

NAVIGATING THE FUTURE:
THE CHANGING LEGAL PROFESSION
Nov. 12 - 14 • Hyaft Regency • Tulsa



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### **HOW MUCH LIFE INSURANCE DO YOU** NEED?

Start by asking Yourself...

- How much money will my family need to meet my funeral expenses?
- How much money will my family need for living expenses?
- What will it cost my family to maintain their current standard of living?
- How much money will be needed to settle my estate?
- What will it cost to send my child(ren) to college?
- What effect will inflation have on my family's future cost of living?



Purchase enough life insurance to cover debt and any financial support you might be providing your parents or siblings.



### HOMEOWNER:

Make sure you have enough coverage to pay off the mortgage of your home so your family does not have to move or change their lifestyle.



#### **MARRIED:**

If your family depends on two incomes, or your spouse died suddenly, how much life insurance coverage would you need to replace that lost income over the next 10, 20 or 30 years?



### PARENT:

If you or your spouse died tomorrow, would someone be able to provide for your child(ren), giving them the opportunities you always dreamed they'd have? How much would it cost to raise the child(ren) through college? Even a stay-at-home parent needs coverage, because the surviving spouse will likely need to hire someone to provide services such as daycare, housekeeper and transportation services

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### THEME: OBA ANNUAL MEETING

### contents

Sept. 13, 2014 • Vol. 85 • No. 23



### **FEATURES**

- 1846 Annual Meeting Highlights
- 1848 Luncheon Keynote Speaker: Richard Susskind
- 1849 THREE-PART CELEBRATION
- 1850 Annual Meeting CLE By Susan Damron Krug
- 1852 Wednesday CLE seminar
- 1853 House of Delegates
- 1854 Elections: 2015 Board of Governors Vacancies and OBA Nominating Petitions Filed
- 1856 Program of Events
- 1857 Reasons to Attend the Annual Meeting
- 1858 Registration Form

### pg. 1862

Taxation Law Section Note



### **DEPARTMENTS**

- 1844 From the President
- 1879 From the Executive Director
- 1880 Law Practice Tips
- 1885 ETHICS/PROFESSIONAL RESPONSIBILITY
- 1886 OBA BOARD OF GOVERNORS ACTIONS
- 1889 Oklahoma Bar Foundation News
- 1892 Access to Justice
- 1894 Calendar
- 1899 Editorial Calendar
- 1900 Young Lawyers Division
- 1902 For Your Information
- 1904 BENCH AND BAR BRIEFS
- 1906 IN MEMORIAM
- 1907 What's Online
- 1912 THE BACK PAGE



pg. 1870
WITNESS PREPARATION

### **PLUS**

- 1862 TAXATION LAW SECTION: 2014 OKLAHOMA TAX LEGISLATION

  By Sheppard F. Miers Jr.
- 1870 Witness Preparation: Best Practices for a Successful Deposition

  By Robert Redemann

## Recognizing the Realities of a Changing Legal World

By Renée DeMoss

Consider this prediction — "The practice of law will change more radically over the next two decades than it has over the last two centuries." That is a quote from the latest book by lawyer, consultant and author Richard Susskind, *Tomorrow's Lawyers*.

It doesn't take a crystal ball to realize that rapid innovations in areas like technology will continue to dramatically transform the practice of law, but many practitioners do not recognize the realities. Indeed, Mr. Susskind's 1996 prediction that email would one

day be the primary method for lawyers and clients to communicate was a source of amusement for many lawyers.

The rapid pace of change in our legal world is now a fact of life, and for lawyers to thrive today, as well as tomorrow, we must understand how our profession has changed and what demands will be placed on us in the future.

The 2014 OBA Annual Meeting to be held in Tulsa on Nov. 12-14 is designed to help Oklahoma lawyers recognize and deal with those changes in their current practices and to prepare for the legal world of the future.

CLE programs will be specifically directed to technology, trial practice, legal marketing and other cutting edge issues. The speaker at our annual luncheon on Friday, Nov. 14 will be Mr. Susskind, whose predictions of the future legal landscape have had a high degree of accuracy. Mr. Susskind holds an LL.B. from the University of Glasgow. After qualifying to practice law, he entered a Ph.D. program at Oxford, where he was a pioneer in the developing area of law and computers. Today he is a strategy and technology con-

sultant for many of the world's most successful professional service organizations.

In *Tomorrow's Lawyers*, Mr. Susskind identifies three primary drivers of change: 1) clients demanding quicker responses at lower cost — the "more for less challenge," 2) "liberalization" — the deregulation of the legal market in areas such as non-lawyers working and investing in the legal field and 3) information technology — the ongoing, monumental, fast-paced advances we are experiencing.

Change is difficult, and many lawyers resist and disregard where the legal world is headed. Some may initially respond to Mr. Susskind's message with skepticism; some may not like everything he has to say and some may even be a little fearful. Everyone, however, will come away from the Annual Meeting with new and

exciting ideas about the legal world of the future and their place in it.

In keeping with the Annual Meeting theme, you will also see a few format changes. The official registration start time of Wednesday morning will be pushed back to noon on Wednesday, Nov. 12, and the annual

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law school luncheons will take place at noon on Thursday, Nov. 13 rather than on Wednesday as in the past.

The traditional Wednesday and Thursday night social events sponsored by the OBA will be combined into one jam-packed progressive social event starting at 5:30 p.m. on Thursday evening, with

the incredible help of our OBA sections. Our annual luncheon will start at 12:15 p.m. on Friday, following the General Assembly and House of Delegates meetings.

The OBA Annual Meeting has always provided a perfect opportunity for Oklahoma lawyers across the state to gather together, discuss common issues, interests and goals, rekindle friendships and interact with judges and other lawyers. While it is hoped the tweaks will help reduce costs and attorney time out of the office, the reasons for attending have not changed. Your favorite programs, hospitality suites, section events, meetings, CLE, camaraderie and more remain!

So please mark your calendars, send in your registration forms or register online. And county bar presidents — send in your delegate lists. We look forward to hosting you in Tulsa!



President DeMoss practices in Tulsa. rdemoss@gablelaw.com 918-595-4800

#### **OFFICERS & BOARD OF GOVERNORS**

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### **EVENTS CALENDAR**

### SEPTEMBER 2014

- 16 OBA Bench and Bar Committee meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Judge David Lewis 405-556-9611
- 17 Ruth Bader Ginsberg Inn of Court; 5:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Donald Lynn Babb 405-235-1611
- 18 OBA Professional Responsibility Commission meeting; 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Dieadra Goss 405-416-7063
- 19 OBA Board of Bar Examiners meeting; 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Oklahoma Board of Bar Examiners 405-416-7075
  - **OBA Board of Editors meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa. Tulsa: Contact Carol Manning 405-416-7016
- 22 OBA Mock Trial Clinic; 8 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Judy Spencer 405-755-1066
- 24 OBA New Admittee Swearing In Ceremony; House of Representatives Chambers, Oklahoma State Capitol; Contact: Board of Bar Examiners 405-416-7075
  - **OBA Work/Life Balance Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Sarah Schumacher 405-752-5565
- 25 **OBA Financial Institutions and Commercial Law Section meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Eric Johnson 405-602-3812
  - **Oklahoma Bar Foundation meeting;** 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Nancy Norsworthy 405-416-7070
- 26 OBA Board of Governors meeting; 10 a.m.; Oklahoma Bar Center, Oklahoma City: Contact John Morris Williams 405-416-7000
- 27 OBA Young Lawyers Division meeting; 10 a.m.; Oklahoma Bar Center, Oklahoma City; Kaleb Hennigh 580-234-4334
- 30 OBA Law-related Education PROS Elementary Training; 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Suzanne Heggy 405-556-9612

**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

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

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

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### **HIGHLIGHTS**

### Thursday Evening "3-Part Celebration"

Thursday evening activities, which will transform throughout the evening, will be one of the most fun and enjoyable components of this year's Annual Meeting! The evening events will kick off at 5:30 p.m.

with a cocktail party sponsored by the OBA sections. This event will feature complimentary adult beverages, light hors d'oeuvres and music provided by pianist Tom Nix. Art, jewelry and upscale decorative merchandise will be on display and available for purchase. At 7 p.m., the festival atmosphere continues during the OBA

President's Reception.



The Stars Band

Attendees will enjoy a photo booth, caricature artist, cash bar and heavy appetizers including everyone's favorite tastes of fall. At 8:30 p.m., the party goes into high gear when the lights go down and the beat goes up with the music of The Stars Band, an Oklahoma-based band whose playlist includes favorite songs from the '60s through today. Guests are welcome throughout the evening, and everyone attending receives two beverage tickets.

### **General Assembly and House of Delegates**

Tom Nix

The important business of the association will be conducted Friday, Nov. 14 beginning at 10 a.m. Resolutions will be voted upon, leaders will be elected and awards will be presented. Do not miss your chance to participate in the governance of your professional association. County bar associations need to submit the names of their delegates to Executive Director John Morris Williams, and resolutions to the House of Delegates must be received by Mr. Williams by 5 p.m. Oct. 13. Email Executive Secretary Debbie Brink at debbieb@okbar.org for more information.





### President's Breakfast

The final day of Annual Meeting begins with the President's Breakfast. This year, a one-hour CLE is included with the cost of breakfast. In keeping with this year's Annual Meeting theme, the programming will feature a panel discussion focusing on changes in the legal profession. The OBA's Jim Calloway will serve as moderator and keynote speaker Richard Susskind will serve as a featured panelist. Cost: \$25.

### What does my Annual Meeting registration fee include?

Annual Meeting registration includes the Thursday evening social event, a convention gift and access to the vendors expo. OBA hospitality will be provided to attendees Wednesday afternoon, throughout the day Thursday and Friday morning. Hospitality includes coffee, tea, soft drinks and a variety of treats and snacks.

### How do I register?

Register for all events using the Annual Meeting registration form found on page 1858 or online at www.amokbar.org. Send paper form with payment by mail to OBA Annual Meeting, PO Box 53036, Oklahoma City, OK 73152 or fax with credit card information to 405-416-7092. For the best price, register by Oct. 21. Questions? Contact Mark Schneidewent at 405-416-7026, 800-522-8065 or marks@okbar.org.

Richard Susskind has been selected to deliver the keynote address during the Annual Luncheon



set for Friday, Nov. 14 immediately following the House of Delegates. Mr. Susskind, who will speak on the topic of "Tomorrow's Lawyers," is a law professor based at the University of Strathclyde in Scotland as well as a visiting professor at the University of Oxford. His primary area of expertise is the future of professional legal service, particularly the way technology will change the work of lawyers. The OBA will recognize its outstanding lawyers when annual awards are presented. Cost is \$35 with Annual Meeting registration, \$50 for those who do not wish to register for the full two-day event. Seating is limited, so be sure to register early for this event. Sponsor: TU College of Law.

Richard Susskind

Internationally recognized speaker and legal futurist



### LEGAL FUTURIST RICHARD SUSSKIND TO DELIVER KEYNOTE ADDRESS

Professor Richard Susskind will present "Tomorrow's Lawyers" during the annual luncheon as part of the OBA Annual Meeting on Friday, Nov. 14 at noon. His keynote presentation will focus on the different ways the Internet and technology are changing the future of the legal profession, including virtual courts, legal process outsourcing and web-based simulated practice.

"The legal profession is in a period of transition, and, as lawyers, we all need to be familiar with the upcoming changes and trends," said OBA President Renée DeMoss. "As this transformation can be somewhat daunting for both experienced and aspiring attorneys, we are extremely fortunate to have Mr. Susskind share his invaluable expertise and insight into steps lawyers can take to successfully 'future-proof' their practices."

The title of "professor" covers only a fraction of Mr. Susskind's endeavors, which also include author, speaker and independent adviser to major professional firms and national governments. He has written numerous books, including *The Future of Law* (1996), *Transforming the Law* (2000), *The End of Lawyers*? (2008) and *Tomorrow's Lawyers* (2013), and his work has been translated into 12 languages worldwide.

Over the course of his lecturing career, Mr. Susskind has also addressed more than 250,000 people in 40 countries. He has worked in the legal technology field for more than 30 years, and has served as the IT adviser to the Lord Chief Justice of England and was appointed chair of the Advisory Panel on Public Sector Information.

The cost to attend the event is \$35 with Annual Meeting registration and \$50 for non-registrants. Space for this event will fill up quickly, so make sure to reserve your spot today!





# Thursday Evening Progressive Event Three-Party Celebration drinks · dinner · dancing

# part

### **OBA Sections Present: The Drinks**

**5:30 - 7 p.m. Inside the ballroom:** Pianist Tom Nix will entertain the crowd in an intimate piano bar setting. Drinks will flow until last call at 6:45 p.m. Snag a signature beverage (made especially for this event!) while light snacks and your favorite fall-flavored coffees are served.

**Out in the foyer:** Enjoy fine arts shopping, including jewelry, pottery, artwork and other merchandise made by local artists. A caricature artist will be available to create a masterpiece for you to take home. Grab your friends and head over to the photobooth to commemorate the event.

### **OBA President DeMoss Presents: The Dinner**

7 - 8:30 p.m. Inside the ballroom: Tom Nix will continue to charm the audience as the small bar opens up, transforming into an upscale come-and-go reception. Two drink tickets will be given to each party-goer to be used on soda or adult beverages at the cash bar. Heavy hors d'oeuvres including popular flavors of fall will be served. Out in the foyer: Continue your holiday shopping, get a caricature portrait drawn, and take a few more visits to the photo booth before they close for the evening.



# part 3

### **OBA Presents: The Dance**

**8:30 - 11:30 p.m.** The mood picks up and the lights go down as the ballroom transforms a third time into a rock-and-roll bash, complete with dance floor. Oklahoma City-based group, The Stars Band, will take the stage, covering all your favorites from the 1960s to today. Cash bar will stay open as you dance late into the evening.



### **CLE: TIME TO REGISTER!**

By Susan Damron Krug

Worried that you won't be able to meet your annual MCLE requirements now that Annual Meeting is now a two-day event? Some things never change with time — the OBA/CLE Department has your back!

This year, OBA/CLE will kick things off on Wednesday, Nov. 12 with six hours of training to prepare you for the new dawn of your legal career regardless of your age or area of practice. OBA MAP Director Jim Calloway has designed this CLE to give "tomorrow's lawyer" the tools needed to survive in the future you didn't expect.

Sessions will include "Project & Process Management," training on how to implement a "Paperless Office" and "Strategies for Change."

Last but not least, no CLE would be complete without ethics, and OBA Ethics Counsel Travis Pickens will be there to ensure your use of technology doesn't run afoul from the ethics rules.

Register now for OBA CLE opportunities during Annual Meeting!



Wednesday, Nov. 12

Tools for Tomorrow's Lawyer
6 hours, includes 1 hour ethics



Thursday, Nov. 13
Tee Hee! A Funny CLE

6 hours, includes 3 hours ethics



Thursday, Nov. 13 *Trial College* 

co-sponsored by the Litigation Section; 6 hours



For those of you who take your CLE more seriously and need to beef-up on your trial techniques, you will have an opportunity to register for the OBA Trial College, co-sponsored by the Litigation Section on Thursday.

On **Thursday**, **Nov. 13**, put a smile on your face by attending a six-hour, fun CLE with our featured speaker, Sean Carter. Don't have all day? You can register for either the morning session (3 hours with 2 hours ethics) or afternoon session (3 hours including 1 hour ethics).

Mr. Carter is the founder of Lawpsided Seminars, a company devoted to solid legal continuing education with a healthy dose of laughter. His CLE programs cover topics including legal ethics, professionalism, substance abuse, diversity, legal marketing and the Supreme Court. He has been the country's foremost Humorist at Law since 2002.

Mr. Carter is tomorrow's lawyer with levity, something we all need to rejuvenate and take on all the challenges we face in our daily lives and practice.

Wednesday CLE - Register online at www.okbar.org/members/CLE.aspx
Thursday CLE - Register online at www.amokbar.org

### Here is what our members had to say about his last presentation in 2012:

- "This was one of the best CLEs I have attended (in more than 30 years of CLEs). It was interesting and relevant. Well done!!"
- "It was nice to go to a CLE that was not pure torture. Information was well presented."
- "Great seminar. Thank you! Sean made an otherwise dull subject very interesting and enjoyable."
- "Sean Carter's course taught far more than ethics and a little Supreme Court precedent. His message of love and compassion comes from an open heart. It was a pleasure to laugh and think with him. Best CLE I've ever been to, bring him back every year."
- "It was a very enjoyable seminar. I will attend again next year if given the opportunity."

### OBA CLE PRESENTS HUMORIST AT LAW SEAN CARTER'S TEE HEE! A FUNNY CLE

### MORNING SESSION

THE ETHYS AWARDS: 2014 EDITION (2 hours — 1 hour of ethics)

Each year, Hollywood celebrates the best performances in motion pictures at the Oscars. Well, this year, we will celebrate the worst ethics violations in the legal profession at the Ethys. The festivities will be hosted by Mr. Carter, who will announce this year's winners of the coveted Ethy for Best Original Excuse, Least Competent in a Legal Representation, Most Over-Animated Courtroom Outburst, a special Lifetime Achievement Award and so much more.

LAWYER JOKES ARE NO LAUGHING MATTER (1 hour – ethics)



There are thousands of lawyer jokes told each day. Lawyer bashing is quickly becoming America's favorite pastime. But why?

### **AFTERNOON SESSION**

FANTASY SUPREME COURT LEAGUE: 2014 EDITION (2 hours — general ed.)

In this unique presentation, Mr. Carter will humorously recap the most significant cases of the current term. After receiving the facts of each case, you will compete with your fellow lawyers by attempting to remember (or guess) the outcome and "vote spread" of each case:

- Campaign Finance Whether the current limits of certain contributions violates the First Amendment
- Affirmative Action Whether a voter-approved measure to ban affirmative action in public university admissions is a violation of the Equal Protection Clause
- Public Prayer Whether a legislative prayer practice violates the Establishment Clause
- Search and Seizure Whether a previously stated objection to a warrantless search can be overridden by later consent of a co-tenant
- Executive Power Whether the president can make recess appointments within a session of the Senate
- Global Warming Whether the EPA may regulate greenhouse gas emissions from new motor vehicles under the Clean Air Act
- Religious Freedom Whether business owners, based on religious objections, can deny their employees the health coverage of contraceptives to which the employees are otherwise entitled under Obamacare.

LIES, DAMN LIES AND LEGAL MARKETING: The Ethics of Legal Marketing (1 hour — ethics)

What is effective advertising in other fields is rarely acceptable in the field of law. In this entertaining ethics course, Sean Carter examines in detail the ethical rules concerning marketing and their practical implications.



### **OBA CLE: Tools for Tomorrow's Lawyers**

Program Planner: Jim Calloway, Director OBA Management Assistance Program

### Topics Covered:

- Lawyers and Change: How to Survive in the Future You Didn't Expect Jim Calloway
- The Paperless Office Is a Reality (and a Necessity) Today Donna Brown
- Project & Process Management for Lawyers Jim Calloway
- Top Tools: Practice Management Solutions and Document Assembly Tools Donna Brown
- Technology Creative Uses, Ethical Practices Douglas J. Sorocco and Travis Pickens
- Strategies for Change: An Interactive Discussion Jim Calloway, Travis Pickens and Douglas J. Sorocco

Speakers: Donna Brown is a legal industry consultant with emphasis on software development, customization, training and technical writing. Douglas J. Sorocco practices in the areas of intellectual property, technology, licensing, life sciences and patent law. Travis Pickens is OBA Ethics Counsel.

Seminar starts at 9 a.m. and adjourns at 2:50 p.m.

To register online, log on to: www.okbar.org/members/cle.aspx Or call Renee at 405-416-7029/800-522-8065 or email ReneeM@okbar.org

Annual Meeting registration is not needed to attend this seminar.

**Approved** for 6 hours MCLE/1 Ethics. \$150 for early-bird registrations with payment received at least four full business days prior to the seminar date. \$175 for registrations with payment received within four full business days of the seminar date.

Nov. 12 Hyatt Regency Hotel 100 E. Second St. Tulsa

> \$10 egister Online

### **HOUSE OF DELEGATES**



### **Dear County Bar Presidents:**

Thank you to the County Bar Presidents of:

Beckham, Blaine, Bryan, Carter, Cherokee, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Custer, Ellis, Garfield, Garvin, Grant, Harmon, Hughes, Jackson, Jefferson, Kay, Kingfisher, Kiowa, Logan, McClain, McCurtain, McIntosh, Muskogee, Noble, Oklahoma, Ottawa, \*\*Pawnee, Payne, Pittsburg, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Texas, Tulsa, Wagoner, Washington, Washita and Woods counties for submitting your delegate and alternate selections for the upcoming OBA Annual Meeting.

(\*\*Reported, awaiting election)

Listed below are the counties that have not sent their delegate and alternate selections to the offices of the Oklahoma Bar Association as of Sept. 3, 2014. Please help us by sending the names of your delegates and alternates now. In order to have your delegates/alternates certified, mail or fax delegate certifications to OBA Executive Director John Morris Williams, P. O. Box 53036, Oklahoma City, OK 73152-3036 or fax to 405-416-7001.

Greer	Murray
Harper	Nowata
Haskell	Okfuskee
Johnston	Okmulgee
Latimer	Osage
LeFlore	Pontotoc
Lincoln	Sequoyah
Love	Stephens
Major	Tillman
Marshall	Woodward
Mayes	
	Harper Haskell Johnston Latimer LeFlore Lincoln Love Major Marshall

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

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

### RESOLUTION DEADLINE

Pursuant to OBA Bylaws Ch. 1, App.2, Article VIII, Sec. 6, "Before a proposal to place a measure upon the Legislative Program or to endorse it in principle is submitted to vote, by any method, it shall be published in at least one issue of the Journal of the Oklahoma Bar Association and posted on the OBA website prior to the beginning of the Annual Meeting, together with a notice that it will be submitted to vote, specifying date, time, place and manner." A proposal must be sent in bill format to Executive Director John Morris Williams by Monday, Oct. 13, for publication in the Oklahoma Bar Journal Nov. 1, 2014, issue. For a resolution to receive a recommendation from the Board of Governors, the proposal must be received by Sept. 17, 2014. In order for a resolution to be published in the official General Assembly and House of Delegates publication, it must be received by Oct. 13, 2014.

### 2015 OBA BOARD OF GOVERNORS VACANCIES

### Nominating Petition deadline: 5 p.m. Friday, Sept. 12, 2014

### **OFFICERS**

### **President-Elect**

Current: David A. Poarch Jr., Norman Mr. Poarch automatically becomes OBA president Jan. 1, 2015

(One-year term: 2015)

Nominees:

Mack K. Martin, Oklahoma City Garvin Isaacs Jr., Oklahoma City

#### Vice President

Current: Susan S. Shields, Oklahoma City

(One-year term: 2015) Nominee: Glenn A. Devoll, Enid

### **BOARD OF GOVERNORS**

### Supreme Court Judicial District One

Current: Linda S. Thomas, Bartlesville Craig, Grant, Kay, Nowata, Osage, Ottawa, Pawnee, Rogers and Washington counties

(Three-year term: 2015-2017)

Nominee: Vacant

#### **Supreme Court Judicial District Six**

Current: Kimberly Hays, Tulsa

Tulsa County

(Three-year term: 2015-2017)

Nominees:

Spencer Pittman, Tulsa James R. Gotwals, Tulsa

### Supreme Court Judicial District Seven

Current: Bret A. Smith, Muskogee Adair, Cherokee, Creek, Delaware, Mayes, Muskogee, Okmulgee and Wagoner counties

(Three-year term: 2015-2017)

Nominee: Vacant
Member At Large

Current: Nancy S. Parrott, Oklahoma City

(Three-year term: 2015-2017)

Nominee: Vacant

### **Summary of Nominations Rules**

Not less than 60 days prior to the Annual Meeting, 25 or more voting members of the OBA within the Supreme Court Judicial District from which the member of the Board of Governors is to be elected that year, shall file with the Executive Director,

a signed petition (which may be in parts) nominating a candidate for the office of member of the Board of Governors for and from such Judicial District, or one or more County Bar Associations within the Judicial District may file a nominating resolution nominating such a candidate.

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

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

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

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

Elections for contested positions will be held at the House of Delegates meeting Nov. 14, during the Nov. 12–14 OBA Annual Meeting. Terms of the present OBA officers and governors will terminate Dec. 31, 2014.

Nomination and resolution forms can be found at www.okbar.org/members/bog/bogvacancies.

### **NOTICE**

The nominating petition deadline was 5 p.m., Sept. 12, 2014. This issue went to press before the deadline, and the list of nominees may not be complete. Check the Annual Meeting website at www.amokbar.org for the final list.

### **OBA NOMINATING PETITIONS**

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

### **OFFICERS**

### PRESIDENT-ELECT

### MACK K. MARTIN, OKLAHOMA CITY

Nominating Petitions have been filed nominating Mack K. Martin for election of President-Elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2015.

A total of 681 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Alfalfa, Cleveland, Comanche, Custer, Jackson, Kingfisher, Kiowa and McClain.

### GARVIN ISAACS JR., OKLAHOMA CITY

Nominating Petitions have been filed nominating Garvin Isaacs Jr. for President-Elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2015.

A total of 402 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Beckham, Choctaw, Coal, McCurtain and Pushmataha.

### VICE PRESIDENT

### GLENN A. DEVOLL, ENID

Nominating Petitions have been filed nominating Glenn A. Devoll for Vice President of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2015.

A total of 60 signatures appear on the petitions.

A Nominating Resolution has been received from Cleveland County.

### BOARD OF GOVERNORS

### SUPREME COURT JUDICIAL DISTRICT NO. 6

### SPENCER C. PITTMAN, TULSA

Nominating Petitions have been filed nominating Spencer C. Pittman, Tulsa for election of Supreme Court Judicial District No. 6 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2015. Twenty-five of the names thereon are set forth below:

Jessica Battson, Howard Berkson, Casper J. den Harder, Adam Doverspike, Nolan Fields, Kristin Fulton, Stephen P. Gray, Bryan Harrington, Paige Hoster, Susan E. Huntsman, Jeff Krigel, Steve Layman, Kevin Leitch, Mary McMillen, Robert Mitchener III, Stanley Monroe, Allison Osborn, Ronald N. Ricketts, Hugh Robert, Gene Robinson, Bryan Rowland, Matt Saint, S. Thomas Sawyer, Kristen Treager and Kenneth Yates.

A total of 26 signatures appear on the petitions.

### JAMES R. GOTWALS, TULSA

Nominating Petitions have been filed nominating James R. Gotwals, Tulsa for election of Supreme Court Judicial District No. 6 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2015. Twenty-five of the names thereon are set forth below:

Renée DeMoss, Joseph W. Morris, M. Shane Henry, James A. Williamson, Tamera A. Childers, Lynn S. Worley, Deidre Dexter, D. Faith Orlowski, G. Steven Stidham, William R. Grimm, James R. Hicks, Bradley A. Grundy, Henry Will, James C. Milton, James T. Prozek, Ronald Little, S. Douglas Dodd, Grant T. Lloyd, Joseph R. Farris, John R. Woodard, Heather Earnhart, Sam P. Daniel III, Brad Cunningham, Kelly A. Smakal and Allen E. Barrow Jr.

A total of 150 signatures appear on the petitions.



### PROGRAM OF EVENTS

All events will be held at the Hyatt Regency Hotel unless otherwise specified.

Submit meeting room and hospitality suite requests to Craig Combs at craigc@okbar.org.

Submit meeting program information to Lori Rasmussen at lorir@okbar.org.

WED. NOV. 12

- OBA CLE "Tools for Tomorrow's Lawyer" 6 hours MCLE/1 Ethics
   Program Planner: Jim Calloway, OBA Management Assistance Program
- Meeting registration opens at noon
- Committee and Section Meetings
- Oklahoma Bar Foundation Reception
- OBA CLE "Lawpsided Seminars" with Sean Carter 6 hours MCLE/3 Ethics (half-day options too)
- OBA CLE "Trial College" cosponsored by the Litigation Section
- OCU School of Law Alumni Reception and Luncheon
- OU College of Law Alumni Reception and Luncheon
- TU College of Law Alumni Reception and Luncheon
- Committee and Section Meetings
- Past Presidents Dinner
- Thursday Evening Progressive Event "Three-Part Celebration" (free with meeting registration)





- President's Breakfast1 hour MCLE
- General Assembly
- House of Delegates
- Annual Luncheon featuring legal futurist Richard Susskind
- Richard Susskind Book Signing

RENEW OLD FRIEND-**SHIPS** "The Annual Meeting provides a unique opportunity to renew old friendships, create new ones, be updated on current legal issues, have fun and be entertained — all at the same time!"

John Gaberino, Tulsa

### Why Attend the ANNUAL MEETING?

MAKE CON-**TACTS** "I enjoy visiting with other lawyers outside the courtroom, plus it's a great way to make contacts that help you develop business."

Doug Jackson, Enid

FRIENDS "My best friends are lawyers, and the Annual Meeting is a great time to be with them."

> Sid Dunagan, Oklahoma City



"The bar convention provides an opportunity to meet and visit with the most positive, successful lawyers in our state, to learn from them and to create networks of friends throughout Oklahoma."

Melissa DeLacerda. Stillwater

### RECHARGE

"I get my batteries recharged at the annual OBA convention. The lawyers, the programs and the events make me proud of what we do."

> David Petty, Guymon

#### CONNECTIONS

"I haven't missed an Annual Meeting since I first attended in the '70s, and the reason is that I enjoy connecting and reconnecting with so many leading lawyers from around the state."

Gary Clark, Stillwater



**DIVERSE CROSS SECTION** "I find it to be an excellent way to take a break from the day-to-day practice of law and to spend quality time with a wide and diverse cross section of our bar considering important topics relating to our profession."

> Harry Woods Jr., Oklahoma City



**GOOD TIME** 

"Come to the Annual Meeting to have a good time. You will see old friends, meet new colleagues and learn what the OBA can do for you." Bill Grimm, Tulsa

**NETWORKING OPPORTUNITY** "I always have a great time at Annual Meeting. Attending also presents an excellent networking opportunity — I've always had at least one case referred to me during the meeting!"

Stephen Beam, Weatherford

### BUILD THE LEGACY

"This is your bar association and your Annual Meeting help continue to build the legacy of a proud profession."

> Robert Don Gifford, Oklahoma City









### ONLINE

Register online at www.amokbar.org



### MAIL FORM

OBA Annual Meeting, PO Box 53036, Okla. City, OK 73152



### **FAX FORM**

405-416-7092



### PHONE/EMAIL

Call Mark at 405-416-7026 or 800-522-8065 or email marks@okbar.org

YES! Register me for the 2014 Annual Meeting, November 12-14 in Tulsa. Registration fee includes: OBA hospitality Wednesday afternoon, all day Thursday & Friday morning, Thursday evening Three-Part Celebration social event, Annual Luncheon discount, a convention gift and Vendors Expo.

### CANCELLATION POLICY

Full refunds will be given through Nov. 5, 2014. No refunds will be issued after that date.

### HOTEL ACCOMMODATIONS

Fees do not include hotel accommodations. For reservations call the Hyatt Regency at 918-582-9000 or 888-591-1234. Call by Oct. 21 and ask for the special Oklahoma Bar Association rate of \$115 per night.

For online reservations, go to www.tulsa.hyatt.com Group code: G-OBA4

### LOCATION

Most activities will take place at the Hyatt Regency Hotel, 100 East Second Street in Tulsa.

### SPECIAL NEEDS

Please notify the OBA at least one week in advance if you have a special need and require accommodation.

### **MATERIALS**

You will receive a link to download CLE materials in advance of the seminar.

### **REGISTRATION**

Please complete a separate f	orm for each registrant.	
Name		
Email		
Badge Name (if different from	roster) Bar No	
Address		
	State Zip Phone	
· ·	ormation to the information above. $\square$ Yes $\square$ No	
Check all that apply: O Jud	diciary O Delegate O Alternate	
· ·	21; \$85 after Oct. 21	
O NEW MEMBER (Admitted a	ıfter Jan. 1, 2014): Free through Oct. 21; \$25 after Oct. 21	\$
I will attend the folloregistration fee:	owing ticketed events in addition to my	•
O Thursday: Trial College 6 hours MCLE/1 Ethics	(\$150 through Oct. 21; \$175 after Oct. 21) \$25 for new members through Oct. 21; \$50 after Oct. 2	1)\$
O Thursday: Sean Carter 6 hours MCLE/3 Ethics All Day	(\$200 through Oct. 21; \$225 after Oct. 21) \$50 for new members through Oct. 21; \$75 after Oct. 2	1)\$
O Thursday: Sean Carter 3 hours MCLE/2 Ethics Morning Only	(\$125 through Oct. 21; \$150 after Oct. 21) \$25 for new members through Oct. 21; \$50 after Oct. 2	1)\$
O Thursday: Sean Carter 3 hours MCLE/1 Ethics Afternoon Only	(\$125 through Oct. 21; \$150 after Oct. 21) \$25 for new members through Oct. 21; \$50 after Oct. 2	1)\$
O Friday: President's Breakfast	( number of tickets @ \$25 each)	\$
O Friday: Annual Luncheon	( number of tickets @ \$35 each) Price includes meeting registration discount	\$
I will attend the follo Annual Meeting regi	owing ticketed events that do NOT requ stration:	<b>Jire</b>
O Thursday: Law School Lunche	eon O OCU O OU O TU (number of tickets @ \$35 each)	\$
O Friday: Annual Luncheon	( number of tickets @ \$50 each)	\$
	PAYMENT OPTIONS:	L COST \$
O Check enclosed: Payable Credit card: O VISA O M	to Oklahoma Bar Association astercard O American Express	
Card #	Card # Exp. Date	

PRESENTED BY THE OKLAHOMA BAR ASSOCIATION



SEPT. 30 - TULSA

TULSA COUNTY BAR ASSOCIATION 1446 SOUTH BOSTON OCT. 7 - OKC

OKLAHOMA BAR CENTER 1901 N. LINCOLN BLVD.



### **CLE Credit**

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

### **Tuition**

This program is free, but you must register to attend. Contact Nickie Day at 405-416-7050 to register.

### **Program Planner/Moderator** - Jim Calloway, Director, Management Assistance Program, Oklahoma Bar Association

### **Schedule**

8:30 a.m.	Registration and Continental Breakfast
9:00	The Starting Line
	Jim Calloway, Director, OBA Management Assistance Program
9:30	It's All About the Clients: From Client Development to
	Client File Management
	Jim Calloway
11:00	Break
11:10	How to Manage-Everything!
	Jim Calloway
12:00 p.m.	Lunch provided by Oklahoma Attorneys Mutual Insurance Company
12:30	Malpractice Insurance and Other Risk Management Issues
	Phil Fraim, President, Oklahoma Attorneys Mutual Insurance Company
1:00	Professional in the Practice of Law
	Judge David Lewis, Presiding Judge, Oklahoma Court of Criminal Appeals
1:30	Break
1:40	Trust Accounting and Legal Ethics
	Gina Hendryx, OBA General Counsel
2:40	Break
2:50	Equipping the Law Office
	Jim Calloway, Director, OBA Management Assistance Program
3:30	Your Money: Accounting and Tax for Law Firms
	Ted Blodgett, CPA, CVA, JD, Gray, Blodgett and Company, CPA's
4:30	Adjourn
	sponsored by OKLAHOMA ATTORNEYS MUTUAL INSURANCE COMPANY

### FEDERAL PUBLIC DEFENDER NORTHERN AND EASTERN DISTRICTS OF OKLAHOMA

### POSITION ANNOUNCEMENT

### Assistant Federal Public Defender

The Federal Public Defender for the Northern and Eastern Districts of Oklahoma is accepting applications for the position of Assistant Federal Public Defender. The federal defender organization operates under authority of the Criminal Justice Act, 18 U.S.C. § 3006A, to provide defense services in federal criminal cases and related matters in the federal courts.

**Requirements and Qualifications:** An applicant must have at least five years of experience in the area of criminal law. Computer knowledge and appellate experience desirable. An applicant must be a member in good standing of a State Bar in which he or she is currently admitted to practice and must be eligible for immediate admission to the Bar of the United States District Court for the Northern and Eastern Districts of Oklahoma, the United States Court of Appeals for the Tenth Circuit, and the United States Supreme Court.

Applicants must have court experience, strong writing and advocacy skills, an established capacity or demonstrated aptitude for excellence in criminal defense; a reputation for personal and professional integrity; a commitment to the representation of indigent defendants and an ability to work well in a team environment. The initial period of employment will be probationary, subject to successful completion of a background check.

**Salary and Benefits:** This is a full-time position. Federal salary and benefits apply. Salary is commensurate with experience and education. This position is subject to mandatory electronic transfer (direct deposit) of net pay.

**How to Apply:** To be considered for this position, qualified persons may apply by submitting a letter of interest, resume (with at least three personal and professional references), and a writing sample to:

Julia L. O'Connell Federal Public Defender 1 West 3<sup>rd</sup> Street, Suite 1225 Tulsa, OK 74103

### APPLICATIONS WILL BE ACCEPTED UNTIL POSITION IS FILLED.

The Federal Public Defender is an Equal Opportunity Employer.

### SECTION NOTE

## Taxation Law Section 2014 Oklahoma Tax Legislation

By Sheppard F. Miers Jr.

The following is a summary of some of the Oklahoma tax law changes enacted by the Oklahoma Legislature in 2014

#### INCOME TAX

### Individual Rate Reduction

The maximum individual income tax rate was reduced to 5 percent for taxable years beginning on or after Jan. 1, 2016, if the Oklahoma state government total general revenue fund estimate determined by the Oklahoma State Board of Equalization meets certain revenue increase requirements. If the rate reduction does not become effective Jan. 1, 2016, the state board of equalization is required to repeat the increased revenue determination in subsequent tax years until the requirements are met. The maximum individual rate will then be subsequently reduced to 4.85 percent if Oklahoma state government general revenue fund growth is determined by the state board of equalization to meet specified requirements.1

### Clean Burning Motor Vehicle Fuel Credit Reduction

The Oklahoma income tax credit for investments in qualified clean-burning motor vehicle fuel property installed in motor vehicles, for using compressed natural gas, was reduced from 50 percent of the qualifying investment amount to 45 percent of the qualifying investment amount. The Oklahoma Tax Commission shall calculate an amount that equals 5 percent of the cost of such qualified clean burning motor vehicle property each year. The amount calculated will be transferred to the compressed natural gas conversion safety and regulation fund. The credit allowed for investment in equipment for compressed natural gas and clean-burning fuel; motor vehicle fueling stations was not changed. The authority for regulation of compressed natural gas and alternative fuel investments and operations was transferred from the Office of Management Enterprise Services and Oklahoma Corporation Commission to the Oklahoma Department of Labor.<sup>2</sup>

### Natural Disaster and Tornado Tax Relief Credit

The refundable individual income tax credit for increased *ad valorem* tax resulting from rebuilding or repairing residential property damaged or destroyed by a natural disaster was amended to apply to any disaster occurring in any year after Dec. 31, 2011, rather than being limited to specified years. The credit will be allowed if a primary residence is repaired or rebuilt and used as the primary residence no later than 36 months after the date of any natural disaster occurring on or after Jan. 1, 2014.<sup>3</sup>

### Military Personnel Deduction

The expiration or "sunset" date of the Oklahoma individual income tax deduction allowing military personnel to deduct 100 percent of salary or compensation income (other than retirement benefits) derived from active military duty was removed from law. The deduction is to be allowed in all tax years without regard to effect on state revenue collections.<sup>4</sup>

### Aerospace Engineer Credit

The income tax credit for compensation and tuition reimbursement for employment of aerospace engineers was extended to Jan. 1, 2018. The definition of "qualified employee" was amended to include individuals who have worked in the aerospace sector, not as full time engineers, prior to receiving an undergraduate or graduate degree, and also an individual who has been awarded an undergraduate or graduate degree from a quailed program and is employed by a professional staffing company and assigned to work in the aerospace sector in Oklahoma. A clarification was enacted provid-

ing that an aerospace employee meets the definition of a qualified employee if the individual begins employment in Oklahoma on or after Jan. 1, 2009, regardless of the date of first employment.<sup>5</sup>

### Equal Opportunity Education Scholarship Act Credit

The Oklahoma Equal Opportunity Education Scholarship Act was amended to provide that subchapter S corporations are entities eligible for the credit. The credit was increased from 50 percent to 75 percent of total contributions for a taxpayer that makes a commitment in writing to contribute the same amount the next two years. The act was amended to provide that credits shall be allocable to the partners, shareholders, members or other equity owners of a taxpayer that is authorized to be treated as a partnership for federal income tax reporting purpose, and the credits that are allocated to such equity owners shall only be limited in amount for the income tax return of a natural person or persons based upon the limitation of the total credit amount to the entity from which the tax credits have been allocated, and not subject to limits for single individuals or married persons filing a joint return. The credits are subject to a \$3.5 million annual cap for donations to an eligible scholarship-granting organization and a \$1.5 million annual cap for donations to an eligible educational improvement grant organization, allocated by the tax commission. A scholarship-granting organization and educational improvement granting organization must submit an audited financial statement for the organization along with information detailing the benefits, successes or failures of the program to the governor and leadership of the Legislature by Jan. 1, 2017, and every four years thereafter.6

### Deduction for Foster Child Care Expense

The income tax deduction allowed for expenses for care of a foster child was amended to increase the deduction to \$5,000. The deduction was made subject to a sunset provision so that it will not be allowed on or after Jan. 1, 2018.<sup>7</sup>

#### Bank SBA Guarantee Credit Expiration

The income tax credit allowed for any bank or credit union operating in Oklahoma for the amount of the guaranty fee paid to the United States Small Business Administration pursuant to a loan guaranty program was amended provide for expiration of the credit on Jan. 1, 2017.8

### Oklahoma Affordable Housing Act

An Oklahoma Affordable Housing Act was enacted to allow a tax credit, similar to the federal low-income housing tax credit, against Oklahoma corporation income, personal income, banking privilege and insurance premium and retaliatory taxes. The credit is to be allowed for qualified projects placed in service after July 1, 2015, and for tax years beginning on or after Jan. 1, 2016. The amount of the Oklahoma income tax state tax credits allowed equals the amount of federal low-income housing tax credits for a qualified project, except that the total state credits may not exceed \$4 million per allocation year. An unused credit may be carried forward for five subsequent tax years. If a portion of any federal low-income housing credits is required to be recaptured during the first 10 years after a project is placed in service the taxpayer claiming the Oklahoma income tax credit with respect to the project is also required to recapture a portion of the Oklahoma credit.9

### Film and Music Project Credit Expiration Date

The income tax credit for reinvestment of profit from an Oklahoma film or music project was amended to limit allowance of the credit to taxable years ending before Jan. 1, 2015. 10

### Workers Compensation and Modifications Expense Credits Expiration Date

The income tax credits for eligible wages and workplace modification expenses related to injured workers were amended, to provide that the credit for eligible wages will be allowed only for tax years ending before Jan. 1, 2015, and the credit for modification expenses will be allowed for tax years ending before Jan. 1, 2017.<sup>11</sup>

### Child Care Service Credit Expiration Date

The income tax credit allowed for eligible expenses incurred by entities primarily engaged in the business of providing child care services was amended to be allowed only for tax years ending before Jan. 1, 2017.<sup>12</sup>

### Electronic Funds Transfer Fees Credit Expiration Date

The income tax credit allowed in the amount of electronic funds transfer fees paid by an individual or entity was amended to be al-lowed only for tax years ending before Jan. 1, 2017.<sup>13</sup>

### Credit for Rural Economic Development Loans Expiration Date

The income tax credit allowed to a financial institution with respect to taxable income received pursuant to a loan made under the Rural Economic Development Act was amended to be allowed only before Jan. 1, 2017.<sup>14</sup>

### INCOME TAX WITHHOLDING

Personal Liability for Business Income Tax Withholdings

An individual will be personally liable for a tax commission assessment of a business or entity for employee income tax withholdings if that individual, during the period of time for which the tax assessment was made, was responsible for withholding and remittance or had direct control, supervision, or responsibility for filing an applicable tax return and/or making the payment of the tax for the business or entity. Under prior law, only a principal officer of a corporation or a manager or member of a limited liability company could be made liable for such taxes of an entity.<sup>15</sup>

#### SALES AND USE TAX

Tax Commission Local Sales Tax Collection Fee Reduced

The Oklahoma Tax Commission fee charged to an incorporated city or town to assess, collect, and enforce the local government jurisdiction's municipal taxes was reduced from 1.75 percent of the municipal tax collected to .5 percent of the municipal tax collected. The Tax Commission fee charged to a county to assess, collect, and enforce the county's sales tax or lodging tax was reduced from 1 percent of gross collection proceeds to .5 percent of gross collection proceeds.<sup>16</sup>

### Disabled Veteran Exemption

The sales tax exemption for sales of tangible personal property or services to 100 percent disabled veterans was amended. The Oklahoma Tax Commission shall issue a separate exemption card to a surviving spouse of an eligible disabled veteran, or to a member of the household in which the veteran resides who is authorized to make purchases on the veteran's behalf if requested by the veteran.<sup>17</sup>

Sales Tax Exemptions for School Foundations

The sales tax exemption for the sale of tangible personal property made by or to nonprofit local

public or private school foundations was extended without a sunset date.<sup>18</sup>

Sales Tax Exemption for Aircraft Maintenance Facility

The exemption for sales of aircraft and aircraft parts was amended to reinsert language inadvertently omitted pursuant to enactment of multiple bills in 2013, to restore the definition of a "qualified aircraft maintenance facility," as it relates to the sales tax exemption for sales of aircraft and aircraft parts, and to include in such a facility component overhaul support buildings or structures in an area, owned, leased or controlled by the operator common carrier, and to expand the types of items exempted from sales tax.<sup>19</sup>

Sales Tax Exemption of Precious Metals

The exemption from Oklahoma sales tax of sales of gold, silver, platinum, palladium or other precious metal items sold according to value or as an investment was amended to remove the requirement that in order to qualify for the exemption such metals or items must be stored within a recognized depository facility.<sup>20</sup>

### Tornado Relief Extended

The sales tax relief for tornadoes was amended to provide that the sales tax exemption for items withdrawn from inventory and donated to tornado relief, and the allowance of the 1 percent vendor record keeping and filing fee on sales tax report filings delinquent due to tornadoes, are to apply in any year.<sup>21</sup>

Personal Liability for Business Sales Tax

An individual will be personally liable for a tax commission assessment of a business or entity for sales tax collection and remittance if that individual, during the period of time for which the tax assessment was made, was responsible for collection and remittance or had direct control, supervision, or responsibility for filing a tax return and/or making the payment of the tax for the business or entity. Under prior law, only a principal officer of a corporation or a manager or member of a limited liability company could be made liable for such taxes of an entity.<sup>22</sup>

Regional Development and Transportation Authorities

The transportation and regional economic development authority statutory authority to

levy sales tax was amended to add a definition of "regional district."<sup>23</sup>

Municipal Sales Tax Applicable on Military Installations

The statute providing that revenue and tax ordinances of a municipality shall not apply or extend to any part of a military installation on federal property annexed by a municipality was amended to provide that sales, use and occupancy tax ordinances of a mu-nicipality shall be applicable and extend to the part of a

military installation annexed but limited to activities on the military installation engaged in by the private sector involving sale of goods and services subject to Oklahoma sales and use tax statutes and occupancy of hotel/motel rooms for rent.<sup>24</sup>

### FRANCHISE TAX

Franchise Tax Return Due Date

The Oklahoma franchise tax code was amended to provide that unless an election is made to file and pay franchise tax in conjunction with the filing of the Oklahoma income tax, the franchise tax return shall be due on July 1 and payment shall be sub-

ject to penalty if not paid before the next ensuing Sept. 15. The delinquency date was previously Sept. 1.<sup>25</sup>

### AD VALOREM TAX

Property Tax Protest Filing and Hearing Dates

The tax procedure for protest of a notice of increased valuation of property was amended. The statute was amended to provide that a taxpayer must file a written protest with the county assessor within 30 days from the date the notice was mailed or delivered. The prior provisions of the statute required the filing of the protest within 20 working days from the date of mailing or delivery of the notice. If the taxpayer is unable to personally appear at a scheduled informal hearing before the county assessor to discuss the disputed valuation, the assessor must give the taxpayer at least two opportunities to reschedule the informal hearing. The assessor must provide two alternative dates on different days of the week, at which the taxpayer can participate in the informal hearing, either in person or telephonically, before the assessor or an authorized representative of the assessor. The statute providing for appeals from the informal hearing with the county assessor to the county board of equalization was amended to provide that in any county with a population less than 300,000, the county board of equalization must provide at least three dates on which a taxpayer may personally appear and make a presentation of evidence and at least 10 days shall intervene between each date; no final determination shall be made by the county board of equalization

until the taxpayer shall have failed to appear for all three such dates.<sup>26</sup>

County Board of Equalization Appeal Required Affidavits

The procedure for appeals to the county board of equalization of valuation of property by the county assessor was amended to provide that affidavits must be signed by board of equalization members in a hearing on a valuation protest stating that the members of the board of equalization are in compliance with transparency requirements as to there not being ex parte communication by board members with the county assessor or the coun-

ty assessor's staff. The parties appearing before the county board of equalization must sign an affidavit that the evidence presented by such parties to the board is true to the best of their belief and knowledge. The affidavits of the county board of equalization members and parties must be made a part of the record of the hearing.<sup>27</sup>

Homestead Exemption for Military Personnel and Surviving Spouses

Proposed amendments of the Oklahoma Constitution were passed by the Legislature to be referred to voters for approval. Section 8E of Article 10 of the Constitution providing for full fair cash value homestead exemptions for disabled veterans would be amended to provide if a homestead otherwise eligible for the homestead exemption is transferred on or after Jan. 1 of a calendar year, another homestead property acquired by the qualifying head of household or by the surviving spouse of such qualifying head of household shall be exempt to the same extent as the homestead property previously owned

by such person or persons for the year during which the new homestead is acquired. An amendment would add a Section 8F of Article 10 of the Constitution, to provide that beginning Jan. 1, 2015, the surviving spouse of the head of household who died while in the line of duty shall be entitled to claim the homestead exemption until such surviving spouse remarries, and to apply to the 2014 calendar year if the surviving spouse meets applicable requirements.<sup>28</sup>

### Natural Disaster Damaged Property Reassessment Procedure

The ad valorem tax procedure for reassessment of the value of improvements on land or personal property destroyed or partially destroyed, or land impaired or partially impaired, by natural disaster was amended. The county assessor shall determine the amount of damage and shall reassess the property for that year at the fair cash value of the property, taking into account the actual loss of functional use of the property occasioned by such damage. The assessor shall make the appropriate value adjustments to the property for that tax year up to the time at which the assessor publishes the assessor's report to the county excise board; and thereafter adjustments can be made only by the county board of tax roll corrections and only after the assessor has certified the tax roll for that year. The property owners shall be notified in advance of the time and place at which the value adjustment to their property will be heard by the board of tax roll corrections; and the board of tax roll corrections is authorized only to approve or reject the value adjustment submitted by the county assessor.<sup>29</sup>

### Natural Disaster Repairs Not Treated as Valuation Increase

The definition of an "improvement" to property for purposes of ad valorem tax and increase of fair cash value of a property was amended. It will now generally mean a valuable addition made to the property other than normal repairs, replacement, maintenance or upkeep. However, an "improvement" shall not mean any expenditure for repairing damage to a residential or business structure caused by tornadoes and other specified natural disasters and any such improvements made shall be disregarded for purposes of determining the maximum amount of fair cash value subject to ad valorem taxation unless there is an increase the square footage in which case only additional square footage may be considered an "improvement."

The county assessor shall determine the fair cash value of such additional square footage and shall separately determine the maximum fair cash value subject to *ad valorem* taxation for the square footage which is not part of the additional square footage amount and only in the amount authorized. Except with respect to the additional square footage, such improvements by reason of a natural disaster shall not allow any county assessor to increase the fair cash value of the applicable property by more than the valuation increase cap percentage provided for by Section 8B of Article 10 of the Oklahoma Constitution.<sup>30</sup>

### Tornado Damage Homestead Exemption Relief

The *ad valorem* tax homestead exemption was amended to provide that for any owner of real property who is eligible to claim the income tax credit pursuant to 68 O.S. §2357.29A with respect to a tornado or for any owner of real property whose primary residence was damaged or destroyed in a tornado and who purchased or built a new primary residence at a location within Oklahoma other than the location of the damaged or destroyed residence, the application for a homestead exemption may be filed after March 15 and the homestead exemption shall be granted for such year. The exemption may be filed no later than June 1 of the year immediately following the year during which the tornado occurred.31

#### Tax Resale Procedures

The statutory provisions that relate to tax resale procedures were amended related to the authorized time of resale, the determination of record ownership and prohibition of assignment of rights related to excess proceeds.<sup>32</sup>

### **GROSS PRODUCTION TAX**

Gross Production Tax Rate Change

The gross production tax was amended to reduce the rate of the tax to 2 percent on production from a new well spudded on or after July 1, 2015, for a period of 36 months of production. After the initial 36 month period of production the tax will be imposed at a rate of 7 percent. The allowed exemptions for secondary recovery projects, tertiary recovery projects, horizontally drilled wells, reestablished inactive wells, production enhancement projects, deep wells, new discovery wells and three-dimensional seismic technology wells were extended to wells spudded prior to July 1, 2015, subject to specified exceptions extend-

ing the qualification period for exemptions allowed for secondary recovery projects, tertiary recovery projects and reestablished inactive wells, and related rules for coordination and transition to the 2 percent reduced rate for new wells.<sup>33</sup>

#### MOTOR VEHICLE AND FUELS TAX

Tornado Relief Extended

The tax relief for individuals affected by tornadoes was amended and extended to apply in all years following 2013, including credits for registration fees and excise tax paid on replacement vehicles.<sup>34</sup>

Personal Liability for Business Motor Fuels Tax

An individual will be personally liable for a tax commission assessment of a business or entity for motor fuels tax if that individual, during the period of time for which the tax assessment was made, had direct control, supervision, or responsibility for filing an applicable tax return and/or for the payment of the tax for the business or entity. Under prior law, only a principal officer of a corporation or a manager or member of a limited liability company could be made liable for such taxes of an entity.<sup>35</sup>

Limit to Armed Forces Registration Fee Reduction

The reduced vehicle registration fee of \$15 allowed to members of the Armed Forces was amended and clarified to provide that the fee reduction shall not apply to vehicles owned by retired members of the Armed Forces, inactive members of the Reserve Corps of the Armed Forces, inactive members of the Oklahoma National Guard and other members and former members of the Armed Forces of the United States who are not on active duty.<sup>36</sup>

### MIXED BEVERAGE LICENSING

Requirements of Public Event Licensees

The Oklahoma Alcoholic Beverage Control Act was amended to define the term "public event" and to require public event licensees to 1) obtain a mixed beverage permit from the tax commission prior to engaging in the sale of mixed beverages; 2) report and pay gross receipts tax on the sale of mixed beverages; and 3) post a bond with the tax commission.<sup>37</sup>

#### TAX PROCEDURE

Time for Filing Protest of Denial of Claim for Refund

The tax procedure governing a taxpayer claim for refund for taxes other than income tax was amended to provide that if a claim for refund is denied by the tax commission, the taxpayer may file a demand for hearing with the tax commission which must be filed on or before the 60th day after the date the notice of denial was mailed by the tax commission to the taxpayer.<sup>38</sup>

### Tax Penalty Relief

The statutory provisions for interest and penalty assessment on delinquent sales, use, tourism, mixed beverage gross receipts or motor fuel taxes were amended to provide that the Tax Commission shall not collect penalty if the taxpayer remits the tax and interest within 60 days of mailing of a proposed assessment or voluntarily pays upon filing of an amended return. Previously, the penalty relief period for such taxes was 30 days, while such a 60-day penalty relief period applied to any tax due under any other state tax law, including income tax and income tax withholding. The change appears to now provide equal application of a 60-day penalty relief period.<sup>39</sup>

### ECONOMIC DEVELOPMENT

Oklahoma Quality Events Incentive Act

A three-year extension of the Oklahoma Quality Events Incentive Act, was enacted. The act provides that eligible municipalities and counties can use part of the state sales tax revenues derived from taxable transactions occurring within a designated area to promote qualifying events. A \$3 million cap on this use of sales tax collections will apply for each of the fiscal years ending June 30, 2015, through June 30, 2018. The lower caps applicable under the act for prior years were not amended. The provisions of the act governing tax commission analysis of incremental state sales tax revenues requirements were amended.

*Proxy Establishment for U.S. Armed Forces* 

The Oklahoma Quality Jobs Program Act was amended to include a definition of a "proxy establishment" which may be determined to be an establishment to which incentive payments may be made under the Act and which means a public trust which benefits a geographic area where new direct jobs are cre-

ated by an establishment which is a branch of the Armed Forces of the United States.41

**Note:** The enactment of SB 1246 by the Legislature providing for the individual income tax rate reduction, and the enactment by the Legislature of HB 2562 providing for changes of gross production tax rates, described above, have both been challenged by actions filed in the Supreme Court of Oklahoma.<sup>42</sup>

- 1. SB1246, amending 68 O.S. Supp. 2013, §2355; adding 68 O.S. Supp. 2014, §§2355.1F, 2355.1G, effective Aug. 22, 2014.
- 2. HB3297, amending 68 O.S. Supp. 2013, §2357.22, and other pertinent statutes; effective Aug. 22, 2014.
- 3. SB1199, amending 68 O.S. Supp. 2013, §2357.29A, effective May
- 4. SB1723, amending 68 O.S. Supp. 2013, §2358, effective Nov. 1, 2014.
- 5. HB2509, amending 68 O.S. 2011, §§2357.301-2357.304, effective Nov. 1, 2014.
  - 6. HB2643, amending 68 O.S. 2011, §2357.206, effective Jan. 1, 2015. 7. SB 1621, amending 68 O.S. Supp. 2358.5-1, effective June 3, 2014. 8. SB1150, amending 68 O.S. 2011, 82370.1, effective Nov. 1, 2014.
  - 9. SB2128, adding 68 O.S. Supp. 2014,§2357.403, effective Jan. 1, 2015.

  - 10. SB 1151, amending 68 O.S. 2011, §2357.101, effective Nov. 1, 2014.
  - 11. SB 1152, amending 68 O. S. 2011, §2357.47, effective Nov. 1, 2014. 12. SB 1153, amending 68 O. S. 2011, §2357.27, effective Nov. 1, 2014.

  - 13. SB 1170, amending 68 O.S. 2011, §2357.401, effective Nov. 1, 2014. 14. SB 1226, amending 68 O.S. 2011, §2370, effective Nov. 1, 2014.
- 15. SB1228, amending 68 O.S. 2011, §§253, 68 O.S. Supp. 2013, §2385.3, effective Nov.r 1, 2014.
- 16. HB1875, amending 68 O.S. Supp. 2013, §§265, 2702, 68 O.S. 2011, §1371, effective July 1, 2015.
- 17. HB3509, amending 68 O.S. Supp. 2013, §1357, effective May 28,
- 18. SB331, amending 68 O.S. Supp. 2013, §1356, effective Aug. 22, 2014
- 19. SB331, amending 68 O.S. Supp. 2013, §1357, effective Aug. 22, 2014.
- 20. SB 862, amending 68 O.S. Supp. 2013, §1357, effective Nov. 1, 2014.
- 21. SB1199, amending 68 O.S. 2011, §§1362, 1367.1, effective May 23, 2014.
  - 22. SB1228, amending 68 O.S. 2011, §§253, 1361, effective Nov. 1, 2014.
  - 23. HB2480, amending 68 O.S. 2011, §1370.7, effective Nov. 1, 2014.
  - 24. HB 3143, amending 11 O.S. 2011, §21-109, effective Nov. 1, 2014.
  - 25. SB 341, amending 68 O.S. 2011, §1208, effective May 16, 2014.

- 26. HB3119, amending 68 O.S. 2011, §2876, and 68 O.S. Supp. 2013, §2877, effective Jan. 1, 2015.
- 27. HB 2534, amending 68 O.S. Supp. 2013, §2877, effective Nov. 1,
- 28. HB2621, State Question Numbers 770 and 771; May 21, 2014.
- 29. HB2810, amending 68 O.S. 2011, §2817, and 68 O.S. Supp. 2013, §2871, effective Nov. 1, 2014.
  - 30. HB 3188, amending 68 O.S. 2011. §2802.1, effective June 3, 2014.
- 31. SB 1199, amending 68 O.S. Supp. 2013, §2892, effective May 23,
- 32. HB3090, amending 68 O.S. Supp. 2013, §3129, 68 O.S. 2011, §3131, effective April 25, 2014.
- 33. HB2562, amending 68 O.S. Supp. 2013, §§1001, 1001.3a, 1104, effective July 1, 2014.
- 34. SB1199, amending 47 O.S. 2011, §1132.3, 68 O.S. Supp. 2013, §2103.1, effective May 23, 2014.
  - 35. SB1228, amending 68 O.S. 2011, §253, effective Nov. 1, 2014.
  - 36. SB 1624, amending 47 O.S. 2011, §1127, effective Nov. 1, 2014. 37. SB 1715, amending 37 O.S. 2011, §§506, 518,518.1,521 37 O.S.
- Supp.2013,§523,527.1,528.1532.1535,535.1,535.2,537,537.1,538554.1554. 2,561,576,577,578,579,582,584,591,596,599, effective Aug. 22, 2014.
  - 38. SB 1244, amending 68 O.S. 2011, §227, effective Nov. 1, 2014.
  - 39. SB1244, amending 68 O.S. 2011, §217, effective Nov. 1, 2014.
- 40. HB2711, amending 68 O.S. 2011, §§4301, 4305, 4307, 68 O.S. Supp. 2013, §4304, effective Nov. 1, 2014.
- 41. HB1416, amending 68 O.S. Supp. 2013, §3603, effective Nov. 1,
- 42. Fent v. Fallin, Supreme Court of Oklahoma, Case No. MA-112867, filed May 22, 2014; Fent v. Fallin, Supreme Court of Oklahoma, Case No. MA 112976, filed June 26, 2014.

### ABOUT THE AUTHOR

Sheppard F. Miers, Jr. is a shareholder in the Tulsa office of Gable & Gotwals and practices in the areas of federal and state taxation. The author acknowledges information and assistance he received on the subject of this article from Joanie Raff, legislative analyst, staff of the Oklahoma Senate, and Abby Dillsaver, assistant general counsel, Oklahoma Tax Commission, and chair of the Taxation Law Section.

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# Witness Preparation: Best Practices for a Successful Deposition

By Robert P. Redemann

Thiter. The witness literally turned whiter. The lyrics from the song echoed in my mind, "...a whiiiiter shade of paaaaale." And I was really seeing it with my own eyes. I couldn't tell if he actually sputtered because I was looking to see how the videographer and the court reporter were reacting, but I think he did. It did not look good. Of course, it was April in London, and the witness was English so he hadn't seen much sun, but he still changed color to even whiter. Why? The questions he was being posed caught him completely off guard. He had no understanding of how he was going to be treated and he had no good strategy for answering the questions he was getting. He was the president of the company and he wasn't used to being treated this way. I knew we would be blamed later but our hands had been tied by the witness himself.

The case later settled and how the president had performed in his video deposition was not a small part of why that happened. He did not want to come to Oklahoma and have to explain his answers or not come and have the video replayed for the jury.

As any good trial attorney might ask — how could this be allowed to happen? The answer is lack of preparation. The president refused to give us any time for preparation until a few hours before the deposition, and even then it was only about 20 minutes. We simply did not have enough time to adequately prepare him for our able opponent. It confirmed a long-held belief that preparation before a deposition isn't a luxury, it's vital. What follows is not the only way to prepare for defending a deposition, but it is a method that has worked.

#### MAKING THE WITNESS COMFORTABLE

The Wrong Way

Is the preparation for the attorney or the witness? Many attorneys have a list of things they want to teach the witness. They are proud of this knowledge because they have learned it either at the side of skilled mentors or by the hard lessons of experience. They want to make sure that the witness has the advantage of that experience, whether it is what he (the male pronoun is used throughout for consistency purposes) is interested in or not. They are preparing the witness the way they want by covering all the procedural and formal things the witness needs to know. After all, they are the attorneys and the witness typically does not have much experience with giving depositions. In their minds, he needs the help.

But, who is that kind of preparation for — the witness or the attorney? Think about what you would want if you were a witness. Comfort is one common answer. If you were the witness, you would want to be as comfortable as possible in an unfamiliar situation. The best way for that to happen would be for the witness to have a chance to explain his fears and to have his questions answered. Also, you might want to practice a little. So, let the witness start things off and dictate where the conversation leads.

### Teaching and Listening

In short, a first step is to change your approach from being the teacher to being the student. You need to know what it is about the deposition process, the other parties, the other attorney or the facts of the case that worry your witness. You cannot address these issues unless you know about them, and your witness needs the chance to express any concerns.

Listening to the witness before you begin the part of the preparation involving the mechanics of the deposition has several benefits. First, it builds rapport with the witness. This is important because the witness is likely not to be familiar with you, which can add to his apprehension. It is much easier for him to face the inherent uncertainty in a deposition with someone he knows. We have all seen some depositions where the attorney's relationship with the witness was so poor that the witness was virtually on their own. It rarely turned out very well.

Second, it allows the witness to express what concerns he has. This lets the witness know that you value his perspective, and it helps build both his confidence and the bond between you. It also allows you to evaluate the type and severity of the concerns. Third, it allows you to help ease his anxiety by discussing and addressing the concerns he identifies. You can change the order of your instruction to address the most dangerous concerns first and spend time where the witness is least confident. Fourth, it may shorten the time you need for preparation because you can focus on the things that the witness finds important. As long as you still help prepare him for the things he doesn't know about, dealing with his issues first is valuable. Finally, you may learn something about the case that you did not yet know.

Letting the witness converse freely, the opposite of what you want him to do in the deposition, may let you discover things about the case

that could be useful or dangerous to your position that you might not have heard until the deposition. It may also give you insights into whether or not your witness is naturally reticent or expansive and will allow you to help address those qualities, too. A deposition is a type of performance and the witness usually needs to practice or rehearse to feel comfortable. At the very least, he needs to know the edges of the stage that he is on and what his role is.

### Addressing Concerns

The deposition process is not normal human conversation. Almost everything about it is foreign to most people, and none of it is designed to make the witness feel at ease. For example, it takes place under sets of rules regarding legal procedure<sup>1</sup> and evidence<sup>2</sup> about which the witness has no knowledge. It takes place in a formalized setting, though not a court like he has seen on television. All of the statements are recorded. The witness is placed under oath. There is a clear opponent who is typically adverse to the witness. It is like an oral exam but there is no way to know what the exact questions will be. No one can assure the witness how long it will take.<sup>3</sup> The questions and answers are likely to be interrupted by objections. The witness may face documents or statements that require him to suggest other people are not remembering correctly or even lying. He knows there is a good chance that if he says something wrong or inaccurate, he will likely be called to task for it later.

All of these things are likely to be new and potentially confusing or frightening to the witness. He does not want to look foolish or unschooled. Your job is to address these issues. A good way to do this is mention to the witness that there are rules regarding the deposition process and ask if he has any questions about them. If he declines, consider raising one, like the person requesting the deposition gets to ask questions first, and see if that generates some discussion. You can do the same for each of the items listed above. For example, you could explain why there is a requirement for the witness to be placed under oath and how testimony under oath has greater weight in the eyes of the law than comments made outside of an oath.

Listen to the comments he gives in response to your statements about the process and respond to his questions. If he is naturally shy, try asking a few questions, such as, "You may be wondering what the court reporter does with his notes after the deposition," and then show him a transcript. The more you can do to demystify the process for him, the more relaxed he can be and the more he can focus on the content of his answers during the deposition.

If he is the bearer of unexpected or potentially damaging evidence, this is the time to discuss strategies for honestly and accurately answering the questions in ways that soften its impact. You may also decide to ask a series of questions to put the answer in its proper context, and this is the time to develop those questions. If the witness knows that you have a plan for dealing with potentially damaging testimony that he might have to give, he is more likely to answer in ways that are more effective, simply because he is more at ease.

### Explaining the Process

As basic as it may seem to you, the witness may not know where to go, when to appear, what room to go to, where to sit in the room, why he is being asked to testify, who will be at the deposition, how to dress or if he should talk to people in the waiting room before the deposition. He may not know if he should be polite or antagonistic to the other attorneys. He may not know if he is allowed to request a break. These are all things any good preparation will address.

#### CASE-SPECIFIC GOALS

#### Minimizing Exposure

When you are presenting a witness for deposition, the procedure is usually a defensive one. Generally, you want to avoid giving the opposition any more information than the rules require. Let the witness know that you may not be asking any questions, because it allows the other side a chance to develop additional areas of inquiry and prolongs the deposition. If he doesn't understand this, he may feel that you are not doing your job and lose some confidence in you. Also, plan for a break at the end of the opposing attorney's questions, that way the witness can alert you to anything that he feels needs to be addressed.

Mention to the witness that if this were a war, this procedure would be considered a defensive one. He needs to know that his obligation is to honestly and accurately answer the questions that are posed, but no more than that. Your witness may feel the need to try to

advance his side of the case during testimony. You need to explain to him that his time will come later when you create the direct testimony for trial and when his testimony can be controlled and focused on what he knows. For now, he needs to provide the factual bricks that help you build the structure of the case and not be the architect of the legal case. That is part of your job.

Because the procedure is a defensive one, the shorter he can keep his answers, generally, the better. Most people can understand this concept and to mention it several times during the preparation helps him to see its importance. It helps to either show him transcripts where the witness has volunteered information, or for you to pose a question and a mock answer that is too broad so he can see how those things lead to more questions. The main exception to this thought is when you want the other side to learn something from the witness, possibly for settlement leverage or to direct them to other information helpful to your case. If you want the witness to expound in certain areas, let him know that in advance.

### Advancing the Case

The best way for the witness to help the case along is to be as accurate as possible in his testimony. As trial attorneys, we do not have the privilege of creating the facts surrounding our cases, only the privilege of presenting them. However, it is crucial to know what the facts are, and a deposition is a little like a card game where cards are turned face up for all the players to see as the game progresses.

If he has apparently damaging information, you need to develop a plan to present it in a way that reduces its shock value, either by couching it in a context that softens its blow or raising it yourself in a way that allows you to minimize its impact. How you place its context is going to be dependent on the facts of the case, but further preparation questioning of the witness may help you understand why an apparent "bad" fact may actually be perfectly reasonable, once you know all of the circumstances from the witness' perspective. But, you will never know unless you ask and listen.

### Establishing Witness Credibility

One of the goals in deposition preparation is to prepare your witness well enough that the other side becomes worried about what a good witness he will be at trial. As an attorney you should not try to influence the substance of what a witness says, but you can give him strategies for answering questions in a way that helps his credibility. There's no big secret about how to do that, it just takes some awareness on the part of the witness about what is happening. Following are some strategies to help that credibility:

First, encourage him to listen closely to the question that is asked. His obligation is to answer honestly and accurately. For example, the answer to the question, "Do you have an opinion about who is at fault in this accident?" is not who he thinks is at fault. It is "yes" or "no." While this may appear to be a nitpicking response, it helps him understand that the deposition is not normal human communication. It is a litigation procedure with specific duties and obligations, and those duties are not unlimited. It helps him focus on the actual words used in the question. It forces him to listen to the question asked. If he gives answers to the question that is asked and not what he thinks the questioner is driving at, the questioner will understand that the witness is listening and they will have to be careful in how they ask their questions. This puts pressure on the questioner and it also increases the value of the witness to your side of the case because it tells the questioner that sloppy or overly broad questions won't suffice. The harder you make the questioner fairly work, the more likely they will tire and end the deposition sooner.

Another positive side effect of having the witness listen carefully to the question posed is that he will have a better chance of fully understanding the question before he responds. Your witness may believe he knows what the attorney is asking, but when he starts answering he may realize that it was a confusing or vague question. Listening to the question helps him figure out if he understands the question in the first place. Having a witness honestly tell the questioner that he doesn't understand the question also puts pressure on the questioner for the same reasons mentioned above, but it is fully compatible with the witness's duties.

Suggest to the witness to pause briefly after the question is complete. The pause does not have to be great but if you show him a transcript from another deposition, you can point out that there is no time stamp between a question and an answer so he should feel free to take enough time to make sure he understands the question before answering. This also gives him some modicum of control over the deposition process and can help him understand that he is not helpless.

In a video deposition, the need to answer without an unusually long pause is present. However, a jury will not begrudge a witness a reasonable amount of time to formulate an answer. If the witness will be in a video deposition, some practice in front of a camera so both you and he can see what the pauses look like is essential.

Additionally, even though you have been objecting to deposition questions for many years, it still takes a little bit of time for even the quickest of us to evaluate the question for objection, and if it is objectionable, to make the decision to object or not. By asking him to pause before answering, you make him part of the "team" because what he does helps you perform one of your functions. If he answers too quickly, you can object, but technically an answer to a poorly formed question is an answer and an objection to form that comes afterward has been waived. Again, if your opponent sees good cooperation and teamwork between you and the witness, the witness becomes a greater danger to them.

It also helps to explain to the witness that even if the questioner asks questions that are objectionable, you may not necessarily object. One of the reasons to do this is to show the other side that you have confidence in the ability of the witness to handle a poorly worded or otherwise objectionable question. The more you can let the witness respond without having to interpose yourself during the deposition, the stronger the witness will appear to the other side. The stronger the witness appears, the more worried your opponents will be about that witness appearing at trial.

### **PROFESSIONAL GOALS**

Your obligations at a deposition are to speak for your client in a zealous but courteous fashion and to maintain the integrity of the process. The latter trumps the former.

You Are Not the Witness

It is often hard for less experienced attorneys to understand that they are neither their client nor the witness at a deposition. No matter how intensely you want the witness to support your case, the witness can only address what he knows and he is obligated to do it in an honest and accurate fashion. You have to find equa-

nimity in this position and understand that every case has a few "bad" facts and if the questioner asks the right questions, he is entitled to an answer. Your job is not to hide the bad facts, but to put them into the proper context if and when they come out.

### **Objections**

You have to be willing to seek the court's protection if the other side gets out of hand.<sup>4</sup> Both objections and the procedure for contacting the court is something that you should mention to the witness during preparation so that if it occurs he is not suddenly concerned

that he has done something wrong. If the witness is prepared for this eventuality, there is less chance for him to cave into the pressure being exerted by the other side.

Pursuant to the Oklahoma Discovery Code, objections as to the competency of the witness, or the competency, relevancy or materiality of the testimony are waived if the ground of the objection might have been obviated or removed if presented at that time.<sup>5</sup> Error or irregularities in the manner of oral examination, the form of the questions or answers, in the oath or the conduct of the parties or any other kind of error

that could be removed or cured if promptly presented are waived unless made at the deposition. If these occur, you cannot remain silent.

You will need to explain to the witness that the procedure for objections in a deposition is not like what he sees on television. 12 O.S. §3230(D) (West 2013) provides that after all objections, the examination continues subject to the objection. He may not initially understand why he needs to answer after an objection and explaining it to him helps him be familiar with the process. The only exceptions to this are listed in 12 O.S. §3230(E) (West 2013) as: 1) asserting a privilege or a work product protection; 2) enforcing a limitation given by a court; 3) presenting a motion to cease the deposition for bad behavior; or 4) moving for a protective order.

Many court rules now limit deposition objections to only the form of the question.<sup>7</sup> You should review the more common forms of

objectionable poor form questions with your witness during preparation. For instance, many attorneys ask overly broad or multiple questions at once, assume facts or present incomplete hypothetical questions. It helps the witness to hear these kinds of questions during preparation so he can identify them on his own, and so you can help him develop strategies for responding to them. You should instruct your witness to listen to your objection because he may gain some insight into what you think is wrong with the question from your objection.

...if your witness continually avoids answering questions, is too expansive in his answers or is overreacting to opposing counsel, you should ask for a recess...

If you do not push the envelope too much or too often, you can still abide by the rule and give some form of explanation about the defect in the form of the question. For instance, it is the author's belief that most courts would find an objection such as, "object to the form, assumes facts," or "...multiple questions" as being reasonable. You are fulfilling your obligation to the other side by stating an objection and informing the questioner of what you think the defect in their question is. They have the opportunity to revise the question or let it stand. The fact that your witness hears the objection is simply part of the process. If you have

reviewed these common objections with your witness beforehand, he will be more comfortable responding to the question if it is left standing.

### Witnesses Gone Wild

Most witnesses are compliant, but we have all had those that are not. There seem to be two main forms of non-compliance. First, if your witness continually avoids answering questions, is too expansive in his answers or is overreacting to opposing counsel, you should ask for a recess and address his non-compliance by finding out why he is acting in this manner. All these forms of responding reduce his credibility and make him appear weaker as a witness. Explain to him during your preparation that you may ask for a recess to discuss his responses or reactions, and that this is a normal part of the process. You don't want your witness feeling like he has done something wrong or that

you are disciplining him. Paving the way for such a conference will help ease any anxiety he might have about it if you need to do it during the deposition. Your job is to help him feel comfortable so that he can honestly and accurately answer the questions posed.

The second way witnesses can go wild is by stating things that are simply not true. During preparation, you should emphasize that he has the duty to honestly and accurately answer the questions that are asked. Also, you should be alert for any indications that the witness is willing to say whatever is necessary to advance the case and explain to him that such an approach is damaging. If he becomes an advocate for your side, he reduces his credibility. He is much stronger if he simply presents the facts he knows, refuses to speculate about those he doesn't know and sticks to the truth. If you see any indications that your witness feels like honesty and accuracy regarding the case facts are plastic concepts, remind him of his duty and point out the loss of credibility that comes from the exposure of a dishonest, inaccurate or overly cute response. If you think he may still go down the wrong path after your warnings, remind him that you have an obligation to assure the honesty and accuracy of his responses, and if he is not honest, you will have to take actions that strongly suggest to everyone that he is lying. You cannot be a party to perjury and he needs to know that you have a duty to the system that overrides your duty to the case.

One way to emphasize the need to be honest and accurate is a mock question. Go into role-playing mode and ask the witness, as if you are the other attorney, "Did you do anything to prepare for this deposition?" His answer will often be a good barometer of how well he is listening to the question and if he has a predisposition to conceal information, such as with an answer of "nothing." He has obviously met with you and needs to know he can reveal the facts of the meeting, if not the content.

# MEETING WITH THE WITNESS AND TOPICS TO DISCUSS

#### Primary Goals

Your witness and you have different goals with a deposition. The primary goal for the witness is to get the deposition over with. It is not a comfortable position to be the witness. Your goal in the deposition preparation is to make the witness feel at ease with the process

while emphasizing the need to be honest and accurate in his responses. Your goal in the deposition is to keep any damage to a minimum, elicit any needed testimony and to show the other side the power and credibility of the witness.

#### Place, People and Phones

You need at least one meeting with your witness beforehand. It should be long enough before the deposition to allow him some time to process the information you are presenting to him and to allow him to ask any questions that he might have. It should not be so far in advance, however, that he forgets what you discussed. Usually, a week to two weeks before the deposition is the optimal time. One meeting is generally enough, but if the witness is unusually important or if it will be a video deposition, you may consider more than one session.

Try to meet where you can show him the physical surroundings of the deposition room so he can be at ease with them. If he knows where to park, how long it takes to get the deposition site and where the restrooms are beforehand, he will be more relaxed when the deposition starts.

Explain to him who will be at the deposition and what their roles will be. Show him where people are likely to sit. If you plan to have a legal assistant or someone else from your office in the deposition with you, introduce the witness to them at the preparation session. Provide him with writing materials during the preparation session so he can take notes. Mention to him that if he makes notes at the deposition, they may be subject to inspection by the other parties, so you will recommend not having a note pad for him then. If he has something important to mention to you, he can ask for a break after the posed question is answered.

Witnesses need to concentrate on the deposition, so cell phones should be left in the private room or at your or your assistant's desk until after the deposition. He needs to know that you expect no phones or any other personal electronics in the deposition room. There is an argument to be made that if a witness uses a phone during the deposition that any privacy he might normally expect is waived about the conversation or the phone itself.

#### Procedure

He needs to know the mechanics of how a deposition is taken. So, you should discuss that he needs to speak up, answer out loud, not to speak over another person and make sure the court reporter hears him. You should tell him the likely order of questioning. He should be informed that some background, education and work history questions are likely and appropriate. Attorneys are allowed to inquire as to a witness' background to help them evaluate the witness' credibility. He should know that he will likely be asked about any criminal record or daily medications and why these questions are allowed. He should know that the opposing attorney is not his friend, no matter how congenial he or she appears.

When the witness arrives at your office, he should be taken to a private room to wait for the other participants. Do not allow the witness to sit out in your reception area alone or with the opposing counsel. Chance comments can come back to haunt the witness. Have everyone else be present and ready before bringing the witness in so that conversation between the witness and the other participants is minimized. Also, limit small talk between yourself and the other attorneys as it may make the witness feel like an outsider. The witness and you are a team and you don't want any wedges to come between you during the deposition. The witness should know that once he is in the deposition room, he is "performing" because how he acts is part of what the opposing attorneys will be evaluating. He should know that after any question is answered, he may request a break. He should also know that you may decide not to ask any questions and that such a decision is common.

You should prepare him to know that once the deposition is over, you intend to escort him out of the deposition room and back to the private room. He needs to understand that he is "on stage" as long as he is in the presence of the opposing parties and attorneys. You should let him know that you will finish your host duties to the other participants and will be back to speak with him. Let him know that after you are sure the others have left your office, you will visit with him to see if he has any questions about the deposition. After that, you may discuss any problems that his testimony may have caused to arise and how to address them.

#### **Objections**

As mentioned above, explain that objections may occur and that the witness should listen to your objection so that he understands what you think is wrong with the question. Let him know what it means when the lawyers agree to the "usual stipulations" at the beginning of the deposition or any other stipulations you think might occur. For example, one objection by a side will be presumed to be an objection by all parties on that side. Explain that even though an objection is made, save for privileged material, he will need to answer the question and why this is so.

Explain to him what privileged material is and why it is privileged. Let him know that if a privilege objection is raised, the questioning attorney may ask if he chooses to answer in spite of the privilege objection. Witnesses and clients have the right to waive the privilege so it's not an unfair question. Most witnesses will follow your recommendation not to answer if they are not caught off guard by the request.

#### Transcript Review

Explain his right to review the deposition transcript for errors. Let him know that you or opposing counsel will have to ask if he wishes to review the transcript while the court reporter is still recording everything. You should discuss this prior to the deposition and determine what his answer will be so the deposition ends smoothly. Impress upon him the relatively short time to review the transcript once it is completed by the court reporter and discuss the arrangements for the physical transfer of the transcript to him and back.

# DOCUMENTS AND DISCOVERY — TO REVIEW OR NOT TO REVIEW

#### The Decision

If you anticipate that documents will be shown to the witness you should discuss with the witness whether or not you are going to review the documents together. Some attorneys prefer their witnesses not to review such documents, others generally recommend review. Even though the fact of a document review may come out during the deposition, those that favor a review think being prepared has more advantages than what you might lose by having the witness identify what documents were reviewed, assuming no successful privilege objection.

#### Witness' Documents vs. Someone Else's Documents

If the witness is asked to comment on documents he created, unless he remembers all that went before and after, he should be cautious in answering. Your witness may feel that if he created a document, he will look foolish if he doesn't address all questions about it. However, every document is created within a context, and the witness needs to be able to explain that context to you beforehand, so that when it is discussed during the deposition, he can explain the document clearly. All attorneys are experts at taking statements or documents out of context for their apparent intrinsic value and the witness must be alert to this. Together, you must devise a strategy to place the document back into context. As a single musical note is meaningless without the rest of the melody, a document out of context cannot be fully understood by itself. Commenting on single documents, even ones the witness created, is dangerous business.

If you think the witness will be asked to comment on documents created by someone else, urge him to proceed with great caution. No matter how much a witness knows about another person, no one can state with certainty why another person chose the specific words they used in the text of a document. The document is literally out context twice, and the witness probably cannot place it in any context. If pressed, the witness should qualify his answer by noting he did not create the document and his comments are only his opinion about what it means. To determine the document's true intent, the author is the appropriate source.

#### CONCLUSION

Preparation is key, and cases can be won and lost at the deposition stage depending on what comes out of your witnesses' mouths. If the witness at the beginning of this article had given us the time to school him on only half of things mentioned above, perhaps he would not have turned that whiter shade of pale.

- 1. Rule 33 of Federal Rules of Civil Procedure and Okla. Stat. tit. 12
- 2. Federal Rules of Evidence, Pub.L. 93-595; 88 Stat. 1926 (1975, revised 2013), and Oklahoma Evidence Code, Okla. Stat. tit. 12 §2101 through 3011 (West 2013).
- 3. Oklahoma's Discovery Code, Okla. Stat. tit. 12 § 3230 A.3 (West 2013) and F.R.C.P. Rule 30 (d)(1) now limit the length of depositions to no more than 6 and 7 hours, respectively, for one day without the court's permission or the parties' agreement to extend the time. So you can tell the witness it probably will not be longer than that. 4. Okla. Stat. tit. 12 §3230 E (West 2013).

  - 5. Okla. Stat. tit. 12 §3232 D 3 a (West 2013).
  - 6. Okla. Stat. tit. 12 §3232 D 3 b (West 2013).
- 7. Local Rule 18, I. A. for the Seventh & Twenty-Sixth Judicial Districts (Oklahoma & Canadian Counties)(West 2013);Local Rule CV 20.5 for the Fourteenth Judicial District (Tulsa & Pawnee Counties)(West 2013).

#### ABOUT THE AUTHOR



Robert P. Redemann is a senior member and trial attorney with Perrine, Redemann, Berry, Taylor & Sloan. His practice focuses on tort, insurance and employment law defense. He currently cochairs the ABA Tort, Trial and Insurance Law Sections' Book

Publishing Board. He is co-author of the "Duty to Defend" chapter of Law and Practice of Insurance Coverage Litigation (Thompson West 2005). He can be reached at rredemann@pmrlaw.net.





# 15 KIDS VS. 30?

THERE IS NO COMPARISON."

Jane's favorite things about teaching at Holland Hall are the collaboration and the connection. She worked with a fellow teacher to develop an innovative Downtown Tulsa Studies project, where students spend a hands-on semester getting to know their city.

She loves the smaller Holland Hall class sizes, "because I'm interacting with students in such a way that I really connect with them. I have a sense of what they're going through in all aspects of their lives. I so enjoy helping them find their comfort zone, experiencing those breakthrough moments, seeing them achieve and excel. What's not to love about that?"

Meet Holland Hall's amazing faculty. Contact Olivia Martin, Director of Admission, at (918) 481-1111.



www.hollandhall.org



# Annual Meeting to Reveal What's In Store

By John Morris Williams

The Annual Meeting this year will have a couple of new twists, an internationally recognized speaker and a party planned for Thursday night that might just top anything we have done in recent memory. I am personally excited about the programming related to the future of the practice of law and the "progressive party" on Thursday night. This year's meeting will have it all. It will be fun, interesting and the perfect opportunity to celebrate the end of an eventful year.

President DeMoss and the Board of Governors have done some heavy lifting this year for the profession. This meeting will hopefully showcase some of that work and give tribute to the dedicated volunteers who made the year a huge success. If ever there was a time for Oklahoma lawyers to come together to celebrate and plan, it is this year.

The summer bar exam was recently administered. This year there were only 301 applicants for the July exam. This number is down significantly. A couple of years ago, for the first time in history there were more law school chairs than there were law school applicants. This is part of the discussion on the future of the practice of law that is going on around the world.

Fewer applicants means law schools are facing tougher economic times. Also, there is the question of the quality of applicants now versus the time when there was tough competition for admission. There is also the push for greater practical skills training in law schools. One of the most successful new law schools is promoting the concept of graduates having the skills to enter the practice of law on their own. We all know this is happening and the results have not always been easy or good for new graduates hanging out a shingle without the support of a firm and the guidance of a mentor.

In the middle of this brave new world sit bar associations that likewise will need to adapt and be agile to meet the needs of a rapidly changing profession. There is no better place to help chart the course and be a leader in our profession than to come to the Annual Meeting. If you are a delegate you will vote on who our leaders will be and on policy of the organization.

In the past few years things have been pretty settled and overall good for Oklahoma lawyers. The winds of change are blowing. Outside forces are aligning themselves to change how we educate ourselves, how we earn a living and how our judicial system is constructed.

Never before have your profession and your association needed your time and attention as they do now.

The best place to get informed, get involved and help shape the future of our profession is the Annual Meeting. These days, standing on the sidelines and being too busy to get involved will come with a price to each of us individually and to our profession. In the end, the real loser will be the public who may not have access to competent and affordable legal representation and advice. It is our job as the guardians of justice to begin now to craft solutions for the future to ensure that competent representation is available for all who need it.

This year the Annual Meeting is the place to be. We have some tough issues to discuss and some good times to be had. The business of lawyers is lawyering. Lawyering is about to undergo some real changes. You cannot afford not to come to Tulsa this year and discover what the future holds.

John

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

# What Is Your Law Firm's Social Media Strategy?

By Jim Calloway

Everyone (including me) says your law firm has to have a website and almost everyone says that your law firm really needs to also have social media accounts, which are also, at least in part, websites. Most of you understand how that can be true as two of your big gateways for online information are Google searches and Facebook.

But you are also tech savvy enough to recognize that designing a decent looking website today involves more than filling out a free website template that was located online and that social media sites will have little audience and no business development impact unless they are frequently updated with interesting and relevant information.

You have little confidence that your firm is up for a major website overhaul and the launching of new social media accounts this year seems out of the question because of [insert name of huge new client project or unanticipated business challenge.] That thought reminds you that you had a similar thought when examining online law firm marketing about this same time last year.

You might look at your firm's website and see some changes or corrections that need to be done. But how

much does website appearance matter today? My Law Practice Tips column in January 2014 noted that more and more people are consuming Internet content on smart phones and mobile devices. (See sidebar for link.)

My opinion is that you need an attractive website for the same reason that you want your building to have an attractive façade and your office reception area to be professional and tidy. Often these areas have a big impact on your law firm's initial impression on potential clients and generally they are an important part of the image of the law firm.

For law firms that do not yet have a website, I have included links to some suggested reading in the sidebar.

# LAWYERS AND SOCIAL MEDIA

There has been a lot written about how law firms should successfully use social media and there have been many seminars and legal technology conferences about social media.

At this point most lawyers would, perhaps somewhat grudgingly, have to agree that a lot of people use online social media and that they no doubt make some purchasing decisions based on what they

## Building a Law Firm Website

American Bar Association Legal Technology Resource Center FYI: Starting a Website – http://goo.gl/MelYDc

"How to Design the Best Law Firm Website" By Mike Ramsey, AttorneyatWork.com, Sept. 11, 2013 – http://goo.gl/inFlrV

"Adopting Mobile Technology-What Does that Mean for Today's Lawyers?" by Jim Calloway, Oklahoma Bar Journal, Jan. 18, 2014 - http://goo.gl/61PNc6

"Web Site How-To Tips for the Small Firm Lawyer" by Jim Calloway, Oklahoma Bar Journal, Nov. 8, 2008 – http://goo.gl/j18MmR

"This Is My Life: Stop Writing About Yourself In The Third Person" by Jordan Furlong, StemLegal.com (July 30, 2014) – http://goo.gl/neJuKv

are exposed to in various social media. For the new lawyer attempting to build a new solo practice, social media definitely has the advantage of being free, although I always caution young lawyers in Oklahoma that it is not wise to make this the primary focus of your initial marketing efforts. Personal contact and developing relationships still reigns supreme—today at least.

A social media presence is not required, particularly for those law firms who are currently turning away new clients and new engagements.

But social media sharing is going to continue, of that I have no doubt. The masses may migrate from Facebook and Twitter to The Next Big Thing, but there will still be baby pictures, wedding videos, graduations and other moments to share. There will still be people who need to purchase a new lawnmower or hire a lawyer who would rather hear what their online acquaintances and social cohort have to say than rely on paid advertising or digging through dozens of online reviews.

A few years ago a discussion of the use of social media had to include an outline of the different features of the various services. Today, there is a commonality among most of the social media outlets. LinkedIn looks a lot more like Facebook.

# SOCIAL MEDIA IS EVERYWHERE

All celebrities must have a Twitter account, whether they are the ones who do the posting or not. Online sharing (and oversharing) has become an international pastime. Online news sources that allow readers to post comments can generate some very heated arguments — between complete strangers. All who use social media have at this point seen people that they know post



Many lawyers
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lack the time, the skill
or even, dare we say,
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effectively use social
media.

things online that were shocking or indiscreet and most active users have made a post, comment or "like" that they would like to have back.

A social media account for a business or professional practice should have as a goal to generate new business or at least to enhance the reputation of the business.

Many lawyers believe that they lack the time, the skill or even, dare we say, the competency to effectively use social media.

But, the important thing for the lawyer or law firm wanting to experiment with social media is to understand that social media involves sharing valuable content and building an audience for that content. It is certainly a positive if the lawyer or law firm creates most of that fascinating and interesting content, but it is in no way a require-

For example, if a lawyer or law firm decided that they wanted to have a Twitter account focused on adversary proceedings in bankruptcy, it is extremely unlikely that they can generate enough original content on that very narrow topic to develop much of an audience. But a Google

search for "Twitter bankruptcy lawyers" returns results for a very large number of bankruptcy-focused lawyer and law firm Twitter accounts. So the firm would set up its new Twitter account, do a few initial tweets and then visit many of the other lawyers or organizations that tweet about bankruptcy issues and follow them. Many of those lawyers may follow you in return.

I like Twitter because the 140-character limitation means that you will not be tempted to write too much. To me, the "magic" of Twitter is not trying to distill a cogent thought into 140 characters, but to use a few words and a link to direct your audience to other valuable content online. I haven't checked precisely, but I am fairly sure that the majority of my tweets are not written by me at all but are retweets (aka RTs) of tweets by others. See for yourself at www.twitter.com/jimcalloway.

That's the irony of social media. You spend much of your time sharing the content of others. But if you do a great job of doing that, you build an audience. They may be reading content from, in my example, bankruptcy lawyers from

all across the country, but they are following your law firm's Twitter account. And if they need a bankruptcy lawyer or have a client who needs a bankruptcy lawyer, the fact that they frequently see tweets and retweets from you in their Twitter stream about bankruptcy means that you may be receiving a call. And if you want to make an announcement about your practice or something you have done, you have a ready-made audience.

Those who follow these things refer to the difference between online content generators, content aggregators and content curators. To oversimplify these distinctions, generators create with their original writings, aggregators collect large amounts of information online about a particular topic and curators pick and choose what to pass along to their audience. Being a content generator is valuable as it demonstrates your expertise and unique skills to those who read your original material.

But in these days of information overload, you cannot overestimate the value of a great curator or a good editor. So success in social media may be as simple as setting aside some time each week to review several online resources and articles in your subject matter of interest and then pass along the best two or three items to your audience.

Managing multiple social media accounts requires a little bit of experimentation, but if a

really great article on a new appellate bankruptcy decision is worthy of being shared via Twitter, it is also probably worth posting to your law firm's LinkedIn account or Facebook page.

This is certainly not a perfect or sophisticated social media strategy, but it has the advantage of being set up within a few hours and requiring an hour or less of investment each week.

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!

# NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT OF ROBERT SAMUEL KERR IV, SCBD #6158 TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION

Notice is hereby given pursuant to Rule 11.3(b), Rules Governing Disciplinary Proceedings, 5 O.S., Ch. 1, App. 1-A, that a hearing will be held to determine if Robert Samuel Kerr IV should be reinstated to active membership in the Oklahoma Bar Association.

Any person desiring to be heard in opposition to or in support of the petition may appear before the Professional Responsibility Tribunal at the Oklahoma Bar Center at 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma, at 9:30 a.m. on **Friday, October 17, 2014**. Any person wishing to appear should contact Gina Hendryx, General Counsel, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152, telephone (405) 416-7007.

#### PROFESSIONAL RESPONSIBILITY TRIBUNAL



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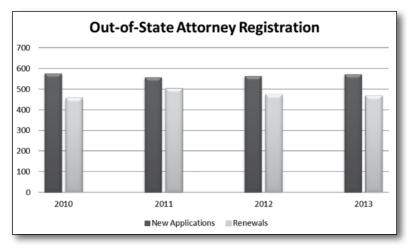
# Out-of-State Attorney Registration

By Gina Hendryx

Out-of-state attorneys who wish to practice in an Oklahoma state forum must first register with the Oklahoma Bar Association. The registration rules for attorneys from other jurisdictions can be found in the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App. 1, Art. II. To appear in an Oklahoma forum, the out-of-state attorney must first:

- Complete and submit to the OBA a signed application form.
- Submit current certificates of good standing from the attorney's licensing jurisdictions.
- 3. Pay the registration fee of \$350 per attorney per case made payable to the Oklahoma Bar Association.

Upon receipt of the application, certificates of good standing and the fee payment, the OBA will review and issue a "Certificate of Compliance." Certificates of compliance are issued after confirmation of the application information, the applicant's good standing in his/her licensing jurisdiction and payment of applicable fees. All obtained and verified information is submitted to the Oklahoma court or tribunal as an exhibit to a "Motion to Admit Pro Hac Vice."



It is then within the presiding judge's discretion whether to permit an attorney to appear in his or her courtroom.

All out of state attorneys appearing before an Oklahoma tribunal must associate with local counsel. It is then up to the presiding judge or officer whether to allow the out-of-state attorney to appear at hearings without the local counsel in attendance.

An Oklahoma court may temporarily admit an out-of-state attorney on a showing of good cause for noncompliance with the provisions of the rule. However, this temporary admission may be for no longer than 10 days, and the attorney must comply with he registration requirements.

In 2013, the Office of the General Counsel processed 571 new applications, 469 renewal applications from outof-state attorneys requesting to practice before an Oklahoma state tribunal.

Out-of-state attorneys appearing pro bono to represent criminal indigent defendants, or on behalf of persons who otherwise would qualify for representation under the guidelines of the Legal Services Corp. due to their incomes, may request a waiver of the application fee from the OBA. In 2013, the Office of the General Counsel processed two waiver requests of the application fee.

Over the past six years, new out-of-state attorney registrations have averaged nearly 600 per year. Likewise, more than 550 attorneys have renewed on average per year.

Ms. Hendryx is the OBA general counsel.

# Meeting Summary

The Oklahoma Bar Association Board of Governors met by telephone on Friday, June 20, 2014.

# REPORT OF THE PRESIDENT

President DeMoss reported she attended the OBA Solo & Small Firm Conference, Board of Governors meeting in Catoosa, Audit Committee meeting, Professionalism Committee meeting, planning meeting with Litigation Section officers, Oklahoma Bar Foundation lunch and meeting, planning sessions on Annual Meeting and meeting on the presentation of the Law Schools Committee at OU. She participated on a panel at the Oklahoma Judicial Conference in Norman, presented the state of the OBA address at the judicial conference and wrote an Oklahoma Bar Journal article.

# REPORT OF THE VICE PRESIDENT

Vice President Shields reported she participated in the Diversity Committee meeting and Audit Committee meeting, worked on successor attorney task force issues, met with Ethics Counsel Travis Pickens regarding the same and worked on planning for the joint OBF/OBA event for Sept. 25.

# REPORT OF THE PRESIDENT-ELECT

President-Elect Poarch reported he attended the Solo & Small Firm Conference, June Board of Governors meeting, July Cleveland County Bar Association meeting, Strategic Planning Committee meeting and judicial reception in Norman. He made procedural appointments for the House of Delegates meeting in November, reappointed chairs and members of the OBA Law Schools Committee and toured the new OCU School of Law downtown facility with Dean Couch and President DeMoss.

# REPORT OF THE PAST PRESIDENT

Past President Stuart reported he attended the June Board of Governors meeting, Solo & Small Firm Conference in Tulsa, June YLD board meeting, OBA Human Trafficking Task Force meeting and by phone the OBA Audit Committee meeting.

# REPORT OF THE EXECUTIVE DIRECTOR

**Executive Director Williams** reported he attended the Oklahoma Judicial Conference reception, staff director meeting, Audit Committee meeting, meeting with legislators and others on proposed training in regard to new legislation requiring education in divorce cases involving minor children, Pontotoc County Sheep Creek event, meetings with President DeMoss, Strategic Planning Committee and YLD board meeting. He also participated in training on new association software.

#### **BOARD MEMBER REPORTS**

Governor Dexter reported she attended the Solo & Small

Firm Conference in June, Board of Governors meeting held during the conference and Tulsa County Bar Association Awards Committee meeting. She participated in communications with President DeMoss related to the Mona Lambird Spotlight awards and contacted presidents of the Osage County Bar Association and Ottawa County Bar Association on behalf of the Awards Committee to encourage each county bar association to submit one or more nominees for the annual OBA awards. **Governor Hays** reported she attended the Solo & Small Firm Conference, June Board of Governors meeting, **OBA Family Law Section Trial** Advocacy Institute planning meeting and worked on institute matters, Women in Law Committee meeting, Tulsa County Bar Association Board of Directors meeting at which she presented a board report, TCBA Family Law Section meeting and Section Leadership Council meeting. She communicated with OBA FLS leadership regarding the Annual Meeting and with the **OBA Professionalism Commit**tee regarding its symposium. She prepared the OBA FLS 2015 budget proposal and participated in the OBA FLS Trial Advocacy Institute as a mentor. Governor Jackson reported he attended the Audit Committee meeting. Governor **Kinslow** reported he has been working on the October Board of Governors meeting in Lawton. Governor Knighton

reported he attended the June Cleveland County Bar Association meeting and corresponded with bar presidents in his district regarding interest in a presentation by Lawyers Helping Lawyers. Governor Marshall reported he attended the Pottawatomie County Bar Association summer meeting. Governor Parrott reported she contacted county bar association presidents to encourage nominations for OBA awards, studied the audit report and participated in the evaluation meeting of the OBA Audit Committee. Governor Sain reported he attended the McCurtain County Bar Association luncheon and the McCurtain Memorial Hospital Foundation board meeting. Governor Smith reported he attended the June Board of Governors meeting, Solo & Small Firm Conference and OBA golf tournament. Governor Stevens reported he attended the June Board of Governors meeting, July Cleveland County Bar Association meeting, Solo & Small Firm Conference, judicial conference reception and Audit Committee meeting. Governor Thomas, unable to attend the meeting, reported via email that she attended the board meeting at the Solo & Small Firm Conference, Section Leaders Council meeting and Washington County Bar Association monthly meeting.

# YOUNG LAWYERS DIVISION REPORT

Governor Hennigh reported the division has had two meetings since the last Board of Governors meeting. Alex Wilson has been appointed to fill the YLD District 7 vacancy on the board. Fifteen board members assembled bar exam survival kits and will hand out the kits at the exams in Oklahoma City and Tulsa. He said four delegates will be going to the upcoming ABA meeting.

#### KICK IT FORWARD TASK FORCE

Governor Hennigh said the task force has put together a formal proposal that has been turned over to past YLD Chair Jennifer Castillo before it is submitted to the Board of Governors for its review. An electronic survey asking about the effort required to find employment in the legal profession will be sent to all OBA members in practice for 10 years or less. Proposed questions were shared with the board, and board members with suggestions for additional questions were asked to contact Ms. Castillo within the following week. Board members reviewed a brief program description, application form and a sample registration form for the Kick It Forward Kickball Tournament with a proposed registration fee of \$30 per person. Executive Director Williams said program applications could be submitted to his office. Discussion followed. It was decided that approval for the YLD to begin fundraising for the program and consideration of whether to add a program donation option to the OBA dues statement would be considered at the August Board of Governors meeting.

# REPORT OF THE SUPREME COURT LIAISON

Justice Winchester reported the Supreme Court is currently in cessation of regularly scheduled conferences, but is still working on other matters. He said the recent Oklahoma Judicial Conference in Norman was very good.

#### LEGAL INTERN COMMITTEE ANNUAL REPORT

Governor Marshall called the board's attention to the committee's report to the Supreme Court for activities July 1, 2013 – June 30, 2014. The report included the committee's support for the creation of the Tulsa University Law School Clinic, scheduled to open in January 2014.

# COMMITTEE LIAISON REPORTS

Vice President Shields reported the Diversity Committee has received nominations for its awards that will be presented at its Oct. 16 CLE event. The speaker's topic will be "The 50th Anniversary of Title VII." Governor Hays reported the Professionalism Symposium will be held Dec. 12. The Women in Law Committee is working on social events in Oklahoma City and Tulsa, combining community service with the social activity. The Section Leadership Council met at the Solo & Small Firm Conference and will meet again at Annual Meeting. She said the Family Law Section's Trial Advocacy Institute going on at the bar center this week has taken 15 years of planning. Oklahoma is the first state bar association to offer this type of program, which is usually conducted by national organizations. Twenty lawyers are participating. Video equipment purchased for the institute will be given to the OBA. The OBA was thanked for its assistance in staffing the institute.

# REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported last month that only one case against the OBA is

currently active, and she said the 10th Circuit has affirmed dismissal of the case. She said department employees this week finished training on the department's new case management software called Justware. Staff members are still working on entering former cases. She recently spoke at the Oklahoma court clerks annual meeting. They wanted to hear about working with *pro se* litigants.

#### OKLAHOMA BAR FOUNDATION TRUSTEE APPOINTMENTS

The board approved President DeMoss' recommendation to appoint Judge D.W. Boyd, Newkirk, for a three-year term expiring Dec. 31, 2017.

#### REQUEST FOR STAFF OUT-OF-STATE TRAVEL

The Oklahoma Association of Defense Counsel has asked MAP Director Calloway to present a program to its members in Frisco, Tex. The board approved the out-of-state travel with the provision that the OADC reimburse Mr. Calloway for his mileage.

#### **NEXT MEETING**

The Board of Governors met Aug. 22, 2014, at the Hyatt Regency Hotel in Tulsa. A summary of those actions will be published after the minutes are approved. The next board meeting will be Friday, Sept. 26, 2014, at the Oklahoma Bar Center in Oklahoma City.

### NOTICE OF JUDICIAL VACANCY

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

# Judge of the Court of Criminal Appeals District Two

This vacancy is created by the retirement of the Honorable Charles Johnson effective August 1, 2014.

To be appointed to the office of Judge of the Court of Criminal Appeals an individual must have been a qualified elector of the judicial district applicable, as opposed to a registered voter, for one year immediately prior to his or her appointment, and additionally, must be at least 30 years of age and have been a licensed attorney, practicing law within the State of Oklahoma, or serving as a judge of a court of record in Oklahoma, or both, for five years preceding his/her appointment.

Application forms can be obtained on line at www.oscn.net under the link to Judicial Nominating Commission or by contacting Tammy Reaves, Administrative Office of the Courts, 2100 N Lincoln, Suite 3, Oklahoma City, Oklahoma 73105, (405) 556-9862. The deadline for applications has been extended. Applications must be submitted to the Chairman of the Commission at the same address no later than 5:00 p.m., Friday, October 3, 2014. If applications are mailed, they must be postmarked by midnight, October 3, 2014.

Larry D. Ottaway, Chairman Oklahoma Judicial Nominating Commission

# OBF Gearing Up for OBA Annual Meeting

By Dietmar K. Caudle

Summer of 2014 has confirmed that many lawyers and other friends of the OBF are continuing to step up financially to enable your Oklahoma Bar Foundation to continue its acclaimed grant making program. The OBF has completed its comprehensive review of court grant applications by awarding more than \$86,000 benefiting 11 different district courts across the state. The 15-member OBF Grants & Awards Committee has considered 19 different organization's grant applications totaling \$591,374 during August. Unfortunately, it will be impossible to fund all of these requests due to continuing budgetary constraints. Watch for upcoming grant award announcements in the Oklahoma Bar Journal and on the OBF website.

Fortunately, the OBF Fellows Umbrella Giving Program has expanded thanks to generous donors. In addition to the regular Fellows Program of giving, there is the new Community Fellows Program for organizations and groups. The Fellows Program for individuals is comprised of the Fellow, Sustaining Fellow and the top tiered Benefactor levels. The Community Fellows Program has three tiers from which to choose consisting of Supporter, Partner and

the top tiered Patron levels. All of the tax deductive giving programs are fully described on the OBF website at www.okbarfoundation.org.

The OBF is proud to recognize and thank our newest Community Fellows with seven at the highest level of Patron, including two OBA sections, and three OBA sections at the Partner level. The newest honored members of the OBF Fellows Umbrella Giving Program include the following:

# FOR GROUPS AND ORGANIZATIONS

# Newest Community Fellows at the Highest Patron Level:

Bank of Oklahoma, Statewide – 2014
Bass Law, Oklahoma City
and El Reno – 2014
Chickasaw Nation Foundation,
Statewide – 2014
Echols & Associates,
Oklahoma City – 2014
The Garrett Law Center,
Tulsa – 2013-14
OBF Family Law Section –
2013 & 2014
OBA Litigation Section – 2014

# Newest Community Fellows at the Partner Level:

OBA Appellate Practice Section – 2014 OBA Financial Institutions and Commercial Law Section – 2014 OBA Intellectual Property Section – 2014

# FOR INDIVIDUAL LAWYERS AND OTHER CONCERNED SUPPORTERS

#### Newest Oklahoma Bar Foundation Benefactor Fellows at the Highest Level:

Deanna Hartley-Kelso, Ada Antony Link, Duncan Nancy Norsworthy, Edmond

# Newest Oklahoma Bar Foundation Sustaining Fellows:

Dale J. Billam, *Tulsa* Paul M. Kolker, *Oklahoma City* James D. Sill, *Edmond* 

# Newest Oklahoma Bar Foundation Fellows:

Michael Joseph Davis, Durant Angela Dawn Dean, Ada James Devinney, Ponca City Nichole Alexandra Harden, Broken Arrow Joseph Richard Homsey Jr., Oklahoma City Luwana John, Lawton Hilary Ann Jones, Oklahoma City Christopher Landes, Ponca City Amber Brianne Martin, Oklahoma City Ruth Singer, Moore Michelle Roller, Oklahoma City Laura Sams, Oklahoma City C. Allen Shaffer, Stillwater Alexis Nicole St. John, Pawhuska Lorena Rivas Tiemann, Tulsa Michael C. Trewitt, Ponca City Brandon Michael Watson, Tulsa

Upcoming OBF events include a Board of Trustees meeting at the Oklahoma Bar Center on Sept. 25, followed by an evening joint OBA-OBF dinner for the Board of Governors

and the Board of Trustees. **The** OBF will host the annual OBF Fellows Reception during the **OBA Annual Meeting in Suite** 1506 of the Hyatt Regency in downtown Tulsa on Wednesday, Nov. 12 from 5:30 to 7 p.m. to welcome new and current **Fellows**. The Annual Meeting of the Board of Trustees is scheduled for Thursday afternoon, Nov. 13. The new "OBF Video Story" describing grantee success stories, the OBF and more will make its debut this fall. Details of OBF events and current OBF news is always available on the OBF website at okbarfoundation.org.

Finally, I would be remiss without issuing my standing invitation to you to become an OBF Fellow or to upgrade your current level of charitable giving. The OBF has a proven track record, dating back to its inception in 1946, of changing Oklahoma citizens' lives for the better through its primary grant making mission. Please ask others to join the OBF Funding Umbrella today. Remember that, "We cannot receive, if we do not ask."

#### ABOUT THE AUTHOR



Dietmar K. Caudle practices in Lawton and serves as OBF President. He can be reached at d.caudle@ sbcglobal.net.

# OBF HONORS TWO NEW OBF COMMUNITY FELLOWS AT THE PATRON LEVEL



From left: OBF President-Elect Jack L. Brown, OBF President Dietmar K. Caudle, M. Eileen Echols, David W. Echols, OBA President Renée DeMoss, OBF Executive Director Nancy Norsworthy, OBA Vice President Susan B. Shields and OBF Vice President Millie Otey

The law firm of Echols and Associates of Oklahoma City was honored at the July 18 Board of Trustees meeting. Firm founders David and Eileen Echols accepted the award. The firm's team approach to the practice of law provides quality representation as well as personal attention to their clients. Ms. Echols stated that Echols & Associates is pleased to be a part of the OBF Community Fellows team and encouraged other law firms and community-minded businesses to join with them so that more needy Oklahomans will be able to receive vital law-related services.



From left: OBF Executive Director Nancy Norsworthy, OBF President Dietmar K. Caudle, Chickasaw Foundation Secretary Kirk Perry and Executive Director Johnna R. Walker

The OBF honored the Chickasaw Foundation Aug. 11 with the prestigious new OBF Community Fellow Award at the Chickasaw Nation Administration Building located on the lush green campus of the Chickasaw Nation in Ada followed by a tour of some of the beautiful works of art depicting courageous stories of the Chickasaw. The OBF and the Chickasaw Foundation enjoy similar areas of focus such as education, prevention of domestic violence, family crisis support, and provision of legal access to those in need. OBF Community Fellows help to serve the neediest of Oklahomans and give non-individual donors the ability to participate collectively as a group with the Oklahoma Bar Foundation. OBF also provides law-related education programs to the public and school children throughout the state. OBF President Dietmar Caudle stated, "The OBF is honored to partner with the Chickasaw Foundation and we look forward to a long relationship. We hope to see added areas of collaboration between the two organizations."



## 2014 OBF Fellow and Community Fellow Enrollment Form

Name, Group name, Firm or other	affiliation
Mailing and Delivery address	
City/State/Zip	
Phone	Email
FELLOW ENROLLMENT ONLY  Attorney Non-attorney  I want to be an OBF Fellow Total amount enclosed \$1,0  New lawyer within 3 years, and bill annually as stated  I want to be recognized at the Leadership level of Benefaction annually contribute at least (initial pledge should be contributed)	bill annually as stated  I want to be recognized at the higher level of Sustaining Fellow and will continue my annua gift of \$100 (initial pledge should be complete)
COMMUNITY FELLOW ENROLI  ☐ OBA Section or Committee ☐ Corporation/Business ☐ Othe	Law firm/office ☐ County Bar Association ☐ IOLTA Bank
Choose from three tiers of OBF C	ommunity Fellow support to pledge your group's help:
\$ Patron	\$2,500 or more per year
\$ Partner	\$1,000 - \$2,499 per year
\$ Supporter	\$250 - \$999 per year
Signature and Date	OBA Bar #
Print Name and Title	
	e to: Oklahoma Bar Foundation PO Box 53036 Oklahoma City, OK 73152-3036

405-416-7070 • foundation@okbar.org • www.okbarfoundation.org

THANK YOU FOR YOUR GENEROSITY AND SUPPORT!

# A Tiny Drop in the Bucket

# My Contribution to Protecting the Security of the United States

By April Arnesen

I pictured it differently. I thought it would be more of a criminal hearing than an administrative process. Instead there were people coming in and out, with and without legal counsel, quietly waiting to be called by the judge. Once they were called, the judge would make a determination and dismiss them. Although I had already taken administrative law and public policy courses, my internship at the Office of Chief Counsel (OCC) for Immigration and Customs Enforcement (ICE), revealed the law as a vessel for policy. A few of my expectations were confirmed, however I also learned a great deal in those 10 weeks.

Located near Will Rogers World Airport, the Department of Homeland Security (DHS) building houses the U.S. Citizenship and Immigration Services, the Executive Office for Immigration Review (EOIR) and ICE. The EOIR Court interprets and administers U.S. immigration laws independently from the DHS and conducts immigration court proceedings under the delegated authority of the attorney general. Due to budget constraints, hearings in Oklahoma City were heard by

Although these hearings are usually the end of the process, it was beneficial to first observe the end to understand the beginning.

Dallas immigration judges via video teleconferencing.

As a legal intern, I began by observing both initial and merit hearings. Initial hearings were straightforward. If the respondent did not have legal counsel, the judge usually would give him or her the opportunity to come back with counsel on another day. If the respondent had counsel, the judge began by stating the allegations and charges that DHS on behalf of the United States had brought against the respondent. Then the judge moved on to relief. If the respondent was prima facie eligible for some type of relief then a merit hearing date would be set. I observed these hearings, took notes, helped the clerk call the cases and

researched laws and policies. Although these hearings are usually the end of the process, it was beneficial to first observe the end to understand the beginning.

After the opportunity to observe the outcome of immigration proceedings, I had the opportunity to tour the Dallas field office for ICE Enforcement and Removal Operations (ERO) with other interns. We received a glimpse of "A Day of ERO Prosecutions" and were able to observe the beginning of the removal process. Following the tour, we received training on the process of making the determination of whether a case would be filed with the EOIR Court to begin removal proceedings or if prosecutorial discretion would be granted. We were provided with case law, agency memoranda and checklists to assist us in making that determination. We then consulted with attorneys about whether or not to file the case as a matter of prosecutorial discretion.

For the next several days, I sat along with two other legal interns in the conference room of the Dallas Office of Chief Counsel reviewing files and determining if the case would

be filed with the EOIR Court. As it had been for the past few years, the focus was on filing cases of non-citizens with a recent entry into the United States or ones with significant criminal history. I returned to Oklahoma City and maintained the same focus for Oklahoma cases pending review. As the pile of files waiting to be reviewed increased, so did the files for unaccompanied children and family units with minor children.

After just a few days back in Oklahoma City, the secretary indicated unaccompanied children and family units with minor children were priorities. I received a call with new directives on how to handle the new priorities. New procedures were put in place, and although no one knew exactly how to handle this surge, it was truly remarkable how the number of agencies involved dealt with the sudden shift in focus.

It was not long before I had the opportunity to observe hearings on the cases I filed with the EOIR Court earlier in the summer. Hearings for unaccompanied children and family units with minor children were held just as they were on my first day. The only differences were the demographics of the individual being called up by the judge. While there are still adults on the docket, they are now accompanied with their children. In the midst of all of the adjustments, the EOIR Court cut its connection (no pun intended) with Oklahoma City. For logistical reasons, the Oklahoma City EOIR Court was absorbed. I was fortunate enough to help with the transition by operating the video teleconferencing and serving as the court administrator for the last two weeks. Cases that were scheduled to be heard in Oklahoma City will now be heard in Dallas. In light of my ongoing interest in immigration law, I am fortunate to continue my internship with OCC though the fall semester. I am eagerly looking forward to the next few months with the agency.

I owe this unique, incredible experience to OCU School of Law and its Dean's Summer Pro Bono and Public Interest Law Fellowship Program; the Dallas chief counsel, Mr. Paul Hunker and the Dallas OCC team who made every effort to

make this a meaningful practice for their interns. In addition to gaining knowledge in the field, it is extraordinary to see the variety of circumstances lawyers can be called on to be creative and find practical solutions. I have learned a lawyer's approach to a situation is sometimes just as important as having an answer to a question. Policies and directives can change in a short period of time, and the proper way to approach a situation is not always in the books.

#### ABOUT THE AUTHOR



April
Arnesen is a
student at
the OCU
School of
Law, where
she is a
2014 recipient of the

Dean's Summer Pro Bono and Public Interest Law Fellowship Program. A native of Texas, she graduated with a bachelor's degree in criminal justice from the University of North Texas and a master's degree in public administration from the University of Texas at Arlington.



#### CALENDAR OF EVENTS

# September

- **OBA Bench and Bar Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Judge David Lewis 405-556-9611
- 17 Ruth Bader Ginsberg Inn of Court; 5:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Donald Lynn Babb 405-235-1611
- OBA Professional Responsibility Commission meeting; 9:30 a.m.; Oklahoma Bar Center, Oklahoma Citv: Contact Dieadra Goss 405-416-7063
- **OBA Board of Bar Examiners meeting;** 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Oklahoma Board of Bar Examiners 405-416-7075
  - **OBA Board of Editors meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Carol Manning 405-416-7016
- **OBA Mock Trial Clinic;** 8 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Judy Spencer 405-755-1066
- 24 OBA New Admittee Swearing In Ceremony; House of Representatives Chambers, State Capitol; Contact: Board of Bar Examiners 405-416-7075
  - **OBA Work/Life Balance Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Sarah Schumacher 405-752-5565
- OBA Financial Institutions and Commercial Law Section meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Eric Johnson 405-602-3812
  - **Oklahoma Bar Foundation meeting;** 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Nancy Norsworthy 405-416-7070
- OBA Board of Governors meeting; 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact John Morris Williams 405-416-7000
- OBA Young Lawyers Division meeting; 10 a.m.; Oklahoma Bar Center, Oklahoma City; Kaleb Hennigh 580-234-4334



OBA Law-related Education PROS – Elementary Training; 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Suzanne Heggy 405-556-9612

**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

## October

OBA Law-related Education PROS – Secondary Training; 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Suzanne Heggy 405-556-9612

**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

OBA Alternative Dispute Resolution Section meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Jeffrey Love 405-286-9191

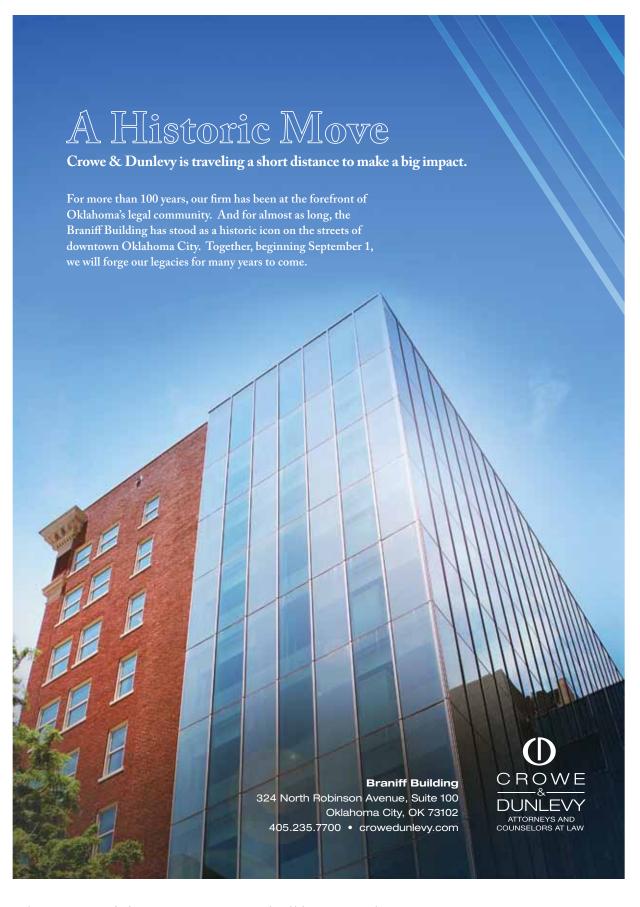
- 7 OBA Government and Administrative Law Practice Section meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma City with Teleconference; Contact Scott Boughton 405-717-8957
- OBA Law-related Education Committee meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Suzanne Heggy 405-556-9612
  - **OBA Family Law Section meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact M. Shane Henry 918-585-1107
- **OBA Diversity Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Ruth Addison 918-574-3051
  - **OBA Licensed Legal Intern Committee meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Candace Blalock 405-238-0143
- OBA Clients' Security Fund meeting; 2 p.m.;
  Oklahoma Bar Center, Oklahoma City with OSU
  Tulsa, Tulsa; Contact Micheal Salem 405-366-1234
- 16 OBA Taxation Law Section meeting; 11 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Abby Dillsaver 405-319-8550
- 17 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
  - **OBA Solo and Small Firm Committee meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Charles Chesnut 918-542-1845
- 18 OBA Young Lawyers Division meeting; 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Kaleb Hennigh 580-234-4334
- OBA Bench and Bar Committee meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City with OSU Tulsa, Tulsa; Contact Judge David Lewis 405-556-9611
- 22 Legal Aid Services of Oklahoma Seminar; 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Cindy Goble 405-488-6823

- **OBA Work/Life Balance Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Sarah Schumacher 405-752-5565
- OBA Lawyers Helping Lawyers Foundation and Lawyers Helping Lawyers Committee joint meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact John Morris Williams 405-416-7000
  - **OBA Board of Governors meeting;** Lawton; Contact John Morris Williams, 405-416-7000
- 28 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
- OBA Professional Responsibility Commission meeting; 9:30 a.m.; Oklahoma Bar Center, Oklahoma; Contact Dieadra Goss 405-416-7063





LAWYERS HELPING LAWYERS ASSISTANCE PROGRAM





# **FRAUD**

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> ~ Brett Johnson Forensic Accounting Manager



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# OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

## 2014 Issues

# ■ October Health Care

Editor: Emily Duensing emily.duensing@oscn.net Deadline: May 1, 2014

■ November

#### Changes to the Legal Profession

Editor: Melissa DeLacerda melissde@aol.com Deadline: Aug. 1, 2014

■ December

# Ethics & Professional Responsibility

Editor: Judge Allen Welch allen.welch@oscn.net Deadline: Aug. 1, 2014

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

## 2015 Issues

# ■ January Meet Your OBA Editor: Carol Manning

■ February

Legal Research Writing

Editor: Erin L. Means

erin.l.means@gmail.com

Deadline: Oct. 1, 2014

■ March **Municipal Law** Editor: Mark Ramsey

mramsey@soonerlaw.com Deadline: Oct. 1, 2014

■ April

Law Day

Editor: Carol Manning

■ May

#### **Education Law**

Editor: Judge Megan Simpson megan.simpson@oscn.net Deadline: Jan. 1, 2015 ■ August
Opening a Law Office
Editor: Dietmar Caudle
d.caudle@sbcglobal.net
Deadline: May 1, 2015

■ September **Bar Convention**Editor: Carol Manning

■ October
Family Law
Editor: Leslie Taylor
leslietaylorjd@gmail.com
Deadline: May 1, 2015

■ November

President's Topic

Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Aug. 1, 2015

■ December
Ethics & Professional
Responsibility

Editor: Shannon L. Prescott shanlpres@yahoo.com Deadline: Aug. 1, 2015

# BEING A MEMBER HAS ITS PERKS

□ www.okbar.org —

main site or front door for the OBA with links to all other OBA Web presences and much information for members as well as a great deal of information for the public.

☐ Online CLE —

quality OBA/CLE online programming - it's a convenient way to get up to six hours MCLE credit.

□ Practice management/ technology hotline service —

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



### YOUNG LAWYERS DIVISION

# Young Lawyers Receive National Recognition at ABA Annual Meeting

By Kaleb Hennigh

As I return from the American Bar Association's Annual Meeting, I want to report the state of the OBA Young Lawvers Division from a national perspective and reflect on my time in Boston. First, I will provide a quick summary. We sent four delegates, including our chair, chair-elect, secretary and an additional board member to the ABA YLD conference in Boston to represent the Oklahoma YLD. The ABA YLD Assembly is the principal policy-making body of the ABA YLD, and young lawyer issues and resolutions are debated and voted on at the annual meeting. By maintaining an active presence at assembly, we are able to help shape our profession. While in Boston, the delegation not only represented you well in business assembly, voting and electing incoming ABA leadership, but also established stronger networking relationships with delegates from across the country.

#### ISSUES DISCUSSED

During general assembly, membership heard and discussed arguments on issues ranging from the admittance of illegal immigrants to the practice of law, to much less controversial issues, such as supporting veterans and communities with additional probono and clinical programs.



2014-2015 ABA YLD Secretary Anna Romanskaya (center) presents the Service to the Public Award of Achievement to OBA YLD Chair-Elect Leanne McGill (left) and Chairperson Kaleb Hennigh.

The views, opinions and arguments presented gave me the opportunity to reflect on the importance of my position, and the entire Oklahoma delegation, in ensuring that our colleagues from across the nation are aware of the issues as we see them in Oklahoma. To say I was initially shocked at the thought of the ABA YLD assembly submitting a political resolution to what should be a non-partisan assembly would be an understatement. The thought of such a resolution encouraging or supporting the idea of allowing those without legal status to practice before our courts and present arguments supporting, challenging or even interpreting laws when they aren't even legally authorized to be present in the county got my attention. We listened to arguments, discussed it with delegates from across our region and voted the resolution down as an assembly. During informal discussions with our own delegation, as well as colleagues from Texas and Arkansas, I'm hoping to see future policies that might both minimize the injection of partisan issues to the assembly, and ensure the policy presented is designed to assist both our members and the clients we serve respectfully. Regardless, it is always important as a delegation to understand the views, proposals and ideas of other YLD delegates from across our great nation and continue to provide our input and perspective on such controversial issues. It also shows the importance of the OBA YLD attending these meetings throughout the year, not only to provide our position as a delegation, but also share ideas regarding service and professional improvement.

#### NATIONAL RECOGNITION

I'm very happy to report that the OBA YLD delegation is solidifying relationships across the country with other state divisions and our work is receiving national attention. In fact, I want to congratulate each and every one of you as members of the Oklahoma YLD and personally express my appreciation to the officers and board of directors leading this organization. During the general assembly on Friday, the OBA YLD was presented the ABA Young Lawyers Division Award of Achievement for Outstanding Activities and Accomplishment for 2013-2014, and accomplished first place in the category of Service to the Public. This award represents the efforts of the OBA YLD under the current and preceding leadership in our organization. It is wonderful to receive national recognition for the service that this division continues to provide; I commend you all on your efforts and was honored to represent you at the assembly

and accept the award on your behalf.

In closing, I look forward to continuing our momentum through the closing months of my term as your chairperson. I encourage each of you to remain committed to your practice and profession. As young lawyers, continue to strive to remain involved in the community in which you practice and maintain your commitment to this organization. Thank you!

#### ABOUT THE AUTHOR



Kaleb Hennigh practices in Enid and serves as the YLD chairperson. He can be contacted at

hennigh@northwestoklaw.com.

# **GET INVOLVED**

If you have been a lawyer less than 10 years and are interested in becoming more involved in the OBA Young Lawyers Division, consider running for a position on the YLD Board of Directors. The YLD Board of Directors has monthly meetings that are typically held on Saturday mornings in Tulsa and/or Oklahoma City. Submit nominating petitions containing no less than 10 signatures no later than 5 p.m., Sept. 15, to Joe Vorndran at joe@scdtlaw.com.

More information is available at www.okbar.org/members/YLD/NominatingInfo.



# Mediation That Won't Crush Your Bottom Line.

Adam Weintraub is an AV-rated attorney who has mediated hundreds of cases representing defendants and plaintiffs. He's a trial lawyer who knows what trial lawyers want; more control over the outcome of their cases.

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SAVACE O'DONNELL AFFELDT WIIN RAUS Y JOHNSON

## FOR YOUR INFORMATION

# Lawyers Needed to Coach High School Mock Trial Teams

Have you considered working with students to increase their self-confidence and knowledge about our justice system? The time commitment is flexible and lasts about two months. The OBA's Mock Trial Program is seeking attorney coaches, who will be assisted by teacher coaches in participating schools. Schools are still registering, so the list is not final yet. If you have questions or are interested, contact Mock Trial Coordinator Judy Spencer: mtjudy02@aol.com; 405-755-1066.



Students prepare for the final round of competition during the Oklahoma High School Mock Trial Championship.

#### **LHL Discussion Groups**

The Lawyers Helping Lawyers monthly discussion groups next meet Oct. 2 when the topic will be "The Challenges of Work, Relationships and Parenting." Each meeting, always the first Thursday of each month, is facilitated by committee members and a licensed mental health professional. 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.

- Tulsa meeting time: 6 7:30 p.m. at the TU College of Law, John Rogers Hall, 3120 E. 4th Place, Room 206.
- Oklahoma City meeting time: 6 7:30 p.m. at the office of Tom Cummings, 701 N.W. 13th Street.

# Attorneys Needed for New Classroom Pilot Program

A Law-related Education program is being newly launched in nine counties this fall. "Attorneys in the Classroom" matches attorneys with schools to assist with civic education programs during the year. Pilot counties are Canadian, Carter, Custer, Garfield, Murray, Pontotoc, Pottawatomie, Tillman and Washington. Attorneys in the Classroom training is set for Friday, Sept. 19, at the Oklahoma Judicial Center in Oklahoma City. The training is set for 11 a.m. – 12:30 p.m. and lunch is provided. To register, contact Pam Bennett: 405-235-4399.

# OBA Member Resignation

The following member has resigned as a member of the association and notice is hereby given of such resignation:

Richard Allen McDonald OBA No. 5964 9010 Crown Jewel Dr. Richmond, TX 77469

#### **OBA Member Reinstatements**

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

Alexander Louis Bednar OBA No. 19635 2816 N.W. 57th St., Suite 103 Oklahoma City, OK 73112

Jay Jon Fashimpaur OBA No. 2843 1225 Lakeshore Drive, Apt. 209A Edmond, OK 73013 Mitchell Kevin Leonard OBA No. 13842 1 W. Main, Suite 100 Idabel, OK 74745

Claire McNearney Trinidad OBA No. 11428 18700 Slick Road Kellyville, OK 74039-4787



Program Planner/Moderator: Jasmine Majid, Immigration Attorney and Chair of OBA's Human Trafficking Task Force

Human Trafficking is present in Oklahoma and the victims face numerous legal needs. Most of us think that human trafficking happens in far away places — the truth is that Oklahoma is a prime state for modern day slavery recruitment. Last year, the OBA joined the fight against human trafficking by starting a task force to compliment the state's efforts.

This seminar builds on the first seminar we held in Oklahoma City and will give you a better understanding of the issues you may encounter and how as a lawyer you can represent the victims of human trafficking in their criminal, labor and employment, contracts, family, immigration and other areas of law. Experts will provide valuable information on how to recognize human trafficking and how you can assist child victims and adult victims of sex and labor trafficking within a variety of legal contexts.

The seminar starts at 9 a.m. and adjourns at 2:50 p.m. For program details, log on to: www.okbar.org/members/cle.aspx

Approved for 6 hours MCLE/ 1 Ethics. \$150 for early-bird registrations with payment received at least four full business days prior to the seminar date; \$175 for registrations with payment received within four full business days of the seminar date.



## BENCH & BAR BRIEFS



Sharon Voorhees has been reappointed by Gov. Mary Fallin for a three-year term as a commissioner for the Oklahoma Community Service Commission, which administers funds for Oklahoma Americorps. Ms. Voorhees has also been appointed for a two-year term as an Oklahoma City special municipal judge by Mayor Mick Cornett and the Oklahoma City Council.

James R. Linehan of Oklahoma City has been appointed a U.S. Administrative Law Judge for the Social Security Administration in Wilkes-Barre, Penn.

Custer County Special
Judge Donna L. Dirickson was recently elected president of the Oklahoma Judicial Conference at its annual meeting in Norman. The conference supervises the education and training of members of the judicial branch and assists the Oklahoma Supreme Court and Legislature in analyzing the needs of the trial courts.

Paul F. Prather of San Diego, Calif., was a member of a 27-lawyer team recognized as "Trial Lawyers of the Year" by the Public Justice Foundation based in Washington D.C. The not-forprofit organization supports litigation and education on

various public interest issues. Mr. Prather is a 1990 graduate of the OU College of Law.

At its recent annual meeting and banquet, the Enid Chamber of Commerce named OBA member **Dick McKnight** as its Citizen of the Year. Mr. McKnight is a 1963 graduate of the OU College of Law.

Daniel Holeman has been inducted into the National Academy of Distinguished Neutrals. This by-invitation-only association selects attorney mediators and arbitrators based on their experience and commitment to the practice of alternative dispute resolution.



Hartsfield & Egbert PLLC announces the opening of their new offices at 307 E. Danforth Rd., Ste. 130, Edmond, 73034. Additionally, Janna Dunagan Gau has joined the firm, focusing on the areas of construction defect litigation, oil and gas litigation and corporate law, as well as providing mediation services in commercial and employment matters. Ms. Gau is a 1997 graduate of the TU College of Law.

Courtney Bru and J. Craig Buchan have joined the firm of McAfee & Taft in Tulsa. Ms. Bru focuses on labor and employment law and is a 2005 graduate of the Vanderbilt School of Law. Mr. Buchan practices in the areas of professional negligence, products liability, premises liability, complex tort matters, construction disputes and commercial litigation. He earned his J.D. from the OU College of Law.

Rebecca Wood Hull (formerly Hunter) has moved her practice from the Tulsa metro area to Poteau, and has partnered with Benjamin J. Curtis to form a new practice. The new general practice firm of Curtis & Hull is located at 900 N. Broadway, Ste. 3, Poteau, 74953.

DeBee Gilchrist announces that **Shelly A. Perkins** has joined the firm. Ms. Perkins will focus on nonprofit organizations, estate planning, federal and state taxation, and the Federal Communications Commission. She is a 2007 graduate of the OCU School of Law.

Michael A. Betts has joined the law firm of Evans & Davis as an associate attorney. Mr. Betts will practice in the area of business law, including oil and gas, manufacturing, retail, banking, construction and real estate. He is a 2007 graduate of the OU College of Law.

A tkins & Markoff announces that **Richard Smalley** has joined the firm as head of the family law division. Mr. Smalley earned his J.D. from the OU School of Law in 2004.

Tick Larby and Mariano Acuña have joined the firm of Dyer & Coatney PLLP as partners, forming the new firm of Dyer Coatney Larby & Acuña. Mr. Larby graduated from the OU College of Law in 2007 and focuses his practice on business and commercial litigation, personal injury litigation, products liability, insurance disputes and general civil litigation. Mr. Acuña graduated from Southern Methodist University Dedman School of Law in 2003 and focuses his practice on personal injury litigation, business litigation and insurance disputes.

Jade Caldwell has joined the Stinson Law Group as an associate attorney. Ms. Caldwell will focus on estate planning and litigation, probate, and business and intellectual property law. She earned her J.D. from the OU College of Law in 2012.

Kenneth Blakley has joined McAfee & Taft in Oklahoma City, both as a senior litigator and head of the firm's Alternative Fee Practice Group. Mr. Blakley has nearly 30 years of complex business and energy litigation experience and is a

1985 graduate of the OU College of Law.

Nike Voorhees, Sharon Voorhees and Brittany J. Byers announce the formation of Voorhees Voorhees & Byers. The firm will focus on small business representation, estate planning, real estate, probate, guardianships, divorce, general civil litigation and appeals. The law office is located at 1625 Greenbriar Pl., Ste. 700, Oklahoma City, 73159. The firm can be reached at 405-735-5687.

Crowe & Dunlevy is moving to the Braniff Building in downtown Oklahoma City. The firm will be located at 324 N. Robinson Ave., Ste. 100, 73102.



Oson was recently featured as a panelist at the Texas Independent Automobile Dealers Association in Austin. The panel discussion was

titled "CFPB: The Monster in the Closet is Real."

How to place an announce**ment:** 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:

Abby Broyles Communications Dept. Oklahoma Bar Association 405-416-7084 barbriefs@okbar.org

Articles for the Nov. 1 issue must be received by Sept. 29.



# IN MEMORIAM

Walter Murray Bower of Oklahoma City passed away July 29. He was born Feb. 22, 1937, in Oklahoma City, where he attended John Marshall High School. After graduation, he went on to earn his B.A. from OU and J.D. from the OU College of Law. He practiced law in Oklahoma City for 37 years. He had a lifelong passion for cars and enjoyed racing in amateur races as a member of the Sports Car Club of America, as well as restoring antique automobiles in his spare time. He loved spending time with his friends and family. Memorial contributions may be made to the American Lung Association.

oseph Patrick Lennart of Tulsa died July 26. He was born in Tulsa on Aug. 23, 1946. He attended Nathan Hale High School and continued his education at OSU, where he earned a B.S. in economics in 1969. In 1974, he obtained a B.S. in accounting from TU and worked as a certified public accountant before earning his J.D. from the TU College of Law in 1981. He joined Riggs Abney, where he practiced for 25 years and served as both president and chief financial officer. In addition, he served as an adjunct professor at TU. He had many hobbies, including sailing, model trains and motorcycles, and was a brew master, a certified sea captain and an accomplished musician. He

was a member of MENSA and the Army Reserves.

Randall Allen Breshears of Oklahoma City died July 23. Born on July 12, 1954, he was raised in Oklahoma City where he attended Putnam City High School. He went on to attend OSU and the TU College of Law, where he earned his J.D. in 1979. After graduation, he joined the firm of Monnet, Hayes, Bullis, Thompson & Edwards as a partner. He was described as a kind, passionate individual and a loyal and trusted friend.

**llen Craig Cowdery** of **H**Tulsa died Aug. 3. He was born July 1, 1943, in Bartlesville, graduating from College High School in 1961. He continued his education at OU, earning a B.A. in 1965 and his J.D. in 1968. He worked in the oil and gas industry for 20 years before going into private practice in Tulsa. In his spare time, he enjoyed following OU athletics, as well as coaching and refereeing soccer. He was a member of St. John's Episcopal Church, where he served as an usher and a member of the Community of Hope. Memorial contributions may be made to the Spar City Corporation Memorial Fund or St. John's Episcopal Church in Tulsa.

Robert "Bob" Peterson of Tulsa died Aug. 8. He was born May 16, 1934, in Hutchison, Kan., where he graduated high school in 1952. He later attended OU and TU, earning a B.A. in economics and a J.D. from TU College of Law in 1959. He worked for many years as a federal attorney for the Corps of Engineers, and was a member of the Sigma Phi Epsilon fraternity and Trinity Episcopal Church. Memorial contributions may be made to the Iron Gate program at Trinity Episcopal Church in Tulsa.

**Thomas Spencer Bala** of ▲ Midwest City died Aug. 14. He was born April 1, 1945, in Blasdell, N.Y., where he graduated from Canisius High School in 1964. After being drafted into the Army in 1966, he served a tour in Vietnam, receiving the **National Defense Service** Medal, the Vietnam Service medal, the Medal of Honor, the Good Conduct Medal, a Bronze Star and a Purple **Heart.** Following his military service, he earned his J.D. from the OCU School of Law in 1977 and an LL.M. in taxation from Boston University in 1978. During his career as an attorney, he practiced in the U.S. District Court for the Western District of Oklahoma and served as an attorney and counselor for the U.S. Supreme Court and the U.S. Court of Appeals for the 10th Circuit. He was a member of the VFW Post 9969 in Del City, where he served as post commander for five years.

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# Inject some fun into your practice

Curiosity and creativity are a lawyer's most essential tools. Here are a few suggestions (ranging from the serious to the absurd) to jump-start your work week:



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# Fastcase Updates

Mobile Sync, new statutes, info on updates for the Fastcase app, and how to keep the current version from crashing your iPad



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# Don't fall for it!

The OBA Management Assistance Program has put together news and tips on how to avoid being scammed.

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INTERESTED IN PURCHASING PRODUCING & NON-PRODUCING Minerals; ORRI; O & G Interests. Please contact: Patrick Cowan, CPL, CSW Corporation, P.O. Box 21655, Oklahoma City, OK 73156-1655; 405-755-7200; Fax 405-755-5555; email: pcowan@cox.net.

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SOUTH OKLAHOMA CITY LAW FIRM seeks attorney for office sharing arrangement. Rent is negotiable. The firm may refer clients, and or have available additional legal work. Inquiries should contact Reese Allen at 405-691-2555 or by fax at 405-691-5172.

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NORTHWEST OKLAHOMA LAW FIRM SEEKING ASSOCIATE ATTORNEY for our Woodward and Enid offices. Good research skills, analytical thinking skills and writing skills required. Offering competitive salary with bonus opportunities, health insurance and other employment benefits. Send résumé to Mitchel, Gaston, Riffel & Riffel, PLLC, Attn: Jessica Walker, 3517 W. Owen K. Garriott, Suite One, Enid, OK 73703 or email to jwalker@westoklaw.com.

DOWNTOWN OKLAHOMA CITY AV RATED MEDICAL MALPRACTICE AND INSURANCE DEFENSE FIRM seeks an associate attorney with one (1) to three (3) years' experience. Candidate must be highly motivated, possess the ability, experience, and confidence to appear in court for motion hearings and trial. Position requires strong communication, research and writing skills. Trial experience is preferred. Competitive benefits and compensation package will be commensurate with experience. All replies are kept in strict confidence. Applicants should submit résumé, cover letter, and writing sample to: "Box X," Oklahoma Bar Association, PO Box 53036, Oklahoma City, 73152.

Accepting applications for two ASSISTANT DISTRICT ATTORNEY positions in Delaware County, Oklahoma. Submit résumé, references and cover letter to: Kenny Wright, PO Box 528, Jay, OK 74346 or email to kenneth.wright@dac.state.ok.us.

MID-TOWN TULSA LAW FIRM is seeking a fifth attorney to join the practice or office share. Some referrals will be available to the attorney, but an established practice would be ideal. The practice currently involves real estate, estates and estate planning, corporate transactional and some litigation. Referrals for other types of practices would be more abundant. Send résumé to "Box G," Oklahoma Bar Association; PO Box 53036; Oklahoma City, OK 73152.

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GROWING BRICKTOWN LAW FIRM seeks motivated and entrepreneurial-minded attorneys with the indicated experience in the following practice areas: 2+ years HR/Employment, 2+ years of general business transactions and mergers/acquisition experience; 2+ years healthcare/regulatory; 2+ years of taxation experience; 2+ years of insurance coverage, bad faith, general insurance defense, and/or trucking/transportation litigation experience. We are looking for resourceful individuals who want to be part of a unique team of lawyers and work on a wide variety of business, banking, real estate, and international transactions, as well as litigation. Experienced with a book of business? Young and hungry? We have room for all. Tired of working long hours for just a salary? Our compensation package allows ultimate flexibility with regard to income and work load. Want to actually see a reward for generating business? We have a great origination policy, too. Send résumé and cover letter/video correspondence clip outlining practice area experience and why you are ready to work in a different kind of firm, to Employment@ResolutionLegal.com.

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RUBENSTEIN & PITTS, a law firm in Edmond, OK, is seeking a motivated individual to work as a receptionist from 8am - 5pm, Monday to Friday. Candidate must have a High School Diploma or higher, great communication, multitasking and organizational skills. Ability to answer phones with multiple lines and knowledge of MS Office. Offering competitive salary with bonus opportunities, health insurance, and other employment benefits. Forward résumé to acedeno@oklawpartners.com.

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JOB ANNOUNCEMENT: ASSISTANT DISTRICT ATTORNEY, District 27 (Adair, Cherokee, Sequoyah & Wagoner counties). Position: Assistant District Attorney; Requirements: 0 to 4 years of prosecutorial experience; Primary Location: Cherokee County; Send résumés or inquiries thru October 1, 2014: jack.thorp@dac. state.ok.us or Jack Thorp, First Assistant District Attorney, Cherokee County District Attorney's Office, 213 West Delaware, Tahlequah, OK 74464.

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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, September 26, 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.

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LEGAL ASSISTANT NEEDED FOR EDMOND LAW FIRM. Must have experience with complex litigation and trial practice. Please send résumé via email to lholkum@lldlaw.com or by mail to Lester, Loving & Davies, PO Box 7422, Edmond, OK 73083.

SMALL LAW FIRM IN OKLAHOMA CITY, OK, is seeking a motivated individual to work as a receptionist from 8am - 5pm, Monday to Friday. Candidate must have a High School diploma or higher, great communication, multitasking, and organizational skills. Ability to answer phones with multiple lines and knowledge of MS Office. Pay commensurate with experience. Interested candidates may send their résumé to "Box D," Oklahoma Bar Association, PO Box 53036, Oklahoma City, OK 73152.

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ANGELA AILLES AND ASSOCIATES, in-houuse counsel for State Farm Mutual Automobile Ins. Co., is seeking to fill a Legal Secretary position. Ideal candidates will have prior insurance defense experience. Candidate must also possess excellent attention to detail skills, have good oral and written communication skills, strong organizational skills, prior experience coordinating schedules, witnesses, and hearings and knowledgeable about local and state rules; high proficiency with Microsoft Word and Adobe; type 60 wpm; be able to work in a fast-paced and paperless environment. To view full job details and APPLY online, visit www.statefarm.com/careers and search Job ID #47797.

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# Camping

By Larry Sturgill

What is it about camping that makes someone say, "I know, we will leave our comfortable house with cable television, a nice hot shower, food in the fridge and a soft couch to stretch out on and instead, go sleep in a tent on the ground with no amenities whatsoever?" If anyone knows who that is, I would like to meet him so I can ask what drugs he used to make him that delusional.

I have endured one camping trip in my adult life. Since we live in Oklahoma, the perfect place was the Illinois River, which has public campsites, rental canoes and the ability to get away from it all, except for the 500 other people who would be camping in close proximity to each other. It was Memorial Day — what a perfect time to start the summer season.

Once we arrived at the campsite, the first order of business was to pitch the tent, which is camping talk for getting the tent out of the box and attempting to decipher the instructions to set up the thing. I found a level place and carefully cleaned up the bigger rocks so I had a nice place for the tent. At this point, I should say that even if the ground looks to be level, it is not. It only took me an hour to finish what the tent instructions said was a 10-minute job, and by then it was pitch black dark.

Since we had no electricity and it was pitch black, we had little choice but to retire early and be ready for the next day, full of fun and adventure. I learned some things about a tent. First, you have to crawl into it. Second, you can't stand up, so preparations for undressing had to be done either

on your knees or rolling around on the floor of the tent. I unrolled my sleeping bag and crawled inside, and that's when I discovered that the floor was really not level, and no matter how I stretched out, my feet were always higher than my head. While there may be no crying in baseball, apparently there are no pillows in camping; at least we never brought any with us. I'm sure the difference was only a few inches, but it felt like I was practically hanging from the roof of the



tent, much like a vampire in some hidden closet. I slowly began to relax and felt either the darkness of sleep closing in, or I was beginning to pass out from all the blood rushing to my head. Just before becoming comatose, I was brought back to being fully awake by raucous laughter from the two campsites next to mine. Great, a party was going on next door.

As the night wore on, I could tell that alcohol was involved. I'm not sure what gave it away, maybe it was the loud slurred words or the unnaturally loud laughter, but clearly these were people who knew how to camp. When they

began the group songfest, it really brought the spirit of celebration to this small, out-of-the-way campsite. I think it was when they began to sing "Davy Crockett, King of the Wild Frontier," that I got emotional.

I loved that song and that show. I remember never missing an episode of Fess Parker as Davy Crockett. I even had a coonskin cap I wore while I watched the show. Hearing the song now being sung made me wish that, at this very

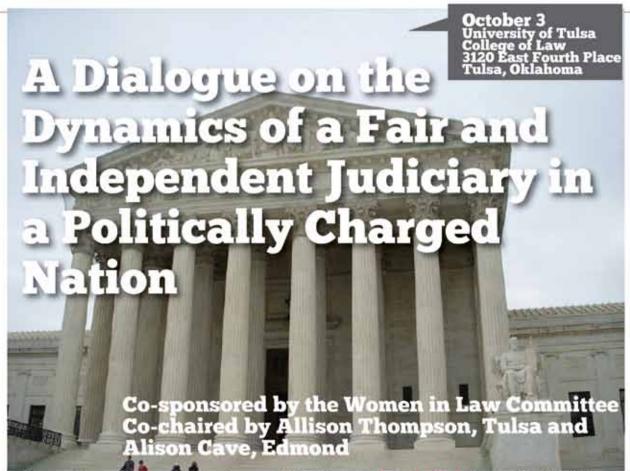
moment, I was hiking through the forests of Tennessee, maybe in the Smoky Mountains, where a bear could pounce from behind a tree, kill me, eat me and put me out of my misery.

The floor I was lying on was not getting any softer and the inside temperature had risen to what seemed like maybe 100 degrees. I considered moving to one of the nice picnic tables where I could peacefully sleep the night away, but the sounds of animals scurrying past the tent changed my mind. Even

if it was a table top, I did not want to share my bed with a family of raccoons who might decide to have my ears as a midnight snack. I could only wonder if we were having fun yet.

As I lay sweating and miserable, the only saving grace I could think of was I was no longer afraid of dying and going to hell. Hell certainly could not be any worse than this.

Mr. Sturgill practices in Harrah, and this story is a modified version of his original article published in the Oklahoma County Bar Association's Briefcase.



At 8 a.m., there will be a pre-conference kick-off event, Legally Pink, hosted by the Women in Law Committee, University of Tulsa College of Law, Tulsa County District Court Judge James Caputo and the Tulsa County Bar Association. The conference begins at 9 with an ethics hour with Judge Brad Taylor, Oklahoma Workers' Compensation Court.

The keynote speaker is Dr. Bruce Peabody, a constitutional law scholar at Fairleigh Dickinson University, and author of *The Politics of Judicial Independence*. Attendees of the conference will receive a copy of his book. Dr. Peabody will discuss the interplay and at times conflict between politics and the judiciary. He will also moderate a panel discussion with Oklahoma attorney and author Bob Burke, Oklahoma County Special Judge Geary Walke and State House Representative Jon Echols, who serves on the Conference Committee on the Judiciary. Oklahoma Supreme Court Vice-Chief Justice John Reif will also discuss issues regarding a fair and impartial judiciary.

The Indian Law Section has recruited a panel discussion concerning judicial independence in Indian Country, which will be moderated by Chad Smith, former Principal Chief of the Cherokee Nation, and panel members Dianne Barker-Harrold, Kickapoo Miami and Seminole Judge Marsha Harlan and Chickasaw Sherry Abbot Todd.

The Conference will also include a special trivia luncheon with participation of several Appellate Judges. Immediately following the conference at 4:30 p.m. there will be a reception honoring the 2014 Mona Salyer Lambird Spotlight Award recipients.

For More Details and to Register go to: www.okbar.org/members/cle.aspx

Approved for 6.5 hours MCLE/ 1 Ethics. \$125 for early-bird registrations with payment received at least four full business days prior to the seminar date: \$150 for registrations with payment received within four full business days of the seminar date. \$30 for lunch only.











John Gladd

Dan Boudreau

Larry Ottaway

Ted Sherwood





25

30



Ed Cunningham

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Earl Mills J. Chris Davis

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