works like that to a certain extent, but it tends to reflect more what friends and family want to share than comprehensive news (and depending on your particular set of friends and family, you may get a lot more from slanted “news” sources than you want).



I know there is a risk of giving too much detail on RSS newsreaders here. They are generally not that hard to set up and manage. But the name of the tool is a bit off-putting. I’m going to use the terms reader, newsreader and feed-reader interchangeably for this discussion.

So let’s start with one bottom line. If you have never set up any custom news feed for yourself before and you own

a smart phone or tablet, start with Flipboard.<sup>2</sup> Flipboard will take the information sources you suggest and use them to create your own personal magazine. Actually it feels like more than one magazine. You can have your social network feeds like Twitter and Facebook, as well as blogs, news sites and other online publications. Flipboard is free, very simple and really quite beautiful.

Magazines need lots of pictures and Flipboard displays pictures associated with the particular news items or posts. So if a tweet links to an article, a picture from that article may be displayed. One can flip through many online items in short order or end up reading a lengthy piece from *The New York Times*.

Flipboard satisfies the primary requirement that most of us have with a news reader, which is that it has to work on the phone or mobile device. Reading a newspaper with breakfast or catching a national network TV news broadcast in the early evening were the historical ways that people consumed the news and how some still do. But having a news app on your phone lets one take advantage of spare minutes during the day.

Flipboard is an RSS feed-reader (or newsreader), but its magazine format is different than the others. The pictures make for an arguably overall richer reading experience. But it is not the speediest way to skim through many headlines, and a true newsreader will collect all of the items until you either read or delete them. Flipboard assembles a current magazine for you every time you open the app.

A reader is about the only practical way one can keep track of a variety of news sites and blogs. This is push technology where items you have asked for appear for you — and then you have to either read or delete them. Remembering to go visit numerous websites just isn't that realistic in today's fast-paced world.

"I've kept an RSS feedreader on my phone as long as I have had a smart phone. I can't imagine controlling news and blog reading without it," says Oklahoma City lawyer Elaine Dowling.

Utilizing a reader also helps with personal time management as well. You spend time reading rather than searching or surfing. If you have not opened your reader for a few days and open it to find over 100 items, you will skim and triage more effectively than if there were just five items. And, if you fall too far behind, you can always just clear everything. There will be more news tomorrow.

The big news (pun intended) in newsreaders was last summer, when Google closed its extremely popular Google Reader on July 1, 2013.

It seemed that every technology-oriented website had its own feature about the

## Outpacing PACER?

Lawyers who practice in the U.S. federal courts have no choice but to use PACER, the federal courts' system for electronic access to records which marked its 25th anniversary this past December. But there are many complaints about the service's "clunkiness" and the service is not cheap. Lawyers who often use PACER may want to be aware of a couple of add-ons to the service.

*PacerPro*<sup>8</sup> has been around since November 2012 as a subscription service, but the monthly fee was eliminated in January. Gavin McGrane, the San Francisco lawyer who created the service has been quoted as saying he wanted people to see how good the service is. Mr. McGrane says he plans to keep *PacerPro* free for searching and will add paid features that enhance the service this summer. Many users have reported that the user interface of *PacerPro* is superior to that of PACER in several ways. You can download an entire docket with just one click. Right now it is limited to the federal district courts only, but there are plans to include bankruptcy and appellate courts. The company says they can find same-day data that PACER's case locator misses. It also creates an archive for free downloading of materials others have previously retrieved from PACER.

*RECAP The Law*<sup>9</sup> is a free extension for Firefox and Chrome that aims to improve the experience of using PACER, the electronic public access system for the U.S. Federal District and Bankruptcy Courts. As one uses the service, it makes free copies of the docket files and PACER-downloaded PDFs to Internet Archive for others to download. It also notifies the user if a free copy of the document you seek is available and provides a download link. This can save on PACER fees. The service also gives more readable file names to PDFs that are downloaded. More information is available at the site.

You will still need a PACER account for either of these two services to function.

death of Google Reader and possible replacements. Here is a nice one from Gizmodo — "10 Google Reader Alternatives That Will Ease Your RSS Pain."<sup>3</sup> Lifehacker featured "Five Best Google Reader Alternatives."<sup>4</sup>

Well-known legal technology columnist Robert Ambrogi gave a lengthy discussion of his wants and needs in "How I Will Survive Without Google Reader" on his blog.<sup>5</sup> Mr. Ambrogi is a journalist and

so a newsreader is a required tool for him. He settled on Feedly as his alternative and gave several reasons why. It is often a good idea to use the tools that the professionals use.

If you read the three articles noted above, you will have more than enough information to make an informed decision about a newsreader. But for casual reading, Flipboard is a great starting point, especially if you use social

media. One who wants to organize a number of feeds or who doesn't want pictures may prefer Feedly.

I will note in closing that the Oklahoma State Courts Network<sup>6</sup> provides news feeds for appellate opinions.<sup>7</sup> You can subscribe to a combined feed for all appellate courts, or individual feeds for Oklahoma Supreme Court opinions, Oklahoma Court of Civil

Appeals opinions, Oklahoma Court of Criminal Appeals opinions or Oklahoma Attorney General opinions.

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

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# New Comprehensive Topical Index to Oklahoma's Ethics Opinions to be Posted Online

By Travis Pickens

The last paragraph of the first ethics opinion issued by the then State Bar of Oklahoma on March 27, 1931, stated:

It must therefore hold that the furnishing, selling or exploiting of the legal services of members of the Bar is derogatory to the dignity and self respect of the profession, tends to lower the standards of professional character and conduct and thus lessens the usefulness of the profession to the public, and that a lawyer who cooperates with, or makes possible for, others to commercialize the profession and to bring it into disrepute by allowing his services to be exploited, or dealt in like merchandise, is guilty of conduct unbecoming a member of the State Bar of Oklahoma.

That was over 80 years and 325 opinions ago (but yet, it seems that many concerns over the years remain the same, eh?).

This office recently announced two major advancements regarding ethics and professionalism research. One was cleaning up the search apparatus on the OBA website



so that listing a key search term would return a crisp, clean list of ethics opinions and nothing but that. The second advancement was the creation and posting of a list of the ethics opinions from 1979 to present, with links directly to the opinions as well as the ethics opinions most used by myself and any other practitioner.

It is time to herald a new, third advancement — a comprehensive topical index of every

Oklahoma ethics opinion under the sun. Look for it to be posted soon on the OBA website. This office would welcome any suggestions or comments. It has been a mammoth task and

there may be other topics or better ways to say topics or missing opinions from topics that need to be corrected. So, please email all comments to me at [travis@okbar.org](mailto:travis@okbar.org), and they shall be considered right away.

Remember, rules change over the years, so you should pay attention to dates and rule text. But notice in a larger way, looking back, our concern for the integrity and professionalism of the practice has not changed a bit.

*Mr. Pickens is OBA ethics counsel. Have an ethics question? It's a member benefit, and all inquiries are confidential. Contact him at [travis@okbar.org](mailto:travis@okbar.org) or 405-416-7055; 800-522-8065. See Tips from the OBA Ethics Counsel at [www.okbar.org/members/EthicsCounsel](http://www.okbar.org/members/EthicsCounsel).*

# Anatomy of the OBF

## The Standing Committees

*By Dietmar K. Caudle*

Every year the Oklahoma Bar Foundation president designates OBF Trustee and chairpersons to serve on the five perennial OBF standing committees. This process somewhat parallels the way the Oklahoma Bar Association functions.

### **GRANTS AND AWARDS COMMITTEE**

This committee has the charge of reviewing all OBF grant applications, making recommendations to the board as to its findings and providing oversight of funded programs. The chairperson of the OBF Grants & Awards Committee is Judge Millie Otey. On occasion, committee members conduct site visits to observe grantees in action and gain a better understanding of the needs and capacity of the grantees. This committee is further charged with the determination of whether grant applications fall within the mission of the foundation and makes recommendations of how much of the request may be funded.

### **DEVELOPMENT COMMITTEE**

The Development Committee is co-chaired by Gabe Bass and Alan Souter. Their task is to review and oversee Fellow and Community Fellow recruitment and to recommend ways to increase Fellowship and other fundraising efforts. This committee advises the board on

educational and researched enrichment priorities and fundraising goals that support the OBF strategic and financial plan. The committee is responsible for OBF program development and to coordinate educational and researched presentations for OBF board meetings.

### **FINANCE AND INVESTMENT COMMITTEE**

This committee is chaired by Kevin Donelson. The committee coordinates the OBF board's financial oversight responsibilities by recommending financial policy to the board. Among its duties, the committee drafts

investment policy, hires and oversees performance of the OBF professional investment managers, sets performance goals for the portfolio in accordance with board policy and follows regulations, monitors for new regulations and judicious interpretation of all the rules that may affect the OBF's financial stability.

### **AUDIT COMMITTEE**

This committee assists the board in the responsibility of accounting and financial reporting. The committee chairperson is Jack Brown. The committee is charged with ensuring integrity of financial statements, finan-



**May 6, 2014** is the OBF Court Grant Application Submission Deadline

**July 1, 2014** is the statewide regular OBF Grant Application Submission Deadline



cial controls, compliance with legal and regulatory requirements and ensuring the outside auditor's qualifications, independence and performance. This committee ensures the OBF has an independent audit annually and reports the findings and recommendations to the board.

#### EXECUTIVE COMMITTEE

The Executive Committee is chaired by me as president and includes the vice president, president-elect, immediate past president, secretary/treasurer and the grants and awards chairperson; the executive director is a non-voting member of the committee. This committee oversees the general direction of OBF activities, selection, evaluation and compensation of the OBF executive director. The committee provides assistance with and approval of long-range planning and development of the strategic planning process. The Executive Committee has the task of ensuring the effective-

ness of the Oklahoma Bar Foundation, which includes full participation of maximum performance of board Trustees and the committee reviews and makes recommendations to enhance the quality and future viability of the OBF board.

The cohesive participation of all five of the aforementioned standing committees is vital to the operation and success of the Oklahoma Bar Foundation. The Trustees who staff these committees are attorney volunteers who have a passion for the mission of the OBF. These volunteers and the generous donors who contribute each year truly allow the OBF to "Change Oklahoma Lives" by granting funds to Oklahoma law-related nonprofit organizations whose funded programs fall within the documented mission of the OBF. Please remember, we can't do it without you!

#### OPEN INVITATION TO OBA MEMBERS:

You are invited to attend an OBF Trustee meeting. The next

Trustee meeting is at 1 p.m. Friday, July 18, 2014, in the board room of the Oklahoma Bar Center with video conferencing available at the OSU Tulsa, North Hall Building, room 222.



#### ABOUT THE AUTHOR



Dietmar K. Caudle practices in Lawton and serves as OBF President. He can be reached at [d.caudle@sbcglobal.net](mailto:d.caudle@sbcglobal.net).

## Tributes and Memorials



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## 2014 OBF Fellow and Community Fellow Enrollment Form

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|---|--|
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| <input type="checkbox"/> Total amount enclosed \$1,000  | <input type="checkbox"/> New lawyer 1st year, \$25 enclosed & bill annually as stated  |
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# Meeting Summary

*The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, Feb. 28, 2014.*

## REPORT OF THE PRESIDENT

President DeMoss reported she attended Legislative Reading Day, National Conference of Bar Presidents meetings, Investment Committee meeting, Bar Association Technology Committee meeting, town hall planning meetings, Canadian County town hall, meeting regarding the *Oklahoma Bar Journal* publisher going out of business, Litigation Section planning meeting and Section Leaders Council meeting. She also served as a delegate to the ABA midyear meeting, planned for the Law Schools Committee visit to OCU and its program, conducted CLE seminars in Washington and Custer counties and prepared articles for newspapers and the bar journal.

## REPORT OF THE VICE PRESIDENT

Vice President Shields reported she attended the January board meeting, OBA Investment Committee meeting and OBA Diversity Committee meeting. She discussed presentations on judicial independence and reviewed pending bills.

## REPORT OF THE PAST PRESIDENT

Past President Stuart reported he attended the January board meeting, has been party

and National Conference of Bar Presidents and Southern Conference of Bar Presidents meetings in Chicago. He served as presiding judge for the OBA High School Mock Trial Program round in Shawnee and served as an Oklahoma delegate to the ABA midyear meeting in Chicago.

## REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended two YLD board meetings, YLD annual roast, appellate CLE seminar planning meetings, Legislative Reading Day, NABE midyear meeting, Investment Committee meeting, meeting with the Bar Association Technology Committee chairperson, Law Schools Committee visit to OCU, House and Senate Judiciary Committee meetings, Bench and Bar Committee meeting, staff directors meeting, town hall planning meetings, Canadian County town hall, meeting with OBF executives and Bank of Oklahoma representatives and meeting regarding the *OBJ* publisher going out of business.

## BOARD MEMBER REPORTS

**Governor Dexter** reported she attended the January board meeting, has been party, public education initiative session, Tulsa County Bar Association Bench and Bar Committee meeting at which she discussed President DeMoss' public education initiative and legislation impacting judiciary, planning meeting for

Canadian County town hall, town hall event in El Reno and OBA Legislative Reading Day at which she was assigned to both the Legislative Monitoring Committee and the Courts, Judiciary and Attorneys Subcommittee. She also reviewed and selected winners from finalists in the 7th grade Law Day essay contest, served as presiding judge for the High School Mock Trial Program quarterfinal round held at the Tulsa County Courthouse and served as presiding judge for the mock trial semifinal round held at the Northern District Bankruptcy Court. **Governor Gifford** reported he attended the Oklahoma County Bar Association Board of Directors meeting, OBA Board of Governors swearing-in ceremony, has been dinner, January board meeting and Military and Veterans Law Section meeting. He also gave a presentation on human trafficking to the International Visitor Leadership Program at the Oklahoma Judicial Center. **Governor Hays** reported she attended the January board meeting, has been party, public education initiative session, January and February OBA Family Law Section monthly meeting for which she prepared and presented the budget report, January and February Women in Law Committee meetings, Section Leaders Council meeting, OBA Professionalism Committee meeting for which she prepared the minutes, January OBA Bench and Bar Committee meeting,

Solo and Small Firm Planning Committee, Tulsa County Bar Association Board of Directors meeting at which she presented a report, January and February TCBA Family Law Section meeting and TCBA Long Range Planning meeting. She also communicated with Oklahoma Human Trafficking Task Force members and discussed judicial independence with a group. **Governor Jackson** reported he attended the January board meeting, has been party, Garfield County Bar Association ethics program and monthly bar meeting. **Governor Kinslow** reported he attended the January board meeting and Comanche County Bar Association meeting. He talked to many friends and acquaintances about the importance of the judiciary but finds most people seem apathetic. **Governor Marshall** reported he attended the swearing in of OBA officers and new board members, has been dinner, January board meeting, Legal Intern Committee meeting and by phone the Investment Committee meeting. He served as presiding judge at the OBA High School Mock Trial competition in Shawnee, created a District 8 county bar president mailing list and emailed all nine county bar presidents with information and a request for information. He noted the Payne County Bar Association launched its website in January that can be viewed at [www.paynecountybar.org](http://www.paynecountybar.org) and urged board members to check it out. **Governor Parrott** reported she attended two meetings of the OBA Bench and Bar Committee and participated in follow up phone discussions regarding plans, OBA Law Schools Committee meeting and annual visit to OCU School of Law that included

lunch with faculty and presentation/discussion with students, January OBA Board of Governors swearing-in ceremony, meeting and has been dinner. **Governor Sain** reported he attended the January board meeting, has been party, Idabel Warrior Club meeting, McCurtain Memorial Hospital Foundation meeting and McCurtain County Bar Association meeting. **Governor Smith** reported he attended the board swearing-in ceremony, has been dinner and January board meeting. He spoke at the Kiwanis Club in Tahlequah and presented a program on the judiciary. **Governor Stevens** reported he attended the January Board of Governors meeting, swearing-in ceremony, has been party, Rules of Professional Conduct Committee meeting and Legislative Monitoring Committee meeting. **Governor Thomas** reported she attended the new Board of Governors swearing-in ceremony and reception, January board meeting, has been party, public education initiative session, Section Leaders Council meeting by phone, Washington County Bar Association monthly meeting and town hall meeting in El Reno.

## YOUNG LAWYERS DIVISION REPORT

Governor Hennigh reported the YLD has implemented the ABA public service program, BullyProof, within Oklahoma County and has received great feedback. The YLD board anticipates this program to be a portion of the public service projects that will occur around Law Day. He also reported he attended the YLD board member orientation, YLD January board meeting, YLD February board meeting, OBA officers and new board member

swearing in and dinner, ABA/YLD midyear meeting in Chicago and delegate assembly, ABA midyear meeting in Chicago and delegate assembly and ABA/YLD liaison affiliate meeting in Chicago. He helped assemble and distribute bar exam survival kits.

## REPORT OF THE SUPREME COURT

Justice Kauger reported the printed version of the *Oklahoma Judicial Review* book is now available to supplement the online version at [oscn.net](http://oscn.net). It was suggested that copies be offered as handouts at the town hall events. She said 125 lawyers attended the recent Movie Night with the Justices CLE that featured the movie, *Adam's Rib*. Justice Kauger reported another book, *Art of the Judicial Center*, is at the printer.

## COMMITTEE LIAISON REPORTS

President DeMoss reported last year the LRE Committee started a new attorneys in the classroom project with outreach targeted for nine counties this year. This month the LRE program hosted the Close Up program in which legislators are shadowed by high school students. Governor Dexter reported the Law Day Committee is busy preparing for the annual statewide event. They will buy an ad for the first time in *Oklahoma Living* magazine, which reaches a large number of people in non-metro areas. Contest judging has been completed, and the Ask A Lawyer TV show will include segments on water rights, judicial selection, human trafficking and disaster assistance. Governor Stevens reported the Rules of Professional Conduct Committee approved recommendations

from the Tech Subcommittee for changes to the rules and comments. Governor Parrott reported the Law Schools Committee added to its visit at OCU a presentation/ discussion about practicing law in a small town. She said an effort is being made to create more dialogue during the visits instead of the program being solely a report from the law school. She reported Bench and Bar Committee Vice Chair David Swank was on top of keeping committee members informed of the status of proposed legislation regarding the judiciary. She said VPO docket scripts have been drafted in an effort to have uniform instructions. Copies are available for review. Governor Hays reported the Women in Law Conference will be held Oct. 3 at the TU law school, and the theme will be A Dialogue on an Independent Judiciary. That will be the same day Tulsa County Bar Association's Legally Pink activities will take place to promote breast cancer awareness. She said the WIL Committee is planning a community service project later in the year and has started to offer free CLE at meetings to encourage attendance. The Professionalism Committee is planning a symposium for December. Chairing the event will be Tim Doty and Gary Quinnett. The committee is also running ads in the *Oklahoma Bar Journal* communicating professional standards. She said the Solo & Small Firm Conference Planning Committee has all the speakers lined up for the upcoming conference. A golf event will be added this year, and online registration is set to go up March 15. Governor Thomas reported the Section Leaders Council held an organizational

meeting. Vice President Shields reported the Diversity Committee has a new chairperson, and this will be the third year it will hold an awards luncheon and CLE seminar. Possible speakers were discussed.

#### **REPORT OF THE GENERAL COUNSEL**

Written status reports of the Professional Responsibility Commission and OBA disciplinary matters for January 2014 were submitted for the board's review. General Counsel Hendryx reviewed highlights of the PRC report. In comparison with other states she said that only 6 percent of OBA members are involved in the disciplinary process, which is the national average. A copy of the Professional Responsibility Tribunal report was shared with board members. She reported unauthorized practice of law cases are being investigated and prosecuted; she shared statistics. She reported the backlog of cases is gone, and this week staff members have been training on the new case management software that will be used in the department.

#### **DISTRICT 5 BOARD OF GOVERNORS VACANCY**

President DeMoss reported there is an informal agreement among the counties in Supreme Court District 5 that this term should be filled with a Cleveland County bar member. She encouraged board members to make recommendations, and Governor Stevens will talk to county bar members to identify candidates.

#### **AMENDMENT TO THE RULES OF THE SUPREME COURT FOR MCLE**

Executive Director Williams reported the amendments

were a couple of clean-up issues to approve parts not approved by the 2013 House of Delegates. The board approved the amendments.

#### **CREATION OF SENIOR LAWYER SECTION**

President DeMoss reported she is proposing a new section devoted to the needs of senior lawyers. A petition is being drafted and will be circulated soon.

#### **JUDICIAL EDUCATION INITIATIVE**

President DeMoss reported the El Reno town hall last night went well with 28 attorneys attending the CLE, six judges and 15 attorneys staying for the reception and 15 members of the public attending. She reviewed the program and noted that former JNC member Kimberly Fobbs, who is not a lawyer, was a very effective speaker. Governor Smith shared his experience speaking to civic groups.

#### **LEGISLATIVE UPDATE**

Executive Director Williams updated the board on bills that continue to be on the OBA's watch list. A list of the bills and their descriptions are on the OBA website.

#### **DAY AT THE CAPITOL**

President DeMoss reviewed plans for OBA Day at the Capitol on March 25 and encouraged board members to attend.

#### **NEXT MEETING**

The Board of Governors met on Friday, March 21, 2014, at the Oklahoma Bar Center in Oklahoma City. A summary of those actions will be published after the minutes are approved. The next board meeting will be at 3 p.m. Friday, April 25, in Idabel.



# Access to the Bankruptcy Courts: The *In Forma Pauperis* Provision

By Regan Strickland Beatty

Too poor to go bankrupt? It seems axiomatic that a bankruptcy would be the solution for debt-related problems faced by not only the poor and the working poor but also for others whose income brushes minimally above the poverty line. The reality, however, is that some potential debtors are simply too poor to go bankrupt.

Rule 1006 of the Federal Rules of Bankruptcy Procedure requires that, with two exceptions, a debtor must submit the statutory filing fee at the time he files for bankruptcy protection. For a Chapter 7 liquidation proceeding, the fee due at the time of filing is \$306 and for a Chapter 13 individual reorganization, the fee due at the time of filing is \$281. It is tempting to view those filing fees as nominal, a mere inconvenience, or as a simple mechanical threshold that must be crossed in order to gain access to the fresh start that bankruptcy promises. Consider, however, that today the federal (and Oklahoma) minimum wage is \$7.25 per hour. Thus, based on gross income, an Oklahoman who earns minimum wage must work a little over 42 hours, an entire full-time work week, to earn his Chapter 7 filing fee.

A Chapter 13 proceeding would require that same minimum-wage earner to work just under 39 hours to earn his filing fee. These calculations take into account only the initial filing fee. Once he is proceeding in bankruptcy, a debtor may incur additional

**“Yet each year thousands of debtors attempt to file without counsel at the risk of losing a filing fee that cost them a week of wages.”**

fees and costs, including those related to the credit counseling requirement contained in 11 U.S.C. §109(h). Debtors are also faced with the inevitable question of whether to retain counsel and realistically, whether they can afford to hire an attorney. Bankruptcy is a complex proceeding requiring debtors to navigate a maze of initial filings, certifications, hearings and dead-

lines — many of which carry harsh penalties for non-compliance including the risk of a dismissal that can affect a debtor's future bankruptcy options. Yet each year thousands of debtors attempt to file without counsel at the risk of losing a filing fee that cost them a week of wages.

In 2005, Congress enacted the Bankruptcy Abuse Prevention and Consumer Protection Act, codified at 11 U.S.C. §§101, et. Seq. (BAPCPA). Access to bankruptcy and abuse of the bankruptcy system was at the heart of BAPCPA with then President George W. Bush remarking upon signing BAPCPA into law, “Too many people have abused the bankruptcy laws. They’ve walked away from debts even when they had the ability to repay them...under the new law, Americans who have the ability to pay will be required to pay back at least a portion of their debts.”

In 2011, the American Bankruptcy Institute and the National Conference of Bankruptcy Judges presented the Consumer Bankruptcy Fee Study (the study), which sought to identify and quantify BAPCPA costs associated with access to bankruptcy. (The study is available online

at [www.abiworld.org/Fee\\_Study/CFSFinalReport\\_Final\\_Dec7.pdf](http://www.abiworld.org/Fee_Study/CFSFinalReport_Final_Dec7.pdf)). The study found, among other things, post BAPCPA, in Chapter 7 asset cases, the mean attorney fee had increased 30 percent to \$1,072, and in Chapter 7 no-asset cases, the mean attorney fee increased 48 percent to \$968. The study also found that 75 percent of all Chapter 7 *pro se* asset cases and 97.8 percent of all *pro se* no-asset cases filed after the enactment of BAPCPA were filed with the assistance of a petition preparer at an average cost of \$184.

Given the unique correlation between affordability of the bankruptcy system itself and the relief ultimately sought in bankruptcy courts — to alleviate debt — questions concerning access to the bankruptcy courts were nothing new in 2005.

Effective in substance since 1948 28 U.S.C. 1915 (a), the general federal *in forma pauperis* statute authorizes courts of the United States to waive fees and costs associated with commencement, prosecution or defense of any suit, action or proceeding for a person who makes affidavit that he is unable to pay such costs and fees or give security therefor. At first blush, it seems that §1915 might govern bankruptcy proceedings.

### U.S. SUPREME COURT DECISION

However, in 1972, the U.S. Supreme Court rejected the proposition that the *in forma pauperis* statute applied to bankruptcy proceedings.<sup>1</sup> The court in *Kraus* specifically noted that Congress “some-time might conclude that §1915 (a) should be made

applicable to bankruptcy and legislate accordingly.”<sup>2</sup> The court also held that a discharge in bankruptcy is not a constitutional right.<sup>3</sup>

Practically speaking, the bankruptcy system is unique in that Congress initially sought to create a self-sustaining system requiring payment of a fixed filing fee and a percentage of distributable assets, a system that relies not on public tax revenues but rather is paid for by those debtors who use the system.<sup>4</sup>

Those fees, however, appear at first glance to close the door soundly for some potential debtors who simply cannot meet the initial filing fee threshold.

However in enacting BAPCPA, Congress spoke to the issue of initial access to the bankruptcy courts with an *in forma pauperis* provision. Section 1930(f) of Title 28 authorizes bankruptcy courts to waive the filing fee in a chapter 7 proceeding for a debtor who has an income that is less than 150 percent of the poverty line and who is unable to pay the fee in installments. Today, the 150 percent poverty guideline for a family of four is \$2,981.25 per month.<sup>5</sup> Since the enactment of BAPCPA, nearly 2 percent of cases filed sought waiver of the filing fee, and of those, approximately 71 percent were granted waiver.<sup>6</sup>

If a debtor’s income exceeds the established poverty guideline, she is not without recourse, however. Under BAPCPA, a debtor may apply to pay the filing fee in up to four installments. Those installments must be completed within 120 days of the filing date or 180 days for cause shown with court approval.

In both instances, fee waiver and installments, a debtor must comply with significant documentary requirements. A debtor seeking a fee waiver must file with the bankruptcy petition a sworn application substantially in the form of official Bankruptcy Form B3. Form B3 requires disclosures of a debtor’s monthly income and expenses, and real and personal property, information that is typically contained in a debtor’s Schedules, A, B, I and J — and which are typically not due until approximately two weeks after commencement of the bankruptcy case. A debtor seeking to pay the filing fee in installments must submit an Application to Pay Filing Fee in Installments, Official Bankruptcy Form 3A. The application requires a debtor to set forth a proposed payment plan and to promise to forego any additional payments to counsel until the filing fee is paid in full. Notably, the application requires the debtor to acknowledge that failure to complete the filing fee payments may operate as a bar to discharge, giving credence to the Supreme Court’s decision in *Kraus*.

While BAPCPA has provided potential debtors an avenue to access the bankruptcy system, it is not foolproof. Until recently, potential debtors were limited in their options. A debtor must either be able to afford counsel who can help with the documentary hurdles or be able to navigate those hurdles alone. In an effort to increase access to the bankruptcy system, Oklahoma City University in connection with Legal Aid Services of Oklahoma Inc. and the Bankruptcy Court for the Western District of Oklahoma is creating a *pro se* bankruptcy project

that will provide assistance with, among other things, BAPCPA's *in forma pauperis* requirements with the ultimate goal of increasing access to the post-BAPCPA bankruptcy system.

1. *United States v. Kraus*, 409 U.S. 434, 439-40 (1972)
2. *Id.*
3. *Id.* at 446
4. *Kraus*, 409 U.S. at 447-48 (citations omitted)5. See 150 percent of the HHS Poverty Guidelines for 2014, available at [www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/PovertyGuidelines.aspx](http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/PovertyGuidelines.aspx).
6. Study at p. 94, Table 7.

## ABOUT THE AUTHOR



Regan Strickland Beatty is the pro bono and public interest law coordinator at Oklahoma City University.

She is a 1998 graduate of OCU and a 2004 graduate of the OCU School of Law. Prior to joining the Career Services Office at OCU Law, she practiced in the bankruptcy law group of an Oklahoma City law firm.

## OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

### 2014 Issues

- 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  
**Changes to the Legal Profession**  
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

### 2015 Issues

- January  
**Meet Your OBA**  
Editor: Carol Manning
- February  
**Legal Research Writing**  
Editor: Erin L. Means  
[erin.l.means@gmail.com](mailto:erin.l.means@gmail.com)  
Deadline: Oct. 1, 2014
- March  
**Municipal Law**  
Editor: Mark Ramsey  
[mramsey@soonerlaw.com](mailto:mramsey@soonerlaw.com)  
Deadline: Oct. 1, 2014
- April  
**Law Day**  
Editor: Carol Manning
- May  
**Education Law**  
Editor: Judge Megan Simpson  
[megan.simpson@oscn.net](mailto:megan.simpson@oscn.net)  
Deadline: Jan. 1, 2015
- August  
**Opening a Law Office**  
Editor: Dietmar Caudle  
[d.caudle@sbcglobal.net](mailto:d.caudle@sbcglobal.net)  
Deadline: May 1, 2015

- September  
**Bar Convention**  
Editor: Carol Manning
- October  
**Family Law**  
Editor: Leslie Taylor  
[leslietaylorjd@gmail.com](mailto:leslietaylorjd@gmail.com)  
Deadline: May 1, 2015
- November  
**President's Topic**  
Editor: Melissa DeLacerda  
[melissde@aol.com](mailto:melissde@aol.com)  
Deadline: Aug. 1, 2015
- December  
**Ethics & Professional Responsibility**  
Editor: Shannon L. Prescott  
[shanlpres@yahoo.com](mailto:shanlpres@yahoo.com)  
Deadline: Aug. 1, 2015

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

# Law Day is Great Opportunity for Community Service

By Kaleb Hennigh

It is April already and a fiscal quarter has already come and gone. Moving into the springtime gets us closer to Law Day, a national event wherein our country recognizes a day to celebrate the ideals of equality and justice established under our laws. Many aren't aware this national celebration was born right here in Oklahoma. That's right, Law Day was originally the idea of the late Hicks Epton, a past president of the Oklahoma Bar Association and Wewoka native, who thought it important that the citizens and clients we serve see attorneys dedicating themselves to public service projects.

What a great way to celebrate our country's formation and principles. There is no greater calling in life or our profession than serving others, and the practice of law is a profession wherein public service is exemplified. Living to serve others is a philosophy that is centuries old and spans multiple generations, religions and cultures. Personally, as a Christian and as a practicing attorney I find my motivation for public service through Biblical references and by following the teachings of the greatest servant to ever walk the Earth, Jesus Christ. Certainly, there are many references to public service throughout the

**“There is no greater calling in life or our profession than serving others, and the practice of law is a profession wherein public service is exemplified.”**

Bible. One in particular that I reference often is found in Mark 10:44-45 where it provides, “and whoever wishes to be first among you shall be slave of all. For even the Son of Man did not come to be served, but to serve, and to

give His life a ransom for many.”

Working hard and serving others is critical to our profession and our rules of professional conduct reflect this principle. The Oklahoma Rules of Professional Conduct regulating Oklahoma attorneys and the state bar direct at Rule 6.1 that a lawyer should render public interest legal service. Pro bono public service should be a part of your practice and the Oklahoma Bar Association offers many ways for you to fulfill this professional obligation. Our state statutes and the rules governing our practice incorporate this time-defying practice of serving others, and I want to make certain that you are heeding the call.



YLD members (from left) Reagan Barham, LeAnne McGill, Stephanie Cox, OCU 3L Cana Wilson and Faye Rodgers volunteered last year at the Guthrie Animal Shelter.

The YLD prides itself as being the public service arm of the OBA. Our members work hard to answer the call of the association when projects need completed, work is required or the general public needs help. Throughout our history the YLD has been in classrooms, community service centers, nonprofit fundraisers and various other public events throughout Oklahoma answering the call to serve, and we will continue this practice.

### LAW DAY CHALLENGE

As Law Day nears, I challenge each and every one of you to find a project, individual or organization to assist. The time to make this plan of service is now and what better way to conduct this service than in conjunction with Law Day. YLD Community Service Chair Brandi Nowakowski is

working hard and has identified a public service project of which the YLD Board of Directors will be a part. I encourage you all to find a project and commit yourself to serving others this year in conjunction with Law Day.

### BE PART OF THE SERVICE PROJECT

Every year, the YLD conducts one or more Day of Service activities in conjunction with Law Day. For this year's Day of Service, the YLD Board of Directors has elected to conduct a volunteer project through the Regional Food Bank of Oklahoma, which is the largest private hunger-relief organization in the state of Oklahoma, serving 53 central and western Oklahoma counties.

The YLD board plans to volunteer with the food bank in Oklahoma City on May 10 after the regularly scheduled meeting of the Board of Directors. Final details are pending, so check for updates on the YLD page of the OBA website at [www.okbar.org/members/YLD](http://www.okbar.org/members/YLD) or email [brandi@thewestlawfirm.com](mailto:brandi@thewestlawfirm.com) for more information on how you can participate!

### ABOUT THE AUTHOR



Kaleb Hennigh practices in Enid and serves as the YLD chairperson. He can be contacted at [hennigh@northwestoklaw.com](mailto:hennigh@northwestoklaw.com).

## MEMBER BENEFIT

# Go.



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## April

- 14 Licensed Legal Intern Swearing-In Ceremony;** 12:45 p.m.; Judicial Center, Oklahoma City; Contact Wanda Reece 405-416-7000
- 15 OBA Bench and Bar Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Judge David B. Lewis 405-556-9611
- 16 OBA Law-related Education Attorneys in the Classroom training;** 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Suzanne Heggy 405-556-9612
- 18 OBA Professional Responsibility Commission meeting;** 9:30 a.m.; Oklahoma Bar Center, Contact Dieadra Goss 405-416-7063
- OBA Access to Justice Committee meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Laurie Jones 405-208-5354
- OBA Rules of Professional Conduct Committee meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Paul Middleton 405-235-7600
- 22 New Admittee Swearing-In Ceremony;** Supreme Court Courtroom; Contact: Board of Bar Examiners 405-416-7075
- OBA Communications Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Dick Pryor 405-740-2944
- 23 OBA Work/Life Balance Committee;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Sarah Schumacher 405-752-5565
- OBA Clients' Security Fund meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Micheal Salem 405-366-1234
- 24 OBA Leadership Academy class;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Heidi McComb 405-416-7027
- 25 OBA Board of Governors meeting;** 3 p.m.; Idabel Chamber of Commerce, 7 SW Texas St., Idabel; Contact John Morris Williams 405-416-7000

**Lawyers Helping Lawyers training;** 10 a.m.; Oklahoma Bar Association, Oklahoma City with teleconference; Contact Hugh Hood 918-856-5373

**Lawyers Helping Lawyers Assistance Program Foundation and Committee meeting;** 12 p.m.; Oklahoma Bar Association, Oklahoma City with teleconference; Contact Hugh Hood 918-856-5373

**OBA Juvenile Law Section meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Tsinena Thompson 405-232-4453

- 29 OBA Women in Law Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with University of Tulsa College of Law, Tulsa; Contact Allison Thompson 918-295-3604




## May

- 1 OBA Ask A Lawyer Statewide Free Legal Advice;** 9 a.m. – 9 p.m.; OETA Studio, 7403 N. Kelley Ave., Oklahoma City; OETA Studio, 535 N. Greenwood, Tulsa; Contacts Richard Vreeland, 405-360-6631; Jennifer Prilliman, 405-208-5174
- 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;** 6 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

- 2 **OBA Alternative Dispute Resolution Section meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Jeffrey Love 405-285-9191
- 6 **OBA Management Assistance Program presents Opening Your Law Practice;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Jim Calloway or Nickie Day 405-416-7000
- 9 **OBA Law-related Education Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Suzanne Heggy 405-556-9612
- 10 **OBA Young Lawyers Division meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Kaleb Hennigh 580-234-4334
- 12 **OBA Government and Administrative Law Practice Section meeting;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Scott Boughton 405-717-8957
- 13 **OBA Diversity Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Ruth Addison 918-574-3051
- 17 **OBA Family Law Section meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact M. Shane Henry 918-585-1107
- 19-20 **Licensed Legal Intern Swearing-In Ceremony;** 12:45 p.m.; Judicial Center, Oklahoma City; Contact Wanda Reece 405-416-7000
- 20 **OBA Bench and Bar Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Judge David B. Lewis 405-556-9611
- 23 **OBA Board of Governors meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact John Morris Williams 405-416-7000
- 26 **OBA Closed** – Memorial Day observed
- 27 **OBA Women in Law Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and University of Tulsa, Tulsa; Contact Allison Thompson 918-295-3604
- 28 **OBA Work/Life Balance Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Sarah Schumacher 405-752-5565

## June

- 3 **OBA Government and Administrative Law Practice Section meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Scott Boughton 405-717-8957
- 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;** 6 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
- 6 **OBA Professional Responsibility Commission meeting;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Deadra Goss 405-416-7063
- OBA Alternative Dispute Resolution Section meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Jeffrey Love 405-285-9191



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# You're Invited Opening Your Law Practice

PRESENTED BY THE OKLAHOMA BAR ASSOCIATION  
MANAGEMENT ASSISTANCE PROGRAM

**MAY 6, 2014**

Oklahoma Bar Center, 1901 N. Lincoln Blvd.

8:30 am – Registration and Breakfast

9:00 am – Program Begins

Noon – Lunch provided by Oklahoma Attorneys Mutual Insurance Company

4:30 pm – Program Adjourns

Program Agenda includes — Resources for Starting a Law Practice, Building Client Service & Satisfaction Systems, Client Development & Marketing, Client File Management, Professional Liability Insurance, Professionalism in the Practice of Law, Trust Accounting & Legal Ethics, Equipping the Law Office and Accounting & Tax for Law Firms.

Program is absolutely free! (No MCLE credit) Pre-registration is required. To register email Nickie Day at [nickied@okbar.org](mailto:nickied@okbar.org), 405-416-7050 or register online through MyOkBar.

### **Norman Attorney Appointed to OBA Board**

Norman attorney Rickey J. Knighton II has been appointed to the OBA Board of Governors, filling the seat of Supreme Court Judicial District 5 representative Jim Drummond, who resigned in January. As District 5 governor, Mr. Knighton will represent an area comprised of Carter, Cleveland, Garvin, Grady, Jefferson, Love, McClain, Murray and Stephens counties. His term begins immediately and will expire Dec. 31, 2015.

Mr. Knighton serves as assistant city attorney for the City of Norman. He is also a municipal court judge for the City of Moore. He also has significant alternative dispute resolution experience and is a certified mediator for the Oklahoma Supreme Court.

"Mr. Knighton is a welcome addition to our governing board," said OBA President Renée DeMoss of Tulsa. "His distinguished track record of public service makes him a great appointment to represent District 5. We are looking forward to his service as a bar leader while he continues to serve the people of Norman."

He is licensed to practice in the U.S. 10th Circuit Court of Appeal and the U.S. District Court for the Western District of Oklahoma as well as all Oklahoma courts. He is a member of the Cleveland County Bar Association and the American Bar Association.

He is a 1996 graduate of the OU College of Law. He earned a B.A. in sociology from OU in 1989.



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### **OBA Town Hall Meeting Series Continues**



*The OBA partnered with the Custer County Bar Association for its second public town hall meeting. The discussion and CLE took place in Arapaho in March. Judge Doug Haught of Beckham County made a presentation to attendees.*

**Third meeting:  
Friday, April 25 • Noon  
A.J.'s Restaurant, Idabel  
Public invited**

The OBA is continuing its public education initiative aimed at promoting public understanding of the third branch of government as well as the judicial selection process in our state. The next town hall meeting will be held in conjunction with Law Day events, and it will be cosponsored by the Tri-County Bar Association (Choctaw, McCurtain and Pushmataha counties).

The meeting will take place at noon Friday, April 25, at A.J.'s Restaurant in Idabel. The event will be attended by bar and civic leaders as well as members of the judiciary. Guests are encouraged. RSVP to [info@courtfacts.org](mailto:info@courtfacts.org), and more information is available at [www.courtfacts.org](http://www.courtfacts.org).

## OBA Member Reinstatement

The following OBA member 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:

Angelyn Dawn  
Martens-Rice  
OBA No. 14776  
145 Alberto Lane  
Florissant, MO 63031

## Free Discussion Groups Available to OBA Members

"Co-Dependency" will be the topic of the May 1 meetings of the Lawyers Helping Lawyers discussion groups in Oklahoma City and Tulsa. Each meeting, always the first Thursday of each month, is facilitated by committee members and a licensed mental health professional. In Tulsa, the meeting time is 6 – 7:30 p.m. at the TU College of Law, John Rogers Hall, 3120 E. 4th Place, Room 206. In Oklahoma City, the group meets from 6 – 7:30 p.m. at the office of Tom Cummings, 701 N.W. 13th Street. There is no cost to attend and snacks will be provided. RSVPs to Kim Reber, kimreber@cabainc.com, are encouraged to ensure there is food for all.



## LAWYERS HELPING LAWYERS ASSISTANCE PROGRAM

## Give Your Bar Card a Makeover

Have you ever found yourself digging for photo ID to present along with your bar card when entering secure areas in courthouses, jails or other detention facilities? Let us save you some time! The OBA Membership Department can now place our members' individual photos on their bar cards. It's a quick and easy process that can be done by email or in person; the cost is \$10. Contact Membership Services Coordinator Tracy Sanders at 405-416-7080, membership@okbar.org, for more details.



## Connect With the OBA Through Social Media

Have you checked out the OBA Facebook page? It's a great way to get updates and information about upcoming events and the Oklahoma legal community. Like our page at [www.facebook.com/OklahomaBarAssociation](http://www.facebook.com/OklahomaBarAssociation). And be sure to follow @OklahomaBar on Twitter!



## Aspiring Writers Take Note

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





## Kudos

**Joseph R. Farris** of Franden, Woodard, Farris, Quillin & Goodnight in Tulsa was recently inducted into the International Academy of Trial Lawyers at its annual meeting in Hawaii.

**Leslie Batchelor**, president and cofounder of the Center for Economic Development Law in Oklahoma City, recently received the "Byliner" award from the Oklahoma City Chapter of the Association for Women in Communications.

The Catholic Foundation of Oklahoma has elected Crowe & Dunlevy attorney **Karen Rieger** to serve as president of its board of directors for 2014. Ms. Rieger has served on the board of directors for the organization for six years.

**Judge Michelle Kirby-Roper** of Elk City has been named the 2014 Court Appointed Special Advocate (CASA) Judge of the Year. McAfee & Taft attorney Lauren Barghols Hanna of Oklahoma City was named 2014 CASA Attorney of the Year.

**Katie Griffin** of Sill Law Group in Oklahoma City was reappointed to the American Association for Justice's board of governors.

## On The Move

The law firm of Savage, O'Donnell, Affeldt, Weintraub & Johnson announces **Stephen R. Clouser** has joined the firm as counsel. He continues his practice including business and contract matters, civil litigation, probate, estate planning, intellectual property and representation of bond sureties. Mr. Clouser may be contacted at 110 W. 7th, Suite 1010, Tulsa, OK 74119, 918-599-8400, src@savagelaw.cc.

**Brennan, Smith & Cherbini PLLC**, announces **Alex C. Wilson** has joined the firm as an associate in the firm's Muskogee office. Mr. Wilson graduated from the OU College of Law in 2012, having been awarded the OU College of Law Merit Scholarship as well as the Samuel E. Hooper Memorial Scholarship. He was a participant in the 2010 Oxford Study Abroad Program and the Ruth Bader Ginsburg American Inn of Court. His practice areas include estate planning, personal injury and insurance disputes as well as general civil litigation. His email address is awilson@muskogeelawyers.com.

**Fenton, Fenton, Smith, Reneau & Moon** announces **Clayton W. Cotton** of Oklahoma City has joined

the firm as an associate. Mr. Cotton graduated with distinction from OSU in May 2009, earning a B.S. in business administration and accounting. He earned his J.D. from the OU College of Law where he served as assistant note and comment editor of the Oklahoma Law Review. Mr. Cotton will practice in the firm's litigation division.

**Munson & Ritter PC** announces **Mark B. Houts** of Edmond has joined the firm. He graduated from the OU College of Law in 2006 and has practiced in general civil litigation for the past eight years. He obtained his bachelor's degree from Oklahoma Christian University. Mr. Houts will head the firm's litigation section.

**Chris S. Thrutchley** has been named director of The Office of Civil Rights enforcement by Oklahoma Attorney General Scott Pruitt. Mr. Thrutchley has advised and trained employers in equal employment matters since 1993 and is former vice president of legal and legislative affairs for the Tulsa Area Human Resources Association.

**Sill Law Group of Oklahoma City** announces that **Christopher J. Bergin** has joined the firm as senior litigation counsel in the firm's mass tort practice. He holds a bachelor's degree from the University of Notre Dame and a J.D. from Loyola University of Chicago. Mr. Bergin is admitted to practice in Oklahoma and Illinois and

brings more than 30 years of civil trial experience to the firm.

**E**vans & Davis law firm announces the opening of a Tulsa office. The firm's Tulsa office will be located in the Utica Square area at 2508 E. 21st St., Tulsa OK 74114. The Tulsa office's phone number is 918-386-6666 and its fax number is 918-517-3567.



**M**ichael S. Ashworth of Helms & Greene in Tulsa recently presented "Handling a Personal Injury Case" at the Richard P. Risk Practicum Series held at the TU College of Law. The series is a joint effort by the TU College of Law and the Tulsa County Bar Association to present bimonthly seminars on various areas of practice to law students and recent graduates.

**C**hris A. Paul presented about the legal issues associated with pipeline corrosion and integrity programs and Pipeline and Hazardous Materials Safety Administration views on regulations and rulemaking and perspectives of operators related to same at the National Association of Corrosion Engineers March 2014 Corrosion Conference in San Antonio, Texas.

**M**elvin C. Hall, shareholder at Riggs Abney, recently spoke at the OU College of Law's Black History Program. Mr. Hall's speech focused on diversity within

the OU College of Law and Ada Lois Supiel-Fisher's historic role as OU's first African-American law student. Mr. Hall also spoke at the Federal Correctional Institute in El Reno and focused his presentation on the Civil Rights Movement to help educate staff members on topics related to the African-American community.

**T**. Douglas Stump recently spoke on "Strategic Positions for Comprehensive Immigration Reform" at the Rome District Chapter of the American Immigration Lawyers Association's Spring Conference in Athens, Greece.

**R**andall J. Wood of the firm Pierce, Couch, Hendrickson, Baysinger & Green recently presented "What is (Or is Not) Excessive Use of Force" at a seminar on police liability issues in Oklahoma City. Mr. Wood's practice focuses on civil rights defense and employment litigation defense.

**T**imothy Carney of GableGotwals recently spoke at the Southwest Benefits Association's Plan Administrator's Skills Workshop in Oklahoma City. His presentation, "Anatomy of a Fiduciary Case," addressed fiduciary duties owed by 401(k) and pension plan fiduciaries and best practices to avoid litigation and ensure compliance with Employee Retirement Security Act and Department of Labor regulations.

**G**ableGotwals attorney Graydon D. Luthey Jr. recently presented "Gaming in Indian Country: The Lingering Impact of the Supreme Court's Carciere Decision, Pending Litigation Trends

and Bond Disputes" at the 2014 ABA Gaming Law Minefield Institute. The presentation included an overview of the current state of gaming, the Carciere decision's impact, current litigation trends and how bond disputes affect the continued expansion of gaming in Indian Country.

**T**ara Tabatabaie of Sill Law Group will serve as faculty at a CLE entitled "Mass Torts Med School, A Boot Camp for Plaintiff Attorneys" at Boca Raton, Fla. She will be a part of a three-member panel discussing "Mass Torts 101."

**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

*Articles for the May 17 issue must be received by April 14.*

**D**an Luke Goodwin of Tulsa died March 20, 2014. He was born June 3, 1956, and graduated from the TU College of Law in 1982.

**Judge John David Maley** of Okmulgee died March 11, 2014. Born Oct. 15, 1930, he graduated from OU in 1952 with a B.A. and earned his J.D. from the OU College of Law in 1959. **He was an Air Force pilot and served in Europe, Africa and Turkey and rose to the rank of lieutenant colonel. He was awarded the Italian Solidarity Star by the Italian government for his humanitarian missions during Europe's 1956 blizzard. He was also a judge advocate general and served in the Air Force Reserve for over 30 years.** He opened his law practice in 1959 and in 1964 he was elected district judge for Okmulgee, Okfuskee and Creek counties. During his 50-year career on the bench he was the president of the Oklahoma Judicial Conference and past president of the Oklahoma Trial Judges Association. He was a member of the First Presbyterian Church of Okmulgee and was active in the Boy Scouts of America. He was a past board member of the Salvation Army and was a member of the Lions Club. He also enjoyed flying, golf, storytelling and good food and wine. Memorial contributions can be made to the First Presbyterian Church of Okmulgee, 401 S. Seminole Ave., Okmulgee 74447, The Indian Nations Council of the Boy Scouts of America, 4295 S. Garnett, Tulsa 74146 or your charity of choice.

**R**obert L. "Buddy" Pen-darvis of Norman died March 21, 2014. He was born March 9, 1929, in Barnsdall. He came to Norman in 1947 to attend OU on a National American Legion Scholarship. After he graduated in 1951, **he entered the Army and served in the Korean conflict as a forward observer in the army field artillery.** He returned to OU for law school, graduating in 1957. He began his career as an assistant county attorney was later elected county attorney. He joined Luttrell and Luttrell in 1962, an association that lasted for nearly 30 years. He received the Public Service and Distinguished Service awards from the OBA. The Cleveland County Bar Association awarded him its first Professional Award. His practice included real estate transactions and estate planning in addition to Norman Public Schools affairs. He loved sports and was an active tennis player and golfer. He was inducted into the OU Alumni Hall of Fame and served as president of the Lions Club and was active in the Chamber of Commerce and United Way. Memorials may be made to the Norman Public Schools Foundation, 131 S. Flood, Norman, OK 73069 or the McFarlin Memorial United Methodist Church, P.O. Box 6390, Norman, OK 73070.

**D**avid Ray Poplin of Vinita died March 21, 2014. He was born May 10, 1928, and **joined the U.S. Navy after he graduated high school. He was stationed in Washington D. C., where he worked in the judge advocates office**

**until he was honorably discharged in 1948.** After his discharge he attended OSU where he received his bachelor degree in floriculture. He worked as a grower for various nurseries until 1965 when he left the greenhouse business and spent the next six years as vice president of the Nunamaker Construction Co. in Mentor, Ohio. He received his J.D from Cleveland Marshall College of Law in 1971. He moved back to Oklahoma and passed the Oklahoma bar exam in 1971. He became the assistant district attorney for Craig, Mayes and Rogers counties in 1983. He was also in private practice in Pryor and Vinita. He was a member of First United Methodist Church in Vinita, the Cherokee Nation, Adair Masonic Lodge, Adair Eastern Star and Akdar Shrine. Memorial contributions can be made to the First United Methodist Church in Vinita.

**J**oseph Ruffin of Oklahoma City died March 23, 2014. He was born April 1, 1955, in Gotemba, Japan. He attended OU before joining the Peace Corps and being posted in Korea. He graduated from the OCU School of Law in 1987 and after graduation he became a criminal defense attorney.

**L**awrence E. Walsh of Nichols Hills died March 19, 2014. He was born Jan. 8, 1912, in Nova Scotia, Canada, and moved to New York City as a boy. He received both his undergraduate and law degrees from Colombia University. He began his career as part of a special state investi-

gation of corruption among prosecutors in Brooklyn and later joined District Attorney Thomas E. Dewey to help prosecute racketeers. He was appointed federal district judge by President Eisenhower and was a deputy U.S.

attorney general. He spent most of his career with Davis Polk & Wardell in New York, focusing his practice on civil litigation. After his retirement in 1981 he moved to his wife's native Oklahoma City and joined Crowe & Dunlevy.

During that time, he was appointed special prosecutor by Attorney General Edwin Meese III to investigate the Iran-contra scandal. Mr. Walsh was a former American Bar Association president.

## IN MEMORIAM



### Retired Justice Rudolph Hargrave Oklahoma Supreme Court 1925 – 2014

**R**etired Oklahoma Supreme Court Justice Rudolph Hargrave of Wewoka died April 1, 2014. He was born Feb. 15, 1925, in Shawnee. He attained his undergraduate degree from East Central University and received his J.D. from the OU College of Law in 1949.

He was in private practice for 15 years before becoming a county judge in Seminole County. He ascended to Seminole County Superior Court judge and Seminole County district judge from 1969 until 1978 when he was appointed to the Oklahoma Supreme Court by Gov. David Boren.

Representing District No. 8, he served on the Supreme Court from 1978 until his retire-

ment in 2010. He was chief justice in 1989 and 2001. During his first term as chief justice he was elected vice president of the National Conference of Chief Justices, making him the only Oklahoma Supreme Court justice to ever serve in that capacity.

Justice Hargrave received East Central University's Distinguished Alumnus Award in 1989. The Sovereignty Symposium's writing awards, the Hargrave Prizes, are named in his honor.

He is survived by his wife Madeline, his daughters Cindy Keefer of Ada, Jana Howard of Ardmore and his son John, a bar member and president of East Central University in Ada.

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## SERVICES

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## POSITIONS AVAILABLE

DOWNTOWN OKC LAW FIRM has an opening for a full-time litigation Paralegal. A four year college degree or paralegal certification is required. The ideal candidate will have a minimum of 5 years paralegal experience as well as experience in complex litigation, and/or oil and gas. Must be very organized, have a professional attitude and appearance, and be proficient with Microsoft Office. Experience with Westlaw and Summation preferred. This position supports 2-3 attorneys as an integral part of an active litigation team. This position is involved in all aspects of litigation matters from start to finish, including trial preparation and attendance, large volume document management, client interaction, substantive hearings, maintaining litigation dockets, etc. We provide an excellent benefits package, including Medical, Cafeteria Plan, Dental, Paid Parking, 401(k), Vacation, and Personal Time. Please send résumés to OKCRecruiting@cwlaw.com.

BUSY SOCIAL SECURITY DISABILITY LAW FIRM seeks experienced legal assistant. The right candidate will be able to maintain deadlines, supervise support staff in conjunction with attorneys and interact with clients. We offer competitive pay, health, dental and vision insurance, as well as a matching 401k plan. Please send résumé to "Box H," Oklahoma Bar Association, P.O. Box 53036; Oklahoma City OK 73152.

LAREDO PETROLEUM IS LOOKING FOR A CORPORATE COUNSEL position in our Tulsa office. The Corporate Counsel position is responsible for leading strategic and tactical legal initiatives. The Corporate Counsel will assist the Legal team in providing senior management with effective advice on company strategies and their implementation, manage the legal function, and interact and oversee the work of outside counsel. This position will report to the Assistant General Counsel. If you are interested in applying, please visit [www.laredopetro.com](http://www.laredopetro.com). Laredo Petroleum is an Equal Employee Opportunity provider.

## POSITIONS AVAILABLE

STAFF ATTORNEY - The Office of Legal Counsel to the OSU/A&M Board of Regents has an immediate opening for a Staff Attorney. The position will report to and receive assignments from the General Counsel, will render legal advice and serve as a higher education legal generalist, dealing with legal issues related to student conduct, open records requests, litigation, human resources, regulatory compliance, real estate transactions, contracts, bond financing and intellectual property licensing. The precise duties assigned to the position may vary from the above, based upon the experience and aptitude of the successful applicant. The position requires a Bachelor's degree and J.D./LL.B. degree from an accredited law school, membership in good standing in the Oklahoma Bar, and zero (0) to four (4) years legal experience. The position also requires a demonstrated capability for legal research, analysis and reasoning, superior oral and written communication skills, an ability to identify and resolve complicated and sensitive problems creatively and with professional discretion, and an ability to interact and function effectively in an academic community. Salary commensurate with experience. To receive full consideration, résumés should be submitted by Friday, April 25, 2014 to: Staff Attorney Search, Office of Legal Counsel, OSU/A&M Board of Regents, 5th Floor - Student Union Building, Stillwater, OK 74078. The OSU/A&M Board of Regents is an Affirmative Action/Equal Opportunity/E-verify employer committed to diversity and the employment of qualified protected veterans and individuals with disabilities. OSU-Stillwater is a tobacco-free campus.



### DEPOSIT COMPLIANCE MANAGER

The Deposit Compliance Manager serves as the liaison between operational business units and the Compliance Department. This position is responsible for monitoring operational activities to ensure the bank is compliant with deposit related regulatory requirements and assess compliance risk factors. The Deposit Compliance Manager serves as the primary contact for deposit related compliance issues, questions, and research. This position also provides guidance on matters requiring more knowledge and understanding of compliance processes and regulations. The successful candidate will be highly skilled in researching and analyzing legal data, evaluating applicability and drawing logical conclusions. Able to effectively assess risk, identify root cause of issues and identify operational efficiencies. This candidate will have an overall understanding of the financial services/banking industry. Regulatory compliance knowledge, as it pertains to banking, is a plus.

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## POSITIONS AVAILABLE

THE 20TH JUDICIAL DISTRICT, comprising Carter, Johnston, Love, Marshall and Murray Counties in South Central Oklahoma, is currently seeking an attorney for a newly-created attorney's position in the District Attorney's Child Support Services Division, based in Ardmore, Oklahoma. Job functions of the position will include being involved in all aspects of the establishment and enforcement of child support Orders, as well as providing a staff of 20 with direction on legal issues. The attorney will represent the State of Oklahoma in both District and Administrative Court proceedings. The position includes a State's benefit package. Please contact District Attorney Craig Ladd; District Attorney's Office, Carter Co. Courthouse, 20 B Street SW, Ste. 202, Ardmore, OK 73401.

ANGELA AILLES AND ASSOCIATES, in-house counsel for State Farm Mutual Automobile Ins. Co., is seeking candidates with at least 5 years of experience in personal injury defense litigation to fill an immediate opening. Preferred candidates have prior jury trial experience and have successfully performed in a paperless environment. Applicants must be licensed to practice law in Oklahoma, be motivated to learn new skills, and exhibit strict adherence to professionalism and ethical behavior. Excellent organizational, communication and computer skills are a must. To view job description and apply online, please visit [www.statefarm.com/careers](http://www.statefarm.com/careers) and enter Job ID# 43754.

SPECIAL MUNICIPAL JUDGE POSITIONS. The City of Oklahoma City will accept applications March 24 through April 18, 2014. Requirements include residency in the City of Oklahoma City and a minimum of four years experience as a licensed practicing attorney in the State of Oklahoma. Special Judges are called to act as a Municipal Judge during the absence of a full-time Municipal Judge. To obtain an application contact the Office of Court Administration, Room 105, 700 Couch Dr., Oklahoma City, OK. 73102. Completed applications must be received by the Office of Court Administration no later than April 18th, 2014. Names of the final applicants will be submitted to the City Council for approval.

WELL ESTABLISHED, MULTI-DISCIPLINE, OKC suburban law firm, is seeking a committed litigation associate. A successful associate will be on a partnership track. The ideal candidate will be determined, decisive, poised and polished and have previous litigation experience. Job responsibilities include: Preparing for taking depositions, Assisting senior partner in trial preparation. Applicants should email both cover letter, résumé and law school transcript in PDF format to: [jbrown@fccpms.com](mailto:jbrown@fccpms.com). Compensation: Commensurate with experience and market.

## POSITIONS AVAILABLE



### COMPLIANCE MANAGER – LENDING

The Lending Compliance Manager reports to the Senior Compliance Manager and is responsible for organization, planning and administration of the lending compliance program. This includes conducting risk assessments; providing guidance to various lines of business on regulatory matters, policies, procedures, and controls; researching and responding to regulatory inquiries; analyzing regulatory changes and assisting in implementation, monitoring lending compliance activities, and reporting results. 5+ years financial institution experience with consumer compliance or lending operations focus is required.

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# Correspondence from Clients

By Lisbeth McCarthy

There is usually a drastic difference in what I hear from certain appellate clients before the appeal to the Oklahoma Court of Criminal Appeals, then after the appeal is affirmed. Here is a conglomeration of such letters from what I have experienced:

Dear Ms. McCarty:

*I'm glad I got you as my attorney. I asked around here at McAlester, and I found out that you are Number One among convicts. I'm sure you will see my innocence on my 312 counts because the witness said the cop was wearing a blue shirt, but it was actually green. The prosecutor brought up my other 127 former convictions, so that's probably why I got so many life sentences. I know you can get me out of here. Could you make sure that I am home by Christmas?*

Sincerely, John Doe

After the conviction is affirmed, this is a typical letter, with the salutation and closure becoming much shorter:

McCarty:

*I showed everyone down here your brief, and they told me that I wasn't going to win. They were right. Are you even certified?*

John Doe

My colleague suggested that I consider responding, "No, I'm not certified, but I am licensed."

Occasionally, if an appeal I am handling results in relief, I receive a letter of gratitude which invariably also states something along the lines of, "Maybe some day, you can even



become a real attorney." I'm not sure who the clients think is writing their appellate briefs.

Of course, even when you win an appellate case, you don't always receive any positive feed

back from the clients. I can count the number of "thanks" I've received on one hand.

About 20 years ago, one of my clients had a huge fine dismissed against him for a marijuana conviction (because the fine was imposed *ex post facto*). When I contacted the client to let him know of the decision, he expressed thanks to me (over and over and over again) for my work on his case, then added, "I'm so happy that I'm going to send you a dozen roses."

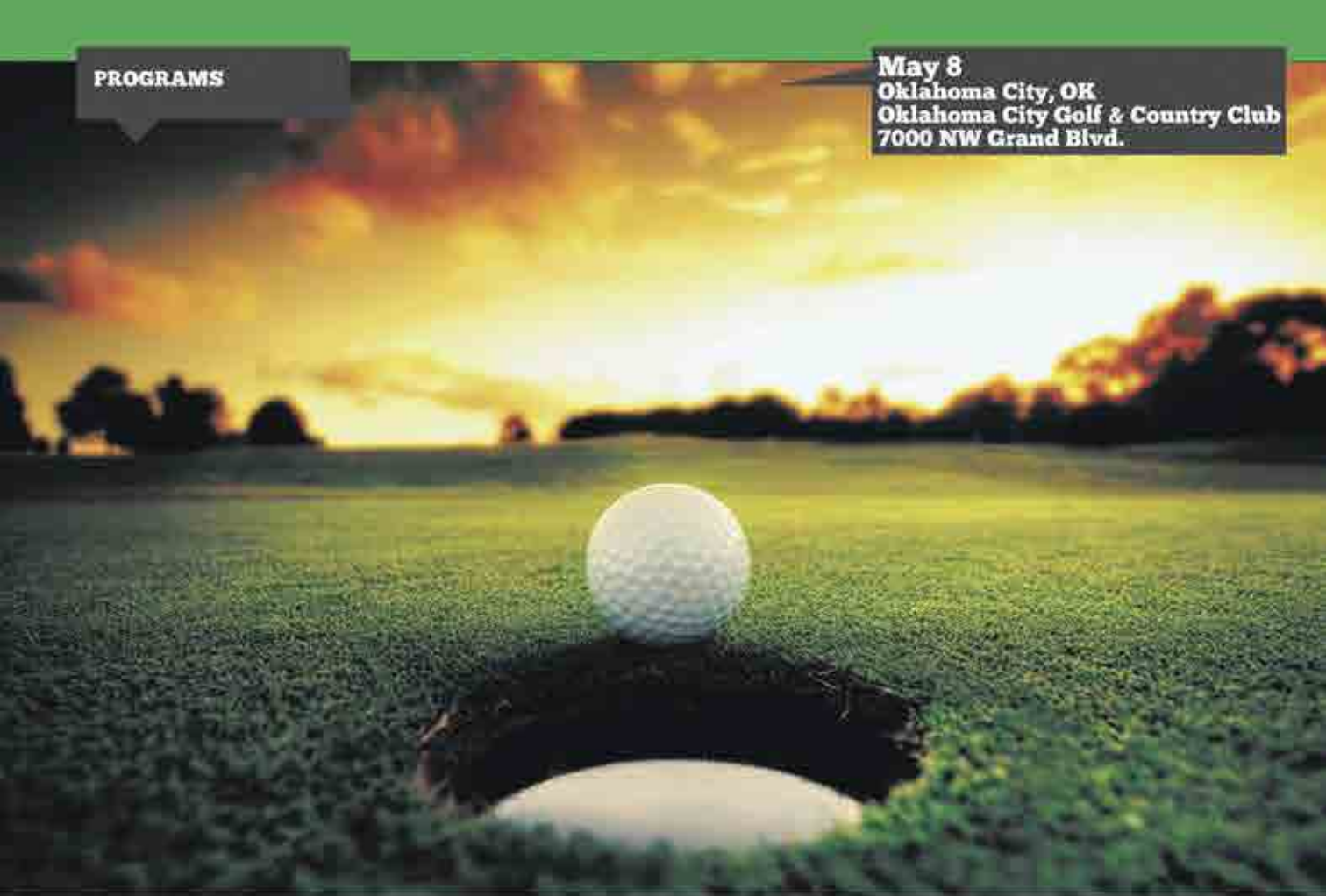
I explained to the client that he owed me nothing; I was merely doing my job in representing him and was already being paid for my work. He strongly insisted that although he understood that I'd already been paid and he owed me nothing, he really wanted to send me a dozen roses to show his gratitude.

I'm still waiting.

When I once told this story to a colleague, she didn't realize I was kidding about "still waiting," and she said earnestly, "I think you better give up on getting those roses."

In appellate criminal law, there is never a dull moment!

*Ms. McCarty, an attorney with OIDS, practices in Norman.*



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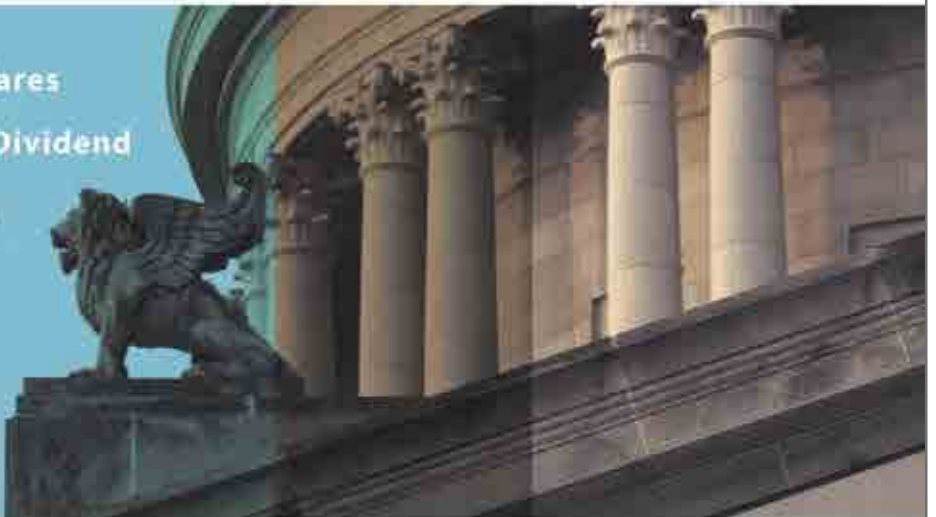




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