

THE Oklahoma Bar JOURNAL

Volume 86 ♦ No. 27 ♦ Oct. 17, 2015

Family Law



ALSO INSIDE

Annual Meeting • Lambird Spotlight Award Winners
New Attorneys Sworn In • Section Committee to Offer Community Service



HEALTH LAW SECTION:

Representing Vulnerable Populations:

OCT. 21, 2015 NOON - 1 P.M.
The Elderly and Their Families

Program Presenter

Mary R. Daniel, Legal Counsel, Integris Health

OCT. 28, 2015 NOON - 2 P.M.
Behavioral Health Patients and Their Families

Program Presenters

Mary Richard, JD, MPH of Counsel, Phillips Murrah P.C.

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PROGRAM:

Oct. 21 – Health Section Law: Representing Vulnerable Populations: The Elderly and Their Families with Mary R. Daniel (1/0)

Oct. 28 – Health Section Law: Representing Vulnerable Populations: Behavioral Health Patients and Their Families (2/0)

Moderator: Mary Holloway Richard, JD, MPH, Phillips Murrah PC, Oklahoma City

Panel Participants:

Judge Don Andrews, Oklahoma County District Judge, Oklahoma City

Dewayne Moore, JD, General Counsel, Oklahoma Department of Mental Health and Substance Abuse Services
 Oklahoma City

Dr. Britta Ostermeyer, MD, MBA, FAPA, Professor and Chair, Department of Psychiatry & Behavioral Sciences, University of Oklahoma, Oklahoma City

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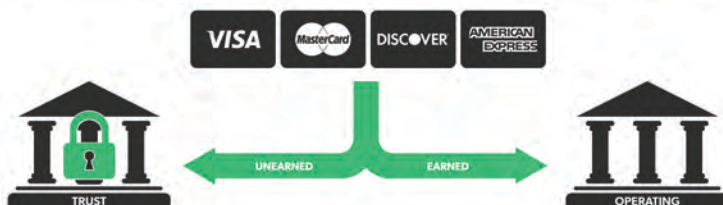
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NOV. 12 & 13, 2015

**Oklahoma City University Moot Courtroom
800 N. Harvey Ave., OKC**

Program Planners:

Johnny Albert, Malcolm Savage, John Cannon, Kimberly Miller, David McKenzie, Garvin Isaacs, Elliott Crawford, Tanya Jones and Tommy Adler

Moderator and Ethics Advisor:

Garvin Isaacs, Garvin A. Isaacs, Inc.

Trial Judge

Richard Anderson (2008 Clarence Darrow Award Recipient)

Prosecution Team

Cindy Viol (2009 Clarence Darrow Award Recipient; 2007 Barry Albert Award Recipient); Elliot Crawford, Kimberly Miller, Pamela Stillings and Matt McRorie

Defense Team

Tony Coleman (2015 Clarence Darrow Award), Johnny Albert (1994 Clarence Darrow Award), Merle Gile (1990 Clarence Darrow Award), David Autry (1989 Clarence Darrow Award), Jarrod Stevenson (2012 Clarence Darrow Award), J. W. Coyle, III (1995 Clarence Darrow Award), Tommy Adler, Robert Ravitz (1996 Clarence Darrow Award), David McKenzie (1997 Clarence Darrow Award) and Allison Haynes.

Oklahoma Criminal Defense Lawyers Association and Clarence Darrow Award Recipients Present: The Mock Jury Trial of *State of Oklahoma v. Kristoffer M. Chamberlin*

THE FACTS: On August 4, 2010, at 5:18 a.m. the Braum's store located at 9020 N.E. 23rd Street in Midwest City was robbed of just over \$2900.00. The robber came into the store just as the morning shift was coming in to open for breakfast. The robber wore a mask, a hooded sweatshirt and gloves. The robber ordered the employees at knife point to the back of the store where the safe was and demanded that it be opened and he be given all the money. After he got the money he ran from the store into the early morning darkness. One of employees called 911 and the Midwest City Police rushed to the scene. While waiting for the police to get there the employees started to talk. One of them said, "I think the guy who just robbed us was Kris." The three other employees agreed the robber was Kristoffer Chamberlin, a fellow employee of that very same Braum's store.

The employees told the police who they thought the perpetrator of the robbery was and Midwest City Detectives rushed to Kris' house. Kris was supposed to be helping the others open the store that morning but called in sick. Kris lived with his girlfriend's parents near the Braum's. When they arrived at Kris' house Kris was present and he told them he had not left the home except for around 7:00 a.m. to get a pack of cigarettes. Kris denied any involvement in the robbery. The police were given consent to search but did not locate the money or the ski mask. The police did notice that a knife was missing from a wooden knife holder in the kitchen. The home had an outdoors shed that was searched. The police found a gray sweatshirt in the shed but did not see the significance of sweatshirt because the employees said the robber worn a black sweatshirt. The following day the detectives were able to view the security video of the robbery and found the eyewitnesses were wrong and the robber, in fact, did have a gray sweatshirt on.

Kristoffer Chamberlin was immediately arrested and is now on trial for his life.

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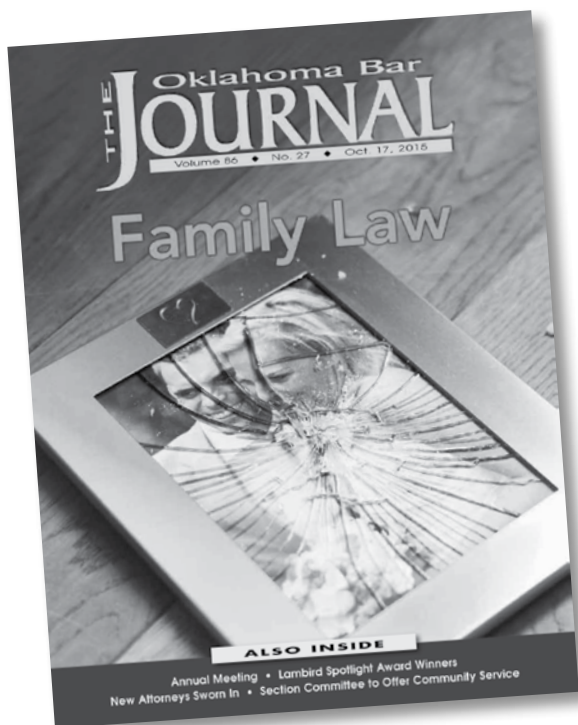
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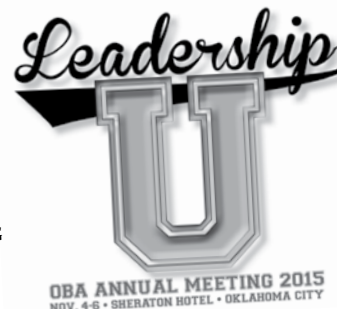
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The Challenging Future of the Legal Profession

By David Poarch

To even the casual observer it is apparent that ours is a profession in transition moved by a variety of factors. As Yogi Berra so aptly put it, "The future ain't what it used to be." The rising costs of legal education, the undeniable effect of continually changing technology, the growing presence of unregulated alternative providers, the evolving expectations of clients and the irrefutable demographics signaling the impending exit of lawyers from the practice are all factors contributing to the future difficulties confronting the legal profession as we know it — not only in Oklahoma but across the nation. But the real question is how we, as a bar association, will confront these challenges.

A 2013 ABA study by its Task Force on Legal Education found that law schools are operating in a difficult climate, characterized by rising costs, strained endowments, reduced governmental assistance, disaffected students and declining applications. The study found the average law school debt in 2011-2012 was \$100,000 while the median income in a declining job market was \$60,000. In other words, the median salary could not service the average debt. I submit that there has been no material change since the study was conducted. Nor would any law school dean tell you that Oklahoma has been immune from this phenomenon. It's something we need to think about.



David Poarch

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When I started practicing law in 1977, there were no fax machines, cell phones or computers. There was no OSCN.net, e-discovery or case management software. And the people who created Facebook, Twitter and LinkedIn were not yet born. The list goes on, but the effect of technology on the practice of law is inescapable, and it is changing at an even more rapid pace than before. Where is it going? I challenge you to subscribe to OBA Management Assistant Director Jim Calloway's blog at jimcalloway.typepad.com, where you will be both enlightened and even frightened on occasion. He offers much to think about and consider.

"Today's lawyers face daunting challenges with the advent of new technologies resulting in increased access to information, standardization of services and pressure from clients to deliver

routine services more cost-effectively. The real competition for the solo practitioner, who survived on real estate transactions and family estate work, is now LegalZoom and other one-stop, online, DIY services."¹

In the next 10 years, the baby boomers will mostly age out, leave the practice and step down from the bench.

We all know this, of course, but the most important question to be addressed here is the role we, as Oklahoma lawyers, have to play in protecting the public, not ourselves, from the potential harm brought about by the borderless, unregulated delivery of legal services. These services are here, and they are not going away. So what is to be done?

In the past 10 years the number of lawyers practicing law in Oklahoma rose by about 14.5 percent. However, currently almost 60 percent of our membership is over the age of 50. In the next 10 years, the baby boomers (those who went to law school in the 1970s and '80s) will mostly age out, leave the practice and step down from the bench. So what will be the effect on the delivery of legal services then? More for us to contemplate.

I am confident that we can meet these challenges to the future of the legal profession by engaging with others and becoming part of the conversation. Sitting on the sidelines and waiting for someone else to act on our behalf will yield results we will likely regret. When is the last time you heard someone other than a lawyer speak on behalf of the third coequal branch of government? As in all of life, if we expect to be heard, we have to find our place at the table — and then speak up. I challenge you to become part of this conversation.

1. "The Rise of the Laptop Lawyer? Senior Members, Lonely Bowlers, and A Way Forward," by Stephen P. Gallagher, *ABA Bar Leader*, Vol. 39, No. 2, Nov.-Dec. 2014.

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THE Oklahoma Bar JOURNAL

Volume 86 ♦ No. 27 ♦ Oct. 17, 2015

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The Oklahoma Bar Journal (ISSN 0030-1655) is published three times a month in January, February, March, April, May, August, September, October November and December and bimonthly in June and July by the Oklahoma Bar Association, 1901 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Periodicals postage paid at Oklahoma City, Okla.

Subscriptions \$60 per year except for law students registered with the OBA and senior members who may subscribe for \$25; all active members included in dues. Single copies: \$3

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The New Guardian *Ad Litem* and Court Expert Requirements

What to Know About Them and How to Meet Them

By Michelle K. Smith

It is not uncommon for judges to appoint guardians *ad litem* and other experts to assist the court in determining the best interests of children involved in family law matters. Title 43 O.S. §120.7¹ addresses the qualifications and neutrality of any such expert. A recent amendment to this statute adds a domestic violence training requirement for court-appointed experts in certain circumstances. This amendment goes into effect on Nov. 1, 2015. The purpose of this article is to assist family law practitioners who serve in this capacity to meet the new requirements.

WHAT IS A COURT EXPERT AND THE NEW TRAINING REQUIREMENT?

The current statute defines a “court expert” as a parenting coordinator, guardian *ad litem*, custody evaluator or any other person appointed by the court in a custody or visitation proceeding involving children. Before being appointed, the expert must disclose any relationships with any party, attorney or judge. The expert must also provide a résumé disclosing all personal and professional qualifications as well as any suspensions, reprimands and similar grievances. The statute also provides the method for a party to object to a court-appointed expert.

On Nov. 1, 2015 the amended statute goes into effect. It retains the original language and adds a requirement for domestic violence training in certain circumstances. The additional language is:

In any case involving domestic violence, stalking or harassment as defined by paragraph 2 of subsection I of Section 109 of this title, the court expert **shall** have completed sixteen (16) hours of domestic violence training that includes, but is not limited to, information regarding the danger and lethality of domestic violence, the causes and dynamics of domestic violence, the impact of domestic violence upon victims and children, and the characteristics of a batterer as a parent.² [emphasis added]

Domestic violence, stalking and harassment are defined by 43 O.S. §109(2)(a-c) as follows:

a. “domestic violence” means the threat of the infliction of physical injury, any act of physical harm or the creation of a reasonable fear thereof, or the intentional infliction of emotional distress by a parent or a present or former member of the household of the child, against the child or

another member of the household, including coercive control by a parent involving physical, sexual, psychological, emotional, economic or financial abuse,

b. “stalking” means the willful course of conduct by a parent who repeatedly follows or harasses another person as defined in Section 1173 of Title 21 of the Oklahoma Statutes, and

c. “harassment” means a knowing and willful course or pattern of conduct by a parent directed at another parent which seriously alarms or is a nuisance to the person, and which serves no legitimate purpose including, but not limited to, harassing or obscene telephone calls or conduct that would cause a reasonable person to have a fear of death or bodily injury.³

MEETING THE DOMESTIC VIOLENCE TRAINING REQUIREMENT

Oklahoma City attorney Gail Stricklin, a longtime proponent of domestic violence awareness and training, was key in the passage of both versions of 43 O.S. §120.7. Stricklin states the domestic violence training is a one-time requirement which can be met in a variety of ways including webinars, seminars, continuing education and interdisciplinary training. The required training does not have to be legal training, but it should be training from recognized providers with domestic violence expertise, such as the Oklahoma Bar Association, Oklahoma Department of Health, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Attorney General’s Office and Oklahoma Legal Aid.

The OBA is offering a two-day CLE that could meet the 16-hour requirement. It is titled “What Every Court Expert Must Know About Domestic Violence, Stalking and Harassment.” The CLE will be held on Oct. 29 in Tulsa and Oct. 30 in Oklahoma City and via live webcast. Each day is worth eight hours of CLE credit. The 16-hour requirement will be satisfied if both days are attended. Discounted rates are available for certain pro bono attorneys and public defender guardians *ad litem*. The judi-

ciary may attend free if they preregister. The Oklahoma City seminar will be available in person and as a live webcast. The webcast replay will also be available for viewing around mid-November. Additional information may be found at www.okbar.org or by contacting the OBA CLE Department at 405-416-7029.

The Oklahoma Department of Mental Health and Substance Abuse Services offers an online course that will satisfy three hours of the 16-hour requirement. The course is titled “Domestic Violence Through a Trauma Informed Lens.” This course is available now. This is a three-part course that can be completed on your computer and each part takes approximately one hour. At the end of the course you will receive a certificate of completion. **(Please note this course has not been approved for MCLE by the OBA.)** For more information about the course you can call ODMHSAS at 405-522-0318.

EFFECT OF NEW AMENDMENT

Under the plain language of the amended statute, if a particular family law matter concerning custody and/or visitation of children involves domestic violence, stalking or harassment (referred to hereafter collectively as domestic violence) as defined above, a court appointed expert **must** have the requisite 16 hours of domestic violence training.

If the family law matter does not involve domestic violence, the court-appointed expert is not required to have the additional training. If domestic violence occurs after an appointment, the expert could be removed if he or she has not completed the required training. To avoid this situation, it would be prudent for court-appointed experts to have already completed the training even in cases where domestic violence is not alleged at the time of appointment.

WHY WAS 43 O.S. 120.7 AMENDED?

Ms. Stricklin said the purpose of the amendment is to provide the court with qualified expert advice on which to make safe decisions regarding children.

“If the family law matter does not involve domestic violence, the court-appointed expert is not required to have the additional training.”

Oklahoma has high levels of domestic violence, and children are often exposed to and/or victims of domestic violence. A 2015 report by the Oklahoma Domestic Violence Fatality Board noted that for the years 2013 and 2014, Oklahoma ranked third in the nation for the number of women killed by men as a result of domestic violence.⁴ There were 100 domestic violence-related homicides in Oklahoma in 2013 which included 12 victims under the age of five.⁵

A study by Appel and Holden (1998) found a 41 percent co-occurrence between child abuse and domestic violence.⁶ Some studies show that domestic violence may be the single major precursor to child abuse and neglect fatalities.

Under Oklahoma law there is a rebuttable presumption that it is not in the best interest of a child for a parent against whom domestic violence, stalking or harassing behavior has been established to have custody or unsupervised visitation.⁷ Court-appointed experts would be better equipped to recognize the sometimes subtle signs of domestic violence if they have received additional training in domestic violence. This enhanced knowledge could result in greater safeguards for children and the protective parent who are going through custody and visitation litigation.

UNANSWERED QUESTIONS

As is often the case with new laws, there are still some unanswered questions, including the following:

- Who determines what qualifies as domestic violence training?

- What happens to experts who were appointed prior to Nov. 1, 2015, in cases where domestic violence is an issue?
- Can an attorney use prior domestic violence training to meet the current requirement?

CONCLUSION

Oklahoma was ranked third in the nation in 2013 and 2014 for the number of women killed by men as a result of domestic violence. Twelve children under the age of five were killed in Oklahoma due to domestic violence in 2013. Hopefully implementation of the amended statute will contribute reducing those sad statistics.

1. 43 Okla. Stat. Ann. 120.7, superseded Nov. 1, 2015.

2. 43 Okla. Stat. Ann. 120.7(D), effective Nov. 1, 2015.

3. 43 O.S. §109(2)(a-c), effective Nov. 1, 2015.

4. Steyn, Jacqueline, "A Report of the Oklahoma Domestic Violence Fatality Review Board 2014," Office of the Oklahoma Attorney General, Aug. 27, 2015, www.ok.gov/oag.

5. *Id.*

6. Herrenkohl, T. L., C. Sousa, E. A. Tajima, R. C. Herrenkohl, and C. A. Moylan, "Intersection of Child Abuse and Children's Exposure to Domestic Violence," *Trauma, Violence, & Abuse* 9.2 (2008): 84-99, Web.

7. 43 Okla. Ann. Stat. 109.3.

ABOUT THE AUTHOR



Michelle K. Smith is a solo practitioner in Oklahoma City who limits her practice to family law. She graduated *magna cum laude* from the OCU School of Law in 2007. Ms. Smith currently chairs the OBA Family Law Section after serving as the section's chair-elect and CLE chair in 2014.



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Three Critical Preps for a Successful Family Mediation

By Kevyn Mattax

As Henry Ford once said, “Don’t find fault. Find a remedy.” To that end, mediation is slowly becoming a requirement in family law cases in Oklahoma state courts. Many family law judges are now making it mandatory before you can obtain a trial date for your client’s contested matter. Thus, family law practitioners should be proficient in mediation for the sake of their clients. This article addresses how practitioners can successfully prepare their case and their client for mediation.

I have mediated hundreds, if not thousands of domestic matters and just as attorneys have their own quirks and qualities, every mediator has his or her own unique style. Every case that goes to mediation has complex components — the parties, the attorneys, the issues and the history. How successful a family mediation can be obviously depends in large part on the preparedness of everyone involved, including the mediator. Surprisingly enough, many times I have experienced less-than-prepared attorneys on the day of mediation. Clearly, if the attorney is not prepared, he or she likely did not take the time to prepare the client or their mediator.

Basically, the preparation boils down to three key ingredients: 1) prep of the case, 2) prep of the client and 3) prep of the mediator.

PREP THE CASE

Before even booking the time with the mediator, it would be best to have THE case fully prepped. First and foremost, this will help determine the length of mediation necessary for successful resolution. On the scheduled day

of mediation, it might be tempting to just show up with the file, grab a cup of coffee, sit back and let the mediator “do her magic.” The better course of action is to have the matter fully prepped, organized and ready to present — just as if the lawyer were headed to pretrial. After all, the goal is for the client to leave mediation with a full resolution and the satisfaction of time (and money) well spent and the closure that comes with resolve.

If the lawyer plans to seek joint custody on behalf of the client, draft an outline of the proposed joint custody plan. If the lawyer seeks support alimony for a party, he or she should bring their detailed proposed budget and the supporting documentation. If there are exhibits that would assist a mediator in discussing the case with the other party, the lawyer should prepare those and have enough copies for use during mediation.

In an ideal situation, the lawyer might even already have the draft of a proposed decree of dissolution or order of modification, ready to edit based upon the outcome. It seems like

“Mediation empowers the clients. They have the unique opportunity to decide for themselves how they want to resolve their conflict.”

common sense but some attorneys come to mediation with the file and their client and absolutely no previous work or preparation.

A “rock star” attorney comes to mediation ready to hit the ground running. He or she may have their laptop with them with drafts of proposed orders, or, maybe they emailed them to the mediator in advance to make any edits at the end of the day if agreement is reached. Leaving mediation with a signed decree of dissolution or agreed order of modification is the sign of ultimate success for everyone involved. Judges love it when this happens as well.

PREP THE CLIENT

The client needs to know what to expect the day of mediation and the attorney must invest the time in the case to discuss this prior to mediation. The client and lawyer have a trust relationship and the ever important rapport that develops between an attorney and his client. Without a properly prepared client, the mediator, who likely has no rapport with the client, starts the day swimming an upstream battle *and* having to deal with the understandable resistance that is present when dealing with heightened emotions and difficult issues.

Mediation empowers the clients. They have the unique opportunity to decide for themselves how they want to resolve their conflict. They can even potentially avoid a trial (or a showdown if you prefer) with their former loved one. In mediation, they are the decision maker. Help your client to feel empowered. Prepare them!

Before you show up at mediation, at a minimum, your client should know:

- 1) What is mediation?
- 2) What mediation is not?
- 3) Why they are going to mediation in the first place.

- 4) Were they court ordered to attend or did they volunteer?
- 5) What are the issues/subjects to be addressed that day?
- 6) What are the benefits of going to mediation?
- 7) Where will the mediation be held?
- 8.) Are third parties allowed to attend?
- 9) What is the mediator like?
- 10) Will they be in the same room with their opponent or in a separate room?
- 11) What are the facilities like?
- 12) Should they bring food/refreshments or does the mediator provide them?
- 13) How long should they plan on being at the mediator’s office?
- 14) What does the mediation cost?
- 15) Who is paying for it?
- 16) Does the mediator take cash? Credit cards? Checks?
- 17) Are there any time constraints on the day scheduled for mediation?
- 18) Do they have someone to pick up their children if the mediation goes into the evening hours?
- 19) What compromises might they be willing to make?
- 20) What is the most important bottom line for them?

The information that a party needs in order to feel comfortable and secure about mediation is important to them and critical to the success of the mediation. The lawyer could also direct the party to the website of the mediator to garner important basic information. Some mediators will even answer questions in advance so long as the attorneys agree it is acceptable. I have even allowed parties to come to my office for an advance walk through so that they will not be anxious on the actual day of mediation. Think about how unnerved clients are when they have to go to the courthouse and deal with all of the unknowns. They feel the same way about going to the mediator’s office. Counsel should do what he or she can to make them feel confident and comfortable about the

process in advance for a far better chance of reaching resolution for them.

PREP THE MEDIATOR

Counsel should provide the mediator with the most basic information: the style of the case, the assigned judge, the pretrial and trial dates, names of all of the attorneys who will attend, the full names of the parties and their children (if applicable), whether or not third parties are planning on attending (my policy does not allow third parties without advance approval by everyone) and who is paying for the mediation costs. Also, will a guardian *ad litem* be attending or available by phone? Finally, the mediator should know all issues in advance and whether or not any settlement discussions have been had as well as any stipulations or if the parties are willing to enter into partial agreements if they cannot reach a universal settlement.

On the actual day of mediation, the mediator will explain her role and the process to the parties. Counsel needs to tell the mediator in advance if they prefer to caucus all day or to keep the parties together in the same room. Sometimes it's a blend of both.

Additionally, prior to the mediation date, counsel should provide the mediator with a memorandum of the matter to be mediated and the client's position. If there are important or complicated exhibits, I want those in advance. Most mediators will review the information in advance. Unfortunately, when an attorney shows up without having previously provided these basic items, the mediation begins with time-consuming gathering of information, which costs the client more money. Clients deserve to begin mediation with conflict resolution instead of preparation.

THE 'DREAM' MEDIATION

I have conducted hundreds of mediations and as a family law attorney have attended

hundreds on behalf of my clients. My dream mediation looks like this — both attorneys have contacted me in advance and have provided me with all of the necessary information on behalf of their clients. They have directed their clients to look at my website and have answered all of their client's questions in advance. On the day of mediation, the attorneys and their clients show up on time, alert, prepared and ready to go. They have their file, their laptops (not required at all, but nice) and they log into my free Wi-Fi. We work with their spreadsheets (if we are doing property division, etc.), their plan for joint custody or budgets for support alimony and they have proposals to make.

They and their clients know their bottom line and priorities and the client has been prepared to negotiate and to make necessary compromises and concessions if need be in order to get what they want. At the end of the day, everyone leaves with a signed court order or mediated agreement and their clients begin to move past the conflict that brought them to my office to begin with. The lawyer is then able to close the file soon and move on to another matter, knowing that their client has the closure and satisfaction of an outcome they were intimately involved with every step of the way.

ABOUT THE AUTHOR



Kevyn Gray Mattax is an attorney and certified mediator who helps people resolve conflicts in ongoing domestic cases. She now spends the majority of her time in mediation, whether as the mediator or as counsel for a party in a family matter. She has attended world class training in all aspects of mediation.



Three Ways to Help Your Family Law Clients Prepare for Their Court Debut

By Michelle C. Harrington

We all try to prepare our client for the big day in court, but it's easy to miss a detail that may matter. You know — things like how they should leave their Skoal at home. Or not bring the new person they are dating to the temporary order hearing. Well, let me help you out with that. I have put together three letters for clients that address appearance, behavior and testimony on court day. You are free to tweak them, make additions or simply tear out the pages and mail directly to those you represent — client trial prep just got easier!

LETTER #1: HOW TO GET THE JUDGE TO NOTICE YOU

Dear Client,

You have probably been given many tips by friends and family members who are experts in divorce about how to behave in court. You may have been told to do things like keep your cool, let your attorney do the talking unless you are asked a question and dress conservatively. *Really?* How is that mundane behavior going to get the judge to notice you? And if she doesn't notice you, however will she know that you are the righteous one and that your spouse is not to be believed on any given subject? Following are sure-fire ways to get yourself noticed by the judge.

- 1) **Wear a hat.** If you're female, make sure it has moving parts to keep the judge's eye on you — a feather or something that sparkles. Don't worry about not being taken seriously; it's about being seen. If you're male, make sure you wait until you are invited to remove your hat before

doing so — this will serve the dual purpose of putting the judge in his place with an initial show of disrespect as well as allow all to admire your hat-hair-look for the rest of the proceeding.

- 2) **Display your righteousness.** Enter the courtroom with a (large) Bible tucked under your arm, wear a military uniform or clip on law enforcement emblems so the judge can tell immediately which one of the parties is the good one. [Note: if you opt for a bedazzled "Jesus Loves Judges" T-shirt, you may skip the hat suggestion in number one.]
- 3) **Express your individuality.** This is very helpful if righteous-wear isn't available. Wear distinctive make-up (think street-walker here) and prominently display tattoos. Show as many body piercings as is legally possible in a public forum. Now's a great time to let the world know about your tongue stud. In spite of your garbled speech and the fact that the judge

is distracted by pondering how you can talk at all with that in your mouth, you will impress more than just the judge with your creative expression.

- 4) **One word: cleavage.** The more you show, the clearer you can get your message across to the judge that you know darn well they don't pay attention to the law when they make their decisions. And this isn't just for women. Man-cleavage will not only get you noticed, it will get your image burned into the brain of more than one court attendee long after the proceeding is over.
- 5) **Assist the judge in recognizing when the other side is being an idiot.** Accomplish this by rolling your eyes, sighing loudly and shaking your head vigorously as necessary. If the judge misses these subtle clues, try a loud snort during the other side's testimony.
- 6) **Interrupt the judge while he's speaking.** While the tips in number 5 can also be used if you disagree with the judge, a more effective option would be to actually interrupt. This will show that you aren't afraid to take charge or assert yourself whether or not it makes sense to do so.
- 7) **Keep the focus on yourself when it is not your turn to speak.** Tapping a pen against a notebook, loudly drumming your fingernails, cleaning out your purse or wallet might be just the little clue the judge needs to realize how boring the other side's story is.
- 8) **Prove that you are a free-thinker not constrained by rules and regs.** Pull out your mobile phone and start texting. Want to get some *real* attention? Actually make a call, hold up a finger to the judge while murmuring importantly: "I have to take this."
- 9) **Demonstrate that you have more on the ball than the other side's attorney.** If he is asking you questions on cross examination, be evasive — make him work for every response. Shoot some questions back at him: "Where do *you* live?" and "Why do *you* think I would say that?" This technique can be employed directly with the judge if she is nosy enough to ask you her own questions.

10) **Magnify the drama.** Surprised? Gasp loudly. Upset? Sob noisily (don't worry about real tears, this is all about emoting). Angry? Slam a fist on the table. Don't like the result? Stomp out of the courtroom letting the doors slam behind you. [Note: if the doors are the type that swing closed quietly, you may need to kick something on the way out to get the same audio effect.]

You now have all the tools you need to have your family law judge remember your colorful self. Using any of these tools assists the judge in making their final decision. When it comes time for the judge to decide which parent should have primary custody or which party is more credible in their presentation of the facts, you have made it easy for the judge to choose between you and the predictable stability and mundane respectfulness of the other side.

See you sparkling in court!
Your Favorite Lawyer

LETTER #2: COURT DAY BEHAVIOR

Dear Client,

I am writing to give you some advice about how you should behave at the courthouse while your case is going on. Notice I said "courthouse" and not "courtroom." That's because most of us know what's expected of us in a courtroom: hats off, gum out, manners on. We address the judge as "Your Honor" and are respectful to the other side — at least when the judge is actually in the room.

What too many parties don't realize when they enter a courthouse is the courtroom is not the only place they are being judged.

So assume you are being videotaped and audiotaped at all times. If you don't want it seen in court, don't do it. If you don't want it heard by the judge, don't say it. Whether or not you are literally being taped, you never know who is watching and/or listening.

Emotions run very high in family court. People are angry, hurt, resentful, scared, nervous, confused, uncomfortable, sad and all those other things that arise when the fate of children, property and one's future are at stake. Most of us rein in all the conflicting emotions in the courtroom and try to present a calm, respectful demeanor in hopes of demonstrating our credibility. The effort can be stressful and draining, and the temptation to just let

loose as soon as you step out of the courtroom doors can be overwhelming. Giving in to that temptation could cost you your case.

Just because you don't recognize anybody around you in the courthouse doesn't mean somebody doesn't recognize you. Just because you can't hear what others are saying, doesn't mean you can't be heard. And just because you can't see anybody, doesn't mean you can't be seen.

Why It Matters

You may be wondering why on earth you should care what others see and hear — they should be minding their own business, right? First of all since you don't know who they are, you don't know whether or not any aspect of your case *is* their business. Secondly, even if they *should* be minding their own business doesn't mean they will.

In the two decades plus that I've been hanging out at courthouses across the state, I've heard more stories than I can count about what a judge's clerk, bailiff or reporter saw or heard that got shared with the judge — either deliberately or inadvertently. (Venting about the judge is a *great* way to get their attention!) I've heard accounts of judges who are in the hallway or a public part of the courthouse witnessing bad behavior from parties during a break, before proceedings and after proceedings. Should they take such things into account while making their decisions? How can they not? Much of what a family law judge hears during testimony falls under the he-said/she-said category — because there's often not additional evidence regarding personal conversations during a marriage. So credibility of a party is a crucial factor when a judge has to decide which version of an event is more believable.

You may think you know every person your ex would have with them, but there's always a chance that there is someone you wouldn't have a reason to know — whether a new acquaintance or the friend of a friend — so don't make assumptions. And there's no possible way you would know who opposing counsel might have a relationship with amongst observers. I've gotten more than one good tip from a witness who heard a disclosure made or saw behavior from my client's ex outside of the

“**Venting about the judge is a *great* way to get their attention!**”

courtroom that proved helpful to my client's case.

Lasting Impressions

It doesn't matter if the names you call your ex or soon-to-be-ex are accurate. It doesn't matter if you are the wronged party and everyone you know thinks your anger and behavior is righteous. The people who see you in the courthouse generally don't know you, your family history and your specific circumstances. They only know what they see and hear. If what they see is you lambasting the other party in the hallway or conference room, that is what they will base their impression on. If what they hear is you spewing hateful remarks about your opponent to your attorney or supporters, that's what they'll base their impression on.

Whether your venting takes place in the courtroom when the judge is not present, in the hallway, in a public area, or even in the restroom, assume your conversation and/or your behavior is *not* private.

Body Talk

Don't exhibit negative body language in the courtroom. Things like rolling your eyes and shaking your head vigorously while another is talking won't serve you well. But what often isn't discussed is what body language can convey to observers outside of the courtroom. Talking to your ex or one of their witnesses while standing too close or hovering over them can be construed as threatening even if the words spoken are benign. Displays of arrogance or gloating intended for your ex may not go unnoticed by observers. Hostile looks or gestures could result in courthouse law enforcement interference or escort for your ex — something the judge is likely to find out about.

Judge the One You're With

Your family and friends are extensions of you. While they may think their trash-talking and glowering looks toward your ex demonstrates their support of you, they're not helping at all. Everything stated above about who is watching and listening to *you* also applies to *them* and reflects on you. If you know that a family member's hatred toward your ex is stronger than their self-control, you may want to consider leaving them at home.

You should behave appropriately and respectfully in the courthouse during your family law case because it is the right thing to do. It will serve you well and, if you have children, such behavior will better serve them, also. If that is not enough motivation or incentive for you to do so, then remind yourself that there are eyes and ears everywhere.

Sincerely (hope you've heard me),
Your Favorite Lawyer

LETTER #3 - ABOUT TESTIFYING

Dear Client,

I am writing to give you some helpful suggestions about your upcoming testimony so that you can practice ahead of time. We have talked a lot about what you will say — how you will present your case. But, just as crucial, are the things NOT to say during testimony. Here are five that I think are important:

1. **"To tell you the truth."** Or "to be honest with you." Or "frankly." Or any other like statement. You are expected to tell the truth, be honest, and be frank. To start a sentence out by announcing you intend to do so makes one wonder about your other statements.

2. **"My children."** It's a common enough reference when you are speaking about your children to a third party. However, if you are testifying in a custody matter — especially if you are seeking custody and asking that the other parent have less physical time — it sounds dismissive of the other parent. Better phrasing is 'our children' or actual use of the children's names.

3. **"I allow."** As in: "I allow him to see the children each Tuesday," or "I let her pick up the kids at 7 o'clock." Not much red flags the family court judge to control issues more than this type of statement. Neither parent — at least in divorce cases — has more legal right to the children or control of their comings and goings than the other until (and unless) a judge rules that one does. If one parent arbitrarily appoints him- or herself in charge, especially if they wield their control like a weapon, it may very well leave the judge thinking the other parent would be the more reasonable parent to appoint as primary custodian.

4. **Anything sarcastic.** Whether you're testifying in a deposition prior to trial or in court, your words are being recorded in writing. Sarcasm doesn't read well. For instance, the attor-

ney asks you if you beat your kids. You sarcastically answer: "Yeah — I beat my kids every day whether they need it or not." Cute. Everybody in the room hears your sneering tone and knows you mean the opposite. Not so for the reader of the appeal or deposition transcript. In black and white it appears that you have admitted, under oath, that you beat your kids daily. Not so cute.

5. **Tone versus words.** Don't use a tone of voice that proclaims you're a jerk. Does this seem obvious? During the stress of a trial, when it is your turn to testify and the attorney* is badgering you or twisting around your statements, it is very easy to get caught up in a hostile moment. Very easy to respond in the same mean-spirited tone that the attorney* is using toward you. The better response is to let the attorney* continue to look like a bully and you keep your tone respectful while you disagree. Resist the temptation to be combative and use a tone that is argumentative. The judge probably already knows that attorney* and his or her regular behavior, but he doesn't know you. Taking the high road (after a deep breath or two if necessary!) will serve you well.

With best regards and high hopes,
Your Favorite Lawyer

**Note to reader: the references to the bullying, badgering attorney are absolutely fictitious. I do not personally know any such attorneys. Any resemblance to an existing attorney is purely coincidental.*

CONCLUSION

So there you have it, my dear colleagues. Three letters already drafted and ready to be sent to your clients to assist them in understanding how they should look, behave, and testify on that all-important court day. You're welcome!

ABOUT THE AUTHOR



Michelle C. Harrington is a solo practitioner whose practice is restricted to family law. She received her J.D. from OU in 1992. Ms. Harrington has been an adjunct professor at OCU School of Law since 1999 teaching family law and related courses. She is the author of *Oklahoma Family Law Direct and Cross Examination* and blogs with humor about how to stay married at www.shelharrington.com.

E X P E R T I S E



LOUIS W. UTSCH
Taxation

Crowe & Dunlevy's Taxation practice group is further enhanced with the addition of corporate tax attorney Louis W. Utsch. Mr. Utsch has extensive expertise in energy tax law and tax consulting, specifically in the areas of IRS tax audits, mergers and acquisitions, tax structuring and public company tax regulatory compliance. His legal counsel is a valuable asset to clients in the energy, financial and corporate sectors, among others. We welcome him to the firm.



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2015 LWO December Seminar
Friday, December 18th • Oklahoma Heritage Museum
1400 Classen Drive • NW corner of 13th & Shartel
8 a.m. – 4 p.m.



Seminar Agenda

Ethics - Gina Hendryx

Workers' Injury Law & Advocacy Group Update - Charles Davoli

Recent Appellate Decisions - Bob Burke

Legislation & Anticipated Legislative Session 2016 - Lisette Barnes & Rep. Emily Virgin

Personal Injury Update - Speaker TBA

Trends in Workers' Compensation Locally and Nationally - Mike Clingman

LWO Members \$175 • No Members \$200 • Legal Staff \$100
Breakfast & Lunch will be served • 6 Hours Pending CLE Credit
Please contact Kellie Currie for registration: 405-264-3669 or lwo@coxinet.net



An Introduction to the Guardianship Process

By Joshua A. Edwards

Inevitably an attorney who practices family law will be asked to prepare a guardianship. Though this article is not intended to comprehensively examine Oklahoma guardianship laws and procedures, it should offer a measure of helpful information to guide the attorney in properly establishing one. Guardianships may be broadly separated into two categories: 1) guardianships of minors¹ and 2) guardianships of incapacitated or partially incapacitated adults.² Each of these guardianships may be further divided into guardianships of the person, property or both.³ The statutes describe three classifications of guardians: a general guardian, a limited guardian and a special guardian.⁴ A general guardian is a guardian appointed over the person or of all of the property of the ward, or both.⁵ A limited guardian may be appointed in cases of a partially incapacitated ward and is given only certain powers specified by the court.⁶ A special guardian is a temporary guardian that may be appointed in cases of an incapacitated or partially incapacitated adult.⁷

PROCEDURAL OVERVIEW – GUARDIANSHIP OF A MINOR

A guardianship of a minor child requires a need for a guardianship,⁸ which involves an examination of whether the best interests of the child are being fostered.⁹ The court cannot grant a guardianship in favor of a third party and against an objecting parent absent clear and convincing evidence that the parent is affirmatively unfit.¹⁰ The Oklahoma Supreme Court has defined parental unfitness in the context of a guardianship, stating “[U]nfitness means that the parent is unable to provide for the child’s

ordinary comfort or intellectual and moral development....”¹¹

After the basis for the guardianship has been determined, the next step is to determine proper venue. Venue is proper in the county where the proposed ward resides or where the proposed guardian resides if the proposed guardian is a family member.¹²

The petition for guardianship of a minor must be verified¹³ and at least 10-days notice must be given to the parents by mail to their last known address.¹⁴ Notice must be given to a

minor child who is at least 14 years old in a manner prescribed by the court.¹⁵

Upon filing a guardianship petition for a minor, the petitioner may request a temporary *ex parte* guardianship order that would be in the best interest of the ward.¹⁶ The requirements of Title 30 should be read conjunctively with the requirements of Title 43 regarding an emergency child custody hearing.¹⁷ If available, an independent police or DHS report should be provided that demonstrates the child is in surroundings that endanger his or her safety and that the child is likely to suffer irreparable harm.¹⁸ If a report is not available, the motion must include a notarized affidavit from someone with personal knowledge containing the same.¹⁹ Upon issuance of an *ex parte* guardianship order, a follow-up hearing must be set within 20 days where interested parties may show cause why a temporary guardianship should not be granted.²⁰

The order appointing a guardian over a minor must make a finding regarding what conditions constitute parental unfitness so that the parent may know what steps to complete in order to terminate the guardianship.²¹ The order must include conditions providing for the care, treatment, education and welfare of the minor.²² The order appointing a guardian is required to provide for the payment of child support by each parent pursuant to the child support guidelines.²³

Prior to the entry of an order appointing a guardian or issuing letters of guardianship, the statute requires the posting of a guardian's bond in an amount not less than the intangible personal property of the ward;²⁴ however, the court may waive bond if the anticipated annual income to the ward for one year plus the value of the personal property of the ward is less than \$40,000.²⁵

The guardianship is required to be reviewed at least annually, and the court may require the guardian to submit any records or reports that the court deems necessary for the review.²⁶

An initial inventory must be filed within two months of the guardian's appointment²⁷ and the inventory cannot be waived by the court.²⁸

Thereafter, the guardian must file an annual accounting unless specifically exempted under the statute.²⁹

The guardian's power over the ward terminates upon the majority of the ward or the ward's marriage,³⁰ however the guardian is not entitled to be discharged by the court until one year after the majority of the ward unless the minor validly released the guardian after the final accounting.³¹

PROCEDURAL OVERVIEW – GUARDIANSHIP OF AN ADULT

A guardianship of an adult shares many of the same procedures as a guardianship of a minor. Venue for an adult guardianship is proper in the county where the proposed ward resides or where the proposed guardian resides if the proposed guardian is a family member.³² The requirements of bond,³³ the initial inventory³⁴ and the final accounting³⁵ are likewise the same.

An adult guardianship requires proof by clear and convincing evidence that the adult is incapacitated or partially incapacitated.³⁶ An incapacitated person is defined as an adult who is impaired by reason of mental illness, developmental disability, physical illness or disability, drug or alcohol dependency or other similar causes and who lacks the capacity to meet essential requirements for his physical health or safety or is unable to manage his financial resources.³⁷ A partially incapacitated person is defined as "an incapacitated person whose impairment is only to the extent that without the assistance of a limited guardian said person is unable to a) meet the essential requirements for his physical health or safety, or b) manage all of his financial resources or to engage in all of the activities necessary for the effective management of his financial resources."³⁸

The petition for a guardianship of an adult is required to be verified and must include the names and addresses of those who are entitled to notice, the nature and degree of the incapacity, the relief requested and the reasons supporting the need for such relief, and the estimated value of all of the intangible personal property of the ward.³⁹ A copy of the results of any physi-

“The order appointing a guardian over a minor must make a finding regarding what conditions constitute parental unfitness...”

cal, psychological or other professional evaluation may be attached to the petition.⁴⁰

A special guardian may be appointed for an incapacitated or partially incapacitated ward on a temporary basis and without notice when there is imminent danger to the person's health or safety or the person's financial resources will be seriously damaged or dissipated without immediate action and no other person has authority to act.⁴¹ A special guardian's authority is only effective until a general or limited guardian is appointed but shall not last more than 30 days.⁴²

For adult guardianships, a guardianship plan is required to be attached to the petition, submitted at the time of the hearing,⁴³ or filed within two months of the guardian's appointment.⁴⁴ For guardianships of the person, the plan should state what services are necessary to meet the essential requirements for the physical health or safety, the means for obtaining said services and the manner in which the guardian(s) will exercise and share decision-making authority.⁴⁵ The statute requires that the plan substantially follow the form located at Title 30, Section 3-120(B)(2) of the Oklahoma Statutes. For guardianships of the person, the plan has similar requirements except that it should state what services are necessary to manage the property of the ward. It likewise must substantially follow the form located at Title 30, Section 3-122(C).

Notice of the hearing on the guardianship petition must be personally served on the proposed ward at least 10 days before the hearing⁴⁶ and should substantially follow the form provided in Title 30, Section 3-110(D). Notice to all other parties is provided via regular first-class mail.⁴⁷ Notice should also be given to the ward's spouse, attorney and adult children.⁴⁸ If there are no living adult children, then notice must be given to the ward's living parents⁴⁹ and if the ward has no living parents, to the next nearest relative as specified by the statute.⁵⁰ Notice is also required to the person or facility providing care or having custody of the ward and to the Department of Human Services or the Department of Mental Health and Substance Abuse Services if the ward receives such services.⁵¹

The court may appoint an attorney or guardian *ad litem* for the ward at any point in the guardianship process.⁵²

The order appointing a guardian is required to state the determinations made by the court, the name and address of the guardian and any authority granted to the guardian to change the ward's residence outside of the county without prior permission of the court.⁵³ If a court determines that the ward is a partially incapacitated person and appoints a limited guardian of the person, the court must make specific determinations regarding the capacity of the ward including the capacity to vote, to serve as a juror, to operate a motor vehicle, to be licensed or to continue to practice any profession of the ward and to make personal medical decisions.⁵⁴ If the court appoints a limited guardian of the property, the court must make specific determinations regarding the capacity of the ward including the capacity to appoint an agent, to enter into contracts, to grant conveyances and to make gifts of property.⁵⁵

Guardians are entitled to reasonable compensation as determined by the court, and the amount must be approved by the court prior to payment.⁵⁶ The reasonable attorney fees of the ward,⁵⁷ of the guardian⁵⁸ or of the guardian *ad litem*⁵⁹ may be paid from the guardian's estate and must be approved by the court prior to payment.⁶⁰

CONCLUSION

Guardianships frequently involve assisting vulnerable adults and children and as a result, provide a rewarding experience to the attorney involved. While this article is not intended to discuss each and every intricacy of obtaining and maintaining a guardianship, it should offer the family law practitioner a starting point and the confidence to work toward helping those in need.

1. Okla. stat. tit. 30, §§101 through 2-117.

2. *Id.* §§3-101 through 3-126.

3. *Id.* §1-119.

4. *Id.* §1-108.

5. *Id.* §1-109(A).

6. *Id.* §1-111(A)(16).

7. *Id.* §3-115(A).

8. *Id.* §2-101(A).

9. *In re Guardianship of H.D.B.*, 2001 OK CIV APP 147, ¶ 15.

10. Okla. stat. tit. 43, §112.5(B-C).

11. *In re Guardianship of M.R.S.*, 1998 OK 38, ¶ 16.

12. Okla. stat. tit. 30, §1-115.

13. *Id.* §2-101(B).

14. *Id.* §2-101(E).

15. *Id.* §2-101(D).

16. *Id.* §1-114(B)(7).

17. See Okla. stat. tit. 43, §107.4(A) (stating "In a court proceeding concerning child custody or visitation, a motion for an emergency custody hearing shall include an independent report, if available....").

18. *Id.* §107.4(A).

19. *Id.*

20. Okla. stat. tit. 30, §1-114(B)(7).

21. *In re Guardianship of H.D.B.*, 2001 OK CIV APP 147, ¶ 22.


22. Okla. stat. tit. 30, §2-109(A).
 23. *Id.* §2-108(B).
 24. *Id.* §4-201(B)(1).
 25. *Id.* §4-201(B)(2).
 26. *Id.* §2-109(B)(1).
 27. *Id.* §4-301(A).
 28. *Id.* §4-301(C).
 29. *Id.* §4-303.
 30. *Id.* §2-113.
 31. *Id.* §2-115.
 32. *Id.* §1-115.
 33. *Id.* §4-201(B)(1).
 34. *Id.* §2-109(B)(1).
 35. *Id.* §4-303.
 36. *Id.* §3-111(A)(4).
 37. *Id.* §1-111(12).
 38. *Id.* §1-111(13).
 39. *Id.* §3-101(B).
 40. *Id.* §3-101(C).
 41. *Id.* §3-115(A).
 42. *Id.* §3-115(F).
 43. *Id.* §3-101(D).
 44. *Id.* §3-122(A).
 45. *Id.* §3-120(B).
 46. *Id.* §3-110(C)(1).
 47. *Id.* §3-110(C)(2).
 48. *Id.* §3-110(A)(2)(a-c).
 49. *Id.* §3-110(A)(2)(d).

50. *Id.* §3-110(A)(2)(e), § 3-110(A)(3).
 51. *Id.* §3-110(A)(5).
 52. *Id.* §3-107(A).
 53. *Id.* §3-113(A).
 54. *Id.* §3-113(B).
 55. *Id.* §3-113(C).
 56. *Id.* §4-401.
 57. *Id.* §4-403(A)(1).
 58. *Id.*
 59. *Id.* §4-403(A)(2).
 60. *Id.* §4-403(C).

ABOUT THE AUTHOR



Joshua A. Edwards practices law in Ada and primarily focuses on family law and criminal defense. He is the Pontotoc County Bar Association president and graduated with distinction from the OU College of Law in 2010.



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2015 EMPLOYMENT LAW SEMINAR

Presented by the Oklahoma Employment Lawyers Association

- DATE:** Friday, December 11, 2015 from 9:00 a.m. to 5:00 p.m.
LOCATION: Crabtown in Bricktown, Oklahoma City, Oklahoma, 303 E. Sheridan Ave., Okc, OK
CLE CREDIT: CLE credit proposed for 8.0 hours including 1 hour of ethics
TUITION: \$175.00¹ for registration by Nov. 27, 2015. (*Buffet lunch included*)
\$200.00 for registration Nov. 28 and after
\$50.00 discount for OELA members & government/public service attorneys
CANCELLATION: There will be a \$25.00 charge for cancellations prior to Nov. 27
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REGISTRATION: Make checks payable to: OELA
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For more information, contact Amber Hurst, Tara Faulkner or Laurie Hammons at 405-235-6100

PROGRAM

- 9:00-10:00 **U.S. Supreme Court Update** (Mark Hammons, *Hammons, Gowens, Hurst & Associates*)
10:00-10:50 **Changes to FLSA Regulations** (Christine Cave, *Employers Legal Resource Center*)
10:50-11:00 Break
11:00-12:00 **Tips from the Bench: Do's and Don't's for Motions & Oral Argument** (Honorable Judges Timothy D. DeGiusti and Patricia G. Parrish)
1:00-2:00 **10th Circuit and State Case Law Update** (Lauren Johnston, *Leonard & Associates* and Kristin M. Simpsen, *McAfee & Taft*)
2:00-2:50 **Nuts & Bolts of Qui Tam & False Claims Act Litigation** (Wayne Allison, *Allison Legal*)
2:50-3:00 Break
3:00-3:30 **Updates to the Federal Rules of Civil Procedure** (Nathaniel Haskins, *Hall Estill*)
3:30-4:00 **Fast Tips on Appellate Briefing** (Amber L. Hurst, *Hammons, Gowens, Hurst & Associates*)
4:00-5:00 **Ethics Updates** (Joe Balkenbush, *OBA Ethics Counsel*)

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Advice for the Oklahoma Family Law Practitioner

Following the ‘Baby Veronica’ Case¹

By A. Diane Hammons

Several years ago, when I was attorney general (AG) for the Cherokee Nation, I assigned one of my bright young assistant AGs to an Indian Child Welfare (ICW) case that we had just learned of in South Carolina. A nonIndian adoptive couple had removed a Cherokee baby from the state for adoption, and we were planning to launch a fight to enforce the Indian Child Welfare Act (ICWA)² provisions regarding placement, removal of an Indian child from the family, etc. The assistant AG was Chrissi Nimmo, and the case ended up going all the way to the U.S. Supreme Court (SCOTUS). The case, *Adoptive Couple v. Baby Girl (Baby Girl)*, became widely known in the media as the “Baby Veronica” case. The case outlasted my tenure as AG, and my successor, Todd Hembree, assigned Ms. Nimmo to continue with the case. She would ultimately appear on *Dr. Phil* and many news shows, and would speak all over the country about the case. She engineered the filing of amicus briefs supporting the tribe’s position from all over the country and devoted herself fully to the case.

The Cherokee Nation and baby Veronica’s Cherokee biological father, Dusten Brown, ultimately lost that case; Veronica left him and his family after two years and returned to South Carolina to be raised by nonIndians. Many across Indian Country were heartbroken, not to mention the families involved in the case and the attorneys who had worked tirelessly on it. Some adoption attorneys, however, cheered the result. This article, however, does not serve to debate the case, nor to analyze SCOTUS’s deci-

sion. Rather, it seeks to provide the Oklahoma family law general practitioner with a few practical pointers and results that came out of the *Baby Girl* decision and its aftermath.

WHAT DID THE *BABY GIRL* CASE MEAN, AND HAVE THERE BEEN ANY CHANGES AS A RESULT?

And why, as Oklahoma family law practitioners, do you care? If you only do dissolution of marriage³ cases, maybe you don’t. Despite the

gratuitous wording in many Oklahoma petitions for dissolution of marriage and decrees, ICWA does not apply in divorce⁴ cases.⁵ It does apply in stepparent adoptions where petitioners (mom and stepdad, for instance) are seeking termination of the parental rights of one of the parents (dad, in my scenario). If you do any deprived cases, adoption cases or even guardianships, you have to care. If you have any clients who are unmarried fathers seeking to assert their parental rights, you should care. *Baby Girl* was not just about the rights of Indian tribes and parents to their children, it was a recitation of the short shrift paid to unmarried fathers everywhere.

One of the biggest items of note for any family law practitioner in Oklahoma should be SCOTUS's continued treatment, or lack thereof, of an unmarried father's parental rights. Under the majority holding in *Baby Girl*, his interests are next to nonexistent. The Supreme Court stated that absent ICWA, Mr. Brown would not have even been considered a parent.⁶ This, despite the fact that he had never relinquished his rights in any court proceeding (as required under ICWA)⁷ and had sought legal assistance immediately after learning that Veronica was to be adopted by strangers and would not be in the sole custody of her mother. Furthermore, he had originally sought to move up their marriage upon learning that the biological mother was pregnant with Veronica. Those are the facts that the majority opinion acknowledged; in the district court, other examples of his attempts to locate the biological mother during her pregnancy were introduced.

We have known for some time that unwed fathers, unlike unwed mothers, must do something more to be entitled to assert parental rights. Biology alone may a legal mother make, but not a father. The father has to affirmatively do more than contribute one-half of the genetic codes. This "biology plus" rule requires that unwed fathers must demonstrate something more than a biological connection to a child in order to be recognized as a legal parent.⁸

OKLAHOMA'S PATERNITY REGISTRY

Oklahoma has a paternity registry,⁹ which is widely unknown and even more widely unused. If an unmarried male client suspects that he may have fathered a child, he should immediately get on the registry and express his desire to be informed of any adoption proceedings.¹⁰ Although widely unknown and unused, courts cite the failure to register as some sort of affirmative abandonment of paternal rights.¹¹

Mr. Brown's situation emphasized the plight of the unmarried father. A client in similar circumstances should be advised to get on the registry, make attempts to provide for the child even prebirth and document every interaction he has with the biological mother regarding support, claimed parentage, etc. In the case of the Indian unmarried father, he can sign an attestation of paternity whereby a nonIndian mother can receive prenatal and birth care at an Indian Health facility.¹² Regardless of whether or not she wishes such care, the offer should be made in writing. Perhaps the Indian father may not be sure whether or not he wants to parent the child, but the assertion of his parental rights assures the application of ICWA and would thus ensure that extended family and/or members of his tribe would be preferential placements for the child.

APPLICATION TO THE INDIAN CHILD WELFARE ACT

As to *Baby Girl's* application to ICWA cases outside the unwed father scenario, it may have little effect. There is, of course, the conflicting view — espoused by some in the nonIndian adoptive business — that *Baby Girl* has widespread application to every ICWA case and "that unless someone files a competing petition to adopt an American Indian child, ICWA's preferred placements don't apply."¹³ For the attorney representing an Indian family seeking placement of an Indian child, the wisest course would be to file that "competing petition" if adoption is formally sought by someone outside ICWA's stated placement preferences. At the very least, the Indian family should affir-

“One of the biggest items of note for any family law practitioner in Oklahoma should be SCOTUS's continued treatment, or lack thereof, of an unmarried father's parental rights.”

matively and formally request placement of the child to the court, preferably in writing, as early and perhaps as frequently, as possible.

One of the positive results for those of us supportive of ICWA has been Washington's response to the *Baby Girl* case. For example, in March 2015, the Bureau of Indian Affairs assistant secretary, Kevin Washburn, filed a news release and announcement answering the "call to strengthen implementation of [the] Indian Child Welfare Act." Calling for tribal consultations, a new rule to govern implementation of ICWA by state courts and child welfare agencies and changes to the current BIA guidelines regarding ICWA, the announcement was made, "in keeping with President Obama's commitment to supporting Indian families and building resilient, stable and thriving tribal communities."

The BIA guidelines, unrevised since 1979, have long been used by the courts in their interpretation of ICWA. The guidelines, perhaps more than any other federal administrative regulation, are widely referred to and cited in cases. Indeed, SCOTUS itself cites to the guidelines in the *Baby Girl* decision.¹⁴ One change in the guidelines is the definition of parent, which will now state:

Parent means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include an unwed father where paternity has not been acknowledged or established. To qualify as a parent, an unwed father need only take reasonable steps to establish or acknowledge paternity. Such steps may include acknowledging paternity in the action at issue or establishing paternity through DNA testing.

There has been an outpouring of support for the proposed guidelines, which have needed updating for some time.¹⁵ The *Baby Girl* case may have provided the needed incentive for the revisions.

To summarize, for the Oklahoma family law practitioner, the *Baby Girl* case means the following to you:

1) If you're representing an unwed father in any child custody matter, make sure that you get him on the paternity registry, and document, document, document all efforts he has

made and makes to include himself in the life of the child, from first notice of pregnancy to the present (I would do this even if he is ambivalent about his ultimate desire on whether or not to parent... he can always relinquish in the future, but he needs to establish his rights now whether or not he wishes to give them up later).

2) As always, *ask* about Indian heritage in any adoption, foster care, relinquishment or deprived hearing. Make sure that you document to the court your inquiries and/or findings. If the child does qualify as an Indian child, follow the statutory notice requirements carefully and be sure to provide accurate information.

3) If you represent an Indian family seeking custody of a child in foster care or pre-adoptive placement, make known in writing your desire to adopt or foster the child as early as possible. File something with the court making that known. You might consider filing your own action, regardless of the pendency of any other action.

CONCLUSION

Read the *Baby Girl* decision if you haven't yet, and consider what could/should have happened differently. Take those considerations and apply them to your own practice. Be cognizant of the number of Indians and Indian tribes in Oklahoma. Always ask in any case involving a child (except divorce or dissolution cases). Be aware of Oklahoma's own Indian Child Welfare Act and the proposed changes in the federal regulations regarding ICWA. And, in any case, Indian or nonIndian, involving an unwed father, have him register and assert his rights, and document, document, document all of his efforts.

1. The media uproar, mostly initiated by the adoptive parents, resulted in Americans knowing the names of all the parties involved, even though these type proceedings are generally closed & confidential. The SCOTUS case is *Adoptive Couple v. Baby Girl*, 133 S.Ct. 2552, 186 L.Ed.2d 729 (2013).

2. 25 U.S.C. 1901, *et seq.*

3. I still say divorce, but I'm old.

4. See?

5. 25 U.S.C. 1903(1); 10 O.S. 40.3 (Oklahoma Indian Child Welfare Act (OICWA) (10 O.S. 40.1, *et seq.*) provides even more protections for Indian children and families than the federal act. Divorce actions are not covered under either ICWA or OICWA.)

6. 135 S.Ct. at 2560.

7. 25 U.S.C. 1913(a).

8. *Lehr v. Robertson*, 463 U.S. 248, 103 S.Ct. 2985, 77 L.Ed.2d 614 (1983).

9. 10 O.S. 7506-1.1.

10. 10 O.S. 7506-1.1.

11. See, e.g., *Tariah v. Hannah's Prayer Adoption Agency*, 903 P.3d 304, 308 (Okla. 1995); *White v. Adoption of Baby Boy D.*, 10 P.3d 212, 215 (Okla. 2001).

12. 42 C.F.R. §136a.12(b)(2).

13. Jay McCarthy, as quoted by the *Tulsa World* in "One year later, Baby Veronica case still resonates," by Michael Overall, 9/21/2014.

14. *Ibid* at 2561.

15. The deadline for comments to the proposed new regulations ended in May 2015. There was a wealth of input on the matter, and the BIA will consider all of that before finalizing the regulations. It may be early 2016 before final publication. There is an excellent side-by-side chart of the 1979 guidelines with the proposed 2015 guidelines, prepared by OCU 3rd year law student Cami Ruff, working in conjunction with Prof. Casey Ross-Petherick at the American Indian Law and Sovereignty Center at Oklahoma City University School of Law (405.208.5312).

ABOUT THE AUTHOR



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She previously served as attorney general of the Cherokee Nation. A Mensan, Ms. Hammons is 1/4 Cherokee, the mother of three and grandmother of three adorable grandchildren. An OU grad, she passed the bar in 1984.

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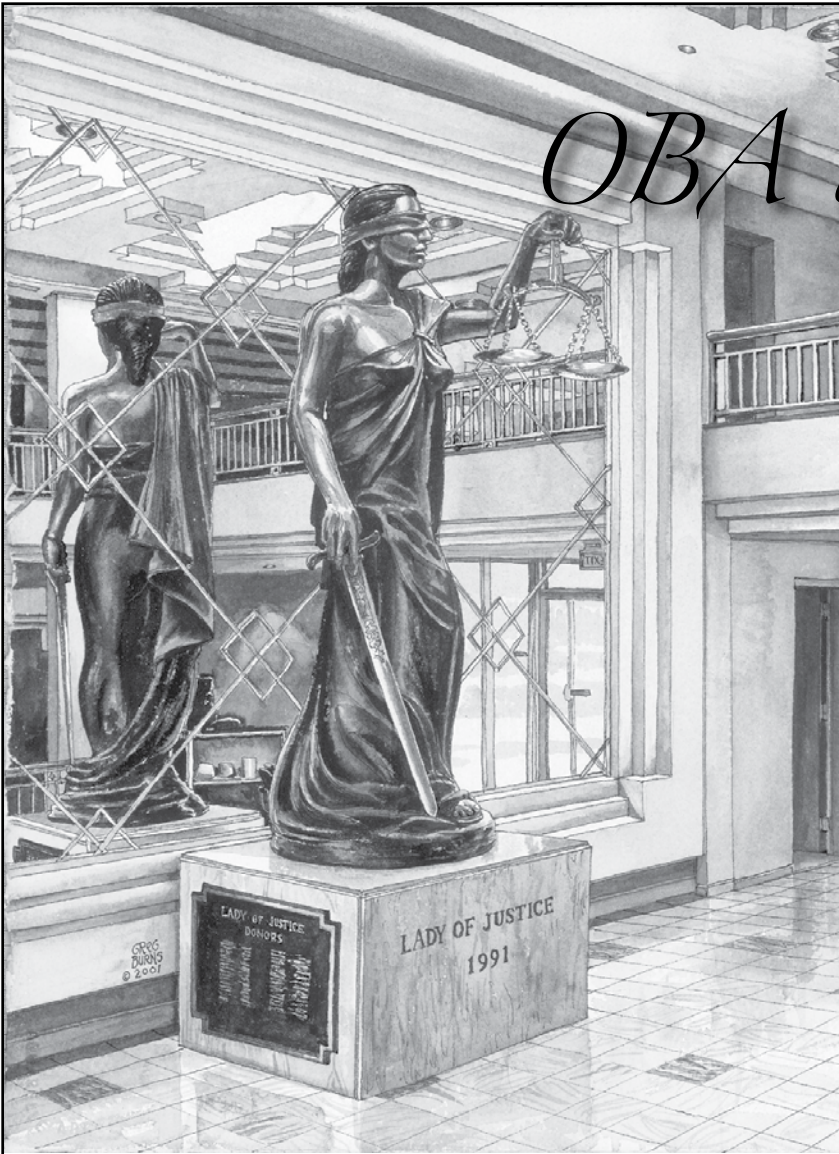
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Production of Confidential Records: A Practical Guide for the Practitioner

By Megan L. Simpson

Over time, the intersection between the Oklahoma Department of Human Services (DHS) and the “typical” family law case has widened into multiple lanes of traffic from all directions. What used to be an isolated case of a divorce, child support or modification of custody or visitation that involved the request for admission of confidential records from some division of OKDHS or other agencies and entities that retain similar records has now grown to be a regular occurrence for most family law practitioners, and a statutory process with which most district judges, especially those in counties outside the metropolitan areas, have been forced to become all too familiar.

Rather than incurring the ire of an already overburdened bench, let this article serve as a primer for the process by which such records are properly vetted and introduced into evidence in any criminal, civil or administrative proceeding in the state of Oklahoma. A review of this section prior to approaching the court with a request for consideration of these types of records, many of which could be extremely relevant and highly probative of the matters before the court, will go a long way in expediting the process toward the intended goal — letting the judge see and consider the records in making a ruling in the best interest of the child.

It is important to note that the process outlined here, and codified at 10A O.S. §1-6-102, is the only manner in which any of these highly confidential records may be considered by the court. In fact, 10A O.S. §1-6-102 (C) states: “A subpoena or subpoena *duces tecum* purporting to compel testimony or disclosure of such information or record **shall be invalid.**” (emphasis

added). If counsel attempts to produce, or compel to be produced, documents that fall within this category in any other manner than that prescribed by the statute, the attempt fails and creates unnecessary delays in getting the information before the court for consideration.

STATUTORY CATEGORIES OF CONFIDENTIAL RECORDS

Due to the extremely confidential nature of records held by OKDHS and other agencies, the vetting process required by 10A 1-6-102 first discusses the general categories of records that are considered confidential and are not open to the general public. These include: 1) juvenile court records, 2) agency records, 3) district attorney records, 4) Court Appointed Special Advocate records pertaining to a child welfare case, 5) law enforcement records, 6) nondirectory education records and 7) social records.¹

For any of these records to be inspected, released, disclosed, corrected or expunged, a party

must first obtain an order of the court. Although the statutory section regarding these records does not specifically require it, the prudent practitioner should approach the court prepared to explain his or her compelling reason for the judge to take whichever of the statutorily enumerated actions being pled. It is not enough just to bring a motion and order to the bench with the section cited; rather, a well-written accompanying brief or oral argument could mean the difference between a signed order for production and an uncomfortable explanatory call to a client.

PRODUCTION OF OKDHS SAFETY ANALYSIS RECORDS

A higher standard is applied to OKDHS records relating to a safety analysis performed by the department on a family unit. A safety analysis is performed by OKDHS when a referral is received by the department regarding a child who may be the victim of neglect or abuse. These situations are evaluated by a child welfare specialist who completes an investigation and makes specific findings relevant to the child's safety. Although the result of the investigation may ultimately be no action by the department, or a voluntary safety plan for the family members that includes minimal requirements for action, these records can be a source of invaluable information for the court when making decisions regarding the best interests of a child in a visitation or custody situation.

Under 10A §1-6-102 (D)(1), a parent, legal guardian or the minor child who is the subject of the analysis may move the court for the production of the records. To do so, a motion must be filed by one of the three named parties, stating that child custody or visitation is at issue and that, upon receipt from the court, the records will be kept confidential by the movant, and disclosed only to the attorneys of the movant and those employed by the movant or the movant's attorneys whose aid is necessary to the child custody or visitation issue. A copy of the motion must be provided to all the interested parties, the child's attorney and the guardian *ad litem*, as applicable.

It is important to note there is no power of judicial review for safety analysis records. However, the decision of the court to enter an *ex parte* order for production of the safety analysis records is discretionary, not mandatory. Also, this is an option only in cases that involve child custody or visitation issues, not in any other

civil, criminal or administrative proceedings. Since this is a discretionary action on the part of the judge, the same cautionary lesson applies here as has been previously mentioned. Be prepared to approach the court with a cogent argument as to the relevance of these records not because they will help one of the parties gain an advantage, but because these records will assist the court in its task of determining what is in the best interest of the child who is the subject of that visitation or custody hearing.

The statute gives a suggested form for the "Confidential Records Disclosure and Protective Order" to be used, as shown below:

CONFIDENTIAL RECORDS DISCLOSURE AND PROTECTIVE ORDER

NOW on this ____ day of _____, 20__, the court finds that child custody or visitation is at issue in the above styled and numbered proceeding and the disclosure of the safety analysis records of the Oklahoma Department of Human Services pursuant to Section 1-6-102 of this title is necessary and relevant to the court's determination of the child's best interests. The court therefore orders as follows:

a. The Oklahoma Department of Human Services ("Department" or "DHS") shall produce a copy of its safety analysis records to this court on or before ____ day of _____, 20__.

b. The Department shall be permitted to redact or omit information in its safety analysis records which may identify the reporter of alleged child abuse or neglect.

c. All information contained in the safety analysis records of the Department is confidential under Oklahoma law and shall be disclosed only to the parties, the attorneys of the parties, and those persons employed by or acting on behalf of the parties and the attorneys of the parties whose aid is necessary to the prosecution or defense of the child custody or visitation issue.

d. No confidential information whether contained in pleadings, briefs, discovery, or other documents shall be filed except under seal with the legend "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION AND IS SUBJECT TO A PROTECTIVE ORDER OF THE COURT".

e. No person or entity shall utilize any information contained in the safety analysis records for any purpose other than the prosecution or

defense of the child custody or visitation issues in this case.

f. The release by counsel or any other person for any reason of identifiers such as social security or tax ID numbers that may be contained in the Department records and which belong to any person or entity is strictly prohibited.

g. Any violation of this order shall be subject to prosecution for contempt of court.

IT IS SO ORDERED this ____ day of ____, 20__.

Most judges in smaller counties appreciate the assistance of forward thinking counsel who appear with the aforementioned form order already drafted for signature, although it is probably wise to ask the bailiff or court clerk at the time of filing if there is a standard form that the court prefers to use before making that assumption.

Once the court order is obtained for the safety analysis records, the party who has requested it must provide the department with the names and all identifying information of the subjects of the requested records, and the department has a minimum of five days to provide those records to the court. Once provided, the records are distributed to the litigants under the protective order above, which extends only to the production of the records for review, and not to testimony by an employee of the department regarding those records. Such testimony may only be garnered, according to 10A O.S. §1-6-102(D)(9), through a separate court order compelling the testimony and not through subpoena. Any violation of any portion of the protective order is subject to indirect contempt of court.²

PRODUCTION OF 'RELEVANT' CONFIDENTIAL RECORDS

The final relevant section as it relates to application to the court for release of confidential records is found at subsection E, and is the broadest portion of the statute. This subsection provides the procedure for procuring confidential records in all other matters in which they may be relevant. Due to the broad nature of this subsection, the process to request production of these records is more detailed. First, a petition or motion must be filed with the court setting out with specificity the records sought by that party

and setting forth in detail the compelling reason why those records should be ordered by the court. If the original pleading does not contain the requisite detail, it is subject to dismissal by the court without further consideration.

Next, the court sets a date for hearing of the motion with no less than 20-days' notice to the person or entity holding the records, the subject of the records if that person is over 18 years of age or to the parents of a person younger than 18 years of age, the attorneys of such person or parents of such person, and any other interested party as the court orders. Upon the court's own *ex parte* order, it may compel the holder of the records to either produce the records or file an objection on a date certain prior to the date of the hearing or appear for the hearing. The court can

also shorten the notice time due to exigent circumstances. This is an important section for a practitioner to note if he or she feels there could be reasons that would motivate the judge to require production of the records sooner than 20 days after the filing of the request. Some circumstances that could lead to this decision might be a plain need for the records due to the facts of the case, a medical condition that requires an immediate ruling from the bench or circumstances that would endanger the subject of the proceeding or bring harm if not addressed within a shortened time frame.

The court will only know of these types of specific circumstances if they are included in the motion or petition itself, or if the litigator asks the court to exercise this option. There may be times that a judge has not thoroughly read this section and does not know that an *ex parte* order or shortened time period for production is an available option. If the basis for the request is there, inclusion in the pleading with the citation to the proper section of the statute is a gentle way to educate the judge and simultaneously receive the relief requested.

At the hearing, which may be closed at the discretion of the court, if the judge does not find a compelling reason for judicial review of the records, the motion is dismissed. If the motion survives inquiry, the records are ordered to be produced to the court for a judicial review. A judicial review is a reading by the judge in chambers of the requested documents in which

“... if the judge does not find a compelling reason for judicial review of the records, the motion is dismissed.”

the court balances due regard for the confidentiality of the records and the privacy of persons identified in the records, against release of the records based on the need to protect a legitimate public or private interest. Upon a determination of good cause shown, the judge may then authorize or prohibit the release of the documents or any testimony regarding those documents subject to the provisions of 10A O.S. §1-6-102.

Although the statutes give the court a clear guideline regarding the confidentiality of certain types of records pertaining to children, they leave a tremendous amount of discretion with the bench in dovetailing the individual privacy interest in the specific records with the equally powerful role those records could play in assisting the court in determining the best interest of the child at the center of the conflict. An astute and knowledgeable lawyer can reduce the odds of a less than favorable outcome when submitting a production request by understanding the interplay of these statutes and the motivations of the court in making production decisions, and taking those into account during argument.

By studying this statute and having a basic knowledge of its provisions, a lawyer will rise in the esteem of any judge before whom he or she appears, and will succeed in meeting the highest goal of our profession — allowing the justice system to function at its highest and most noble level to protect the welfare of the most vulnerable.

1. 10A O.S. §1-6-102 (A)
2. 10A O.S. §1-6-102 (D)(3)(g)

ABOUT THE AUTHOR



January 2015.

Megan L. Simpson is a senior contract attorney for Gungoll, Jackson, Box, & Devoll PC in their Oklahoma City office, where she engages in consultation on complex litigation matters. She served as associate district judge for Harper County until

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PROGRAM: Twitter is easy to caricature. Self-absorbed individuals tweeting out what they were eating was the introduction many people had to Twitter. But Twitter is a powerful free method of sharing information globally and Twitter can be an equally powerful tool to receive focused and valuable information if you understand how it works.

OBA Management Assistance Program Director Jim Calloway wants to show you why Twitter is one of his favorite tools and why he believes it is a powerful tool for law firms of all sizes. If your law firm was involved with a matter that became of national public interest and a few hundred thousand people decided to visit your law firm website at once, the site would probably crash and, even if it didn't, you would receive a large bill from your web hosting service for all of the extra bandwidth. If a million people visit your Twitter feed next week, it costs you nothing, and you will have become an Internet sensation!

Do you understand how Twitter really works for a lawyer or law firm? What are hash tags and trending topics? What is a Twitter list? Should I retweet other's content? How do you engage followers? What are the things a lawyer should not do with Twitter? What about add-ons that work with Twitter? Twitter is not just for client development and publicity. It is also for real time research.

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HIGHLIGHTS

OBA ANNUAL MEETING 2015
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Awards

The list of OBA Award winners and the award presentation schedule can be found on page 2061 and on the Annual Meeting website, www.amokbar.org.



Chris Hicks Jazz Trio

Annual Luncheon

Civics proponent and author Eric Liu, founder of Citizen University, has been selected to deliver the keynote address during the Annual Luncheon set for Thursday, Nov. 5. He will speak on the topic of "The True Meaning of Patriotism." The OBA will recognize its outstanding lawyers when annual awards are presented. Award recipients were announced the week of Sept. 28. Cost is \$35 with Annual Meeting registration and \$55 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.



Eric Liu

President's Reception

This year's President's Reception is set for Wednesday, Nov. 4. Mingle with your friends and colleagues while listening to the Chris Hicks Jazz Trio. Enjoy hors d'oeuvres and a cash bar. Reception is from 7 – 9 p.m., and admission is included in the registration fee. Guests attend at no additional cost. Each person attending receives two beverage tickets.

'It's Five O'Clock Somewhere'

Change your latitude and your attitude at our Thursday evening social event! Find your lost shaker of salt from 5 – 6:30 p.m. when complimentary margaritas flow courtesy of the OBA sections. Cheeseburgers (and other hors d'oeuvres) along with a full bar will also be available in this paradise. Annual Meeting registration not required. Use your best judgment with regard to flip-flops. Sponsor: OBA Sections.



Panelists:

President's Breakfast Programming Announced

The final day of Annual Meeting begins with the President's Breakfast from 8 – 9 a.m. This year's breakfast features a panel discussion on the topic "Access to Justice Commission: A Status Report."

Attendees will learn about the goals for the newly created A2J Commission, how Oklahoma ranks nationally in access to justice and what improvements might lawyers help institute to accomplish justice for all.

Panel Moderator: OBA President David Poarch, Norman.

Cost: \$25, Annual Meeting registration required.



*Vice Chief Justice
Douglas Combs,
Oklahoma Supreme Court,
Oklahoma City*



*Judge Aletia Haynes
Timmons, Oklahoma
County District Court,
Oklahoma City*



*David Riggs, Access to
Justice Commission
Chairperson, Tulsa*



*Anna E. Carpenter,
TU College of Law,
Assistant Clinical
Professor, Tulsa*

What does my Annual Meeting registration fee include?

Annual Meeting registration includes Wednesday and Thursday continental breakfast in the hospitality area, President's Reception, OBA Sections "It's Five O'Clock Somewhere" Thursday reception, convention gift and access to the Vendors Expo. OBA hospitality will be provided to attendees throughout the day Wednesday, 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 2074 or online at www.amokbar.org.

Send paper forms with payment by mail to OBA Annual Meeting, P.O. Box 53036, Oklahoma City, OK 73152 or fax with credit card information to 405-416-7092. Phone and email are also options: call Mark at 405-416-7026 or 800-522-8065 or email marks@okbar.org.

Questions? Contact Mark Schneidewent at 405-416-7026, 800-522-8065 or marks@okbar.org.



OBA ANNUAL MEETING 2015
NOV. 4-6 • SHERATON HOTEL • OKLAHOMA CITY

PROGRAM OF EVENTS

All events will be held at the Sheraton Hotel unless otherwise specified.
Submit meeting room and hospitality suite request to Craig Combs at craigc@okbar.org.

TUESDAY, NOV. 3

OBA Registration 4 – 7 p.m.

Oklahoma Fellows of the
American Bar Foundation 6:30 – 9 p.m.
*Petroleum Club – Chase Tower
100 N. Broadway, Suite 3400*

WEDNESDAY, NOV. 4

Oklahoma Fellows of the
American Bar Foundation 8 – 9 a.m.

OBA Registration 8 a.m. – 5 p.m.

OBA Hospitality 8 a.m. – 5 p.m.

Board of Bar Examiners 8:30 – Noon

OBA/CLE Seminar 9 – 11:50 a.m.

*See seminar program for speakers
and complete agenda*

OU College of Law Alumni Reception and
Luncheon Noon – 1:30 p.m.
*Vast – Devon Tower
333 W. Sheridan*

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

OBA Criminal Law
Section Luncheon Noon – 1:30 p.m.
*Petroleum Club – Chase Tower
100 N. Broadway, Suite 3400*

OCU School of Law
Alumni Reception
and Luncheon Noon – 2 p.m.
*OCU School of Law – McLaughlin Hall
800 N. Harvey
Shuttle Service Provided*

OBA Board of Governors 2 – 4 p.m.

OBA/CLE Seminar 2 – 4:50 p.m.

*See seminar program for speakers
and complete agenda*

Oklahoma Bar Journal
Board of Editors 3 – 5 p.m.

President's Reception 7 – 9 p.m.
(Free for everyone with meeting registration)

THURSDAY, NOV. 5

OBA Section Council 8 – 9 a.m.

American College
of Trial Lawyers 8 – 9:30 a.m.

OBA Registration 8 a.m. – 5 p.m.

OBA Hospitality 8 a.m. – 5 p.m.

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

Oklahoma Association for
Justice Insurance Seminar 8:30 a.m. – 4 p.m.

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

MCLE Commission 9 – 10:30 a.m.

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

*See seminar program for speakers
and complete agenda*

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

OBA Law Schools Committee 10 – 11 a.m.

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

OBA Annual Luncheon
for Members, Spouses
and Guests Noon – 1:45 p.m.
(\$55 or \$35 with meeting registration)

Featuring:



Eric Liu
CEO, Citizen University
Seattle, Washington

TOPIC: *The True Meaning of Patriotism*

SPONSOR: *OBA Family Law Section*

Eric Liu Book Signing 2 – 2:30 p.m.

OBA Law Office Management
& Technology Section 2 – 3 p.m.

Payne County Bar Association
Reception Honoring
Willie Baker 2 – 4 p.m.

Western Oklahoma Bar
Associations Reception
Honoring Stephen Beam 2 – 4 p.m.

OBA Bankruptcy and
Reorganization Law Section 2 – 4 p.m.

OBA Real Property Law Section 2 – 4 p.m.

OBA Leadership Academy 2 – 4:45 p.m.

OBA Estate Planning/Taxation
Sections Joint Meeting 2 – 5 p.m.

Oklahoma Bar Foundation
Executive Committee 2:30 – 3:30 p.m.

Oklahoma Bar Foundation
Board of Trustees 3:30 – 5 p.m.

OBA Business and Corporate
Law Section 3:30 – 5 p.m.

County Bar Presidents Meeting 4 – 5 p.m.

OBA Litigation Section 4 – 5 p.m.

OBA Military and Veterans
Law Section 4 – 5 p.m.

OBA Government and
Administrative Law Section 4 – 5 p.m.

OBA Environmental Law Section 4 – 5 p.m.

OBA Law Day Committee 4 – 5 p.m.

OBA YLD Board of Directors..... 4:30 – 5:30 p.m.

OBA Disability Law Section 4:30 – 5:30 p.m.

OBA Energy and Natural
Resources Law Section 4:30 – 5:30 p.m.

OBA Financial Institutions and Commercial
Law Section 4:30 – 6 p.m.

"It's Five O'Clock Somewhere"
Reception 5 – 6:30 p.m.
(Free for everyone with meeting registration)



SPONSOR: OBA Sections

OBA General Practice
Section 5:15 – 6:15 p.m.

Oklahoma Bar Foundation
Fellows Reception..... 6 – 7:30 p.m.

OBA Past Presidents Dinner..... 7 – 9 p.m.
Vast – Devon Tower
333 W. Sheridan

FRIDAY, NOV. 6

President's Breakfast 8 – 9 a.m.
(\$25 with meeting registration)

OBA Hospitality 8 a.m. – Noon

OBA Registration 8 a.m. – Noon

Oklahoma Bar Association
General Assembly 9:30 – 10:30 a.m.

Oklahoma Bar Association
House of Delegates..... 10:30 a.m. – Noon
*Election of Officers & Members of the Board
of Governors*
Approval of Title Examination Standards
Resolutions

OBA Tellers Committee..... 10:30 a.m. – Noon

OBA GOVERNANCE

2016 Transitions

2015 President

David A. Poarch Jr., Norman



David Poarch currently practices with the firm of Bailey and Poarch in Norman, where he is engaged in real estate, probate and estate planning, as well as a variety of litigated matters. Mr. Poarch was born in Oklahoma City, grew up in the San Francisco Bay area

and returned to Oklahoma for college and law school. Following his discharge from the U.S. Army in 1969, which included service in Vietnam as a combat medic with the 1st Cavalry Division in 1967, he received his bachelor's degree in 1973 from UCO in Edmond. He then graduated from the OU College of Law in 1977. He began his legal career as an assistant U.S. attorney in Oklahoma City, followed by private practice with law firms in Oklahoma City and Norman. He served as in-house general counsel and chief operating officer for a private financial services business acquired by a Fortune 500 company, and then as the assistant dean for external affairs at the OU College of Law, where he served from 1997 until his retirement in 2011. He is a member of the Cleveland County and American Bar Associations as well as a past and present member of several other local bar associations. Mr. Poarch has served twice as an OBA Board of Governors member, from 2001-2003 and from 2010-2012. He will continue to serve on the 2015 Board of Governors as past president.

2016 President

Garvin Isaacs Jr., Oklahoma City



Garvin A. Isaacs has been involved in general civil and criminal trial practice since 1978. His practice areas include negligence, wrongful death, nursing home injuries, medical malpractice, products liability against automobile manufacturers, bad faith insurance law, water pollution, oil and gas pipeline

fraud and racial discrimination. Mr. Isaacs graduated from the OCU School of Law in 1974. His admissions to practice include: U.S. Court of Appeals, 10th Circuit, U.S. District Courts of Northern, Eastern and Western Districts of Oklahoma, District of New Mexico, and Southern and Northern Districts of Texas. He has served as an Oklahoma County assistant district attorney and an assistant public defender. He has received the American Jurisprudence Award for Criminal Law; Administrative Law; and the Judge Tom Brett Criminal Law Award. He was OCU Law Alumni Association president in 1978.

In 1993 Isaacs, along with many others, helped Gerry Spence start the Trial Lawyers College, which has trained trial lawyers from across the U.S. From 1993-2003, he was a TLC instructor and board member. He has given continuing legal education lectures and demonstrations in 17 states and to Canadian criminal trial lawyers. In 2007 he presented a cross-examination demonstration at inns of court in London at the request of the ABA International Law Section. Mr. Isaacs has been a Wyoming Western Trial Advocacy Institute instructor and board member for 33 years and is a member of Luther Bohanon Inn of Court.

2016 NOMINEES

CONTESTED ELECTION

President-Elect

Linda S. Thomas, Bartlesville



Linda S. Thomas is a sole practitioner in Bartlesville, focusing her practice in all areas of law associated with children and family. She received a J.D. from the TU College of Law, was admitted to the OBA in 1994 and is a member of the Washington County Bar Association, American

Bar Association and Texas Bar Association. She is also licensed to practice in the Northern District of Oklahoma.

Ms. Thomas served on the OBA Board of Governors, as OBA vice president and is currently serving on the OBA Professional Responsibility Commission. She has served as the chair or co-chair of the OBA Leadership Academy Task Force since 2007, and on numerous committees and task forces including the Budget Committee, Legislative Monitoring Committee, Women in Law Committee, Law Day Committee, Access to Justice Committee and Strategic Planning Task Force. She is a member of the OBA Family Law Section, a volunteer attorney for Oklahoma Lawyers for America's Heroes and Legal Aid Services of Oklahoma, is an Oklahoma Bar Foundation Charter Benefactor Fellow, former Oklahoma Bar Foundation trustee, a YLD Fellow and an American Bar Foundation Oklahoma Life Fellow.

Ms. Thomas is the recipient of two OBA President's Awards for excellence in leadership and outstanding service, the Mona Salyer Lambird Spotlight Award, special recognition award from the Washington County Bar Association for her leadership, professionalism and dedication to the bar and community, and was named as one of Oklahoma's pioneering women lawyers in *Leading the Way: A Look at Oklahoma's Pioneering Women Lawyers*.

Ms. Thomas also works with the local domestic violence shelter to provide legal representation for all victims of domestic violence who seek protective orders through that organization, is a volunteer attorney for the Washington County district court, a court-approved guard-

ian *ad litem*, a trained mediator and parenting coordinator in domestic cases.

She is active in her community, having served on the boards of several local organizations, including the Bartlesville Area United Way, Big Brothers and Sisters of Green Country, Bartlesville Family Care Services and the Run the Streets program, where she also served as a youth mentor.

Thomas S. Walker, Ardmore



Tom Walker, a seventh generation Oklahoman, is a retired district judge and a retired general. He practiced in Norman and Ardmore and was an adjunct faculty member at the OU College of Law. During his tenure on the bench, he tried more than 500 jury trials, was assigned to 17

different counties, served as chief district judge, presiding judge of the Administrative District and was president of the Oklahoma Judicial Conference. He was also a member of the Court on the Judiciary for 10 years.

A Vietnam veteran, his military career spanned 37 years — active duty, National Guard and Army Reserve. As an adjunct faculty member of the Defense Institute for International Legal Studies, he led teaching teams to Armenia, Azerbaijan, Georgia and Kenya. A graduate of the Army War College, his last assignment was National Guard assistant to the judge advocate general of the Army. While assigned to the Pentagon, he was a member of the team involved in the initial planning of the Guantanamo Bay war crimes commission. He is a member of the Orders of Saint Barbara and Saint Maurice and the 180th Infantry Association.

He is past chair of the Law-related Education Committee and is currently a Law Schools Committee member. A member of the Lawyers in the Classroom project, he specializes in teaching 5th-grade students about the Constitution and Bill of Rights. He hosted a regional CLE his last 15 years on the bench and has been a speaker at more than 30 continuing education programs.

He has been a member of the Oklahoma Ethics Commission since 2011, appointed by the chief justice.

His recognitions include the Oklahoma CASA Association Judge of the Year, Community Service Award from the Daughters of the American Revolution, Presidential Citation for Outstanding Community Service by a Vietnam Veteran, Disabled American Veterans Certificate of Merit and George Washington Honor Medal from the Freedoms Foundation.

UNCONTESTED ELECTIONS

Vice President

Paul D. Brunton, Tulsa



Paul D. Brunton was born Aug. 19, 1944. He graduated high school from Cascia Hall in 1962 and received his Bachelor of Arts from OU in 1966. Mr. Brunton served in the U.S. Army Special Forces during the Vietnam War. He received his J.D. from the TU College of Law in 1971

and his LL.M. from the University of Arkansas School of Law in 1982. He was admitted to the OBA and to practice before the U.S. Supreme Court and 10th U.S. Court of Appeals in 1971. His practice focuses on criminal defense in city, state and federal court. He was the Tulsa County chief public defender from 1972-1974, Northern and Eastern District of Oklahoma federal defender from 2001-2006, of counsel for Morrell Saffa Craige PC from 2006-2014 and is currently a sole practitioner. He has served in the Oklahoma House of Representatives, as Tulsa County Bar Association president, OBA Criminal Law Committee chair, Oklahoma Criminal Defense Lawyers Association director and Northern-Eastern District Chapter Federal Bar Association president. He is a member of the Tulsa County Bar Association, Tulsa County Criminal Defense Lawyers Association, National Organization for the Reform of Marijuana Laws (Legal Committee), Oklahoma Criminal Defense Lawyers Association and the National Association of Criminal Defense Lawyers. He has spoken at various CLE and bar meetings on the topic of "Criminal Law and Trial Tactics." He is the recipient of the TCBA Golden Rule Award, TCBA President's Award, OBA Earl Sneed Award and the Oklahoma Criminal Defense Lawyers Lord Erskine Award.

Supreme Court Judicial District Three *John W. Coyle III, Oklahoma City*



John W. Coyle III is a criminal defense lawyer practicing with the Coyle Law Firm in downtown Oklahoma City. Mr. Coyle is the recipient of both the Clarence Darrow Award in 1995 and the Lord Erskine Award in 2014, from the Oklahoma Criminal Defense Lawyers. He served on the Oklahoma County Bar Association Board of Directors from 2012-2015 and was the Oklahoma County Criminal Defense Lawyers president in 2011. He is a frequent continuing legal education lecturer on criminal defense and trial techniques. In 2000, Mr. Coyle graduated from the Trial Lawyers College in Dubois, Wyoming.

Supreme Court Judicial District Four *Kaleb K. Hennigh, Enid*



Kaleb Hennigh is a founding member of Ewbank, Hennigh & McVay PLLC, a regional law firm focusing on representing clients throughout northwest Oklahoma and has developed a practice devoted to familial wealth preservation, bankruptcy and asset protection methods and effective small business planning. He manages a very aggressive caseload consisting of a multitude of small businesses, agricultural families and larger corporations.

Mr. Hennigh previously served a one-year term on the Oklahoma Board of Governors as the Oklahoma Young Lawyers Division chairman for 2014. While at Oklahoma State University, he was named a Top Ten Graduating Senior. During his time at the OU College of Law, he was awarded the Kelly Beardslee award for his work with the OU Criminal Law Clinic. While working to obtain his LL.M. at the University of Arkansas, he served as a graduate assistant at the National Agricultural Law Center, where he conducted extensive research on multiple issues within agricultural

law and drafted his thesis on the new National Animal Identification System and the application of FOIA laws to agricultural producers.

He was born and raised near Laverne and considers northwest Oklahoma his "home." He and his family reside in Enid, and Ewbank, Henigh & McVay PLLC, currently maintain offices in Enid, Fairview and Laverne. He earned a Bachelor of Science in agricultural communications from OSU, a J.D. from the OU College of Law and an LL.M. in agricultural law from the University of Arkansas School of Law.

Supreme Court Judicial District Five

James L. Kee, Duncan



James L. Kee has practiced in Duncan the past 45 years. He graduated from the OCU School of Law in 1966. His practice is mainly civil and criminal litigation. He is a Stephens County Bar Association past president and has been Law Day chairman three times. During 1986-

1987, he took a sabbatical from his law practice and lived in London working for a Korean company negotiating OPEC contracts in the Middle East and West Africa. He served two years as a board member of the Eisenhower Center at the University of New Orleans that led to the building of the D-Day Museum in New Orleans. He is a past president of the OCDLA (1978). He has worked pro bono through the Compassion Center in Duncan. He served as a paratrooper in the 101st ABN DIV from 1957-1960 and as an officer in a Special Forces Reserve Unit. He is the father of two children, seven grandchildren and two great grandchildren. His hobby is first century Christianity. In addition with his son, they collect pre-statehood relics and publications. Along with his wife, they operate a 500-acre farm north of Duncan.

Member At Large

Alissa Hutter, Norman



Alissa Preble Hutter was admitted to practice law in October 2005. She received her undergraduate degree from the University of Oklahoma in May 2002 and her law degree from the OCU School of Law in May 2005. In law school, she was awarded with the CALI

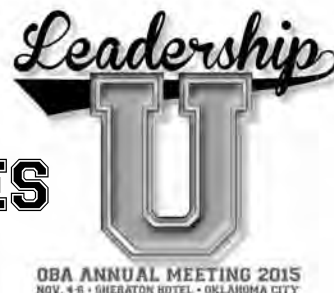
Excellence for the Future Award for trial practice in 2005, and two outstanding service awards in 2004 and 2005 from the Phi Alpha Delta Legal Fraternity. While in law school, she completed internships as a licensed legal intern for Steidley and Neal PLLC, and Durbin, Larimore and Bialick PC, and worked as a licensed intern at the Oklahoma County District Attorney's Office, where she tried her first successful criminal jury trial (supervised) while still in law school.

After being admitted to the bar, Ms. Hutter worked as an assistant district attorney in McClain and Cleveland counties. In January 2009, she opened up a solo law practice in Norman, where she focuses on family, juvenile and criminal law. She is also a licensed mediator and a seasoned guardian *ad litem*.

She has a passion for the Cleveland County Bar Association. She has served as the CCBA president, president-elect, vice president, secretary, outgoing president, and she is currently serving in an advisory capacity on the county bar's executive committee. She founded the county bar's annual Justice is Sweet Baking Contest and Secret Santa event in 2013 — chairing these events annually since their inception. She has also organized county bar blood drives, CLE seminars, swearing-in ceremonies, a celebration of judicial history event, co-chaired Law Day, organized a CCBA Christmas party, volunteered at Ask a Lawyer, and Lawyers Helping Vets in addition to regularly serving as a county bar delegate at the state convention.

She resides in her hometown of Norman, where she is married to Andrew Hutter and has three children: Riley, Zach and Claire.

2015 HOUSE OF DELEGATES



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

COUNTY	DELEGATE	ALTERNATE
Adair Co.	Ralph F. Keen II	
Alfalfa Co.	Marcus Jungman	Kyle Hadwiger
Atoka Co.	Robert Lewis	
Beaver Co.	Todd Trippet	Jerry Venable
Beckham Co.	Chip Eeds	Judge Michelle Kirby Roper
Blaine Co.	Daniel G. Webber	Judge Mark A. Moore
Bryan Co.	Christopher D. Jones	Pat Phelps
Caddo Co.		
Canadian Co.	Ashton Handley	Jacobi Nichols Whatley
	Nathan Richter	Jennifer Surmacz
	Laura Wardrip	Sandy Steffen
	Linda Pizzini	Perry Tirrell
Carter Co.	Thomas Walker	Lee Card
	Bob Pinkerton	Meredith Turpin
Cherokee Co.		
Choctaw Co.	J. Frank Wolf III	Jon Ed Brown
Cimarron Co.	Judge Ronald L. Kincannon	Stanley Ed Manske
Cleveland Co.	Dave Batton	Blake Virgin Jr.
	Richard Vreeland	Rickey Joe Knighton II
	Rebekah Taylor	Sharon Sitzman
	Peggy Stockwell	Amy Pepper
	Alissa Preble Hutter	Don Pope
	Richard Stevens	Judge Lori Walkley
	Jan Meadows	Kevin Finlay
	Judge Jeff Virgin	Allyson Dow
	Tyson Stanek	John Sparks
	Gary Rife	David Swank
	Rod Ring	Beth Stanley
	Judge Steve Bonner	Judge Thad Balkman
	Emily Virgin	Elise Hayes
	Micheal Salem	Dick Smalley
	David Poarch	Kathryn Flood
	Ben Odom	Kristi Gundy
	Kristina Bell	Catherine Butler
	Rick Sitzman	Robert Bailey
	Jeanne Snider	Betsy Brown
	Dave Stockwell	Gene Bertman
	Holly Iker	Holly Lantagne

Coal Co.	Johnny Sandmann.....	Trae Gray
Comanche Co.	Jay C. Meyers.....	Michael Wilson
	Tyler Johnson.....	Mark Stoneman
	Dylan Erwin.....	Christine Galbraith
Cotton Co.	Kathleen Flanagan	Judge Michael C. Flanagan
Craig Co.		
Creek Co.	Carla Stinnett.....	Judge Richard A. Woolery
	Sheri Eastham.....	Max Cook
Custer Co.	Andy Carruth.....	Seth Adams
Delaware Co.		
Dewey Co.	Judge Rick Bozarth	
Ellis Co.	Joe L. Jackson	Judge Laurie E. Hays
Garfield Co.	Karig Culver	Cliff Elliott
	Judge Paul Woodward	Jamie Bloyd
	David Trojan	Glenn Devoll
Garvin Co.	Dan Sprouse.....	Logan K. Beadles
Grady Co.	Kim Rennie	Ryland Rivas
	Margaret Kerr	David Perryman
Grant Co.	Judge Jack D. Hammontree.....	Steven A. Young
Greer Co.	Corry Kendall.....	Judge Eric Yarborough
Harmon Co.	David L. Cummins	
Harper Co.		
Haskell Co.		
Hughes Co.	Andy Baca	Ryan Pitts
Jackson Co.	John Wampler.....	Tal Oden
Jefferson Co.		
Johnston Co.	Judge Charles Migliorino	
Kay Co.	Jessica R. Ward	Mike Trewitt
	Rick Johnson	Rebecca Hill
Kingfisher Co.	Lance Schneider	Jared Harrison
Kiowa Co.		
Latimer Co.	F. Nils Raunikar.....	Christian Henry
LeFlore Co.	Dru Waren.....	Rob Cowan
Lincoln Co.	Zachary Privott	
Logan Co.	Jeff Hirzel	
Love Co.	Richard A. Cochran	Kenneth L. Delashaw
Major Co.	Mitchell Hallren	William Scott Church
Marshall Co.	Floyd Miller	
Mayes Co.	Gerald Lee	
McClain Co.	Suzanne Woodrow-Snell.....	Brian Hall
McCurtain Co.	Kevin T. Sain.....	Emily Herron
McIntosh Co.	Cindy M. Dawson.....	Brendon Bridges
Murray Co.	Phil S. Hurst.....	Rebecca Brewer Johnson
Muskogee Co.	Matthew C. Beese.....	Corey Johnson
	Roy D. Tucker.....	Jeff Potts
	Alex Wilson.....	Jim McClure
Noble Co.	Bryon J. Will.....	Tom Lane Sr.
Nowata Co.		
Okfuskee Co.		
Oklahoma Co.	Angela Ailles Bahm	Leslie Lynch
	David A. Cheek.....	Robert Sheets
	Judge Barbara G. Swinton	LeAnne Burnett
	Judge Patricia G. Parrish.....	Gary Derrick

	Judge Tom Prince	Doneen Jones
	Judge Lisa Tipping Davis	Billy Croll
	John W. Coyle	Tom E. Mullen
	Judge Lisa Hammond	John Miley
	Robert Margo	Raymond E. Zschiesche
	Lauren Barghols Hanna	Robert E. Black
	John Oldfield	Judy Warmbrod Dishman
	W. Todd Blasdel	Coree Stevenson
	Judge Lynne McGuire	Sheila D. Stinson
	Judge Howard Haralson	Judge Bay Mitchell III
	Jeff Curran	Gary Chilton
	Andrew Mildren	Susan Shields
	Daniel G. Couch	Judge Cassandra Williams
	Will Hoch	Charles Alden
	Michael Mullins	Kieran Maye
	Brandon Long	Melanie Jester
	Nancy Parrott	J. Chris Condren
	Mack Martin	Tracey Martinez
	Judge Don Andrews	Kenyatta Bethea
	Jim Webb	Justin Meek
	Judge Bernard Jones	Courtney Briggs
	Judge Richard Ogden	Michelle Harrington
	Laura McConnell-Corbyn	Elisabeth E. Muckala
	Timothy J. Bomhoff	Miguel Garcia
	John Heatly	Curtis Thomas
	Ben Butts	Matthew Kane
Okmulgee Co.	Luke Gaither	Lou Ann Moudy
Osage Co.	Jesse J. Worten III	Wendy P. Drummond
Ottawa Co.	Chuck Chesnut	John Weedn
Pawnee Co.	Judge Jefferson D. Sellers	Joshua Kidd
Payne Co.	Brenda Nipp	Thomas Swafford
	Jimmy Oliver	Mackenzie Murphy-Wilfong
	Brandee Hancock	Travis Cagle
Pittsburg Co.	Matthew Sheets	James D. Bland
	Blake Lynch	Matt Patterson
Pontotoc Co.	Dale Ronald Rex	Joshua Edwards
	T. Walter Newmaster	
Pottawatomie Co.	Joe Vorndran	Shelley Levisay
	Brandi Nowakowski	
Pushmataha Co.	Gerald Dennis	Charlie Rowland
Roger Mills Co.	Michael A. Abel	Judge F. Pat VerSteege
Rogers Co.	James Justin Greer	Jennifer Kern
	Noah Sears	Melinda Wantland
	Catina Drywater	Emmalene Raff
Seminole Co.	R. Victor Kennemer	William D. Huser
Sequoyah Co.		
Stephens Co.	James L. Kee	Jamie Phipps
	Carl J. Buckholts	E. J. Buckholts
Texas Co.	Douglas Dale	Cory Hicks
Tillman Co.		
Tulsa Co.	Judge Jane P. Wiseman	Marvin G. Lizama
	Paul D. Brunton	Georgenia A. Van Tuyt
	Charles R. Hogshead	Sabah S. Khalaf

	Larry D. Leonard	Amber Peckio Garrett
	Leonard I. Pataki	Ruth J. Addison
	Kenneth L. Brune	Richard Dale White Jr.
	Molly Aspan	David M. Thornton Jr.
	Paul B. Naylor	Grant T. Lloyd
	Kimberly K. Hays	Scott Morgan
	Matthew S. Farris	Jermiah Phelix
	Gerald L. Hilsher	Trisha Linn Archer
	James C. Milton	J. Christopher Davis
	Bruce A. McKenna	Shannon D. Taylor
	Jack L. Brown.....	Cara C. Wells
	Tony W. Haynie.....	Valerie O. Giebel
	William C. Kellough.....	Jeremy Ward
	Judge Martha Rupp Carter	James L. Colvin III
	Judge Millie Otey	
	James R. Gotwals	
	D. Faith Orłowski	
	Robert B. Sartin	
	E. Zach Smith	
	D. Kenyon Williams Jr.	
	Steven K. Balman	
	Ron Main	
	Julie A. Evans	
	Michael Scott Ashworth	
	Justin B. Munn	
	Tamera A. Childers	
	Kimberly Moore-Waite	
Wagoner Co.	Richard Loy Gray Jr.....	Ben Chapman
	Eric W. Johnson	Amy McFarland
Washington Co.	P. Scott Buhlinger	Jared Sigler
	James M. Elias.....	Andrew Ihrig
Washita Co.	Judge Christopher S. Kelly	Skye Shephard-Wood
Woods Co.	Jeremy Bays.....	Westline Ritter
Woodward Co.	Kyle Domnick.....	Bryce Hodgden

	DELEGATE	ALTERNATE
Oklahoma Judicial Conference.....	Dist. Judge Thad Balkman.....	Dist. Judge John Kane
	Assoc. Dist. Judge Russ Vaclaw.....	Assoc. Dist. Judge Brent Russell

2016 OBA BOARD OF GOVERNORS VACANCIES

Nominating Petition deadline was 5 p.m. Friday, Sept. 4, 2015

OFFICERS

President-Elect

Current: Garvin Isaacs Jr., Oklahoma City
Mr. Isaacs automatically becomes OBA president
Jan. 1 2016
(One-year term: 2016)
Nominees: **Linda S. Thomas, Bartlesville**
Thomas S. Walker, Ardmore

Vice President

Current: Glenn A. Devoll, Enid
(One-year term: 2016)
Nominee: **Paul D. Brunton, Tulsa**

BOARD OF GOVERNORS

Supreme Court Judicial District Three

Current: Robert D. Gifford II, Oklahoma City
Oklahoma County
(Three-year term: 2016-2018)
Nominee: **John W. Coyle III, Oklahoma City**

Supreme Court Judicial District Four

Current: Douglas L. Jackson, Enid
Alfalfa, Beaver, Beckham, Blaine, Cimarron, Custer,
Dewey, Ellis, Garfield, Harper, Kingfisher, Major,
Roger Mills, Texas, Washita, Woods and Woodward
(Three-year term: 2016-2018)
Nominee: **Kaleb K. Hennigh, Enid**

Supreme Court Judicial District Five

Current: Rickey Joe Knighton II, Norman
Carter, Cleveland, Garvin, Grady, Jefferson, Love,
McClain, Murray and Stephens
(Three-year term: 2016-2018)
Nominee: **James L. Kee, Duncan**

Member At Large

Current: Richard Stevens, Norman
(Three-year term: 2016-2018)
Nominee: **Alissa Hutter, Norman**

Summary of Nomination 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. 6, during the Nov. 4-6 OBA Annual Meeting. Terms of the present OBA officers and governors will terminate Dec. 31, 2015.

Nomination and resolution forms can be found at www.okbar.org/members/BOG/BOGvacancies.

OBA NOMINATING PETITIONS

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

OFFICERS

PRESIDENT-ELECT

LINDA S. THOMAS, BARTLESVILLE

A total of 318 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Cleveland and Washington

THOMAS S. WALKER, ARDMORE

A total of 288 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Carter and Sequoyah

VICE PRESIDENT

PAUL D. BRUNTON, TULSA

A total of 66 signatures appear on the petitions.

SUPREME COURT JUDICIAL DISTRICT THREE

JOHN W. COYLE III, OKLAHOMA CITY

A total of 38 signatures appear on the petitions.

SUPREME COURT JUDICIAL DISTRICT FOUR

KALEB K. HENNIGH, ENID

A total of 28 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Garfield

SUPREME COURT JUDICIAL DISTRICT FIVE

JAMES L. KEE, DUNCAN

A total of 52 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Stephens

MEMBER AT LARGE

ALISSA HUTTER, NORMAN

A total of 84 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Cleveland

NOTICE OF MEETINGS

CREDENTIALS COMMITTEE

The Oklahoma Bar Association Credentials Committee will meet Thursday, Nov. 5, 2015, from 9 - 9:30 a.m. in the Board Room on the second floor of the Sheraton Hotel, 1 N. Broadway Ave., Oklahoma City, Oklahoma, in conjunction with the 111th Annual Meeting. The committee members are: Chairperson Luke Gaither, Henryetta; Jeff Trevillion, Oklahoma City; Brandi Nowakowski, Shawnee; April Sellers White, Sapulpa.

RULES & BYLAWS COMMITTEE

The Rules & Bylaws Committee of the Oklahoma Bar Association will meet Thursday, Nov. 5, 2015, from 10 - 10:30 a.m. in the Board Room on the second floor of the Sheraton Hotel, 1 N. Broadway Ave., Oklahoma

City, Oklahoma, in conjunction with the 111th Annual Meeting. The committee members are: Chairperson Judge Richard A. Woolery, Sapulpa; Roy D. Tucker, Muskogee; Joe Vorndran, Shawnee; W. Mark Hixson, Yukon; Luke Abel, Oklahoma City.

RESOLUTIONS COMMITTEE

The Oklahoma Bar Association Resolutions Committee will meet Thursday, Nov. 5, 2015, from 10:45 - 11:45 a.m. in the Board Room on the second floor of the Sheraton Hotel, 1 N. Broadway Ave., Oklahoma City, Oklahoma, in conjunction with the 111th Annual Meeting. The committee members are: Chairperson Charles W. Chesnut, Miami; Kaleb K. Hennigh, Enid; Molly A. Aspan, Tulsa; D. Faith Orlowski, Tulsa; Laura H. McConnell-Corbyn, Oklahoma City; Dietmar Caudle, Lawton.



2015 OBA AWARDS

OBA Awards:

Individuals for Whom Awards are Named

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

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

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

JOHN E. SHIPP — John E. Shipp, an attorney from Idabel, served as 1985 OBA president and became the executive director of the association in 1998. Unfortunately his tenure was cut short when his life was tragically taken that year in a plane crash. Mr. Shipp was known for his integrity, professionalism and high ethical standards.

(cont'd on page 2068)

Law School Luncheons Wednesday, Nov. 4

OUTSTANDING SENIOR LAW SCHOOL STUDENT AWARD

*Andrew Davis, Oklahoma City University
School of Law*

Andrew R. Davis, originally from Richardson, Texas, is a Hatton W. Sumners Scholar at the OCU School of Law where he serves as the editor-in-chief for the *OCU Law Re-view*. Mr. Davis is an active member of the Federal Bar Association Student Division, Merit Scholars and the American Association for Justice Trial Competition Team.



He also serves as the head BARBRI student representative, and he is the treasurer for the Student Bar Association, Phi Delta Phi International Legal Honor Society and the Class of 2016. During his first year of law school, he was a finalist in both the 1L Moot Court and the New York Regional AAJ Trial Advocacy Competitions. He has received CALI awards in Contracts I, Contracts II, Criminal Law, Property, Legal Research & Writing I, Legal Research & Writing II and Constitutional Law I. He is a 2014 Holloway Scholar, and he is a proud member of the William J. Holloway Jr. American Inn of Court.

He graduated *summa cum laude* with honors from Texas A&M University-Commerce with a B.B.A. in accounting.

OUTSTANDING SENIOR LAW SCHOOL STUDENT AWARD

Deric J. McClellan, University of Tulsa College of Law



Deric McClellan is a third-year student at the TU College of Law. He was born and raised in Carthage, Missouri, and graduated from Missouri Southern State University in Joplin with a B.B.A. in general business. He currently serves as an articles research editor for the *Tulsa Law Review* and is a part of

the school's mentorship program, which pairs second- and third-year students with incoming 1Ls to help them navigate the uncertainty of the first year of law school. Mr. McClellan is the recipient of the Norman-Hicks Scholarship in Law, a scholarship that made the possibility of attending TU Law a reality.

He has received 10 CALI Excellence for the Future Awards for the highest grade in various courses. He was a participant in U.S. District Court Judge Claire Eagan's Federal Criminal Defense Practicum, in which Judge Eagan, along with several assistant U.S. attorneys and federal public defenders, led a group of students through the real-world application of adjudicatory criminal procedure — starting with the grand jury indictment and culminating with the appeals process. During law school, he worked as a summer associate at the law firms of McAfee & Taft, GableGotwals and Crowe & Dunlevy. He has accepted an offer from Crowe & Dunlevy and will begin working there next year.

OUTSTANDING SENIOR LAW SCHOOL STUDENT AWARD

Lindsay Kistler Swiniuch, University of Oklahoma College of Law



Lindsay Kistler Swiniuch is a third-year law student at the OU College of Law. She currently serves as the editor-in-chief for the *Oklahoma Law Review*. In this capacity, she works closely with students and professors to ensure a timely and quality publication. Additionally, her note, "Just a Miner

Threat? The Fourth Circuit Refuses to Review Temporary Reinstatement Orders through the Collateral Order Doctrine" is slated for publication in the Summer 2016 edition of the *Oklahoma Law Review*.

Throughout her time in law school, Ms. Swiniuch has earned American Jurisprudence Awards for her performance in Civil Procedure I, Property, Administrative Law, Wills and Trusts and Corporations. She also received the Oklahoma Bar Foundation Fellows Scholarship. In addition to the *Oklahoma Law Review*, she is an active member in several student organizations, including the Organization for the Advancement of Women in Law, Board of Advocates and Federal Bar Association. She is also currently a student member of the Ruth Bader Ginsburg Inn of Court. She enjoys representing OU Law in appellate-advocacy competitions. Last year, she helped anchor OU Law's National Moot Court team, winning Best Brief and placing second in the region and representing OU on the national stage in New York City. This year, she looks to repeat that success as a member of the ABA National Appellate Advocacy Competition team.

Ms. Swiniuch was born and raised in Oklahoma City and graduated from OU with a bachelor's degree in political science and philosophy in 2012. After graduation, she will begin her legal career at Hall Estill in Oklahoma City.

Annual Luncheon Thursday, Nov. 5

AWARD OF JUDICIAL EXCELLENCE

Judge David L. Russell, Oklahoma City



The 2015 Award of Judicial Excellence recipient is **Judge David L. Russell** of the U.S. District Court for the Western District of Oklahoma, who is recognized for his character, accomplishments and achievements as a judge. He was appointed to the federal bench in 1982 by President Ronald Reagan. He served as chief judge of the Western District Court from 1994-

2001, leading the court during the time of the Murrah Building bombing and its aftermath. His consistent command of the facts and applicable law, as well as his respectful treatment of litigants and counsel, have earned him an outstanding reputation with federal practitioners in Oklahoma and throughout the country. Following his admission to practice law, he served in the JAG Corps for the U.S. Navy, achieving the rank of lieutenant commander. He would go on to provide legal counsel to Oklahoma Gov. and U.S. Sen. Dewey F. Bartlett. He served as U.S. attorney for the Western District of Oklahoma beginning in 1975 and later in private practice before his appointment to the bench. He is a member of the Federal Bar Association and the Oklahoma County Bar Association. He has served as member of the United States Judicial Conference and was named to its executive committee by then-U.S. Supreme Court Chief Justice William Rehnquist. Judge Russell graduated from the OU College of Law in 1965.

JOE STAMPER DISTINGUISHED SERVICE AWARD

Stephen D. Beam, Weatherford



The Joe Stamper Distinguished Service Award honors those individuals who volunteer countless hours to further the goals of the Oklahoma Bar Association. **Stephen D. Beam** of Weatherford is this year's recipient for his long list of contributions and services to the legal profession. Mr. Beam, who served as OBA presi-

dent in 2007, has served the association in a number of capacities, including five years on the Board of Governors, vice president in 2003 and chaired numerous OBA committees. His contributions have made positive long-term impacts on the OBA, including the creation of the prestigious OBA Leadership Academy and the Wills for Heroes program. He served as an editor for the *Oklahoma Bar Journal* for six years and contributed to the creation of the Solo & Small Firm Conference and the committee. In 2002, he co-chaired the Discipline Task Force which would lead to the creation of the Office of Ethics Counsel and the Discipline Diversion Program. Both of these programs have been successful in helping OBA members become more effective lawyers who are better prepared to serve their clients. In

the years after his presidency, he has continued to serve the association with his membership in the Professional Responsibility Commission and Professional Responsibility Tribunal, as well as the Oklahoma Bar Foundation Board of Trustees. He also currently chairs the Oklahoma Judicial Nominating Commission, assisting the Oklahoma governor in the selection of qualified judicial candidates to preside over Oklahoma's courts. He has received numerous awards and honors from the OBA, OBF, Custer County Bar Association and the ABA; among these are several President's Awards and two Golden Gavel Awards. His long list of accolades paired with his contributions to the OBA makes him the ideal recipient for this distinguished award. He graduated from the OU College of Law in 1982.

ALMA WILSON AWARD

Christine Batson Deason, Edmond



Christine Batson Deason

is the 2015 recipient of the Alma Wilson Award for her long list of contributions to the young people of Oklahoma. Ms. Deason has overseen the creation and implementation of several programs assisting students in underprivileged areas. She led the charge in creating two programs

at Emerson Alternative School, which serves Oklahoma City-area high school students at high risk of dropping out. She organized two separate fundraisers and challenged fellow lawyers to contribute, raising more than \$20,000 for the purchase of badly needed art supplies and technology equipment for the school. Ms. Deason was also the driving force in a project benefiting another Oklahoma City high school. While Northwest Classen High School has a marching band, many of its students are unable to afford musical instruments of their own. Ms. Deason organized an effort to encourage donations of refurbished instruments along with raising additional funds to cover the cost of repairs to others. In the professional arena, she was instrumental in creating the *Pro Se Waiver Divorce Docket* clinic which assists *pro se* litigants whose legal documents were judicially deemed insufficient to complete the divorce. Thousands of struggling families, many with young children, have been helped by this program. The clinic, a partnership between the OCU School of Law, Legal Aid Services of Okla-

homa, Oklahoma Child Support Services, Oklahoma County Law Library Board and private attorneys, also gives OCU law students valuable experience. Ms. Deason graduated from the OU College of Law in 2000.

NEIL E. BOGAN PROFESSIONALISM AWARD

Renée DeMoss, Tulsa



Renée DeMoss of Tulsa is the recipient of the 2015 Neil E. Bogan Professionalism Award for her continued commitment to meeting high standards in the legal profession. Over her more than 30 years practicing law, she has demonstrated the highest levels of excellence and given her time

and heart to her profession and community. Ms. DeMoss, who was OBA president in 2014, currently serves on the Board of Governors as immediate past president. She served as Oklahoma Bar Foundation president in 2008. She has also served as a leader in the Tulsa County Bar Association, serving as its president in 2006-2007 and as president of the Tulsa County Bar Foundation from 2007-2009. She was a member of the TCBA Board of Directors from 1999 to 2008. She has also notably served her community, active in Leadership Tulsa, Big Brothers & Big Sisters of Green Country, the Nature Conservancy, United Way and has served on the Board of Directors for Operation Aware and Tulsa Lawyers for Children. Ms. DeMoss has stated that one of her most significant and rewarding accomplishments has been her work and mentorship of at-risk students at Hamilton Middle School in the Tulsa community. She has continually demonstrated a strong work ethic and a desire to give more than she receives from her community to make it a better place to live and work. Ms. DeMoss graduated from the OU College of Law in 1984.

JOHN SHIPP AWARD FOR ETHICS

William J. Baker, Stillwater

William J. Baker of Stillwater is this year's recipient of the John Shipp Award for Ethics. With more than 40 years of legal experience, Mr. Baker has supported the betterment of the legal profession through an exemplary record of ethical standards. He was 1997 Oklahoma Bar Association president, served on the Board of Governors



twice and served as chair and co-chair for numerous OBA committees. Mr. Baker has chaired the Committee on Judicial Elections since 1998, filling a crucial need for an unbiased forum to ensure fairness and integrity in the judicial election process. He also served as Oklahoma Bar Foundation president in 1992 and is an OBF Sustaining Fellow. He has received numerous awards from the OBA, including the Neil E. Bogan Professionalism Award, Golden Gavel Award and the President's Award. During Mr. Baker's career, he has served as a mentor and role model to countless young attorneys, embodying ethical professionalism in the legal profession. He has also served as a leader in the Stillwater community, serving in leadership roles in the OSU community, Chamber of Commerce, Stillwater United Way, Big Brothers and Big Sisters and Rotary. He also served in the military, as a JAG officer in the U.S. Army Reserves, retiring as a lieutenant colonel. Mr. Baker graduated from OSU in 1969 and the OU College of Law in 1972. He has three children, and he resides in Stillwater with his wife, Candy.

General Assembly Friday, Nov. 6

OUTSTANDING COUNTY BAR ASSOCIATION AWARD

*Tulsa County Bar Association,
D. Kenyon Williams, 2014-2015 President*

The **Tulsa County Bar Association** is the 2015 recipient of the Outstanding County Bar Association Award for its continued commitment to the community and its members. "Building Our Future" was the association's tagline for 2014-2015, acknowledging the successful completion of a capital campaign aimed at revamping its downtown Tulsa headquarters. This year, the TCBA completes phase one of this major renovation, giving the building a more modern exterior. Phase two to renovate the interior will be the association's next project. The TCBA has provided numerous community outreach programs, including food drives, legal advice, charity fund-

raisers, breast cancer awareness events and more. The association has continued to serve its members by providing discounted or free continuing legal education programs, practice sections, team sports and networking opportunities. The TCBA is also committed to serving its members in the future, having recently surveyed its members to decide areas where the Long-Range Planning Committee should focus.

HICKS EPTON LAW DAY AWARD

Creek County Bar Association

Payne County Bar Association

This year, six motivated **Creek County Bar Association** members formed a task force to organize events and promote more involvement with the association. During their endeavor to improve their organization, the six members discovered the bylaws had been lost. They drafted new bylaws, held town meetings and eventually got them implemented. Since then member involvement in meetings, which are now held monthly, and networking events has improved drastically. This year's Law Day events provided the perfect opportunity for the association to showcase its reinvigoration. Creek County bar members organized more than 400 local elementary students to tour the courthouse and to hear presentations from different judges who talked about the judicial system and its origins in the Magna Carta. During this event, bar members were also hosting "Burgers with the Bar" in downtown Sapulpa. This was free and open to the public, giving the CCBA a great public relations opportunity. The county's Law Day celebrations culminated in an outdoor catered reception held at the bar president's home where association members with 30 or more years of service in the legal profession were recognized. The events were so successful that Creek County bar members have already begun planning for Law Day 2016.

The **Payne County Bar Association** hosted several events that brought the Stillwater community and bar members together, and hundreds of Payne County citizens were directly served through the association's Law Day activities. The PCBA hosted its annual charity bowling tournament to raise funds for Legal Aid Services, supporting those who provide an invaluable service to the area's vulnerable and low-income citizens. Teams comprised of both lawyers and laypersons formed to compete in the tournament, and networking and socializing opportunities were enjoyed by professionals from a number of

fields. Local students were invited to tour the Payne County Jail and Courthouse, where they observed a real trial in progress along with demonstrations of narcotics searches and apprehensions presented by the Payne County Sheriff's Department. The organization also hosted a legal advice clinic where bar members gave free legal consultations in person at the local library, and members also participated in the statewide effort to provide legal advice by phone. The PCBA also hosted appreciation luncheons and banquets to thank local county courthouse employees. A large percentage of county bar members participated in the events, many volunteering at multiple events and serving in leadership roles, admirably representing the legal profession in a positive light in the local community.

EARL SNEED AWARD

William S. Leach, Tulsa

*Gail Stricklin,
Oklahoma City*



Williams S. "Bill" Leach of Tulsa is a recipient of the Earl Sneed Award for his continued commitment to legal education, coordinating CLE programs for the past several years. His programs are known for being reliable, organized and consistent. He has served as the coordinator of a program sponsored by the Tulsa County

Bar Association that includes presentations from a panel of judges and justices; his skill in moderating the panel has attracted the participation of the highest levels of the state judiciary. This year he also presented the "Civil Update" for judges attending the Oklahoma Annual Judicial Conference, assisting the judiciary in obtaining their required judicial education credits. His presentation was called "superb and even entertaining while being organized and detailed" by attending members of the judiciary. Mr. Leach moderated multiple legal education programs throughout the state, also including presentations for the Tulsa County Bar Association, Oklahoma Bar Association and Oklahoma Business Ethics Consortium. He earned his J.D. from the OU College of Law in 1982.



Gail Stricklin of Oklahoma City is a recipient of the Earl Sneed Award for her efforts over several decades in continuing legal education related to domestic violence cases. She demonstrates continued dedication to developing CLE to ensure lawyers do no further harm to adults and children

who are victims of family violence. Ms. Stricklin has advocated that lawyers have an ethical duty to screen for domestic violence, and that lawyers must understand the balance between confidentiality and the duty to protect potential domestic violence victims. She also educates lawyers in assessing the danger and lethality risk to victims and how to assist clients in developing a safety plan or make an appropriate referral. She also was instrumental in the passage of S.B. 460 this year, which requires that all "court experts" in domestic violence, stalking and harassment cases must receive 16 hours of training about these issues. Soon after the bill was passed, Ms. Stricklin assembled a task force to flesh out the curriculum necessary to satisfy the training requirement. For more than a decade she has served as the OBA representative on the statewide Domestic Violence Fatality Review and Child Death Review Boards. She also serves on the Oklahoma County Domestic Violence Post-Adjudication Review Board. Her efforts have been recognized by Oklahoma County CASA, Oklahoma County Bar – Howard K. Berry Sr. Award, Oklahoma Professional Society on the Abuse of Children and the Coalition Against Domestic and Sexual Violence. Ms. Stricklin earned her J.D. from the TU College of Law in 1979.

OUTSTANDING YOUNG LAWYER AWARD

Kaleb Hennigh, Enid



Kaleb Hennigh of Enid is the recipient of the Outstanding Young Lawyer Award for 2015. Mr. Hennigh began serving the OBA YLD in a leadership capacity in 2008 as a member of the Board of Directors. He began serving on the division's executive team in 2011 as secretary; treasurer, 2012; chair-elect, 2013; and ultimately as the YLD

chair in 2014. He currently serves as YLD immediate past-chair. Through those years, Mr. Hennigh served on numerous committees and throughout the OBA and volunteered for YLD service projects almost every year. He also helped establish the Oklahoma Lawyers for America's Heroes in 2011. During his service to the division, he also established a successful law practice serving all of northwestern Oklahoma along with his two partners. He graduated from the OU College of Law in 2003.

OUTSTANDING SERVICE TO THE PUBLIC AWARD

David Bernstein, Norman; Noble McIntyre, Oklahoma City; Hugh Robert, Tulsa

Michael C. Turpen, Oklahoma City



David Bernstein

David Bernstein of Norman, **Noble McIntyre** of Oklahoma City and **Hugh Robert** of Tulsa are jointly the recipients of the Outstanding Service to the Public Award as the three attorney co-founders of "Lawyers Fighting Hunger," a 501(c)(3) nonprofit organization dedicated to fighting hunger in Oklahoma. The organization was unofficially founded in 2009 when a number of community service agencies suffered funding cuts that prevented the agencies from providing holiday meals to hundreds of needy Oklahomans, as had been the practice. This group of lawyers banded together to raise funds to purchase holiday turkeys that went directly to vulnerable families.



Noble McIntyre



Hugh Robert

In 2010 the event was made even bigger. More than 50 firms and attorneys contributed to the effort and more than 750 boxes of pre-packaged Thanksgiving meals were purchased and distributed in Norman, Oklahoma City and Tulsa. Each box contained everything needed for a family of four to enjoy a very good Thanksgiving meal. More than \$30,000 was raised from lawyers/members

of the Oklahoma Association for Justice, which was used to purchase the meals. Those generous financial commitments came from lawyers all over the state and allowed the group to provide food for 3,000 hungry Oklahomans.

Since 2010, the annual holiday food giveaways in Oklahoma City and Tulsa have grown larger every year. Lawyers in smaller communities such as McAlester and El Reno are also partnering with Lawyers Fighting Hunger to host events. The pre-holiday food giveaways are festive events where families may come to eat hot dogs and hamburgers and play games while picking up their ready-to-prepare meals and/or turkeys. Over \$80,000 was raised last year from more than 100 different Oklahoma law firms which provided for funds necessary to provide more than 5,000 turkeys in addition to food boxes. In addition over 10,000 hamburgers and hot dogs were served at the five distribution sites in Oklahoma City, Norman, Tulsa, El Reno and Mustang. Over the past 6 years more than \$400,000 has been raised. The giveaways have also expanded to incorporate the Easter holiday, when hams are distributed. Partnerships with local food banks and pantries have also been formed, as well as with the OBA Women in Law Committee, who donated and stuffed thousands of Easter eggs with treats for children attending the Easter ham giveaway event.

Because of the hard work, generosity and inspirational leadership of these three lawyers, thousands of Oklahomans every year, including hundreds of children, get to experience the simple joy of a holiday meal.



Michael C. Turpen is well known for his professional accomplishments, and he is also an established leader for the state of Oklahoma. He has been a longtime supporter of Oklahoma academics, leading multiple fundraising campaigns to help provide for scholarships and funding for arts programs across the state.

In 2015, Mr. Turpen raised more than \$500,000 to fund scholarships for Oklahoma's college students to help alleviate student debt. He is a member of many civic and legal organizations, and serves on a variety of nonprofit boards and commissions. He was recently named as co-chair for the Oklahoma City's 2015 United Way Campaign. He is devoted to the arts, having

raised funds to establish the Lyric Theater's renovation of the old Plaza Theater and the building of the Thelma Gaylord Academy for musical theater training for young aspiring actors. In 2014, he was co-chair for the Allied Arts Campaign. He is a successful fundraiser for many worthy causes, including Legal Aid Services of Oklahoma. He is also known as an inspiring and dynamic public speaker, frequently reciting his personal motto, "If you ain't givin', you ain't livin'." Both a respected lawyer and public servant, he has shown that by focusing his leadership skills on a broad range of civic activities, he can have a huge impact on our state's quality of life as a true civic leader. He is a 1974 graduate of the TU College of Law.

AWARD FOR OUTSTANDING PRO BONO SERVICE

Bruce Peabody, Bartlesville

The Award for Outstanding Pro Bono Service is presented to **Bruce Peabody** of Bartlesville for his dedication to assisting those in need. Mr. Peabody is known for taking the most difficult divorce and paternity cases, not just the simple ones. Through his willingness to help those in need, he has had a positive impact on the lives of many indigent and vulnerable people in his community. Mr. Peabody has long believed everyone should have equal access to the justice system. He graduated from the OU College of Law in 1975.

GOLDEN QUILL AWARD

Alvin Harrell, Oklahoma City

Collin Walke, Edmond



Alvin Harrell receives the 2015 Golden Quill Award for his article titled "Electronic Commerce and Incorporation by Reference in Contract Law," which will be published in the Nov. 21, 2015, issue of the *Oklahoma Bar Journal*. Mr. Harrell is currently a professor of law at the OCU School of Law. His primary focus is finances, including bankruptcy, electronic commerce and consumer law. Mr. Harrell clerked for Chief Judge Alfred P. Murrah of the United States Court of Appeals for the 10th Circuit. He is chair of an American Bar Association subcommittee and the ABA Task Force on Certificate of Title Laws; is executive director of the Conference on Con-

sumer Finance Law and a member of its Governing Committee; participates in several committees involved in redrafting portions of the Uniform Commercial Code and related laws; and is a member of the American College of Consumer Financial Services Lawyers and the American College of Commercial Finance Lawyers. Mr. Harrell also serves as the editor of *The Consumer Finance Law Quarterly Report* and The Annual Survey of Consumer Financial Services Law in *The Business Lawyer*. He earned his J.D. from the OCU School of Law in 1972. He also holds an LL.M from Southern Methodist University.



Collin Walke is a recipient of the 2015 Golden Quill Award for his article titled "Paragraphs and Indentation: Formatting for Persuasive Writing," which was published in the Feb. 14, 2015, issue of the *Oklahoma Bar Journal*. Mr. Walke practices with the firm of Rubenstein & Pitts PLLC in Edmond. His practice is focused in the

areas of business litigation, family law and personal injury. In addition to having successfully represented many small businesses and professionals in litigation, he has achieved numerous professional accolades. He currently chairs the OBA Appellate Practice Section and OBA Solo & Small Firm Conference Planning Committee. He is a graduate of the OBA Leadership Academy and is a regular contributor to various Oklahoma legal publications. He graduated *magna cum laude* from the OCU School of Law in 2008.

OBA Awards:

Individuals for Whom Awards are Named

(cont'd from page 2061)

(JOHN E. SHIPP CONT.) He had served two terms on the OBA Professional Responsibility Commission, serving as chairman for one year, and served two years on the Professional Responsibility Tribunal, serving as chief-master. The OBA's Award for Ethics bears his name.

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

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

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

TITLE EXAMINATION STANDARDS

2015 Report of the Title Examination Standards Committee of the Real Property Law Section

Proposed Amendments to Title Standards for 2015, to be presented for approval by the House of Delegates, Oklahoma Bar Association at the Annual Meeting, November 6, 2015. Additions are underlined, deletions are indicated by ~~strikeout~~.

The Title Examination Standards Sub-Committee of the Real Property Law Section proposes the following revisions and additions to the Title Standards for action by the Real Property Law Section at its annual meeting in Oklahoma City on Thursday, November 5, 2015.

Proposals approved by the Section will be presented to the House of Delegates at the OBA Annual Meeting on Friday, November 6, 2015. Proposals adopted by the House of Delegates become effective immediately.

An explanatory note precedes each proposed Title Standard, indicating the nature and reason for the change proposed.

Proposal No. 1

The Committee proposes an amendment to Standard No. 6.7 to add a new Standard 6.7 D., and to amend Standard 6.7 C. and E. to reflect the changes in the statute to which the Standard applies.

- C. An instrument that otherwise conforms with the provisions of Paragraph "A" above fails to vest title in the grantee if, prior to November 1, 2015, the power of attorney has otherwise terminated by law and such termination either appears in the abstract or is within the personal knowledge of the examiner.
- D. An instrument that otherwise conforms with the provisions of Paragraph "A" above fails to vest title in the grantee if, on or after November 1, 2015, notice of revocation of the power of attorney has

been recorded in the county clerk's office in the county in which the power of attorney was recorded.

Authority: 15 O.S. §§ 1001-1020; 16 O.S. §§ 3, 20, 21, 27a and 53; 58 O.S. § 1071 *et. seq.*

- E. An instrument that otherwise conforms with the provisions of Paragraph "A" above fails to vest title in the grantee if, prior to November 1, 2015, the power of attorney has terminated by law by reason of the appointment of a conservator or guardian of the principal as set out below:

1. For a durable power of attorney which does not contain a nomination of the person to act as conservator or guardian, such power of attorney terminates by reason of the appointment, on or after November 1, 2010, of a conservator of the estate, or guardian of the estate, of the principal in such power of attorney and upon notice of such appointment as required by statute; or
2. For a durable power of attorney containing a nomination of the person to act as conservator or guardian, such power of attorney terminates by reason of the appointment, on or after November 1, 2010, of a conservator of the estate, or guardian of the estate or guardian of the person, of the principal in accordance with such nomination contained in the power of attorney upon notice of such appointment as required by statute.

Authority: 58 O.S. § 1074.

Proposal No. 2

The Committee proposes to add new Standard No. 15.2.1 to clarify who is a proper grantor of conveyance by an Express Private Trust or the Trustee of an Express Private Trust.

15.2.1 CONVEYANCES BY AN EXPRESS PRIVATE TRUST OR BY THE TRUSTEE OR TRUSTEES OF AN EXPRESS PRIVATE TRUST

- A. When record title to real property is held in the name of a trustee or trustees of a named express private trust, a subsequent, otherwise valid, conveyance identifying such trust as the grantor, rather than the trustee or trustees of such trust as the grantor, shall not be deemed to be a defect of title, subject to compliance with 60 O.S. § 175.6a.
- B. When record title to real property is held in the name of an express private trust, rather than in the trustee or trustees of such trust, a subsequent, otherwise valid, conveyance identifying the trustee or trustees of the named trust as the grantor shall not be deemed to be a defect of title, subject to compliance with 60 O.S. § 175.6a.

Authority: 16 O.S. § 1 and 60 O.S. §§ 175.6a, 175.7, 175.16, 175.17, 175.24, and 175.45.

Proposal No. 3

The Committee recommends that Comment No. 1 of Standard 17.4 be amended to accurately reflect the provisions of the Non-Testamentary Transfer of Property Act as they have been amended from time to time and the comments renumbered.

17.4 Transfer-on-Death Deeds

A deed appearing of record executed in accordance with the "Non-Testamentary Transfer of Property Act" should be accepted as a conveyance of grantor's interest in the real property described in such deed effective upon the death of the grantor, provided that an affidavit evidencing the death of such grantor has been recorded, as specified in the Act, and no evidence appears of record by which:

- A. The conveyance represented by such deed has otherwise been revoked, disclaimed or has lapsed pursuant to the provisions of the Act; or
- B. The designation of the grantee beneficiary or grantee beneficiaries in such

deed has been changed via a subsequent transfer-on-death deed pursuant to the provisions of the Act.

Authority: 58 O.S. § 1251, *et seq.*

Comment 1: On and after November 1, 2008, through October 31, 2011, a disclaimer under the provisions of the Act may be executed only within a period of time ending nine (9) months after the death of the owner/grantor. On and after April 20, 2015, for deaths occurring prior to November 1, 2011 and for which there is no disclaimer of interest in the real estate, the recording of the acceptance affidavit is not subject to the nine-month limitation set out in Section 1252(D). On and after November 1, 2011, the property reverts to the estate of the deceased grantor if the affidavit described in § 1252 C and D is not recorded within nine (9) months of the grantor's death.

Proposal No. 4

The Committee recommends a new Caveat be included as a preamble to Standard 25.5 to reflect the current uncertainty of the status of Oklahoma estate tax liens.

25.5 OKLAHOMA ESTATE TAX LIEN

Caveat: Generally, the Oklahoma estate tax was repealed for deaths occurring on or after January 1, 2010. No estate tax lien attaches to real property passing from the decedents dying January 1, 2010, and after, and no estate tax release is required to render such real property marketable under these title standards. 68 O.S. § 804.1

Estate tax lien obligations for decedents dying prior to January 1, 2010 remain in effect. 68 O.S. § 804.1.

The Oklahoma estate tax survives for death occurring subsequent to January 1, 2010, to the extent the Oklahoma estate tax may be imposed due to the interaction of the Oklahoma statutes and the computed Federal estate tax credit for state estate and inheritances allowable in the computation of Federal estate taxes on the Federal estate tax return 68 O.S. § 804. Pursuant to 68 O.S. § 804.1, no estate tax lien attaches to any property for deaths occurring on or after January 1, 2010.

Prior to the repeal effective January 1, 2010, Oklahoma statutes (former 68 O.S. § 815 C) provided that "no assessment of inheritance,

estate or transfer tax shall be made subsequent to the lapse of ten (10) years after the date of the death of any decedent.” Oklahoma Tax Commission Regulation OAC 710: 35-3-9 provides that the Oklahoma estate tax lien is extinguished upon the expiration of ten (10) years from the date of the death of the decedent unless a tax warrant is filed. However, former 68 O.S. § 815 C was repealed in its entirety effective January 1, 2010, and there appears to be no other statutory authority for the extinguishment of estate tax liens ten (10) years after death.

Upon written request, the Oklahoma Tax Commission continues to issue the ten (10) year letter which certifies that there are no unpaid assessments of Oklahoma estate or transfer taxes for a specific decedent deceased more than ten (10) years. The ten (10) year OTC letter cites the now repealed 68 O.S. § 815 as authority.

The issue is under continuing review.

Proposal No. 5

The Committee recommends an amendment to the Comment of Standard No. 30.14 to accurately reflect the operation that the Market Record Title Act may have on certain interests.

30.14 FEDERAL COURT PROCEEDINGS

- A. Pre-1958: For lands under examination which are located in any of the counties located in the multi-county jurisdiction of a federal district court, there must be a federal district court certificate covering from inception of title (i.e. Sovereignty) to August 19, 1958.
- B. 1958-1977: For lands under examination which are located in the same county, where the federal district court is located, there must be a federal district court certificate covering from August 20, 1958 to September 30, 1977.
- C. Post 1977: For any land under examination, there is no need for a separate federal district court certification for the period after September 30, 1977.

Comment: Although the 30-year Marketable Record Title Act (16 O.S. §§ 71 to 79) may eliminate the impact of some of the matters in the federal district court arising in the earlier period of time (i.e. pre-1977), the express exceptions to the extinguishing effect of the MRTA (e.g. “easements” and “any right, title, or interest of the United States by reason of failure to file the notice herein required”) cause such matters (such as judgments) to continue to impact the title in the present.

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OBA ANNUAL MEETING 2015
NOV. 4-6 • SHERATON HOTEL • OKLAHOMA CITY

TOP 5 REASONS TO ATTEND OBA ANNUAL MEETING

1

Meet new people and build your reputation in the legal community

Introduce yourself and let other attorneys know what you're all about. You may make some lifelong friends, beneficial connections or even get some referrals!

"I go to the bar meeting every year to keep informed about the issues facing the bar and to catch up with colleagues from around the state. For younger attorneys, the Annual Meeting is a great opportunity to network and gain valuable perspective on the work the bar does."

- John Nobles, Tulsa

2

Reconnect with colleagues

Spend time at Annual Meeting catching up with attorneys you haven't seen in a while. Annual Meeting may be your only chance during the entire year to see these people face to face!

"I look forward to Annual Meeting every year to catch up with friends and colleagues. The relationships I have built through the OBA have not only been invaluable to my practice, but also to my work-life balance."

- Faye Rodgers, Edmond

3

Learn new things

Get all your CLE for the year; be inspired by the Annual Luncheon keynote speaker, Eric Liu; and catch up on bar business at the General Assembly and House of Delegates meeting.

OBA Annual Meeting is one the few opportunities that lawyers have to get a up-close, realistic glimpse of the workings of the OBA and meet lawyers from all over our great state and even possibly across state lines. I recall very clearly my first Annual Meeting. I felt overwhelmed, but I also recall leaving feeling a sense of urgency to get more involved. Afterward, there was no looking back, and I began to find ways to serve.

- Kara Smith, Oklahoma City

4

Connect with vendors

While you're at Annual Meeting, make sure to stop by and visit with the vendors. These companies offer services and products that will enhance your practice, and many of them offer OBA member benefits.

5

Have fun!

Believe it or not, the Annual Meeting isn't all business! Wednesday evening's President's Reception and The OBA Sections' "It's Five O'Clock Somewhere" event on Thursday evening will both be a blast (as well as good networking opportunities). And afterward, mingle with friends in the Hospitality Suites.

I began attending Oklahoma Bar Conventions my first year of law school and haven't missed many since. I always greet friends, meet new people and learn something new.

- Kent Ryals, Vinita

CELEBRATE PRO BONO

SELECTED TOPICS FOR VOLUNTEER ATTORNEYS AND DONORS

Wednesday, October 28, 2015 • Oklahoma Bar Center

Registration begins at 8:30 am

Register at www.probono.net/ok

FREE TO VOLUNTEER
ATTORNEYS AND DONORS

Featured Speakers and Topics

- **Assisting the Unemployed Worker**
Karl Jahnke, Former Director of Appeals
Oklahoma Employment Security Commission
- **Servicemembers Civil Relief Act (SCRA)**
Kathryn McClure, Attorney and Chief
Client Services Division
Office of the Staff Judge Advocate
- **Children's Advocacy Centers: Setting Children on the Path to Healing**
Clint Williams, Executive Director
Abbott House
- **Immigration Law**
Ryan Patterson, Assistant Director of Immigration Services
Catholic Charities Archdiocese of Oklahoma City
- **The Wounds of Silence (Elder Abuse in the LGBT)**
Richard J. Goralewicz, Senior Attorney
Legal Aid Services of Oklahoma, Inc.
- **Right to Trial by Jury (Ethics)**
Garvin Issacs, Jr., President-Elect
Oklahoma Bar Association

This course has been approved by the OBA MCLE Commission for 6 hours of credit and 1 hour of ethics.

Questions? Contact Cindy Goble
405.488.6823 or cindy.goble@laok.org

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OBA ANNUAL MEETING 2015
NOV. 4-6 • SHERATON HOTEL • OKLAHOMA CITY

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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 2015 Annual Meeting, Nov. 4-6 in Oklahoma City.
Registration fee includes: Wednesday & Thursday continental breakfast in hospital-
ity area, President's Reception, afternoon snacks in hospitality area, OBA Sections
"It's Five O'Clock Somewhere" Thursday reception, convention gift & Vendors Expo.

CANCELLATION POLICY

Full refunds will be given
through Oct. 28, 2015.
No refunds will be issued
after that date.

HOTEL ACCOMMODATIONS

Fees do not include hotel accom-
modations. For reservations call the
Sheraton Hotel at 405-235-2780 or 800-
325-3535. Call by Oct. 13 and
ask for the special Oklahoma Bar
Association rate of \$109 per night.

*For online reservations, go to
www.starwoodmeeting.com/
Book/OBA2015*

LOCATION

Most activities will take place
at the Sheraton Oklahoma City
Downtown Hotel, One N. Broad-
way Ave. in Oklahoma City.

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 electronic CLE ma-
terials in advance of the seminar.

REGISTRATION

Please complete a separate form for each registrant. 

Name _____

Email _____

Badge Name (if different from roster) _____ Bar No. _____

Address _____

City _____ State _____ Zip _____ Phone _____

Name of Non-Attorney Guest _____

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

Check all that apply: ☐ Judiciary ☐ Delegate ☐ Alternate

☐ MEMBER: \$65 through Oct. 13; \$90 after Oct. 13 \$ _____

☐ NEW MEMBER (Admitted after Jan. 1, 2015): Free through Oct. 13; \$30 after Oct. 13 \$ _____

I will attend the following ticketed events in addition to my registration fee:

☐ Elder Fraud (\$75 through Oct. 13; \$100 after Oct. 13)
Wednesday morning free for Master Lawyers Section members
3 hours MCLE/1 Ethics \$25 for new members through Oct. 13; \$50 after Oct. 13..... \$ _____

☐ Legal Tips (\$150 through Oct. 13; \$175 after Oct. 13)
Wednesday all day \$50 for new members through Oct. 13; \$75 after Oct. 13..... \$ _____
6 hours MCLE/1 Ethics

☐ Appeals (\$75 through Oct. 13; \$100 after Oct. 13)
Wednesday afternoon (free for Appellate Practice Section members)
3 hours MCLE/.5 Ethics \$25 for new members through Oct. 13; \$50 after Oct. 13..... \$ _____

☐ Rock n' Roll Law (\$75 through Oct. 13; \$100 after Oct. 13)
Wednesday afternoon \$25 for new members through Oct. 13; \$50 after Oct. 13..... \$ _____
3 hours MCLE/1 Ethics

☐ Plenary (\$75 through Oct. 13; \$100 after Oct. 13)
Thursday morning \$25 for new members through Oct. 13; \$50 after Oct. 13..... \$ _____
3 hours MCLE/1 Ethics

☐ Annual Luncheon (___ number of tickets @ \$35 each)..... \$ _____
Thursday *Price includes meeting registration discount*

☐ President's Breakfast (___ number of tickets @ \$25 each)..... \$ _____
Friday

I will attend the following ticketed events that do NOT require Annual Meeting registration:

☐ Wednesday: Law School Luncheon ☐ OCU \$40 ☐ OU \$35 ☐ TU \$40
(___ number of tickets @ \$35 or \$40 each) \$ _____

☐ Thursday: Annual Luncheon (___ number of tickets @ \$55 each)..... \$ _____

TOTAL COST \$ _____

PAYMENT OPTIONS:

☐ Check enclosed: Payable to Oklahoma Bar Association

Credit card: ☐ VISA ☐ Mastercard ☐ American Express ☐ Discover

Card # _____ CVV# _____ Exp. Date _____

Authorized Signature _____

Master Lawyers Section New Community Contribution Committee to Offer Service

By *Barbara A. Sears*

BAM! (Become A Member — Become A Master!) The OBA Master Lawyers Section is at it again! Earlier this year we introduced you to this new section, and now we are pleased to introduce you to the section's Community Contribution Committee.

As a reminder, the Master Lawyers Section is open to all OBA members who are either 55 years or older, or who have practiced law for 30 years or more, for an annual fee of \$20, including eligible lawyers who are still working, those who are thinking about retiring and those who have retired. During their careers, attorneys who qualify for this section have developed invaluable skills and expertise in the law, as well as other areas, and have much to contribute to society as a result.

One of the best ways we can put our experience and training to use is through service to our communities. Enter the Community Contribution Committee, which was set up to coordinate and provide information about volunteer opportunities to section members. The operation of this committee is in its fledgling stages, but the first order of business is to make sure everyone is fully aware of the committee and its purposes!

We are currently gathering information from specific organizations in Oklahoma and Tulsa counties that have previously expressed inter-

est in working with Master Lawyers Section volunteers, obtaining a description of their specific needs and developing a list of potential volunteer opportunities. Initially, through a written form process, we will ask the organizations to document for us when a section member volunteers for them and describe what work was done. This will allow us to keep track of where our members volunteer and allow us to obtain feedback from the organizations.

Similarly, we will provide our section members with their own form to report their activities. This will let us know which members are already volunteering in their communities and for what specific organizations, allow us to potentially add more organizations to our list and help us further track our mem-

bers' volunteer activities. It is critical that we know where our members are volunteering. To double check, we will also send out a monthly email to our members asking them to inform us of any volunteer activities they performed that month. We hope that ultimately we will be able to make all forms and information available on the OBA website.

The activities of this committee will certainly not be limited to Oklahoma and Tulsa counties. In partnership with our individual county bar associations, we intend to expand committee

“One of the best ways we can put our experience and training to use is through service to our communities.”

activities to help each of our counties develop their own lists of organizations needing volunteer attorneys and identify section members available to help.

We look forward to achieving great success with the Community Contribution Committee and to keeping all OBA members aware of how their master lawyers are using their skills to contribute to their communities.

To obtain a master lawyers volunteer form, contact me at basears44@gmail.com.

ABOUT THE AUTHOR



Barbara Sears is the retired executive director of Tulsa Lawyers for Children, where she now volunteers providing legal representation for children in juvenile court deprived actions. She is a member of the OBA Juvenile Law and Master Lawyers Sections, Tulsa County Bar Association and TCBA Children & the Law Committee. She is currently the child's attorney appointee to the Oklahoma Task Force on Child Abuse & Neglect and was a 2006 recipient of the Mona Salyer Lambird Spotlight Award from the OBA Women in Law Committee.

OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

2015 Issues

- November
Lawyers in Leadership
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

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

2016 Issues

- January
Meet Your OBA
Editor: Carol Manning
- February
Probate
Editor: Judge Allen Welch
allen.welch@oscn.net
Deadline: Oct. 1, 2015
- March
Criminal Law
Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Oct. 1, 2015
- April
Law Day
Editor: Carol Manning
- May
Indian Law
Editor: Leslie Taylor
leslietaylorjd@gmail.com
Deadline: Jan. 1, 2016
- August
Bankruptcy
Editor: Amanda Grant
Amanda@spiro-law.com
Deadline: May 1, 2016
- September
Bar Convention
Editor: Carol Manning
- October
Real Property
Editor: Shannon Prescott
shanlpres@yahoo.com
Deadline: May 1, 2016
- November
President's Topic
Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Aug. 1, 2016
- December
Ethics & Professional Responsibility
Editor: Renée DeMoss
rdemoss@gablelaw.com
Deadline: Aug. 1, 2016

Five Honored with Mona Salyer Lambird Spotlight Awards

By Kimberly K. Hays

Since 1996, the Spotlight Awards have been given annually to five women who have distinguished themselves in the legal profession and who have lighted the way for other women. The award was later renamed to honor 1996 OBA President Mona Salyer Lambird, who died in 1999, and as the first woman to serve as OBA president, was one of the award's first recipients. The award is sponsored by the OBA Women in Law Committee, which honored this year's winners at its Sept. 18 Women in Law Conference in Oklahoma City. Each year all previous winners nominate and select the current year's recipients. A plaque bearing the names of all recipients hangs at the Oklahoma Bar Center in Oklahoma City. The 2015 recipients are:

ALISON A. CAVE

Alison Cave graduated from the University of Oklahoma College of Law in 1985 and began her career by serving as a law clerk with Justice Yvonne Kauger of the Oklahoma Supreme Court. She also worked as a clerk with Judge Carl Jones of the Court of Civil Appeals. In 2008, she joined the Oklahoma Attorneys Mutual Insurance Co. as vice president of claims and now serves as senior vice president. She has taught legal research and writing and appellate advocacy to law students as an adjunct professor at Oklahoma City University School



At the Sept. 18 Women in Law Conference are (from left) OBA President David Poarch, with honorees Judge Lisa Hammond, Kelly Greenough, Alison Cave, Karen Rieger, Judge Barbara Swinton and Women in Law Committee Chair Kim Hays.

of Law. She created an appellate college seminar taught by members and staff of the Oklahoma Supreme Court and Courts of Appeals for the Appellate Law Section and the Litigation Section. She authored a case study for use at a trial college for the 2013 OBA Solo & Small Firm Conference. She has written many legal articles for the *Oklahoma Bar Journal* on an array of topics such as professional liability, trial skills, appellate practice, insurance and social media in the law. She currently serves as president of the Sovereignty Symposium.

KELLY GREENOUGH

Kelly Greenough is the Tulsa County Domestic Violence Court director. As project manager, she is responsible for design, plan-

ning and implementation of the Integrated Domestic Violence Court, which is the first in Oklahoma. She is the project manager for the Tulsa County District Court's federal grant to plan and implement an integrated domestic violence court. She received a bachelor's degree in political science from Oklahoma State University in 1985. In 1992, she earned a juris doctorate degree from the University of Tulsa College of Law and has been an active member of the bar since then. Her work experiences include representing employers and insurance carriers before the Workers' Compensation Court, Oklahoma Court of Civil Appeals and Oklahoma Supreme Court. As an assistant public defender in Tulsa County, she represented children in high-conflict divorce

cases and adoptions. She is a member of American Inns of Court, Council Oak/Johnson-Sontag Chapter. Her volunteer and community interests include PTA and as a sustaining member of the Junior League of Tulsa.

LISA HAMMOND

Judge Lisa Hammond graduated from the University of Oklahoma College of Law in 1988. Judge Hammond was appointed to the office of Oklahoma County Special District Judge in July 2001, serving in juvenile court as well as on the family and criminal dockets, in addition to the drug court program. She is a past president and board member of the Downtown Exchange Club Center for the Prevention of Child Abuse, a past commissioner on the Oklahoma Commission on Children and Youth and a past board of directors member for Peppers Ranch (which focuses on foster children's needs). For several years she has gone on Rotary Club 29's trips to provide assistance to children in Hungary and Romania. Judge Hammond has received two Oklahoma County Bar Association awards: the 2014 YLD Beacon Award and the 2015 Friends of Young Lawyers Award. Prior to taking the bench, she was an assistant district attorney and a special assistant U.S. attorney prosecuting organized crime drug cases. She is a master member of the Ruth Bader Ginsburg American Inn of Court.

KAREN S. RIEGER

Karen Rieger graduated from the University of Oklahoma College of Law in 1981. She became a director/shareholder at Crowe & Dunlevy in 1987 and remains there today as chair of the firm's health law practice group. She currently serves as chair of the OBA Health Law Section, an adjunct professor of health law at OU College of Law and is an associate bar examiner for the Oklahoma Board of Bar Examiners. She received the Leadership in Law Award and was recognized twice as a finalist for the Woman of the Year Award by the *Journal Record*. In addition to her dedication to the legal profession, she has been actively and continuously involved in civic and community organizations. She serves on the board of the Oklahoma Cerebral Palsy Commission and was the 2014 president of the Catholic Foundation of Oklahoma's board of directors. She has also served as the honorary chairman for the annual fundraising for "Sanctuary," the new development center for homeless women in Norman, where she lives.

BARBARA SWINTON

Judge Barbara Swinton graduated from the Georgia State University School of Law in 1991. Judge Swinton has been on the bench for 19 years. She served as a special judge from 1996 to 2002, and in 2002 she was elected as a district judge for Oklahoma County. She currently presides

over a civil docket. She serves as Oklahoma Judicial Conference president and was past chairman of the Oklahoma Trial Judges Association. She is president-elect of the Oklahoma County Bar Association and currently serves on the board. She is a master with the Luther Bohanan Inn of Court and is an adjunct professor at the OCU School of Law. Judge Swinton is also a longtime member of the Downtown Exchange Center for the Prevention of Child Abuse having served as former president and district representative. She serves on the board of directors of Justice Alma Wilson Seeworth Academy and Board of Deacons for Crown Heights Christians Church. She is the 2007 recipient of the Leadership in Law award from the *Journal Record*.

ABOUT THE AUTHOR



Kimberly K. Hays is a family law attorney who practices in Tulsa and serves as the 2015 OBA

Women in Law chairperson. She has held many OBA and Tulsa County Bar Association leadership positions, including a term on the OBA Board of Governors. She has a bachelor's degree from Oklahoma State University and a law degree from the University of Kansas School of Law.

New Lawyers Take Oath

Board of Bar Examiners Chairperson Scott E. Williams announces that 203 applicants who took the Oklahoma Bar Examination on July 28-29, 2015, were admitted to the Oklahoma Bar Association on Tuesday, Sept. 22, 2015, or by proxy at a later date. Oklahoma Supreme Court Chief Justice John Reif administered the Oath of Attorney to the candidates at a swearing-in ceremony at the Oklahoma Capitol. A total of 307 applicants took the examination.

Other members of the Oklahoma Board of Bar Examiners are Vice-Chairperson Monte Brown, McAlester; Stephanie Parker Jones, Clinton; Robert D. Long, Ardmore; Bryan Morris, Ada; Loretta F. Radford, Tulsa; Roger Rinehart, El Reno; Donna L. Smith, Miami; and Thomas M. Wright, Muskogee.

The new admittees are:

Stephanie Michele Alleman
 Lydia R. Anderson
 John Robert Andrew
 Kayla Donn Argo
 Katie Suzanne Arnold
 Johnathon R. Arrowood

Kyle Patrick Sebastian
 Beauregard
 Brice Daniel Beckwith
 Leslie Alan Bennett Jr.
 Ryan David Berry
 James Joseph Biscone
 Kaleb T. Boese

Corey Thomas Brennan
 Jonathan Lamar Brewer
 Robert Cawyer Brossett
 Lauren Elizabeth Brown
 Jessica Alexandra Buchanan
 David Colin Buckles
 Blake William Bugg
 Theresa Marie Bullard
 Lindsey Erin Campbell
 Grant Allen Carpenter
 Jessica Erin Mannes Carson
 Brian Davis Carter
 Andrew Michael-Don Casey
 Evan Dean Chambers
 Natalia Terese Collins
 Quinn Anne Cooper
 Ky Dowdy Corley
 Charles Bretton Crane Jr.
 Jimmy Lance Culver
 Morgan Rose Currey-Smith
 Joel Stephen Dash
 Danielle Christine Davis
 Myriah Seyon Downs



Law school students from the OCU School of Law take their oath.

Clayton Matthew Baker
 Marcus Anthony Barahona
 Brian Jackson Barrett

John Robert Bomhoff
 Kami R. Boyt-Mirc
 Adam Scott Breipohl

Michael Alexander Arthur
Duncan

Stephen Lee Edge

Mark Adam Engel

Hassan Jamil Essaili

Bryce Allen Evans

Zachary Lee Farris

Jenny Michelle Fehring

Riane Taylor Fern

Justin Matthew Fields

Karrie Danielle Fields

Adair Kathleen Fincher

Sadie Jo Fisher

Christopher James Flail

Samantha Star Fleming

Brooke Allison Folsom

Evan Ross Freeman

Mark David Freudenheim

Harrison Howard Garlick

John Thomas Gartrell

Tyler Lee Gentry

Khadija Kamal Ghani

Mary Kathleen Goff

Ryan Patrick Goodwin

Morgan Elizabeth Graham

Tamara Rachelle Green

Ashley P. Gregg

Carly Marie Haiduk

Erica Kate Halley

John Tyler Hammons

Kathryn Michelle Hamstra

Bonnie Virginia Hand

Bria Alysse Hanlon

Luke Joseph Hann

Theodore Michael Hans III

Stephanie Anne Hansen

Randi Dawn Gardner Hardin



Students from the OU College of Law take the oath to become lawyers.

Jonathan Mark Jarvie Harris

Adriana Lauren Hartley

Hattie Leah Hartman

Kenneth Joseph Hashimoto

Brandi M. Haskins

Valeriia Vitaliyivna Hatami

Keenan P. Haught

Hillary Anne Hellmann

Roderick Vernard Hinton

Alan William Hudson

Katherine Welcome Hunter

Christopher John Ippoliti

Elizabeth Tu Isaacs

Chantel Patrice James

Logan Lawrence James

Blake Garrison Johnson

Chad Johnson

Joseph Blake Johnson

Joel Phillips Johnston

Hayley Beth Jones

Harry S. Jordan IV

Courtney Louise Kelley

Samantha LeAnne Key

Philip Conner Kirtley

Mary Jeannette Knopp

Caleb William Koos

Kathleena Marie Kruck

Alexander Edward Lane

Lacie DeLaine Lawson

Jordan Michael LePage

Curtis William Little Sun

Lindsay Jordan Lucas

Anna Christine Lukeman

Benjamin Lee Lundquist

Valeria Gabrielle Luster

Jena Lynn Malone

Mithun Suresh Mansinghani

Lauren Michele Marciano

Cody K. Marriott

Jacob Ronald Masters

Lauren Marie Mauer

Brent Earl Mayes

Alexandria Gabrielle Mayfield

Molly Elizabeth McClure

Colin Andrew McCormick

Sean Richard McDivitt

Melissa Ryan McDuffey

Kenda Hailey McIntosh

Jeremy Glen McKinney

Law Watson Pryor McMeans

Drew DeMont McNeil
 Madison Ruth Melon
 Kristin Diane Meloni
 Paige Lynn Miller
 Ethan Taylor Mock
 Hilary Marie Moffett
 Kyle Jon Moon
 Anne Marie Mulder
 Morgan Nicole Munoz
 Jesse Thomas Muth
 Sarah Abigail Nathan
 Alyssa M. Novak
 Eric Greg Odom

Jeremy Scott Owens
 Sharity Denise Parham
 Igor Damien Petrovich
 Andrea Trish Pickryl
 Tayler Marie Pierce
 Barrett Lynn Powers
 Matthew Ryan Price
 Dru Aldric Prosser
 Miranda Sue Pugh
 Zachary Warren Ramsey
 Anthony J. Reding
 Robert Thomas Redwine

Cody Allen Reese
 Sadie Blair Richards
 Joshua Kenneth Riley
 Alison Lee Roberts
 Ashley K. Roche
 Rebecca Granata Ross
 Lauren Camille Ruff
 Katie Elizabeth Samples
 Hannah Rachelle Scandy
 Nathalie Marielle Schaefer

Ashley Marie Schovanec
 Kaitlyn Elizabeth Schrick
 Deborah D. Scroggins
 Elaine Nicole Seay
 Mary Alexandra Shipley
 Jonathan Michael Shirley
 Breanne Markey Sigler
 Joshua David Simpson
 Erin Colleen Smith
 Daron Bryce Southerland
 Timothy M. Sowecke
 Tyler Allen Squires
 Sonia Srivastava

Brett Matthew Thomas
 Nicholas Edwin Thurman
 Bobby Joe Trail
 Philip Stuart Traynor
 Kaitlyn Michelle Trout
 Frank A. Urbanic III
 Kate Elizabeth Vetterick
 Jeffrey Lane Vogt
 Eric Payson Warner
 Amanda Rose Webb
 Chase Christopher Webb
 Hope Danielle Weber
 Karl Anthony Wert



TU College of Law and law school students from out of state take the Oath of Attorney.

Brian Rives Strickler
 Hayley Neal Stephens
 Zachary Thomas Stuart
 Jason Bradley Supplee
 Blair L. Sutter
 Wyatt Daniel Swinford
 Alexander Robert Telarik
 Alexandria Noel Temple

Mary Patricia Tate Westman
 Brenna Nicole Wiebe
 Yasasvin Nandish Wijetilleke
 Bryson J. Williams
 Justin Ray Williams
 Tyler Wayne Wilson
 Chase Harrell Woodley

Enhance Your Networking, Join a 2016 OBA Committee

It is time for all of us to come together and promote public confidence in the judicial branch of government. We need to work together. OBA committees will help with this project. Please consider joining a committee and participate in educating the public on the history of our country and its three branches of government.

You benefit from the contacts you make, and the association benefits from the work that is done. New members with fresh ideas are encouraged to become involved. Geography is a non-issue with today's technology. Teleconferencing from your desk and videoconferencing in Tulsa make it easy to attend meetings if you can't be there in person.

Sign up today. Option #1 – online at www.okbar.org, scroll down to the bottom of the page. Look for "Members" and click on "Join a Committee." Options #2 & #3 – Fill out this form and mail or fax as set forth below. I'll be making appointments soon, so please sign up by Dec. 11, 2015. I'm counting on your support next year to keep our committees active.



Garvin Isaacs, President-Elect

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

Please Type or Print

Name _____

Telephone _____ OBA # _____

Address _____

City _____ State/Zip _____

FAX _____ E-mail _____

Committee Name

1st Choice _____

2nd Choice _____

3rd Choice _____

Have you ever served on this committee? If so, when? How long?

1st Choice ☐ Yes ☐ No

2nd Choice ☐ Yes ☐ No

3rd Choice ☐ Yes ☐ No

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

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

Mail: Garvin Isaacs, c/o OBA, P.O. Box 53036, Oklahoma City, OK 73152
Fax: (405) 416-7001

Standing Committees

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

Changes Proposed to the Rules Governing Disciplinary Proceedings

Member Comments Requested

The following are proposed changes to the Rules Governing Disciplinary Proceedings as proposed by the Professional Responsibility Commission. These changes are currently under consideration by the OBA Board of Governors. The proposed changes would give the Commission more discretion in the action it might take.

*Members of the OBA are encouraged to review the proposed changes and **submit any comments by Oct. 23, 2015**, 1) via email to RGDPRule3.3comments@okbar.org or 2) mail hard copy comments to RGDP Rule 3.3 Comments, OBA, P.O. Box 53036, Oklahoma City, OK 73152.*

Rules Governing Disciplinary Proceedings.
Chapter 1, App. 1-A

Rule 3. General Counsel.

§3.3. Grievances Against the General Counsel of the Association.

(a) Whenever a grievance ~~is filed~~, or information is received by the Commission which could lead to the filing of a formal complaint against the General Counsel of the Association, the members of the Commission, and the President and the Executive Director of the Association shall immediately be notified.

(b) If a disciplinary grievance is made against:

(1) The General Counsel or member of General Counsel's staff alleging grounds for the imposition of discipline pursuant to these Rules, the Professional Responsibility Commission (PRC) shall consider the matter on the basis of the grievance. After

review and consideration, the PRC may take any of the following actions or any combination thereof: (1) Require the General Counsel to make a response; (2) Appoint an Investigator; (3) Appoint a special counsel to investigate and present the case; or (4) Take such other steps as are necessary to facilitate the prompt resolution of the grievance. ~~the Professional Responsibility Commission shall appoint a special counsel to investigate and present the case;~~

(2) A member of the Professional Responsibility Commission, the President of the Oklahoma Bar Association with concurrence of the Board of Governors, shall appoint a special three (3) member Commission to act on the grievance in conformance with these Rules;

(3) A member of the Professional Responsibility Tribunal, all procedures mandated by these Rules shall be followed, except the Supreme Court shall appoint a special Tribunal Panel to hear the case in the event formal charges are filed.

(4) A member of the Supreme Court, the matter shall be referred to the Oklahoma Council on Judicial Complaints.

(c) The President and the Executive Director of the Association shall be kept fully informed of all action taken by the Commission in the matter.

Courthouse Security

By John Morris Williams

On Sept. 16, 2015, Rep. Scott Biggs held a legislative hearing on courthouse security. Rep. Biggs brought together a very good panel of speakers including law enforcement, homeland security, district attorneys and our sponsored speaker, retired District Judge Thomas Landrith from Ada.

The hearing came about as Rep. Biggs and I discussed the recently passed county optional add-on to the filing fees to be used for courthouse security. Obviously, counties without a large number of filings would not generate much revenue to pay for enhanced security. The purpose of the hearings was to find out what issues counties faced in trying to maintain secure courthouses and what was being done.

Some of the information was not surprising. For example, in smaller counties when the court needs additional security, the rest of the county goes without or with reduced law enforcement resources and protection.

Judge Landrith testified about remodeling an almost century-old courthouse in Ada. The first rule is to shut down the number of entrances. This, of course, may not go over well in smaller communities where people have been coming in the “side” door for decades. In counties with scarce resources, a single

entry with armed security and metal detectors is a sizable financial commitment. Many counties just cannot afford this level of security.



We all realize that the population of a county might be determinative of the number of persons who could be threats to the courthouse. We also know that it just takes one person who is bent on doing harm to put a number of innocent lives in jeopardy. The testimony included real-life situations where harm was done. One person testified about a gang-affiliated

brawl occurring in a rural county court proceeding. We need to consider all the rural counties along the interstates that have the potential for very high-profile drug cases. These cases can attract out-of-state participants and spectators that may be better armed than law enforcement.

On the positive side, homeland security has conducted surveys of 75 of the 77 counties. At the hearing, the homeland security representative testified about the resources that their office has available and that the counties have requested the surveys so they can be as proactive as possible considering the resources available. Also, a county commissioner, who is a retired certified law enforcement official, testified that there are things that can be done to minimize harm even when there is not a maximum amount of security available.

As I told the hearing panel, for lawyers this is a workplace safety issue. Lawyers are constantly in and out of courthouses. Some courthouses we know well and some we are just there to file something and may be unaware there is a heated trial or other volatile situation going on. A crazed person with a gun often is not very discriminating on who he or she picks as a target. So, we all must be cautious

and be more proactive in courthouse security.

The public does much business at the courthouse that does not involve the courts. However, it appears from the filing fee add-on that for now at least the courts will be the first source of revenue to enhance security. By law in Oklahoma the county commissioners in each county control the courthouse and are responsible for its upkeep and security. Ultimately, the level of security in each county will be determined by the county commissioners. If you feel your courthouse lacks adequate security, your county commissioner is a good first stop. Also, there are funds that might be available from the Oklahoma Bar Foundation court improvement fund.

As with many things, lawyers can do much to help improve

courthouse security. One thing a county bar association can do is sponsor a courthouse security program. Homeland security or law enforcement agencies can provide training on how to react to dangerous situations and save lives. Lawyers can look at their local courthouse security plan and work with the county commissioners to gain resources to enhance security. It is obvious the Oklahoma Legislature takes the problem seriously or the filing fee add-on would not have passed. However, legislators may not realize the small amount of revenue this actually generates in many instances. Informing your legislator about your concerns is another good thing to do.

Together we can all work to make courthouses safer for the public, elected officials, jurors

and members of the bench and bar. It will not happen without each of us taking an active role in assessing our local courthouse, developing a plan and helping to obtain the resources to enhance security. We can do this now, or we can do it after something really bad happens. We have too many people we care deeply about going into courthouses everyday to just let this issue go.

Thank you Rep. Biggs for holding the hearing and educating us on this important issue.



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

Print or Electronic?

You now have a choice.

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

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Want the print version?
No need to do anything.



How is Your Law Practice Going to Change?

By Jim Calloway

Ideas about the delivery of legal services are certainly changing. Some of the changes are not going to be good for lawyers. Many of the changes will be challenging for lawyers. But some of the changes will assist lawyers who are paying attention to the changing landscape. And, of course, there will be some lawyers who do not want to change and some who do not need to change. Unfortunately, relatively few will fit into both camps.

The point I want readers to take away is that it is important to pay attention to changes that impact legal services nationally and worldwide as some of the changes may become significant to you — either positively or negatively. The way people purchase music and rent movies for home viewing has changed. The adoption of mobile phones has changed much of our social behavior — and not, in my opinion, always for the better. The way many consumers look at obtaining the legal services they need is changing. From a lawyer having a video conference with clients sitting on their sofa at home to clients logging into law firm-provided online document repositories where they can review their documents, what may have seemed futuris-

tic only a few decades ago is now commonplace to many and will become routine in the future.

THERE'S AN APP FOR THAT

Apps that provide what most of us would think of as legal services are one area of change. I've mentioned the app Shake to audiences before.¹ It is a free app for iOS and Android that can be used to draft simple contracts. Shake was surprising, but not really threatening to

“If you're waiting for change to happen to you, it will, but probably not the change you want.”
@emyth

lawyers. The few simple contracts provided were not the type that most lawyers would have done for clients anyway. (Although, the app certainly showed its technology heritage in that one of the early free forms was for an NDA [Non-disclosure agreement].) So, the initial reaction was mostly “Isn't that cute? An app that drafts contracts. I'm sure my contracts are superior and comply with Oklahoma law.”

But Shake today has evolved. Now there is a Pro plan for \$10 per month. It includes the abili-

ty to customize up to five forms and personalize the agreements with branding. It also includes access to Shake's form library and integration with popular cloud storage services. Shake's blog now includes many articles with titles like “Rent Responsibility: Understanding Your Residential Lease” and “Employee Handbooks: Put Your Rules in Writing.”

One can appreciate the utility of this app for someone like a house painter or other contractor who used to rely on filling in the blanks on an invoice or a contract created for another contracting job. But, as a lawyer, I'd still have a concern that some jurisdiction had some particular requirement that might not be addressed. It is, however, hard to argue that these documents are not superior to an oral agreement or notes on a piece of paper that the customer never signed.

There is also a team version of Shake for larger companies. Think of a company with a sales force that is on the road frequently making many different kinds of deals. Instead of the company's lawyers approving or drafting many repetitive contracts, they design and supervise the contract delivery process. Custom contracts are assembled on the phone or

“*Change is the law of life. And those who look only to the past or present are certain to miss the future.*”
John F. Kennedy

other mobile device and emailed to the customer instantly for execution. If a salesperson has a specific customization request, the legal department can deal with that request or idea while dozens of standard contracts are executed each day with no direct lawyer intervention.

Some law schools are getting active in app development. Professor Tanina Rostain is co-director of the Center for the Study of the Legal Profession at Georgetown University Law Center. She developed and teaches the course “Technology, Innovation and Legal Practice” where teams of students compete to develop legal apps that individuals can use to navigate complex areas of the law. One success story was ADA2Go, an app developed by the students in conjunction with the U.S. Department of Justice. It navigates through the Americans with Disabilities Act to determine rights and responsibilities in certain circumstances.

You can read more about Professor Rostain and this project on her Legal Rebels profile.² Her profile ends by noting that these apps do not test for income level and she believes that they will really “shake up the market,” particularly in regard to solo and small firm lawyers.

For better or for worse, a lot of the new legal areas of interest relate to developments in technology. But a lot of innovative ideas are not directly related to technology.

A NONPROFIT LAW FIRM?

Every lawyer in small firm private practice has probably worried at some point whether their law firm was going to turn a profit in a particular month. But have you ever thought of setting up a non-profit law firm? Utah lawyers Shantelle Argyle and Daniel Spencer have set up a nonprofit law firm and are making it work. *The Atlantic* has an informative article on their firm, Open Legal Services, which includes a graph showing the sliding hourly fee scale based on client income and many more details.³ About 50 percent of Utah residents qualify for the discounted services.

Working for a nonprofit law firm means that a lawyer won’t get rich, but it provides for a working environment gaining lots of real-world experience at a steady salary. Because the firm is nonprofit, it is exempt from taxes and lawyers are eligible for the federal Public Service Loan Forgiveness Program, which erases the balance of student loans after 10 years of monthly payments. Contributions from businesses to assist the nonprofit firm are tax deductible to the donating business. They also receive many referrals from public entities or other nonprofits.

EMERGING AREAS OF LAW

There are many developing areas in the law. I will leave it to your judgment whether opportunities exist for you with any of these.

Drones, more formally known as Unmanned Aerial Vehicles (UAV’s), have been in the news a lot lately. They have crashed into sporting events and interfered with firefighting airplanes. They have also

helped find lost hikers and provided some amazing videos for us all. One was shot down by a homeowner who claimed it was spying on his daughter in the backyard swimming pool. The FAA still bans most commercial use of drones. It doesn’t take a crystal ball to see that there are going to be many legal issues related to drones. A search of the Internet today discloses many lawyers who are promoting drone law as a part of their law practices. Filing a Section 333 petition for exemption to allow certain commercial drone use seems to be a popular service at the moment.

“*There is nothing permanent except change.*”
Heraclitus

eDiscovery is a huge area for litigators and it is very complex. I have seen lawyers from other states include “ediscovery-ready litigator” in their online profiles. There is a lot going on in this area. Soon it may not be true that only the larger cases are appropriate for use of ediscovery. To that end, I note an ethics opinion from the State Bar of California Standing Committee on Professional Responsibility and Conduct that is worth a read for the examples it gives of ediscovery nightmares, Formal Opinion Interim no. 11-0004.⁴ Wearable technology is a hot tech topic. One of the attendees at a recent Digital Pharma conference tweeted “We’re in the Palm Pilot days of wearables.” Considering the discussions at that conference included dissolvable pill “wearables” for medical treatment, information gathering for elderly patients and clothing that might “hug” a wearer who was feeling low,

there is likely something to that observation. Wearable technology will collect and retain all sorts of information that might be useful as evidence.

Self-driving cars are definitely coming to a highway near you, although not in the immediate future. Studies indicate self-driving cars could reduce automobile fatalities by 90 percent in the U.S.,⁵ so they are coming. What a boon that will be for the elderly or disabled who cannot drive. How many of us would trade a robotchauffeured drive to another state where we could read or nap compared to what airline travel has become today? If you combine the concept of Uber and Lyft with self-driving cars, would many more people elect not to own an automobile? How will the adoption of self-driving cars impact the entire concept of automobile driver's liability and insurance?

Did you view the Pizza Rat video that went viral near the end of September? I was on Twitter when I noticed the #PizzaRat hashtag as a trending topic. This was a 14-second video of a rat dragging a huge piece of pizza down subway stairs in Manhattan. Wired.com had a very interesting story about the video. It turns out that a Los Angeles-based viral video company named Junkin Media (Yes, there are viral video businesses. Who knew?) picked up on the video right after it was posted, when it only had 2,660 views, according to Wired. The company worked out a licensing deal with the creator and started a combination of promotion and unauthorized use takedown notices for those who were posting the video online instead of linking

to it. Now it has surpassed 5 million views on YouTube and, if you think a short video of a rat dragging a piece of pizza down stairs would be perfect to display during your next motivational speech presentation, you can contact Junkin Media to discuss the licensing fee.

So the next time a client wants to show you a really cute video of their baby on their phone, maybe you should watch.

“It is change, continuing change, inevitable change, that is the dominant factor in society today. No sensible decision can be made any longer without taking into account not only the world as it is, but the world as it will be.”

Isaac Asimov

READY FOR CHANGE?

The path to prepare for a changing environment (or just to be more efficient today) is easy to write and much harder to implement. I cover some parts of this in Law Practice Tips here at least every few months.

The key is to effectively use today's tools now because tomorrow's tools will build upon today's and be even more powerful and useful. Imagine some hypothetical law firm that has successfully banned email to this point and is finally giving in. There would be a huge learning curve, particularly for an employee who didn't use email in their personal life. Undoubtedly someone would infect the firm with malware by clicking on a bad attachment, someone would get in contact with an online scammer, many

would make "Reply" vs. "Reply All" mistakes, some would forget to check their email promptly, important emails would be deleted and so forth.

Email is a critical business communication tool, despite its many flaws. There are many other critical business processes that law firms are adopting today that will be just as significant as email in the future.

This includes documentation of processes in writing, learning to use practice management software and services to empower your adoption of paperless workflows, beginning the process of automating production of your routine documents, setting fixed fees for some services or parts of services and making certain your law firm has one or more websites that work well with mobile devices.

CONCLUSION

Change, especially change related to your daily activities, is hard. Many of the changes in the delivery of legal services will actually make your daily life function better after they are incorporated and implemented. Pick one improvement and start implementing it this month.

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!

1. www.shakelaw.com
2. http://www.abajournal.com/legalrebels/article/tanina_rostain_profile
3. <http://tinyurl.com/k4ktw7q>
4. <http://tinyurl.com/q6d59gu>
5. <http://tinyurl.com/q9e68cu>

Meeting Summary

The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Aug. 21, 2015.

REPORT OF THE PRESIDENT

President Poarch reported he attended the Southern Conference of Bar Presidents meeting, National Conference of Bar Presidents meeting and ABA House of Delegates, all in Chicago. He presented 50-year membership certificates and pins to Pat Phelps in Durant, John Kinslow in Lawton and Chuck Wade in Lawton. He attended the joint OBA/OBF dinner and worked on plans for the OBA Annual Meeting and "Schoolhouse to the Whitehouse" CLE seminar.

REPORT OF THE VICE PRESIDENT

Vice President Devoll reported he attended the Audit Committee meeting and worked on Garfield County issues.

REPORT OF THE PAST PRESIDENT

Past President DeMoss reported she attended the Audit Committee meeting, Master Lawyers Section meeting, Tulsa County Bar Association/Tulsa County Bar Foundation annual meeting and OBA/OBF dinner. In Chicago she attended the NCBP meeting and ABA annual meeting as an OBA delegate. She also participated in planning the Women in Law Conference. She thanked board members for their 100 percent

participation in making individual donations to support the Kick It Forward Kickball Tournament as sponsors.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the presentation of 50-year membership pins to Richard Fogg in El Reno and to Pat Phelps in Durant, NABE/ABA meeting at which he presented a session on database conversions, YLD board meeting, Oklahoma Judicial Conference luncheon at which he gave the State of the Bar, Communications Committee meeting, Bar Association Technology Committee meeting, Bench and Bar Committee meeting, staff budget planning meeting, Supreme Court Access to Justice Commission meeting, Audit Committee meeting, Tulsa County Bar Association annual luncheon, OBA/OBF joint event, Clients' Security Fund Task Force meeting and funeral for 1991 OBA President Forney Sandlin.

BOARD MEMBER REPORTS

Governor Gifford reported he attended the Oklahoma County Bar Association Board of Directors meeting. **Governor Gotwals**, unable to attend the meeting, reported via email he attended the July Tulsa Central High School Foundation board meeting, ABA and NCBF annual meetings in Chicago, Knights of Columbus meeting and Tulsa County Bar Association annual awards luncheon. **Governor Hicks** reported he assisted with

the selection of attorneys for the OBA Leadership Academy and with planning for the Tulsa County Bar Association annual meeting. He attended the Access to Justice Committee meeting via conference call and TCBA executive committee meetings. **Governor Kinslow** reported he met with the Clients' Security Fund Committee to consider pending claims, met with the Clients' Security Fund Task Force, worked on the Clients' Security Fund report prepared by Micheal Salem and participated in the Audit Committee meeting via teleconference. He also reported Ethics Counsel Joe Balkenbush recently spoke to the Comanche County Bar Association and did an excellent job. **Governor Knighton** reported he attended the Lawyers Helping Lawyers Committee meeting and Cleveland County Bar Association meeting. **Governor Marshall** reported he attended the Oklahoma Judicial Conference reception at the OCU law school and Pottawatomie County Bar Association meeting. **Governor Porter** reported she attended the Communications Committee meeting and Women in Law Committee meeting in addition to the OBA/OBF dinner at Deep Fork Grill. **Governor Sain** reported he attended the McCurtain County Bar Association luncheon. **Governor Stevens** reported he attended the August Cleveland County Bar Association meeting and Audit Committee meeting via teleconference. **Governor Tucker**

reported he attended the Law Day Committee meeting, funeral for Past President Forney Sandlin and presented a CLE to the Mayes County Bar Association on "The Open Meeting Act: What the Practitioner Needs to Know."

YOUNG LAWYERS DIVISION REPORT

Governor McGill reported she chaired the YLD August board meeting and assisted in the selection of the OBA Leadership Academy participants and took part in the bar exam survival kit assembly. She attended the ABA YLD welcome reception, ABA YLD annual assembly, ABA YLD dinner reception, ABA House of Delegates and Kick It Forward planning meetings.

BOARD LIAISON REPORTS

Governor Knighton reported the Lawyers Helping Lawyers Assistance Program Committee plans to offer a program and to staff a booth at the OBA Annual Meeting. They are having a banner made to provide increased visibility at the booth. Governor Porter reported the Communications Committee authorized funding to promote the consumer information available on the OBA website and is discussing overall OBA messaging. Governor Tucker reported the Law Day Committee has selected the 2016 Law Day contest theme, which will be Judges, Juries and Justice: The Constitution and the Rights of the Accused. Ask A Lawyer TV show topics planned are same-sex marriage, female incarceration, the OBA Legal Guide for Young Adults and death penalty administration in Oklahoma. Governor Porter reported the Women in Law Conference keynote speaker is on the cover of the new CLE

magazine. She said the committee is still searching for additional conference sponsors. Governor Knighton reported the Law-related Education program has mailed its newsletter and will be offering peer mediation training in Oklahoma City and Tulsa. LRE is also promoting awareness of Constitution Day on Sept. 17. Governor McGill reported the Diversity Committee has finished planning its award event that will be held Oct. 15 and is looking for sponsors. The committee is also working on revising its aims and objectives.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported a written report of Professional Responsibility Commission actions and OBA disciplinary matters for July was submitted to the board for its review. She said the OBA was among other parties, including the Oklahoma attorney general, served this week with a lawsuit from an individual in Illinois regarding a complaint of criminal defamation. She said the OBA will need to hire counsel in Illinois. The board voted to authorize General Counsel Hendryx to prepare a contract with an Illinois attorney and to submit the contract to the board via email for its approval. She also reported the OBA took over receivership of a Tulsa law firm to protect its assets.

2014 AUDIT REPORT

Audit Manager Leah Logan, with the accounting firm Smith, Carney & Company, reported the OBA's total assets increased over the previous year. She reviewed the report of the audit conducted in May. In looking at internal controls, she explained the auditors do random sam-

ples of tracking transactions, and only one problem was found, which was one signature instead of the required two signatures documenting authorization of electronic payment of one of the monthly American Express credit card bills. Administration Director Combs explained why the error occurred and suggested a change in procedure to prevent it from happening again. Discussion followed, and it was decided the procedure he outlined would be a solution. Mr. Combs reported that generally changing audit firms every five years is a recommended practice, and this is the sixth year for Smith, Carney & Company to perform the audit. However, he recommends the firm be retained for one more year because the OBA expects to complete its transition to new association management software, and the firm's familiarity with the former system would be an advantage over a new firm. It was noted the Audit Committee recommends the report be approved and to retain the firm for an additional year. The board approved the audit report and to employ Smith, Carney & Company for a seventh consecutive year.

CLIENTS' SECURITY FUND TASK FORCE REPORT

CSF Task Force Chairperson Micheal Salem briefed the board that last year the CSF Committee recommended that claims be paid at an amount that exceeded the maximum \$100,000, and the Supreme Court approved a special supplement requested by the Board of Governors. He said this was not the only occurrence of recommended claims exceeding \$100,000 and that on at least six occasions in the past 10 years, the total dollar amount of claims has exceeded the avail-

able funds at the end of the year. He said earlier this year a task force was formed to look at ways to supplement the annual funding of \$100,000. After further study, including research into the practices of other state client protection committees, Mr. Salem said the task force is making five recommendations, which he reviewed. Discussion followed. The board voted to accept the task force report. The board voted to send the task force's recommendation to amend the Clients' Security Fund rules to the House of Delegates. The board authorized Executive Director Williams to explore task force recommendations regarding the creation of a "loss payee notification" rule and educational material that outlines a client's escrow rights in funds held by the attorney.

OKLAHOMA BAR FOUNDATION TRUSTEES APPOINTMENTS

The board approved President Poarch's recommendation to appoint Jack McCarty, Newkirk, and to reappoint Jeff Trevillion, Oklahoma City, and Kara Smith, Oklahoma City, to the OBF Board of Trustees. Their terms will expire Dec. 31, 2018.

REAL ESTATE COMMISSION APPOINTMENT

The board approved President Poarch's recommendation

to appoint Chris Tweedy, Oklahoma City, to the Real Estate Commission Contract Forms Committee.

MCLE SOFTWARE

Executive Director Williams said the board has been previously briefed about the need for new software to track members' MCLE credit. A request for proposals was submitted to several companies, and the software developed by the Pennsylvania Continuing Legal Education Board (PaCLEB) was identified as the best product for the OBA. Submitted for the board's review was a software development agreement. The board authorized Executive Director Williams to move forward to execute a contract with PaCLEB pending negotiations and board approval. MCLE Administrator Lewis said other state bar associations are utilizing the software, and she has not heard any negative comments.

ANNUAL TECHNOLOGY REPORT

Executive Director Williams reported the OBA has made major strides in transitioning to the new association management software with the software now live for staff members. Refinements continue to be made. Sept. 1 is the projected date for the bar member portion to go live. A number of staff members have

been instrumental in devoting extra effort to making the software accurate and efficient.

OBA ANNUAL MEETING

President Poarch revealed the Annual Meeting logo and announced the theme "Leadership U" will reflect the importance of lawyers stepping into leadership roles. He reported the Annual Meeting luncheon keynote will be Citizen University CEO Eric Liu, who will speak on "The True Meaning of Patriotism."

KICK IT FORWARD KICKBALL TOURNAMENT

Governor McGill reported momentum was building for the tournament to be held Aug. 29 in Oklahoma City to raise money for the Kick It Forward program, which helps financially struggling bar members pay their OBA dues. She reported sponsorships were still available.

NEXT MEETING

The Board of Governors met Sept. 25, 2015, at the Holiday Inn Express in Norman. A summary of those actions will be published after the minutes are approved. The next board meeting will be at 10 a.m. Friday, Oct. 23, 2015, at the Oklahoma Bar Center in Oklahoma City.

The Foundation Updates Giving Levels

By Candice Jones

In stride with new development efforts, the OBF Board of Trustees has approved updates to the organization's giving levels. Changes have been made to the Fellow and Community Fellow programs. A one-time gift option has also been added for those who only want to pledge for that year. The pledge card on the following page denotes these changes.

"We are now, more than ever, in the business of fundraising to create sustainable funding for our grantees," says OBF Board of Trustees President Jack Brown. "We took a step back and focused on the needs of our donors. We knew simplifying our programs and adding more options for the donor was a smart move."

The foundation is currently funding 30 law-related charitable programs whose mission impacts legal services for children, seniors, veterans and victims of domestic violence and sexual assault. Services also include law education programs for students in grade school through law school.

"The need always outweighs the money we have to give," says OBF President-Elect and Grants & Awards Committee Chair Judge Millie Otey. "It is heart-breaking to review those applications knowing the impact these organizations make in communities across the state, but we can only give them a part of what they need. All of our grantees could serve more people if only they had appropriate funding. Our goal is to increase the funding stream in efforts to bridge the funding gap."

The Fellows program, created in 1978, has been a solid giving program for individuals who support the bar foundation's mission. These donors pledged \$1,000 over the span of 10 years. Some paid in full all at once and some paid \$100 per year over 10 years. After the initial \$1,000 had been paid, donors had the choice to move up to the Benefactor level at \$300 per year. Updates to this program are to waive the \$1,000 commitment and ask donors to commit to an annual gift amount. As long as a donor continues to give year after

year, they remain in the program. Recognition for Fellows will be on an annual basis and will include donors who have given that year. All current OBF Fellows will be sent a letter at the end of the year and can opt-in to the new program during 2016. New Fellows who sign up between now and the end of the year will be added into the updated giving programs immediately.

The Community Fellows Program, created in 2013, is a giving program for law firms, businesses, organizations, OBA sections and other groups that wish to partner in the work of the foundation. Changes to this program include adding higher giving levels and removing one lower giving level. Recognition for this program now begins at \$1,000.

For more information about the foundation's mission and grantees please visit www.okbarfoundation.org.

Candice Jones is director of development and communications for the Oklahoma Bar Foundation.



The OBF thanks the Alternative Dispute Resolution Section, its newest Community Fellow.



P.O. Box 53036
OKC, OK 73152
Phone: 405.416.7070
Fax: 405.416.7089
www.okbarfoundation.org

Oklahoma Bar Foundation Contribution Form

Name: Mr. /Mrs. /Ms. _____ Company: _____

Billing Address: _____ City: _____ State: _____ Zip: _____

Preferred Email: ☐ Personal ☐ Work Email Address: _____

Tax Receipt will be emailed to address listed above

Birthday: _____ Cell Phone: _____ Home Phone: _____ Work Phone: _____
Month/Day/Year

What inspires you to give? _____

DIRECT GIVING

\$50 _____ \$75 _____ \$100 _____ \$250 _____ \$500 _____ Other \$ _____

FELLOWS PROGRAMS

Join a giving program!

Fellows Program:

____ \$100/year *Sustaining Fellow*
____ \$200/year *Contributing Fellow*
____ \$300/year *Benefactor Fellow*
____ \$500/year *Leadership Fellow*
____ \$1,000/year *Governing Fellow*

Fellows Program - individuals

Community Fellows Program:

____ \$1,000/year *Community Partner*
____ \$2,500/year *Community Supporter*
____ \$5,000/year *Community Champion*
____ \$7,500/year *Community Pillar*
____ \$10,000/year *Community Cornerstone*

Community Fellow - law firms, companies, organizations

BILLING OPTIONS

____ Cash/Check Enclosed

____ Bill me ☐ Yearly ☐ Monthly ☐ Quarterly

____ Credit Card ____/____/____/____ Exp. Date ____/____ Security Code: ____

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Thank you for your contribution. Your gift is tax deductible.

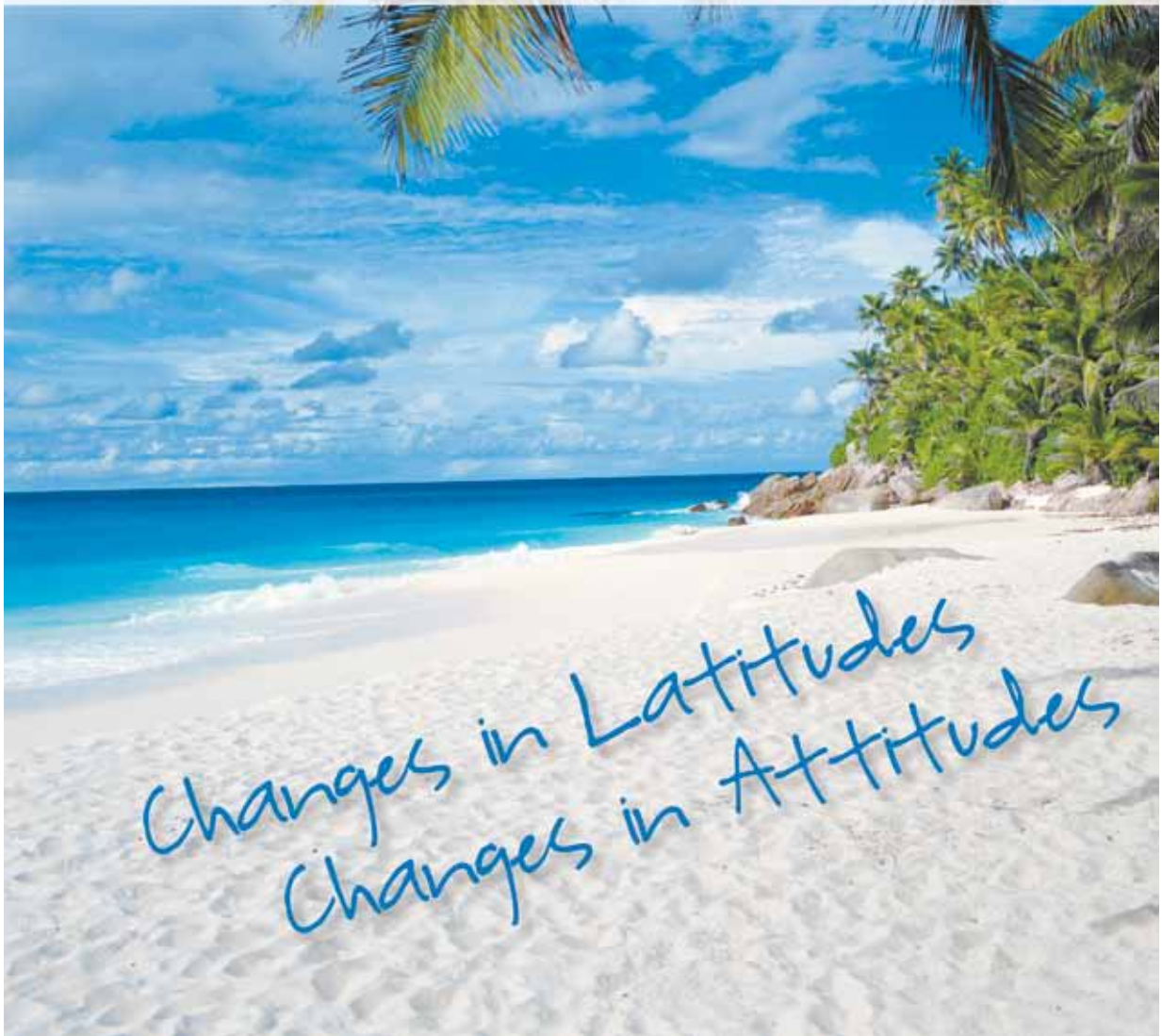


OKLAHOMABARFOUNDATION

Fellows Reception Suite 1503

At the OBA Annual Meeting

THURSDAY, NOVEMBER 5
6 TO 7:30 P.M.
GOURMET ISLAND FOOD



*Changes in Latitudes
Changes in Attitudes*

YLD Leadership to be Elected: Vote by Thursday, Oct. 29

By LeAnne McGill

The leaves are changing colors, the temperatures are dropping, the days are getting shorter and with that comes looking ahead and planning for the upcoming year. As members of the YLD, you play an important role in this planning; you get to help decide who will serve our organization by voting in this year's Board of Directors' election.

This year, we have seven young lawyers running for positions with only one contested election for the position of secretary. I would like to thank each of them for showing an interest in serving the YLD and am excited to see the impact they will have. I encourage you to take some time to learn more about the candidates and read their bios on the OBA website at www.okbar.org/members/YLD/2015YLDelections.aspx prior to voting.

Elections will be conducted electronically. The OBA sent an email on Tuesday, Oct. 6, 2015, to the email address you have on file containing a link to the ballot. If you did not receive an email, please let me know. Ballots must be cast no later than 5 p.m. on Thursday, Oct. 29, 2015, to be considered.

Election results will be announced at the YLD Annual Meeting, held in conjunction with the OBA Annual Meeting Nov. 4-6 in Oklahoma City and then posted on the YLD website.

If you have any questions, please contact me at leanne@mcgillrodgers.com.

ABOUT THE AUTHOR



LeAnne McGill practices in Edmond and serves as the YLD chairperson. She may be contacted at leanne@mcgillrodgers.com.

2016 Leadership

2016 Chair Bryon Will

Bryon Will is a solo practitioner at The Law Office of Bryon J. Will PLLC in Oklahoma City and Perry. He is a third-generation Oklahoman, born and raised in Morrison. He graduated from Oklahoma State University with a bachelor's degree in animal science and began his career as a sales representative for an animal health supply company and a broadband



Internet vendor. He later worked for the Bank of Oklahoma. He earned his M.B.A. at the University of Central Oklahoma and his J.D. at the OCU School of Law. During law school, Mr. Will earned his Oklahoma Legal Intern's License and worked for the Oklahoma County District Attorney's Office, then later took an internship with Haupt, Brooks, Vandruff, Cloar. He currently practices in real estate, estate planning, probate, business transactions and bankruptcy. He is admitted to practice before the Supreme Court of Oklahoma and the U.S. District Court for the Western District of Oklahoma. He is a member of the Oklahoma Bar Association, Oklahoma County Bar Association, Noble County Bar Association (president), American Bar Association and a Fellow member of the Okla-

homa Bar Foundation. Mr. Will was formerly an associate member of Ruth Bader Ginsburg American Inn of Court and the William J. Holloway American Inn of Court. Currently he is serving on the Oklahoma Bar Association Young Lawyers Division Board of Directors as chair-elect. He was a graduate of the Oklahoma Bar Association Leadership Academy class of 2011-2012.



Immediate Past Chair
LeAnne McGill

LeAnne McGill is a partner with the Edmond law firm of McGill & Rodgers, where her practice focuses on all areas of family law. She has been active in the OBA YLD since 2006 and currently serves as chair of the division. During her time in the YLD, she has served as the New Attorney Orientation Committee chair, Publications and Website Committee chair, Membership Committee chair, chair of the Kick it Forward Program and has participated in the Wills for Heroes, Serving our Seniors and the annual Day of Service Community Service Projects. She was the recipient of the YLD Outstanding Director in 2011, the YLD Outstanding Committee Chair in 2013 and the YLD Officer of the Year in 2012, 2013 and 2014.

Ms. McGill has also served on the Oklahoma County YLD Board of Directors since 2006. As a director for the OCBA YLD, she has held numerous positions, including serving as the chair for the Harvest Food Drive Committee and the Chili Cook-off Committee. These two committees work together to donate more than \$20,000 to the Regional Food Bank each fall.

Aside from her participation in the YLD, she has served on several OBA committees, including the Mentoring Task Force, the Law Day Committee, the Solo Small Firm Committee, the Budget Committee and the Women in Law Committee. She is a graduate of the inaugural 2008-2009 OBA Leadership Academy, the 2007 OBA Leadership Conference, is an Oklahoma Bar Foundation Fellow and served as the first chair of the OBA Law Student Division.

Ms. McGill has been active in the American Bar Association, having held several positions within the organization, including two terms as the national secretary treasurer of the ABA Law Student Division and one term as the National Pro Bono Committee co-chair for the Law Student Division. She has served on the ABA YLD Programming Team and as the ABA YLD Access to Justice Committee chair.

She received a Bachelor of Arts in English and political science from Oklahoma State University in 2003 and her J.D. from the OCU School of Law in 2006. In addition to bar activities, she has served on the OCU Law Alumni Association Board of Directors and is an active member of the Ginsburg Inn of Court and the Edmond Family Counseling Board of Directors. She has been honored as a Top 20 under 40 by the *Edmond Sun*

and a Top 40 under 40 by *OKCBiz* magazine. She is also a graduate of Class XXVI of Leadership Edmond.



Chair-Elect
Lane Neal

Lane Neal is an associate with Durbin, Larimore & Bialick in Oklahoma City. His practice is focused in civil litigation and insurance defense. He is a member of the Oklahoma County Bar Association and American Bar Association. He is also an Oklahoma Bar Foundation Fellow. Mr. Neal is admitted to practice in all state and federal courts within Oklahoma. He is a Barrister in the Luther L. Bohanon American Inn of Court and a 2010 graduate of the OBA Leadership Academy.

Mr. Neal has served as a District 3 representative to the OBA YLD Board of Directors since 2010. He currently serves as treasurer of the OBA YLD Board of Directors.

He received his J.D. from the OU College of Law in 2008. While in law school, Mr. Neal was active in OU's advocacy competition teams. He also served as a note editor for the *American Indian Law Review*. His note regarding regulation of environmental standards by Oklahoma tribes was selected for publication in 2007. Mr.

Neal serves as a trustee at Crown Heights United Methodist Church.

CONTESTED ELECTIONS

The following persons have been nominated and are running contested for the following positions. Results will be announced at the YLD Annual Meeting.



Secretary
Jordan Haygood

Jordan Haygood currently serves the Oklahoma Bar Association's Young Lawyers Division board as one of the At Large representatives and as co-chair of the Membership Committee. He was also an active member of the Kick It Forward Task Force and currently serves as the OBA-YLD liaison to the OBA Lawyers Helping Lawyers Committee and serves on the OBA Law Day Committee.

Mr. Haygood was recently appointed to serve on a national scale as the American Bar Association Young Lawyers Division District 27 representative for Oklahoma and Arkansas for the years 2015-2017. As part of his duties for the American Bar Association, he is a voting member for the ABA-YLD

board of representatives, serves as both Oklahoma and Arkansas' liaison to the ABA-YLD National Disaster Legal Services Committee and facilitates and manages communication between the ABA-YLD and the OBA-YLD affiliate programs and communication between ABA-YLD and Arkansas Bar Association YLD affiliate programs.

He is an associate attorney at The Law Office of Lawrence Goodwin where he focuses primarily on family law. He has been admitted to practice in the United States District Court for the Western District of Oklahoma and certified to practice in the United States Bankruptcy Court for the Western District of Oklahoma. He is a member of the Oklahoma County Bar Association and a member of the Central Oklahoma Alumni Phi Alpha Delta Legal Fraternity International where he has served as the chapter clerk for two years. Mr. Haygood is also a member of the Oklahoma Ruth Bader Ginsburg American Inn of Court.

Mr. Haygood graduated from the OCU School of Law in 2013 where he received the 2013 Deans Service Award from Dean Valerie K. Couch for his outstanding service to OCU School of Law. He is also a 2005 graduate of Texas Christian University where he received his B.S. in New-Editorial Journalism from the Bob Schieffer College of Communication. Because of his service and dedication to the Oklahoma Bar Association, American Bar Association and the legal community, Mr. Haygood believes he is the best candidate for the OBA-YLD At Large representative and OBA-YLD secretary.



Blake Lynch

Blake Lynch has been a member of the Oklahoma Bar Association's Young Lawyers Division board for four years, representing District 2. During that time he has participated in numerous programs with the YLD including the Day of Service, Kick It Forward and was recognized in 2014 as the Outstanding Director. He was a 2009 graduate of the OU College of Law and also graduated from OU as an undergraduate and Dickson High School and OSSM. He is a member of the Eastern District, Cherokee, Choctaw, Chickasaw, Muscogee Creek and Oklahoma Bar Associations.

Mr. Lynch is a founding partner of Wagner and Lynch PLLC of Wilburton and McAlester, a general practice firm that has received wide recognition after recent victories involving the constitutionality of certain obscenity statutes, appeals regarding tribal laws in the Choctaw Nation and seizure and forfeiture overreaches by the state. As a member of the Pittsburg County Bar Association, he and his firm have raised thousands of dollars for autism and apraxia research and care, the PAWS associations of Pittsburg and Latimer County and the Regional Food Bank. Mr. Lynch also spearheaded the YLD involvement in

the Shared Blessings program of McAlester in making affordable temporary housing for indigent persons. He also successfully lobbied to have the YLD support the High O'Brian Youth Leadership (HOBY) program by co-sponsoring its day of service, where, with the assistance of young lawyers, more than 18,000 meals were packaged, over 20 project Linus blankets were made and in excess of 200 thank you letters were written to active members of the U.S. military.

In addition to his motivation for community service, Mr. Lynch has also made active efforts to develop professionally. He has taken on difficult and often pro bono cases and worked to gain professional knowledge and leadership skills by attending the 2013-14 OBA Leadership Academy and the Gerry Spence Trial College. Mr. Lynch is one of the senior members of the YLD board and hopes to be able to serve his district as secretary for the board.



Brandi Nowakowski

Brandi N. Nowakowski is an associate with the law firm of Stuart & Clover in Shawnee. She focuses her practice on probate, adult guardianship, estate planning and real property matters. Ms. Nowakowski, her

husband Chris and their two sons Ethan and Zachary reside in Shawnee.

Ms. Nowakowski received her B.B.A. in management from OU, where she graduated *magna cum laude* in May 2006. She received her J.D. from the OU College of Law in May 2010 and was admitted to the practice of law before all Oklahoma state courts in September 2010. She was later admitted to practice before the United States District Court in the Western District of Oklahoma. Ms. Nowakowski additionally serves on the Supreme Court of the Absentee Shawnee Tribe.

Ms. Nowakowski has actively served on the Young Lawyers Division Board of Directors since January 2012 and has been selected as a YLD Star of the Quarter, along with receiving the 2013 Director of the Year Award and a 2014 Chair's Award. In addition to serving as a director, she served as YLD Community Service chairperson for both 2013 and 2014 and currently serves as co-chair of the Community Service Committee. As such, she was responsible for coordinating the 2013 OBA Day of Service activities throughout Oklahoma, as well as the YLD Day of Service activities for 2014 and 2015. She enjoys working with the many attorneys who make these events successful and make the bar association great.

Ms. Nowakowski has also been an active member of the OBA Law Day Committee and has been selected to serve on the Credentials Committee for the annual OBA House of Delegates meeting each year since 2012. Additionally, she served on this year's Clients' Security Fund Task Force. She would be honored by the opportunity to continue serving the young

lawyers of Oklahoma and the entire bar through the YLD Board of Directors.

UNCONTESTED ELECTIONS

The following persons have been nominated. They are running uncontested and will be declared elected at the OBA YLD Annual Meeting.



Treasurer **Nathan D. Richter**

Nathan D. Richter was born in Oklahoma City and graduated from Mustang High School in 1996. He served in the Oklahoma Army National Guard from 2000-2010 and was honorably discharged as a captain. He received his J.D. from the OCU School of Law in 2007 and was admitted to practice law in Oklahoma in April 2008. He is also admitted to practice in the U.S. District Court for the Western and Eastern Districts of Oklahoma, U.S. Bankruptcy Court for the Western and Eastern Districts of Oklahoma and all Oklahoma State Courts. He primarily practices litigation, personal injury, product safety, juvenile, criminal and business litigation.

He worked for Neimeyer, Alexander, Austin & Phillips

from 2005-2006 as a law clerk and legal intern, as a legal intern with the Oklahoma Court of Civil Appeals in 2007 and currently as an associate attorney for the Denton Law Firm. He is a member of the Canadian County Bar Association, Oklahoma Association for Justice, American Association for Justice, OBA Young Lawyers Division executive board, Robert J. Turner Inn of Court, and is an Oklahoma Bar Foundation Fellow.

District 2

Blake Lynch

See bio above.

District 3

Jordan Haygood

See bio above.



District 4

Dustin Conner

Dustin Conner is an associate attorney for Gungoll, Jackson, Box and Devoll PC, located in that firm's Enid office. He started with the firm in August 2011. A native of Garber, Mr. Conner graduated from Oklahoma State University with a Bachelor of Science in agribusiness in 2006. He attended the OCU School of Law where he received his J.D. with honors in 2011. While at OCU he was a member of the Phi Delta Phi honor fraternity. His practice areas include oil and gas title and litigation, agri-

culture law, civil litigation and estate planning.

Mr. Conner has been deeply involved in Oklahoma 4-H program since childhood. In 2002-2003, he served as state president of the organization and is currently serving as a Garfield County 4-H Foundation board member and is the leader and coach for the Garfield County 4-H Shooting Sports program. He is on the Board of Directors for the Enid A.M. Ambucs, was a member of Leadership Greater Enid, Class XXIII, serves on the school board for the St. Paul's Lutheran School and is a board member for Loaves & Fishes of Northwest Oklahoma. Mr. Conner and his wife, Brittany, have two beautiful daughters, Averly and Emerie. In his spare time, he enjoys spending time with his family, hunting, trapshooting and attending sporting events.



District 6

Clayton Baker

Clayton Baker received a Bachelor of Science in criminal justice in 2011 from Midwestern State University in Wichita Falls, Texas. He graduated from the TU College of Law in 2015 with honors. During his time in law school, Mr. Baker served as president of the Student Bar Association, vice president of Board of Advocates, and magister for Phi Delta Phi Legal Hon-

ors Society. He was chosen to compete on the AAJ National Mock Trial Team, as well as the National Health Law Moot Court Team. He was elected to membership in the Order of Barristers, received the CALI Award for Excellence in Constitutional Law II and completed the Health Law Certificate Program.

Mr. Baker was licensed by the State Bar of Oklahoma in 2015. He is a member of the Tulsa County, Craig County, Oklahoma and American Bar Associations. He is also a member of the Counsel Oak/Johnson-Sontag American Inn of Court and serves on the TU College of Law Alumni Board.

Mr. Baker first joined the firm of Logan Lowry LLP as a summer associate in July 2014 while in law school. He then joined the firm in the Grove office following graduation in 2015.

District 8

Brandi Nowakowski

See bio above.



At Large

Piper Bowers

J. Piper Bowers is an attorney with the Riffel Law Firm PLLC in Enid. Ms. Bowers primarily practices in the firm's Enid office, but meets with clients in the firm's Fairview and Woodward offices and regularly

practices in all counties in northwest Oklahoma as well.

Prior to attending law school, Ms. Bowers graduated from Kansas State University with a Bachelor of Science degree in economics in 2009 and worked in a bank in western Kansas. She then attended the OCU School of Law where she earned her J.D. in 2013. While attending OCU School of Law, Ms. Bowers was a Merit Scholar (2010-2013), the recipient of a CALI Award (Highest Grade) for Elder Law in the fall of 2012, and the recipient of a CALI Award (Highest Grade) for Seminar: English Legal History in the fall of 2012. Additionally, Ms. Bowers was the American Bar Association lieutenant governor of the 10th Circuit, an American Bar Association student representative to the national division, and the president of the OCU School of Law chapter of the American

Bar Association/Law Student Division. Ms. Bowers was admitted to practice in Oklahoma in 2013.

Currently, Ms. Bowers is actively involved in the Garfield County Bar Association and served as the OBA Law Day co-chair for Garfield County. Ms. Bowers also serves on the Board of Directors for 4RKids Foundation Inc., and is an active member of the board development committee and Teacher Grant Program task force. The 4RKids Foundation Inc. was founded by a small group of parents and educators of special needs children and adults who recognized the need for more services and opportunities for developmentally disabled individuals in Garfield and surrounding counties of northwest Oklahoma. The mission of 4RKids is to promote community awareness of special needs individuals, and to

provide vocational, educational and social/recreational opportunities for special needs children and adults.

Ms. Bowers is admitted to practice before all Oklahoma state courts, the United States District Court for the Western District of Oklahoma, and the United States District Court for the Northern District of Oklahoma. Ms. Bowers is a member of the Garfield County Bar Association, the OBA, the ABA and Phi Alpha Delta Law Fraternity. Ms. Bowers' practice areas include, but are not limited to: federal civil litigation, Medicaid and nursing home rights, probate, guardianship, general elder law, estate planning, tax controversies, tax collection and bankruptcy.

At Large Rural
Nathan D. Richter
See bio above.

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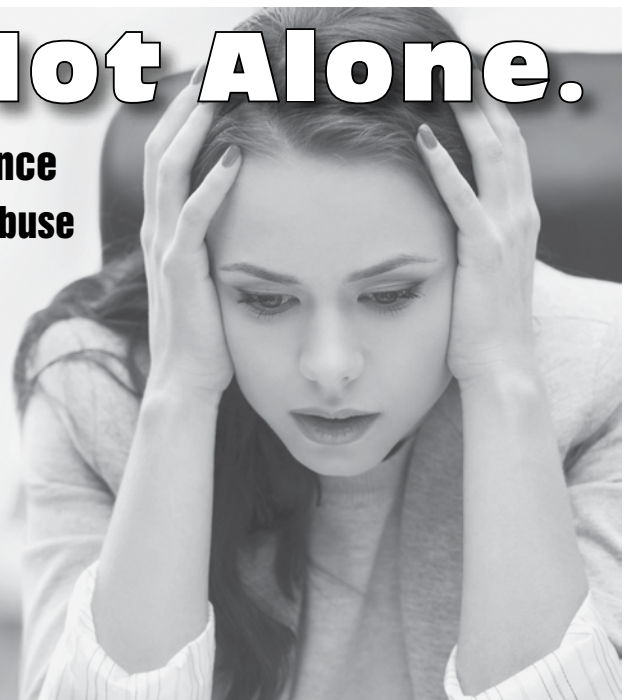
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as a member benefit.**



LAWYERS HELPING LAWYERS ASSISTANCE PROGRAM

Muskogee's Federal Courthouse Celebrates 100th Anniversary

The public is invited to attend a celebration and open house commemorating the centennial of the federal courthouse hosted by the U.S. District Court for the Eastern District of Oklahoma. The event will be held on Thursday, Nov. 19, at 1 p.m. on the second floor of the classical revival building located at Fifth and Okmulgee streets in Muskogee.

The federal building was completed in November 1915 and has recently undergone an extensive restoration. "We invite the public to attend this open house and observe how their courthouse has been returned to its original splendor," said Chief Judge James H. Payne.



In addition to a ceremony in the second floor courtroom, historic photos and other artifacts will be on display for the public's viewing. Refreshments will also be served. Seating is limited in the courtroom and sections will be reserved for speakers and special guests. Former judges who have served the Eastern District as well as judges from the 10th Circuit will offer remarks, along with former Oklahoma Attorney General Drew Edmondson — the son of Ed Edmondson, for whom the courthouse was named in 2004. Keynote speaker will be local historian Jonita Mullins, who will give a brief history of the court and the 100-year-old building.

Visitors will pass through security screening to enter the building and no cameras are allowed. For more information and to RSVP contact Chief Deputy Clerk Tami Collins, 918-684-7911; Tami_Collins@oked.uscourts.gov.

Young Lawyers Survey Contest Winners Announced

Congratulations to Gene Thompson of Sapulpa and Charis Ward of Oklahoma City, who were each randomly selected to receive a \$50 Sonic gift card courtesy of the OBA Young Lawyers Division. Mr. Thompson and Ms. Ward were among more than 450 lawyers who recently took part in a survey related to the future of legal services among new and young OBA members. The feedback provided an invaluable resource to help the OBA as it strives to tailor its services to better serve our members. Thanks to all who participated!

LHL Discussion Group Hosts Upcoming Meeting

"Developing an 'Attitude of Gratitude;' Being Positive" will be the topic of the Nov. 5 meeting of the Lawyers Helping Lawyers monthly discussion group. Each meeting, always the first Thursday of each month, is facilitated by committee members and a licensed mental health professional. The group meets from 6 to 7:30 p.m. at the office of Tom Cummings, 701 N.W. 13th St. Oklahoma City. 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.

• *Interested in forming a discussion group in Tulsa? Contact Hugh Hood: 918-747-4357.*

**LAWYERS HELPING LAWYERS
ASSISTANCE PROGRAM**

Call 24/7 — 800-364-7886

Mock Trial Workshop Held at Bar Center

Members of the OBA Mock Trial Executive Committee recently welcomed dozens of students, teachers and attorney coaches to a mock trial workshop held at the Oklahoma Bar Center on Oct. 5. Attendees got an overview of the program and heard from expert speakers who provided tips for improving skills in competition.

In mock trials, high school students in grades 9 through 12 model the roles of attorneys, plaintiffs and defendants. They actively prepare and present their cases under the direct supervision of teacher coaches and attorney advisors. Although these are mock trials, they are heard by real judges in a courtroom setting. Student performance is evaluated by a panel of lawyers.

By interpreting, analyzing and portraying the major issues of a case, students obtain a unique insider's perspective of the American legal process. Participants develop self-esteem, poise and confidence through both individual and team efforts. The program helps students develop public speaking skills, encourages deductive and inductive reasoning, sharpens reading comprehension, stimulates interest in governmental studies and increases appreciation for our judicial system as a means of enforcing society's laws.

Want to get involved in this great program for the upcoming competition season? Contact OBA Mock Trial Coordinator Judy Spencer, 405-755-1066, mocktrial@okbar.org.



OBA Mock Trial Executive Committee members and guests worked directly with high school students during the half-day workshop. Clockwise from top left: Todd Murray, Oklahoma City; Melissa Peros, Stroud; Tai Chan Du, Oklahoma City; Retired Judge Edward Cunningham, Yukon; Program Coordinator Judy Spencer, Oklahoma City; Jennifer Bruner, Oklahoma City.

OBA Member Reinstatement

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

Christopher M. Hunt
OBA No. 13193
9907 N. 120th East Avenue
Owasso, OK 74055-2650

Aspiring Writers Take Note

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



Connect With the OBA Through Social Media

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



Darren Ellingson has been appointed as acting director of insurance by Arizona Gov. Douglas A. Ducey. Before joining the Arizona insurance department, he oversaw multiple health care facilities in Oklahoma and Arkansas and served as deputy insurance commissioner for the Oklahoma Insurance Department. He received his J.D. from the OCU School of Law.

The Tulsa County Bar Association presented the Golden Rule award to **Stan Monroe** and **Teresa Meinders Burkett**. **Judge William Kelough** is the second quarter recipient and **Judge Carlos J. Chappelle** is the third quarter recipient. The Golden Rule award distinguishes individuals for their outstanding services to the legal profession.

The Hudson Hall Wheaton Inn has announced the 2015-2016 session under the leadership of President **Judge Deborah Ludi Leitch**. Other leadership positions include **Judge Kurt Glassco** as past-president and **Bryan Harrington** and **Kristin Fulton Harrington** as administrators. **J. Schaad Titus** will serve as treasurer, **Phil Richards** as program chair and **Craig A. Fitzgerald** will act as both membership chair and CLE chair. Other appointments are **Judge Charles Hogshead** as

web master, **Ciera Freeman** as publicity chair and **Leslie McGuire** is responsible for name tags. Similar to past years, the inn and its masters will continue to focus on mentoring and educating its members.

Roots and Branches of Denton, Texas has published *A Catalogue of Common People*, a collection of personal essays and commentaries by **Mark Darrah**. Mr. Darrah's commentaries can also be heard on Public Radio Tulsa 89.5 FM. He maintains a solo practice in Tulsa and is a 1982 graduate of the OU College of Law.



State Superintendent of Public Instruction Joy Hofmeister announced that **David L. Kinney** was named general counsel for the Oklahoma State Department of Education. He served 13 years as an assistant attorney general in the state's general counsel section. Mr. Kinney has also represented the Office of State Finance, the Oklahoma Lottery Commission and the Oklahoma Teachers Retirement System. He received his J.D. from the OU College of Law in 1984.

Brad Clark of Midwest City has been named general counsel to the State Board of Education. He served as the Oklahoma Public School Resource Center general counsel and director of legal services and policy and previously represented the OSDE for nearly five years. He earned his J.D. from the OCU School of Law.

Hartsfield & Egbert PLLC announced that **Matthew C. Russell** has joined the firm as an associate attorney. His practice will focus on personal injury law and family law. Mr. Russell graduated from the OU College of Law in 2010.

Holladay & Chilton PLLC announces the addition of **Nicole Nash** as an associate attorney. Her practice will focus on advising and representing individuals and organizations in matters involving media and mass communications law. Ms. Nash is a former law clerk for Judge Robin J. Cauthron and she graduated from the New York Law School in 2012.

Pignato, Cooper, Kolker & Roberson PC has named **Clayton B. Bruner** as of counsel with the firm and **Justin R. Williams** as an association. Mr. Bruner was admitted to the Oklahoma Bar in 2008 and is a graduate of the OU College of Law. Mr. Williams will practice in the area of general insurance defense and graduated from the OU College of Law in 2015.

Oklahoma City attorneys **Chris Smith** and **Roe Simmons** have merged their existing law firms to create Smith Simmons PLLC. The main office will be based out of Oklahoma City, with additional offices in Dallas and Austin, Texas. The firm will provide legal services in the areas of business law, family law, estate planning and general civil litigation. The firm may be contacted at 405-843-1000 or you can visit www.smithsimmons.com.

Mordy and Mordy PC announces that **Carrie Pfrehm** and **Brad Wilson** have been named partners. Ms. Pfrehm earned her J.D. from the OU College of Law in 2008 and has been with the firm since. She focuses her practice on probate and estate planning, bankruptcy, collections and foreclosures, real property and contract law and general litigation. Mr. Wilson received his J.D. from the OCU School of Law in 2010. He focuses his practice on bankruptcy, collections and foreclosures, real property and contract law, oil and gas law and real property title examination. With the addition of the new partners, the firm has been renamed as Mordy, Mordy, Pfrehm and Wilson PC.

Doerner Saunders Daniel & Anderson LLP has announced that **Richard P. Hix** has rejoined the firm in its Tulsa office. He will lead the firm's litigation practice group's class action defense practice area. He received his J.D. from the Duke University School of Law in 1977.

Blaney Tweedy & Tipton PLLC announced that **Eric Odom** has recently been hired as an associate attorney.

His practice will include commercial transactions and commercial litigation. He is a 2015 graduate of the OU College of Law.

Phillips Murrah announced the hiring of **Erica K. Halley** and **Ashley M. Schovanec** as associate attorneys. Ms. Halley will join the transactional practice group and will focus on a broad range of transactional matters. Ms. Schovanec will join the firm's litigation practice group and will represent individuals and both privately-held and public companies in civil litigation matters. Both are recent graduates from the OU College of Law.

Christensen Law Group has announced that **Jacob Jean** and **Adam Christensen** joined the firm. Mr. Jean earned his J.D. from the West Virginia University College of Law in 2012. Mr. Christensen will work with individuals, businesses, institutions, foundations and insurance companies. He graduated from the OCU School of Law in 2011.

Hall Estill has announced the opening of a new office located in Nashville, Tennessee. The new office will be headed by **Susanna Gattoni**. The Nashville office will focus on civil and criminal litigation with an emphasis on labor/employment and white collar fraud. Ms. Gattoni will continue to serve her clients in Oklahoma City. She earned her J.D. from the OU College of Law in 1997.

Aнна L. Scott has announced the opening of her family law practice as a guardian *ad litem*, custody mediator and parenting coordinator. Her focus will be on conflict resolution and collabora-

tive law. She earned her J.D. from the Washington & Lee University Law School in 1981. Contact information for Anne Scott Law PLLC, is 405-412-3258, annescottlaw@gmail.com, and P.O. Box 248, Edmond 73083. Her office is located at 3325 French Park Drive, Suite 2, in Edmond.

The TU College of Law named **Christy Caves** associate dean and director of professional development and **Lauren Donald** assistant dean for experiential learning and director of externships. As director of professional development, Ms. Caves will assist students and alumni with career services. She earned her J.D. from the TU College of Law in 2005. Ms. Donald will help students gain academic credit through real world experience. She earned her J.D. from the TU College of Law in 2007.



Mike McBride and **Susan Huntsman** spoke at the National Federal Bar Association meeting. The topic was "New Developments in Federal Indian Law: Tribal Court Jurisdiction Over NonIndians and Violence Against Women's Act Implementation." The speech covered domestic violence on tribal lands, jurisdiction issues and recent developments.

Paul R. Foster was a featured speaker at the recent Community Bankers Association of Oklahoma Annual

Convention held in Oklahoma City. He coordinated and moderated the presentation of the bank regulatory panel consisting of regulators from state and federal agencies. The presentation covered areas of current regulatory emphasis for banks as well as specifically addressing measures each agency is taking to reduce the regulatory burden on banks.

Carrie L. Foster presented at the Oklahoma Paralegal Association and Rose State College Paralegal Studies Program at their Summer Seminar and Meeting. Ms. Foster's speech, "Paralegals and the Oklahoma Financial Privacy Act (Civil Subpoenas)" discussed the Title 6 requirements for obtaining records from financial institutions in the state of Oklahoma.

Lesley Smith March spoke at the National Organization for Victim Assistance

Conference in Dallas. She presented "Two Paths to Justice: Successful Collaboration Between Prosecutors and Advocates."

William H. Campbell presented the keynote address to the 2015 Annual Conference of the Oklahoma Rifle Association meeting in Midwest City. He spoke on the issue of Constitutional Carry and its roots in the 2nd Amendment as well as the current laws of the State of Oklahoma. He addressed whether or not the U.S. Supreme Court decision in *District of Columbia v. Heller* provided a firm basis for the concept or whether the founders considered the right to be one which was inherent and memorialized in the amendment.

How to place an announcement: The *Oklahoma Bar Journal* welcomes short articles or news items about OBA members and upcoming meetings.

If you are an OBA member and you've moved, become a partner, hired an associate, taken on a partner, received a promotion or an award, or given a talk or speech with statewide or national stature, we'd like to hear from you. Sections, committees, and county bar associations are encouraged to submit short stories about upcoming or recent activities. Honors bestowed by other publications (e.g., *Super Lawyers*, *Best Lawyers*, etc.) will not be accepted as announcements. (Oklahoma-based publications are the exception.) Information selected for publication is printed at no cost, subject to editing, and printed as space permits.

Submit news items via email to:

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Communications Dept.
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405-416-7084
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Articles for the Dec. 19 issue must be received by Nov. 16.

IN MEMORIAM

John N. Goodman of Oklahoma City died Aug. 31, 2015. He was born Jan. 15, 1945, in Durant. He earned his B.A., J.D. and MBA from OU. During his early career, he practiced with Conner, Little and Conner. In 1981, he opened his own law office, where his practice focused on trusts, wills, estates, business and related litigation. **Mr. Goodman was commissioned as a second lieutenant in the JAG Corps and was honorably discharged from the U.S. Army Reserve in 1978.** He was an avid golfer and had three holes-in-one.

Barry Worth Johnson of Edmond died Sept. 3, 2015. He was born in New Kensington, Pennsylvania, on July 2, 1936. He graduated from Har-Brack High School in Natrona Heights, Pennsylvania, in 1954 and received his J.D. from the OCU School of Law in 1967. **He served in the United States Army, stationed at Fort Sill in Lawton and fulfilled his military service in 1962.** He received his J.D. from the OCU School of Law in 1967 and started his law career as an attorney for Urban Renewal Authority. Mr. Johnson would be recognized for his community involve-

ment, co-founding the first black owned CBS affiliate TV station in the state of Texas and the National Association of Black Manufacturers. He was a natural and generous mentor and enjoyed reaching out to help others.

Jeffery Joseph Sheridan of Coweta died Sept. 10, 2015. He was born Oct. 8, 1959, in Tulsa and received his J.D. from the TU College of Law in 1987. He served as an assistant district attorney in Muskogee, Sequoyah and Pawnee Counties. He was an avid outdoorsmen, motorcyclist and historian and enjoyed spending time with his family.

Joe R. Kennedy of Muskogee died Aug. 17, 2015. He earned his J.D. from the OU College of Law in 1963 and his primary focus was civil litigation, commercial law, banking law and personal injury law. His friends and family will remember him as being faithful, intelligent and friendly.

Newell E. West of Tulsa died Sept. 9, 2015. He was born Oct. 27, 1918, and graduated from Central High School in 1936. He was a lifelong resident of Tulsa. **He served in the U.S. Army during WWII on a special branch in southern Germany which located and apprehended former Nazi officers and soldiers who were tried for war crimes.** After the war, Mr. West finished his education and received a J.D. from the TU College of Law. He started and ran his own electrical company, Delta Electric, for more than 30 years and then went on to operate a small legal practice. He played baseball, softball, ice hockey, competed in stock car races and owned, serviced and flew his own airplane.

Sonya Lea Patterson of Oklahoma City died Sept. 5, 2015. She was born Aug. 5, 1985, and graduated from Oak Grove High School in 2003. She received her J.D. from the OCU School of Law in 2012. Her lifelong ambition

was to help abused and neglected children, which drove her to become an attorney at Legal Aid Services in Oklahoma City where she helped victims of domestic violence. She enjoyed the outdoors, especially hunting, fishing and camping. Her love of anything OSU, the Oklahoma City Thunder and animals was also well-known.

Robert Henry Warren Jr. died Aug. 17, 2015. He was born Jan. 27, 1921, in Hugo. **During WWII he enlisted in the Army Air Corps for four years, serving at Tinker Air Force, Randolph Field in San Antonio and the U.S. Air Base in Kuming, China.** After the war, he earned his J.D. from the OU College of Law in 1948. He was a third generation lawyer and practiced law for more than 50 years. He served as director of the Oklahoma County Bar Association, was a Sustaining Lifetime Fellow of the Oklahoma Bar Foundation, served on the Bench and Bar Committee and Real Property Committee, as well as the Professional Responsibility Tribunal. He was a member of the Kiwanis Club of Oklahoma City, life member of the OU Alumni Association and the St. Luke's United Methodist Church and board of trustees.

Robert Jerome Ward died Sept. 4, 2015. He was born

Dec. 24, 1933, in Guthrie. **He served in the U.S. Marine Corps as a court reporter for military court hearings during the Korean War and graduated from the Naval School of Justice.** He received his J.D. from the OCU School of Law in 1974 and practiced law with a focus in criminal defense. He was appointed by Gov. George Nigh as associate district judge in Logan County and also served as assistant district attorney in Blaine County. He was an avid quail hunter, dog trainer and Civil War historian. He loved the opera, John Wayne western movies and travel.

David Walter Phillips of Sand Springs died Aug. 9, 2015. He was born Oct. 23, 1993, in Carthage, Missouri. **He served in the U.S. Navy** and upon his honorable discharge earned his J.D. from the TU College of Law in 1965. He actively supported his community through his involvement in Mission Christian Church, serving on the steering committee during the church's beginning and as an elder. He was a member of the Sand Springs Rotary Club and served as president of the organization from 2008-2009. He was also an active member of the Tulsa County Bar Association and the OBA. He enjoyed watching football and high stakes poker.

ANNUAL MEETING



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www.starwoodmeeting.com/Book/OBA2015

Bar Business

It's important to know what's going on in your organization! Read up on resolutions, House of Delegates info and get to know the candidates for next year's officers and Board of Governors before the Annual Meeting.

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Congrats to this year's OBA Award winners! Check out the list of winners at

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This year's lineup includes inspirational luncheon speaker Eric Liu, several great CLE opportunities, the President's Reception, OBA sections event and more!

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Tilting After Windmills

Diagnostic Tools for Truth in Custody Disputes

By Donelle Ratheal

Occasionally my husband gently teases me that I am an idealist, a “Doña Quixote.” Maybe so. But my goal is to present the truth at trial, not just my client’s perspective. Truth is defined in some dictionaries as “that which is based upon fact or reality.” As a litigator, I am trained to argue the law, based upon specific facts. In family law, the facts relating to interpersonal relationships, parenting abilities and mental health are almost always inextricably intertwined with psychological data.

Reliable psychological diagnostic testing tools are critical to my practice. How can I give a judge the necessary information he/she needs about the relationship between a parent and child through lay witness testimony alone? How can I verify my client’s concerns that his spouse has a mental health disorder that could potentially impact their child’s emotional development? Without reliable psychological data, the judge will hear little else at trial except opposing perspectives from two parties, each believing he/she is the better choice for custody.

At a minimum, I ask for a guardian *ad litem* in disputed custody, visitation and relocation cases. If I have the financial resources, I ask for both a custodial evaluation and a guardian *ad litem*. With both, I know that the judge will have recommendations focused on the child’s best interests, based upon reliable psychological data. When the guardian *ad litem* and custody evaluator make the same recommendations, it also lowers the possibility that it will return to court. In my opinion, that’s a valuable investment for both bar and bench.

I understood the legal significance of *Brown v. Board of Education*, 347 U.S. 483 (1954), when I read it in law school. It abolished segregation in public education and ultimately led to equal access to all aspects of life. I

did not understand the other significance of the *Brown* decision until years later.

Brown was one of the first U.S. Supreme Court judicial opinions to openly rely upon psychological data for the basis of its decision. The *Brown* court understood that its prior legal rational analysis could not survive modern scientific test results. Psychological data demonstrated that its legal, rational concept of “separate but equal” was harmful to African-American



children’s self-worth because it conveyed a pervasive and harmful psychological message of inferiority, one that would “affect their hearts and minds in a way unlikely ever to be undone.”

Some states now require either a guardian *ad litem* or a custodial evaluation in custody disputes. Oklahoma, unfortunately, requires neither. When a client asks why I recommend an evaluation and/or a guardian *ad litem* in the case, I relate one particularly difficult custody dispute.

My clients, the grandparent guardians, were concerned about the biological father who filed for

custody. I had a “bad” feeling about him, but no proof other than the child’s complaints to her therapist that her father hugged her too hard at night when they were sleeping together. The judge denied my motions for a guardian *ad litem* and a custodial evaluation because 1) I had no proof he had done anything inappropriate, and 2) the judge’s experience as a schoolteacher was sufficient to interview the child.

The father called DHS during the case and accused my clients of sexually abusing the child. I called the DHS caseworker to testify at trial. She testified that the father’s claims were frivolous, and she believed the little girl was at risk for sexual abuse from him. The judge interviewed the little girl, six years old, for about 20 minutes, dissolved the guardianship and awarded custody to the father. The appellate court affirmed the decision, finding the denial of the two motions within the judge’s discretion.

Eleven years later, the grandparents called me. Their now 17-year-old granddaughter was in DHS custody, pregnant with her father’s baby. Two female cousins whom he molested when they were young had called DHS. He killed himself shortly after DHS assumed emergency custody. No client has ever complained about the cost of a guardian *ad litem* or an evaluation.

Most judges now appoint a guardian *ad litem* as a matter of course in custody disputes. Most judges will approve a custodial evaluation, if even a limited psychological evaluation, if custody is at issue and my client is willing to pay for it. I am so very grateful, because I sleep better at night. With these options, I have trust that the truth, in some measure, will be disclosed.

Ms. Ratheal practices in Oklahoma City and Clinton.



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