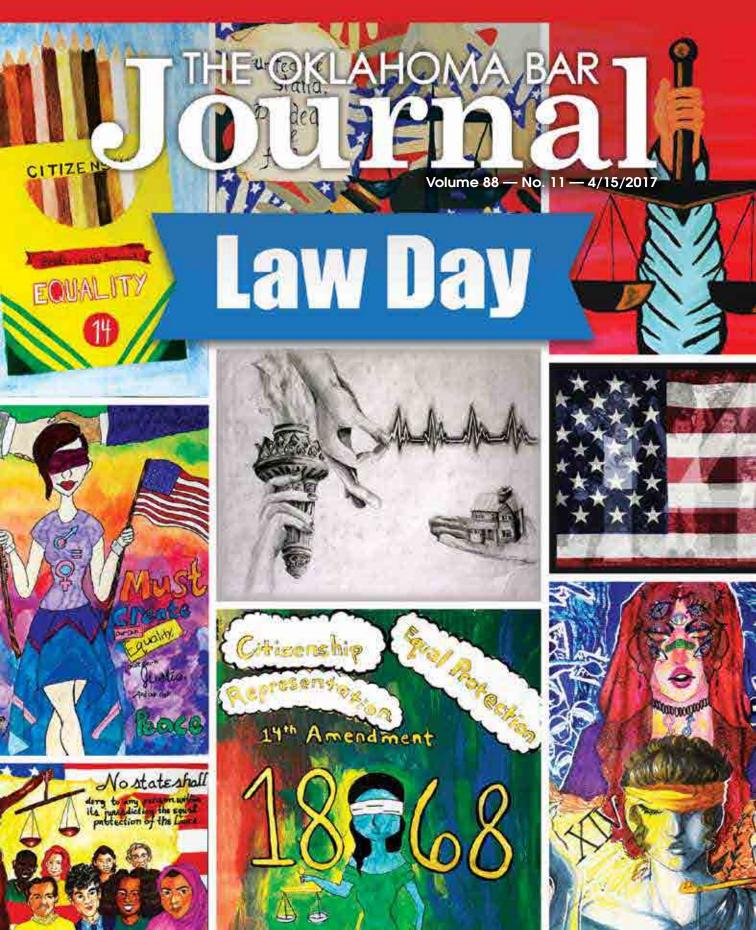
ALSO INSIDE: Enforceability of Electronic Agreements • Licenses for Legal Technicians Judicial Nominating Commission Election • Bar Membership Anniversaries



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# **Spring Brings Many Activities**

### By Linda S. Thomas

I love the changing seasons, especially the newness of springtime. With grass turning green, trees budding and colorful flowers pushing up through dreary flowerbeds, we shake off the cabin fever of winter. Bright days bring about new energy. This spring the OBA is in full bloom with opportunities for us to learn and grow.

The OBA is celebrating Law Day in a big way promoting the theme "The 14th Amendment: Transforming American Democracy." The Law Day Committee, under Co-Chairs Al Hoch and Brittany Jewett, worked diligently with OBA staff developing great programming, including student art and writing contests. The annual phone-in Ask A Lawyer program where lawyers offer free legal advice to Oklahomans and the television show on OETA highlighting the important impact of lawyers in society will take place on April 27. County bars also have activities planned for April and May.

You don't want to miss Solo & Small Firm Conference June 22-24 at the Choctaw Casino Resort in Durant. Conference Co-Chairs Melissa DeLacerda and Stephen Beam, with their committee and OBA staff, will present a "family friendly" event offering both CLE for us and a wide variety of supervised kids' activities that will keep the little ones busy all day. The conference will feature a complete track on arguably Oklahoma's greatest trial starting with the April 19, 1995, blast that struck the Alfred P. Murrah



Londa S. Shomae

President Thomas practices in Bartlesville. linda@thomasfamilylaw.com 918-336-6300

Federal Building through the sentencing of Terry Nichols by then District Judge Steven Taylor (now retired Oklahoma Supreme Court justice). Programming also includes the latest technology tips and a basic "how to" session with demonstrations and forms!

The Oklahoma Legislature began its session in February and culminates with *sine die* in May. Prior to the session, the Legislative Monitoring Committee, chaired by Angela Ailles Bahm, together with leadership and staff, examined proposed legislation that affects the practice of law, independence of the judiciary and access to justice for all. As we do each year, the OBA is monitoring pieces of legislation and is in communication with our leaders at the state Capitol ensuring that we preserve a fair and impartial judiciary and that the public is well served by our profession. Of particular interest is the sales tax on services recently proposed by the governor. I don't believe it will come to fruition, but we must be mindful that our clients already pay high filing fees and court costs associated with legal services that aren't imposed upon other professions.

There's no better time to serve those who have honorably served us by becoming a volunteer lawyer for Oklahoma Lawyers for America's Heroes. Since its inception in 2011, under the leadership of Deb Reheard, it has hit the \$3 million mark in free legal assistance for those who so honorably served our country. If you're looking for a fulfilling way to give back to our profession and your community, join the hundreds of Oklahoma lawyers who have taken up the cause for those deserving service men and women, and help an American soldier while earning free CLE credit at the same time.

The Leadership Academy, helping develop bar leaders since 2007, is designed for all lawyers who see bar leadership as a way to give back to our association. The next academy begins in September, so look for more details in the May bar journal.

To everything there's a season. Use this spring season as a renewal to your commitment to the rule of law, the independence of our judiciary and access to justice for all Oklahomans.

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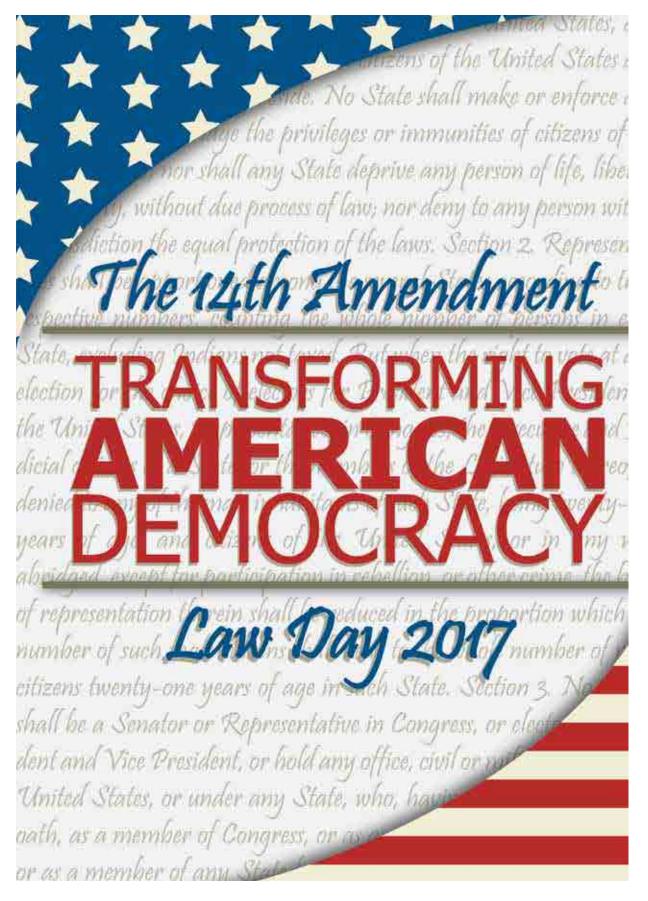
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# Celebrating Law Day Throughout the State

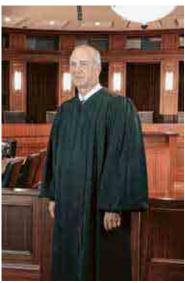
By Albert Hoch and Brittany Jewett

The 14th Amendment was established to protect civil rights of all Americans. As part of the Reconstruction Amendments, it is flanked by the 13th Amendment – abolishing slavery – and the 15th Amendment – prohibiting denial of citizens' right to vote. The 14th Amendment, however, has greatly expanded the protection of civil rights and has been cited in more litigation than any other amendment. Supreme Court Justice William O. Douglas observed of the amendment, "No patent medicine was ever put to wider and more varied use than the 14th Amendment."

The Citizenship and the Privileges or Immunities Clauses of the 14th Amendment begin with a sentence conferring legal citizenship on all persons born in the U.S. and indicates,

whether naturalized or naturalborn, they are citizens of both the U.S. and the state in which they live. The second sentence, noting to privileges and immunities of citizens, prohibits states from infringing rights of citizens. These statements helped ease the issues of a post-Civil War nation not yet past the legacy of slavery.

The Due Process Clause provides a safeguard against arbitrary laws or unjust court proceedings. Study of this clause has led to defining both procedural and substantive due process. Procedural due process generally refers to those procedures that guarantee a fair trial before an individual can be



Chief Justice Douglas Combs gives a short lesson on the 14th Amendment during his segment of Ask A Lawyer.

deprived of life, liberty or property, such as the right to a jury, the right to confront witnesses and the right to a speedy trial. Substantive due process is a principle allowing courts

to protect individuals from government interference of certain rights deemed fundamental, such as the right to privacy and the right to marry.

The Equal Protection Clause prohibits states from discriminating against individuals or groups and advances constitutional equality.

Law Day is an ideal opportunity to celebrate the civil rights guaranteed by the 14th Amendment. This year's theme "The 14th Amendment: Transforming American Democracy" truly reflects its substantive contribution to all Americans' rights. Its role in desegregation, marriage equality and other once-monu-



.

Special Guests:

Oklahoma Supreme Court Chief Justice Douglas Combs and OBA President Linda S. Thomas



Family law attorney Robyn Hopkins interviews adoption attorney Khristan Strubhar.

mental issues now part of everyday life show it truly has transformed American democracy.

Law Day is also a great opportunity to celebrate the work being done by lawyers across the state in protecting those rights. Whether continuing the fight for equal protection or working to ensure due process, lawyers in Oklahoma are committed to upholding the ideals conferred by the 14th Amendment. Activities planned across the state will honor both the law and those who work to protect and implement it.

It is fitting that Oklahoma celebrates Law Day so thoroughly. With a rich history dating back more than six decades, Law Day was conceived by the late Hicks Epton, a Wewoka attorney who served as Oklahoma Bar Association president in 1953. Before he became president, Mr. Epton served as head of the public relations committee, and in 1951, he launched one of the most important public relations programs ever undertaken by the OBA: Know Your Liberties — Know Your Courts Week. This was one of the last weeks of April dedicated to educating the public about the legal system and celebrating the liberties we have as Americans. Since then, Law Day has evolved into a national celebration generally recognized on May 1.

#### ASK A LAWYER TV SHOW

This year's *Ask A Lawyer* program will air Thursday, April 27, at 7 p.m. on OETA, Oklahoma's public television stations across the state. The topics cover the success of drug court in Oklahoma, adoption and debt and bankruptcy issues.

The show gives an inside look at the Cleveland County Drug Court. Judge Michael Tupper provides insight into how the program works and how it benefits not only the participants but also the community. Two participants share their stories about their struggle with addiction and the joys and pains of creating a sober life.

The adoption segment visits the homes of two Oklahoma families to learn about their experiences with adoption. Attorneys Robyn Hopkins and Khristan Strubhar discuss how to navigate the legal aspects of both private and DHS adoptions.

The debt segment will profile Oklahomans who chose bankruptcy, as well as highlight alternatives to bankruptcy and other issues related to the burden of debt. Attorney Katheryn Bell will also give advice to those considering debt relief solutions.



Tracey Hipley shares his story of drug addiction and recovery.

OBA President Linda Thomas gives an overview of freedoms guaranteed by the judicial branch, and Oklahoma Supreme Court Chief Justice Douglas Combs shares his thoughts on the 14th Amendment and recognizes the student contest winners.

#### CONTESTS AND ACTIVITIES

More than 900 students from across the state submitted entries focused on this year's theme, "The 14th Amendment: Transforming American Democracy." First- through 12thgrade students demonstrated their knowledge of the history and concepts of the 14th Amendment through essays and multimedia art. Pre-K and kindergarten students were given a choice of coloring activity pages related to the theme, allowing them to show off their budding creative and writing abilities. A ceremony was held at the Oklahoma Capitol for first-place winners. Those earning second place or an honorable mention were honored in their home county with the help of their county bar association. See the names of all the winners and their winning entries online at www.okbar.org/lawday or in this issue.

#### FREE LEGAL ADVICE

For the 41st year, we are organizing the Ask A Lawyer community service project, providing free answers to Oklahomans' legal questions. This year's project will be Thursday, April 27. Again this year, Oklahomans will have the option to email their question instead of calling. Two email addresses have been created — askalawyer@okbar.org and pregunteaunabogado@okbar.org for Spanishspeaking Oklahomans. Participating in Ask A Lawyer is a great way for all Oklahoma lawyers to celebrate Law Day. This annual event gives us the opportunity to provide a muchneeded community service while promoting a positive public image of lawyers and the OBA.

The Law Day Committee is also committed to assisting the Hispanic community by offering free legal advice in Spanish. To help ensure we have adequate bilingual coverage, Spanish-speaking callers will be asked to call the statewide toll-free number from 3 to 9 p.m. If you are in the Oklahoma City area and speak Spanish or know lawyers who do, we need your help!

Oklahoma and Tulsa County lawyers will work together to staff the statewide toll-free hotline from 9 a.m. to 9 p.m. For other counties, the Law Day Committee works with each county's Law Day chairperson to establish a network of local county phone numbers in addition to the statewide number. Volunteer lawyers in each participating county staff



Attorney Katheryn Bell speaks about the importance of not running from debt.



Oklahoma Supreme Court Chief Justice Douglas Combs welcomes Law Day Contest first-place winners to a recognition ceremony at the state Capitol. Also attending were OBA Vice President Jennifer Castillo, OBA Law Day Committee Co-Chair Albert Hoch and Past Chair Richard Vreeland.

phones at their local location for a predetermined time period and the numbers are advertised while the *Ask A Lawyer* TV program is airing.

Anywhere you live or work, your help is needed to make this community service project a success. It takes a total of 30 attorneys for each two-hour shift to fully staff the statewide number. That effort, combined with the local county bars and those answering email questions, creates a huge need for lawyers to step forward.

To volunteer, contact your local county Law Day chairperson, listed in this issue or online at www.okbar.org/lawday.

#### DIRECTIVE AND PROCLAMATION

Chief Justice Douglas Combs is continuing the OBA Law Day tradition of issuing a Law Day Directive, encouraging courts to host Law Day events or to visit schools speaking on the role of the judiciary. The court's website at www.oscn.net will include Law Day courthouse activities and event ideas. Gov. Mary Fallin has again this year signed a proclamation designating May 1 as Law Day in Oklahoma.

#### GET INVOLVED

Even as we prepare to celebrate Law Day, the Law Day Committee will soon begin planning for next year's activities. If you have ideas for Law Day 2018 — or just want to be involved — contact us: Al Hoch, al4notglty@ aol.com; or Brittany Jewett, brittany.jewett@ laok.org.

Whether volunteering to provide free legal advice or making a presentation to a local school group or organization, we hope you will participate in Law Day. With OBA Law Day Committee members, county Law Day chairpersons, their committee members and volunteers across the state, this year's Law Day celebration will be another success.

#### ABOUT THE AUTHORS



Albert (Al) Hoch is president of the Oklahoma Criminal Defense Lawyers Association and a member of the National Association of Criminal Defense Lawyers. He serves as OBA Law Day co-chair. He is a graduate of the OCU School of Law and has been practicing in the area of criminal law for 30 years.



Brittany Jewett is a lawyer with Legal Aid Services of Oklahoma in Oklahoma City and works with the ReMerge Program, a diversion program transforming pregnant women and mothers facing incarceration into productive citizens. She is a 2011 graduate of the OCU School of Law.

# VOLUNTEER LAWYERS NEEDED! **ASK A LAWYER** statewide free legal advice

2017

LAW

Phone banks located at OETA studios in Oklahoma City and Tulsa. Staffed 9 a.m. to 9 p.m. Volunteers will also answer questions by email.



Oklahoma City: Connie Creed 405-236-8421 connie@okcbar.org www.okcbar.org/events

Tulsa: Dan Crawford 539-664-4289 lawdaytulsa@okbar.org

Other counties: Contact your Law Day chairperson for details. See the list of chairs at okbar.org/LawDay.

SIGN UP

.....



# **Contest Winners**

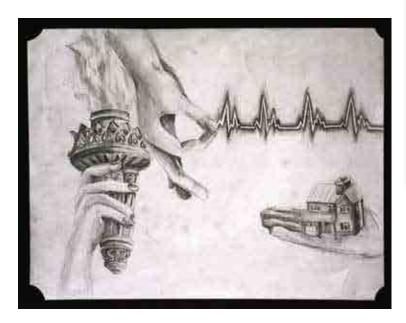
The OBA Law Day Committee would like to thank Oklahoma educators, students and their families for participating in the 2017 Law Day Contest.

This year's theme was "The 14th Amendment: Transforming American Democracy." Similar to previous years, first- through 12th-grade students demonstrated their knowledge of the history and concepts of the theme through essays and multimedia art. Pre-K and kindergarten students were given a choice of coloring activity pages related to the theme, allowing them to showcase their budding creative and writing abilities.

Writing prompts created for each grade incorporated both the 2017 Law Day theme and Oklahoma State Department of Education social studies standards. The art contest drew very diverse student entries, including mixed media artwork, poetry, photography, a slideshow and collages. For both elementary and secondary students, the contest gave them an opportunity to explore how the 14th Amendment has helped guarantee and protect all Americans' civil rights.

# Grand Prize Contest Winner Rachel Blitz

Eighth Grade Classen School of Advanced Studies, Oklahoma City Teacher: LaRadius Stephens





# **Coloring Contest Winners**



### First Place Pre-Kindergarten Amelia Kwok

Nichols Hills Elementary, Oklahoma City Teacher: Kimberly Leonard

# Second Place Pre-Kindergarten Logan Rhodes

Graham-Dustin Elementary, Weleetka Teacher: Heather Buesser





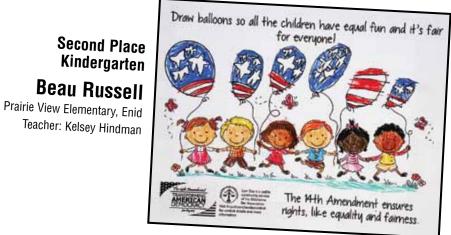


## First Place Kindergarten

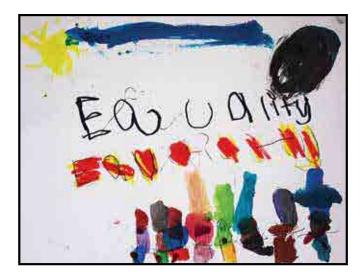
### Sophie Buchanan

Virginia Smith Elementary, Harrah Teacher: Kana Mauldin

# **Coloring Contest Winners**



# Art Contest Winners





First Place First Grade

Skiatook

**Kross Perkins** Hope Christian Academy,

Teacher: Linda Wallace

Second Place First Grade

# Kaden Kehler

Hope Christian Academy, Skiatook Teacher: Linda Wallace







# First Place Second Grade Paetyn Gilliam

Covenant Community School, Stillwater Teacher: Wendi Barry

# Second Place Second Grade Leeta Carter's 2016-2017 Class

Hope Christian Academy, Skiatook Teacher: Leeta Carter





# Second Place Fourth Grade

### Makenna Stephenson

Covenant Community School, Stillwater Teacher: Ashlee McDaniel





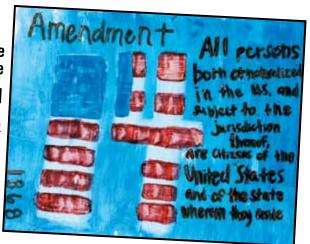


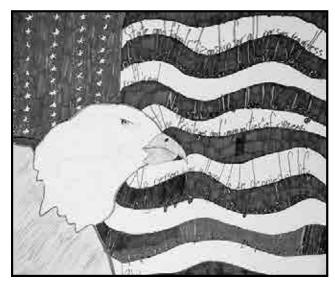
### First Place Fifth Grade Austin Buchanan Russell Babb Elementary,

Russell Babb Elementary Harrah Teacher: Pam Holland

# Second Place Fifth Grade Christian Campbell

Covenant Community School, Stillwater Teacher: Ashlee McDaniel







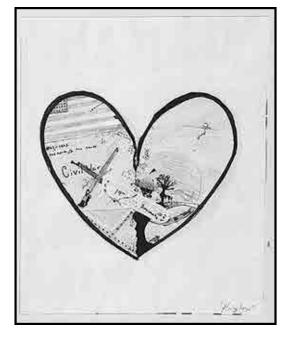
### First Place Sixth Grade Kaylee Rose

Pocola Middle School, Pocola

Teacher: Fonda Clopton

Second Place Sixth Grade Lilly Kelley Pocola Middle School, Pocola Teacher: Fonda Clopton







# First Place Seventh Grade Harley Angel

Covenant Community School, Stillwater Teacher: Mrs. Carman

### Second Place Seventh Grade Bailee Walters

Covenant Community School, Stillwater Teacher: Mrs. Carman







### First Place Eighth Grade Wendy Aguilar

Kiefer High School & Junior High, Kiefer Teacher: Lorrie Quinnelly

### Second Place Eighth Grade

# **Kinley Downing**

Middle School of Piedmont, Piedmont Teacher: Frances A. Williams







### First Place Ninth Grade Katie Williams

Pocola High School, Pocola Teacher: Fonda Clopton

# Second Place Ninth Grade Winston Kirby

Covenant Community School, Stillwater Teacher: Elizabeth Albright







First Place Tenth Grade Helena Singleton

Booker T. Washington High School, Tulsa Teacher: Meredith Deaton

# Second Place Tenth Grade Haleigh Saulter

Pocola High School, Pocola Teacher: Fonda Clopton







### First Place Eleventh Grade Lauren Ball

Chisholm High School, Enid Teacher: Amy Broadbent

### Second Place Eleventh Grade Savanna Dockins Chisholm High School, Enid

Teacher: Amy Broadbent







#### First Place Twelfth Grade Abigail Alfred Pauls Valley High School, Pauls Valley

# Second Place Twelfth Grade Ryan Richter

Chisholm High School, Enid Teacher: Amy Broadbent



Abigail Adams is my hero. She wanted all people, to be treated equal. She th oecote Should be doesn't nice ways. matter if you have CKin.



### First Place First Grade Elizabeth Kwok

Nichols Hills Elementary, Oklahoma City Teacher: Cindy Brown

#### Second Place • First Grade Wyatt Reding

Covenant Community School, Stillwater Teacher: Wendi Barry To read Wyatt's entry, go to www.okbar.org/lawday

Read the rest of Elizabeth's entry at www.okbar.org/lawday

# Oklahoma Programs

- Oklahoma's Government puts fainess and equality into practice daily with social programs that give access to healthcare, shelter, food, and clothing to low-income families. These programs such as T.A.N.F, SNAP Benefits, Section-8, and Medicare give citizens access to benefits to provide for their families. Using these benefits helps create a better standard of life for families who are not able to provide for their household because of their economic status, including the elderly and disabled.
- 2. Oklahoma Government Agency's treat all citizens with fairness when they apply for these beneficial programs. They are not judged on their race, asx, or age, but their need of the benefit. The agency's use equality standards to deliver benefits to help needy families who deserve good nutrition, healthcare, and housing. Non-discrimination is a policy that is used to ensure benefits are given to families who need them.
- In Oklahoma, the courts have started special programs to help lowincome families receive legal representation, such as Legal-Aid. The attorneys from Legal Aid, help needy families with disputes in civil law, such as family law disputes.

Read the rest of Arabella's entry at www.okbar.org/lawday

First Place Third Grade

# Arabella Brooks

West Nichols Hills Elementary, Oklahoma City Teacher: Mary Casteel

#### Second Place Third Grade

### **Bradey Sims**

Woodrow Wilson Elementary, Seminole Teacher: Brenna Pierce *To read Bradey's entry, go to www.okbar.org/lawday* 

First Place Fourth Grade James Pierson

Nichols Elementary, Miami Teacher: Samantha Allen



### Second Place • Fourth Grade Cameron Cummings

Nichols Elementary, Miami Teacher: Kristina Hammons To read Cameron's entry, go to www.okbar.org/lawday

Wal Right Undie ŧ.ĕ. he. Perts h 15.1 Read the rest of James's entry at www.okbar.org/lawday

What the Constitution isse in 1787. Though it and speaking word written people, it did not include all people The inangle of scope an alfred the constitution minut manus people, at find.

Quin Americana well not included in all the right. One all to share were greet an manie separate best equal out as bina, water proplant un manie al - Businous. they werent always equal white things we bet But which atchibed an mela a the laining and uns rather in 1265 made shice that would our country I in amendonet 15 ment a man of rights of rice muricans did not get. Thes were many



# First Place Fifth Grade Emma Eppler

Nichols Elementary, Miami Teacher: Shanna Sanders

Second Place • Fifth Grade Haydan Davis

Nichols Elementary, Miami Teacher: Jenny Machado To read Haydan's entry, go to www.okbar.org/lawday

Read the rest of Emma's entry at www.okbar.org/lawday

The Oklahoma Bar Journal

# First Place Seventh Grade Zane Gailey

Covenant Community School, Stillwater Teacher: Mrs. Carman



### Second Place • Seventh Grade Wyatt Hood

Oklahoma Christian Academy, Edmond Teacher: John Staton To read Wyatt's entry, go to www.okbar.org/lawday

# Good But Not Great

The rights of all are protected by one; The 14th Amendment is how it is done. Life, liberty, and property cannot be taken away; For all are given equal protection still today. The laws that we have are made to protect all; What is good for one must be good for all. The 14th Amendment was good but not great; Therefore, there were other amendments to protect people's fate. What we have today is better than some; But there is still some work to be done.

### **14th Amendment Poem**

Freedom It is the word People in our country Would die for. It is the thought Immigrants would say Goodbye for. Freedom is easy to grasp, But not to possess. Some call it The land of opportunity, Others call it home. Just to be naturalized or born here Is a gift itself. As they call it, "The land of the free", Where we can live In peace and harmony.



### First Place Eighth Grade

Lexis Nolen

Kiefer High School & Junior High, Kiefer Teacher: Lorrie Quinnelly

Second Place • Eighth Grade Daniel Allen

St. John's Episcopal School, Oklahoma City To read Daniel's entry, go to www.okbar.org/lawday

**First Place** Ninth Grade

Katie McQuav

Hope Christian Academy. Skiatook Teacher: Jessica Hall



### Second Place • Ninth Grade Julia Hua

Norman North High School, Norman Teacher: Steven Knight To read Julia's entry, go to www.okbar.org/lawday

### The 14th Amendment's Role in Segregation and Its Reversal

The 14th Amendment of the Constitution has greatly altered the history of the United States. It was passed July 28, 1868, three years after the Civil War ended. The purpose of this amendment was to clear up some questions that had been left unanswered by the 13th Amendment, which had officially abolished slavery. The 13th Amendment had not stated any information on the treatment of freed slaves or even whether or not they were U.S. citizens. The 14th Amendment declared that all people born or naturalized in the United States were U.S. citizens and supposed to be treated equally. Clearly, this amendment impacted how white Americans viewed freed slaves at the time and, later on, how they viewed black Americans in general. However, nearly one hundred years after the 14th Amendment was passed, black people were being forced to do almost everything separately from white people in the United States, even to the point where they were made to drink from separate water fountains. How could this happen when the 14th Amendment had specifically stated that all American citizens would be treated equally?

Read the rest of Katie's entry at www.okbar.org/lawday

# What U.S. Supreme Court case has been most important in securing equal protection or due process and why?

The Fourteenth Amendment of the United States Constitution states that no state shall "deny to any person within its jurisdiction the equal protection of the laws." It provides that every citizen has the right to be treated equally and fairly. The Constitution is colorblind, but the government is not. In fact, states, especially those that had been in rebellion during the Civil War, continued to sanction the division of citizens by race through the passage of black codes, sharecropping, and the building of separate facilities. In 1896, segregation was even formally institutionalized by the Supreme Court in Plessy v. Ferguson. The actual provisions in the Fourteenth Amendment were not achieved until long after its ratification in 1868, with the landmark case Brown v. Board of Education Topeka (1954).

Plessy v. Ferguson made the Fourteenth Amendment obsolete. Before Plessy, states faced some backlash when they enacted segregationist measures. However, in 1892, Louisiana police arrested Homer Adolph Plessy for violating the Louisiana law of separate train cars based on race.

Read the rest of Karina's entry at www.okbar.org/lawday



**First Place Tenth Grade** 

# Karina Feng

Norman North High School, Norman

#### Second Place **Tenth Grade**

#### **Gabriel Mendelson**

Lawton High School. Lawton Teacher: Terrance Freeman To read Gabriel's entry. go to www.okbar.org/lawday

#### Vol. 88-No. 11-4/15/2017

### First Place Eleventh Grade Johnna Scott

Pawnee High School Teacher: Becky Beagle



# Second Place • Eleventh Grade Kylie Romeros

Lawton High School Teacher: Terrance Freeman To read Kylie's entry, go to www.okbar.org/lawday

### Equality for All

The history of the United States of America is filled with many amazing historical discoveries and events. Our country has gone through countless changes that have resulted in improvements in our quality of life. The most important, however, are the decisions that have affected our civil rights. The history of equality for all could begin with the Fourteenth Amendment. This amendment was added to the Constitution in 1868, after the Civil War when our country with struggling with slavery and citizenship. The Fourteenth Amendment states all persons born or naturalized in the United States are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ("14th Amendment"). This was our first small step towards a more equal nation. It would be another eighty-five vears before the landmark case of Brown v. Board of Education of Topek, Kansas, would create the spark needed for the civil rights movement.

Read the rest of Johnna's entry at www.okbar.org/lawday

### **Due Process**

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." – Fourteenth Amendment to the United States Constitution

In the United States of America, there is a system that protects its citizens from being accused with inaccurate claims or charges. That system is called due process. Citizens of the United States are under the protection of this system and have the natural right to be innocent until proven guilty. U.S. Citizens are promised a trial before a jury before they can be stripped of property, liberty, or life. The U.S. certainly is not the first nation to use due process, the subject of due process has been around since 1215 when King John of England iss{iectclause 39 of the Magna Carta. That English rule set the trend for the U.S. and many other countries across the globe (Due Process Clause).

Read the rest of Tyson's entry at www.okbar.org/lawday



First Place Twelfth Grade

Tyson Smith

Pawnee High School Teacher: Myra McCurry

### Second Place • Twelfth Grade Hanna Zapada

Kiefer High School & Junior High Teacher: Lorrie Quinnelly To read Hanna's entry, go to www.okbar.org/lawday



DRC is proud to announce that Michael D. Duncan has agreed to join our distinguished panel of mediators.

Mike is a born mediator. His demeanor and personality create an atmosphere of objective, thoughtful analysis for any dispute. Mike's thirty years' experience as a trial lawyer coupled with his keen insight of the factual and legal positions fosters a focused atmosphere for finding resolution. Let Mike put his creative "out of the box" thinking to work for you and your clients.

To schedule a case with Mike Duncan in Edmond or Tulsa, please call DRC at 918-382-0300, or visit our online scheduling calendar at drc-ok.com to see his current availability.





# County Law Day Chairpersons

Adair Jeff Jones 918-696-5889

**Beaver** Todd Trippet 580-625-4597

**Blaine** Judge Mark Moore 580-623-5025

**Canadian** Brian Curtis Chandler 405-354-5276

**Carter** Melanie Blackburn 580-223-2599

**Choctaw** John Frank Wolf III 580-326-6427

**Cimarron** George H. Leach 580-544-3624

**Cleveland** Allyson Dow 405-496-5768

**Comanche** Tyler C. Johnson 580-248-4675

**Craig** Jason Seabolt 918-944-8665

Creek Mark McCullough 918-224-4449

**Dewey** Judge Rick Bozarth 580-328-5371 **Garfield** Eric Edwards 580-233-3003

Garvin Philip Morton 580-759-0049

Harmon Mike Warren 580-688-2553

Hughes Ryan H. Pitts 405-379-5445

Jackson Brent S. Howard 580-318-8829 and Grant E. Kincannon 580-482-7134

Johnston Dustin Rowe 580-371-9561

Kay Sierra Salton 903-746-9551

**Kingfisher** Lance Schneiter 405-375-4165

Kiowa Tom Talley 580-726-2251

**Latimer** F. Nils Raunikar 918-465-1000

LeFlore Jolyn Belk 918-647-8681 and Amanda Grant 918-962-2436 **Lincoln** Sarah Bridge 405-258-1334

Love Judge T. Todd Hicks 580-276-3373

McClain Law McMeans 479-831-3717

**McCurtain** Charlie Rowland 580-298-2525

Murray Mark Melton 580-369-2376

Muskogee Roy D. Tucker 918-684-6276

**Okfuskee** Don McFarland 918-623-2717

**Oklahoma** Amber Martin 405-236-8888

**Okmulgee** Sarai Geary 918-935-7576

Ottawa Georgeann Roye 918-430-2210

Payne Jimmy D. Oliver 405-624-8383

**Pittsburg** Mark E. Fields 918-423-4611 **Pontotoc** Angela Dean 580-332-7200

Pottawatomie Nick Atwood 405-275-0700

**Rogers** Tim Wantland 918-341-5973

Seminole Judge Tim Olsen 405-257-3386 and Jack Cadenhead 405-382-6341

Sequoyah Kent Ghahremani 918-775-5900

**Stephens** Carl J. Buckholts 580-252-3240

**Texas** Avery Hanes 580-338-6591

**Tulsa** Judge Daman Cantrell 918-596-5390

Wagoner Richard Loy Gray Jr. 918-485-2889

Washington Jim Elias 918-336-4132

Woodward Erin N. Kirksey 580-256-9000



# **County Bar Association Activities**

#### ★ Beaver County Bar Association

The Beaver County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Blaine County Bar Association

The Blaine County Bar Association and the Blaine County Drug Court will celebrate Law Day by hosting an essay and poster contest. The contest will focus on the theme for Law Day – "The 14th Amendment: Transforming American Democracy."

#### ★ Canadian County Bar Association

The Canadian County Bar Association will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice. In addition, the CCBA will host a "Favorite American Hero" coloring contest for firstgrade students in area schools with winners to be recognized and awarded.

#### ★ Carter County Bar Association

The Carter County Bar Association will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort provide free legal advice.

#### ★ Choctaw County Bar Association

The Choctaw County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Cleveland County Bar Association

The Cleveland County Bar Association will celebrate Law Day by collecting monetary donations. The proceeds will be donated to the Women's Resource Center in Norman. Additionally, the CCBA will be selling Law Day T-shirts and will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Comanche County Bar Association

The Comanche County Bar Association will host its annual Law Day Luncheon Thursday, April 27, at 11:30 a.m. in the Great Plains Coliseum Annex Building in Lawton. The keynote speaker will be Professor Lawrence Hellman, dean *emeritus*, at the OCU School of Law. Recipients of the Comanche County Bar Association scholarships will be recognized and the Comanche County Pro Bono Publico Award will be presented.

The CCBA will also host its annual Law Day Golf Tournament on May 19 at the Lawton Country Club. The golf tournament is set for a 10 a.m. shotgun start. If you are interested in participating in the CCBA Law Day Golf Tournament or if you have questions, please contact Golf Tournament Chair Monty Hightower at 580-355-8920.

The CCBA will also participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Craig County Bar Association

The Craig County Bar Association will host its annual Law Day activities April 27. The Law Day activities will be the annual Ask A Lawyer event, a Wills, Trusts, Probate and Estate Planning informational seminar for senior citizens (event time and place to be determined) and a nonperishable food drive to support the local Salvation Army food bank. For more information about the CCBA Law Day activities or to volunteer, please contact Law Day Chair Jason Seabolt at 918-944-8665.

#### ★ Garfield County Bar Association

The Garfield County Bar Association will celebrate Law Day by participating in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice. GCBA members will also speak at area schools on the constitution and, specifically, the 14th Amendment in honor of this year's Law Day theme.

#### ★ Harmon County Bar Association

The Harmon County Bar Association will partner with the Jackson County Bar Association to participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Hughes County Bar Association

The Hughes County Bar Association will partner with the Seminole County Bar Association to celebrate Law Day. The HCBA and SCBA will participate in the Ask A Lawyer program, speak to junior high students about the legal profession and host an essay contest, Law Day CLE and Law Day Luncheon. For more information, see Seminole County Bar Association.

#### ★ Jackson County Bar Association

The Jackson County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Kay County Bar Association

To celebrate Law Day, the Kay County Bar Association will invite students to attend a courthouse tour at the Kay County Courthouse in Newkirk on April 27. The tour will feature lectures from current judges and courthouse staff. The KCBA will also participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Latimer County Bar Association

The Latimer County Bar Association partnered with the Pittsburg County Bar Association to host a Law Day banquet at Pete's Place in Krebs on April 13. There will also be a golf tournament for members of the local Southeastern Oklahoma County Bar Associations beginning May 19 at the McAlester Country Club. Also, the LCBA and PCBA will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ LeFlore County Bar Association

On April 18, the LeFlore County Bar Association will start its Law Day activities with a day of service by giving back to the community. This year the LCBA will help with various projects that need completed at the LeFlore County Museum at Hotel Lowery, located in downtown Poteau.

Next, on April 27, the LCBA will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

The last event will occur on May 1 and will be a courthouse tour for fifth-grade students attending school in LeFlore County. In conjunction with the courthouse tour, judges will preside over mock trials wherein the students will participate as jurors and also as attorneys. Members of the bar will be witnesses and help students with their parts in the mock trials. At the conclusion the members of the bar will answer questions about the legal system. Highway patrol officers, sheriff's deputies and the local police department will also be present to allow the children to look through their patrol vehicles.

#### ★ Lincoln County Bar Association

The Lincoln County Bar Association will celebrate this year's Law Day by hosting the annual Law Day Picnic for local attorneys and courthouse staff on May 5 at the Chandler Baseball Camp. The association will also host local fourth-grade students to participate in mock trials. The trials will be conducted at the Lincoln County Courthouse Monday, May 1, and are open to the public.

#### ★ McClain County Bar Association

The McClain County Bar Association will participate in the Ask A Lawyer program from 5-7 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Muskogee County Bar Association

The Muskogee County Bar Association will have a banquet on May 4 from 6-9 p.m. at Three Forks Harbor Event Center in celebration of Law Day. During the banquet, the MCBA will honor its members of 50 years or more by distributing their 50-year pins. Tickets are \$50 per person. On April 27 from 10 a.m.-4 p.m., the MCBA will host a Wills for Heroes event at Arrowhead Mall. All first responders are eligible if they have an estate of less than \$600,000. Additionally, a poster design contest will be held for fourth- and fifth-grade students at Muskogee Public School and Hilldale Public Schools.

The MCBA will also participate in the Ask A Lawyer program from 5-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Noble County Bar Association

The Noble County Bar Association will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Okfuskee County Bar Association

The Okfuskee County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Oklahoma County Bar Association

The Oklahoma County Bar Association will host the 2017 Law Day Luncheon, which will take place Monday, May 1, at 12 p.m. in the Skirvin Grand Ballroom. The featured speaker this year will be Judge Clancy Smith, who will speak on this year's Law Day theme – "The 14th Amendment: Transforming American Democracy." The Journal Record Award, Leadership in Law Awards, Liberty Bell Award and the Howard K. Berry Sr. Award will be presented at the luncheon. Students from the Douglass High School Moot Court team will be guests and will be placed at various tables to interact with those attending the luncheon. The centerpieces will be stuffed animals, which will be donated to the Harrah and Choctaw police departments. Tickets are available by calling the OCBA at 405-236-8421.

The Ask A Lawyer Program will take place Thursday, April 27, at the OETA studio from 9 a.m. to 9 p.m. This community service event allows attorneys to assist the public by giving free legal advice over the telephone or via email. To sign up for this event, go to www. okcbar.org or call Connie Resar at 405-236-8421.

The OCBA will also provide pizza at the Downtown Metro Library as part of the law

library's effort in offering local legal support on May 2 from 5-7:30 p.m.

#### ★ Okmulgee County Bar Association

The Okmulgee County Bar Association will conduct educational seminars for students of all ages. Both local judges and lawyers will speak about the 14th Amendment to the middle schools and high schools in the area. The OCBA will also run a PSA on social media and participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Ottawa County Bar Association

The Ottawa County Bar Association will celebrate Law Day by holding a mock trial for all of the fourth- and fifth-grade students in Miami on May 1 at the Ottawa County Courthouse. The trial will involve a civil suit where Mr. Wolf sues Little Piggy for damages caused when he came down her chimney into a pot of boiling water. Additionally, presentations will be made to fourth- and fifth-grade students from Nichols Elementary recognizing them for their winning art and essay entries in the OBA Law Day art and writing contests.

The OCBA will also participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Payne County Bar Association

**Bowling Tournament.** The Payne County Bar Association will host its annual bowling tournament on May 3. Funds raised will be donated to the Stillwater High School Mock Trial team.

**Lawyers in the Library**. A pro bono legal advice clinic organized by the PCBA will be held at the Stillwater Public Library May 5 from 8 a.m.-3 p.m. This clinic will be staffed by members of the PCBA who will give consultations to community members on a walk-in basis.

**Ask A Lawyer.** The PCBA will participate in the Ask A Lawyer program on April 27 from 7-8 p.m.in conjunction with the statewide effort to provide free legal advice.

**Courthouse Staff Lunch.** An appreciation lunch will be hosted by the PCBA on May 10 for the people who work in the courthouse. Local attorney James Murray will prepare a barbeque lunch on the courthouse lawn. This event is open to everyone who works in the courthouse including judges, bailiffs, the district attorney, court clerk, sheriff's department and all related staff members.

Honor Docket. The PCBA will hold an Honor Docket on May 4. This docket will allow local attorneys to present awards and prizes to the winners of the youth art and essay contests. The Hert Scholarship will be presented to an outstanding high school senior to assist with college and the Liberty Bell Award will be given to a member of the community for outstanding civic leadership. Also, OBA Past President Garvin A. Isaacs will present a certificate to Payne County jurors as part of the statewide Juror Appreciation Project.

Art, Essay and YouTube Contests. The PCBA hosted a coloring contest for the county's first and second graders, a free form art contest for the county's third through fifth graders and an essay and YouTube video contest for high school students. Winners will receive cash prizes and be presented their awards at the Law Day Honor Docket May 4.

Law Day Banquet. The PCBA will hold its annual Law Day Banquet on May 9. The keynote speaker for the event will be from The Oklahoma Innocence Project and will give an update about the recent developments on its mission to identify and remedy cases of wrongful con-victions in Oklahoma.

#### ★ Pittsburg County Bar Association

The Pittsburg County Bar Association partnered with the Latimer County Bar Association to host a Law Day banquet at Pete's Place in Krebs April 13. There will also be a golf tournament for members of the local Southeastern Oklahoma County Bar Associations on May 19 at the McAlester Country Club.

Also, the PCBA and LCBA will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Pontotoc County Bar Association

The Pontotoc County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Seminole County Bar Association

As its birthplace, Law Day has always been special in Seminole County, and this year will be no different. Below is a summary of the many activities which will take place this year.

Ask A Lawyer - April 27. The Seminole County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

School Presentations. SCBA's young lawyers will speak to county junior high school students about the legal profession and the 14th Amendment in conjunction with this year's theme. Every junior high school in the county will host a presentation by a young lawyer.

**Essay Contests.** The association will host its second annual essay contest open to all county junior high school students and all county high school seniors. The association will award a \$500 college scholarship to the winning senior essay contestant and a gift certificate to the winning junior high school essay contestant.

Law Day CLE - May 3, Seminole County Courthouse. The association will hold its annual Law Day CLE May 3. There will be six hours of CLE (including one hour of ethics) beginning at 8:30 a.m. in the Seminole County Courthouse in Wewoka.

Law Day Luncheon - May 3, Rudolph Hargrave Community Center. At noon, a Law Day Luncheon will be held at the Rudolph Hargrave Community Center. Supreme Court justices are expected to attend. OBA President Linda S. Thomas will be the featured speaker. Essay contest winners and their teachers will also be recognized.

#### ★ Sequoyah County Bar Association

The Sequoyah County Bar Association will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Stephens County Bar Association

The Stephens County Bar Association will host its annual Law Day Luncheon on April 28 at noon at the Duncan Golf and Tennis Club. The guest speaker will be Judge David B. Lewis with the Court of Criminal Appeals. The annual James Patterson Memorial Golf Tournament will be held immediately after the luncheon at the Territory Golf and Country Club.

#### ★ Texas County Bar Association

The Texas County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

#### ★ Tulsa County Bar Association

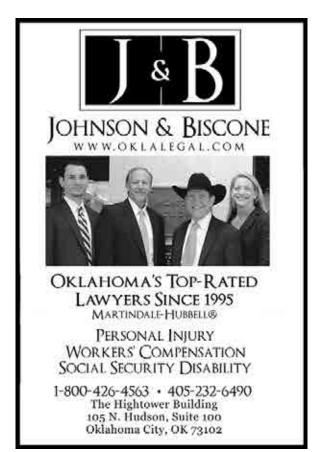
The Tulsa County Bar Association will celebrate Law Day with a variety of events. On April 27, Dan Crawford and other Tulsa County lawyers will host Ask A Lawyer at the OETA studio in Tulsa for the 22nd consecutive year. An immigration clinic and Naturalization Ceremony will be held at various locations. Several legal civics programs will be held throughout the county, including May 9 at the Owasso Eighth Grade Center and Thoreau Demonstration Academy, where mock trials, discussions of the Constitution and the importance of jury service will be highlighted. On April 28, the Law Day Luncheon will be held at the downtown Hyatt, with TU College of Law Professor Tamara Piety to be the keynote speaker. The Liberty Bell Award, honoring a nonlawyer's contribution to the legal system, and the Sandra Day O'Connor Award, honoring an educator who teaches legal civics, will be given to deserving winners.

#### ★ Washington County Bar Association

In celebration of Law Day 2017, the Washington County Bar Association will participate in the Ask A Lawyer program from 6:30-8:30 p.m. in conjunction with the statewide effort to provide free legal advice. WCBA members will also recognize Law Day 2017 with a program presented to area high school classes that will include a panel discussion on various current legal topics by area judges and attorneys.

#### ★ Woodward County Bar Association

The Woodward County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.



### Vacancy Announcement FY 17-05

### U.S. District Court, Northern District of OK, Tulsa

### **Position - Law Clerk**

This position reports to Recalled Magistrate Judge Paul J. Cleary and is located in Tulsa, Oklahoma. The law clerk will work exclusively on Social Security appeals. This work consists of preparing Scheduling Orders for Social Security appeals, reviewing the administrative record, and preparing Orders or Reports and Recommendations addressing the appellate issues. The option for full-time telework (from any location) is a possibility. The appointment will end on December 31, 2017. See: www.oknd.uscourts.gov for qualifications, salary, job requirements, and information on how to apply.



# Oklahoma's Law Day History

Law Day was conceived by the late Hicks Epton, a Wewoka attorney who served as Oklahoma Bar Association president in 1953. Before he became president, Mr. Epton served

as head of the public relations committee, and in 1951, he launched one of the most important public relations programs ever undertaken by the OBA: Know Your Liberties — Know Your Courts Week. This was one of the last weeks of April dedicated to educating the public about the legal system and celebrating the liberties we have as Americans.



Hicks Epton

The Know Your Liberties — Know Your Courts Week spread across the nation and earned two Freedom Foundation awards for the association.

In preparation for the second annual Know Your Liberties — Know Your Courts Week, OBA President John Halley encouraged all lawyers to participate.

"Every American should know more about his liberties under the law and more about the American court system," Mr. Halley said. "The more they know about them, the more they will appreciate the American way of life. It is the responsibility of the lawyer to

see that the citizens of this country are given the opportunity to be informed. The goal is worth the effort and if the system fails or the liberties are lost, the responsibility will rest heavily on the legal profession."

In 1958, President Dwight D. Eisenhower established Law Day nationally by presidential proclamation. On this occasion, he said, "It is fitting that the American people should remember with pride and vigilantly guard the great heritage of liberty, justice and equality under law. It is our moral and civil obligation as free men and as Americans to preserve and strengthen that great heritage."

> The OBA continued its celebration of Know Your Liberties — Know Your Courts Week, but after much hesitation, the decision was made to give up the name in 1960. The change was made only to take advantage of the extensive national publicity given to Law Day through the efforts of the American Bar Association.

The first of May was set aside in 1961 by a joint resolution of Congress as a "special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America" and as an occasion for "rededication to the ideals of equality and jus-

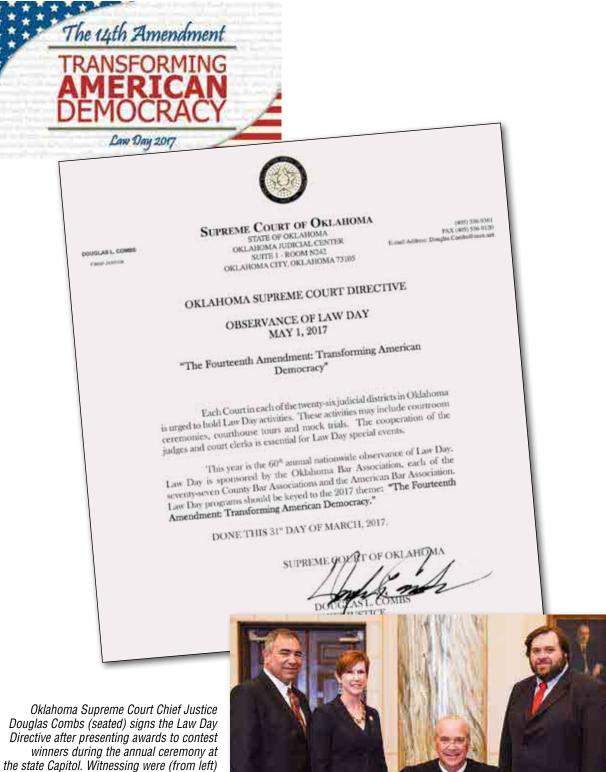
tice under laws."

Since the first observance, the American Bar Association, the national voluntary organization of the legal profession, has acted as the national sponsor of Law Day. State, county and local bar associations organize individual projects throughout the country. Many national organizations also recognize Law Day, including the National Edu-

cation Association, National Governors' Association, United States Conference of Mayors, Boy Scouts and Girl Scouts of America and civic and services clubs such as Rotary International and Kiwanis International.

This year the Oklahoma Bar Association will be celebrating the 66th anniversary of Law Day and the 41st Ask A Lawyer event.

John Halley



winners during the annual ceremony at the state Capitol. Witnessing were (from left) OBA Law Day Co-Chair Albert Hoch, OBA Vice President Jennifer Castillo and Past OBA Law Day Co-Chair Richard Vreeland.



LEGAL AID SERVICES	
Tuesday, May 2, 2017	
Conference Center, OSU Tulsa, 700 North Greenwood, Room 150	
	MCLE Credit of 6 Hours FREE for attorneys actively serving on a pro bono panel To register, go to: www.probono.net/ok/cle
AGENDA	
8:30 a.m.	Registration
9:00 - 9:50	"Tax Law Affecting Oklahoma Families" Jason Riddle, Legal Aid Services
9:50 - 10:05	BREAK
10:05 - 10:55	"Veterans Issues Related to Family Law" David Guten, Military Law
10:55 - 11:10	BREAK
11:10 - 12:00	"Hot Topics in Family Law: Debunking Myths" Julie Goree, Lauren Lindsey, Kathryn Dunning, Michael Radmilovich, Elaine Dunlap, Legal Aid Services
12.00 - 1:00	LUNCH (on your own)
1:00 - 1:50	"Introduction to Immigration Law" Allison Roso, Legal Aid Services
1:50 - 2:00	BREAK
2:00 - 2:50	"How to Stop Unfair Debt Collection Practices under the FDCPA" Victor Wandres, Paramount Law
2:50 - 3:00	BREAK
3:00 - 4:00	"Jury Trials - What All Good Attorneys Should Do and Not Do" Dana Kuehn, Associate District Judge, Tulsa County, Sheila Condren, District Judge, Rogers County, and Shawn Taylor, Associate District Judge, Mayes County – Moderated by Julie Goree, Legal Aid Services

# Patents, trademarks, copyright, trade secrets...GableGotwals



The Intellectual Property Law Practice Group at GableGotwals just became significantly larger with the addition of four experienced IP Attorneys. James F. Lea, III, Todd A. Nelson, David G. Woodral and Scott R. Zingerman have joined the Firm's Tulsa office as Shareholders. They are joining the Firm's IP practice group that includes Paul E. Rossler, Alicia Edwards and Frank J. Catalano. The group offers a wide range of knowledge with backgrounds in mechanical, electrical and computer engineering, chemistry, biology, environmental sciences and industrial and systems engineering, as well as licensing and related litigation. The group works closely with clients to ensure that IP portfolios are carefully tailored to the business of the client as well as the technology. The group also has significant international IP experience.



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# That's a Wrap!

# Examining the Enforceability of Electronic Agreements

By Emilie Blanchard Wedman and Timila S. Rother

The internet has spawned a new breed of contract – one whose terms are made available on the offeror's website and whose acceptance is presumed from some act of the offeree, be it an online purchase, a download or mere continued use of the site. These are "wrap" agreements, and their enforceability<sup>1</sup> is the subject of a quickly evolving body of law. Even with the proliferation of the internet and its transformation of everyday commercial and consumer transactions, the essential elements of contract formation remain unchanged. Thus, formation of a wrap agreement requires, *inter alia*, a manifestation of mutual assent to its material terms. Wrap agreements present novel issues in this regard because the internet is not conducive to traditional methods of assent such as written signatures, handshakes and oral expressions of agreement.

Online assent issues typically arise in the course of a broader dispute about the particular product or service offered and accepted over the internet. Before addressing the underlying dispute, the court must decide whether the offeree agreed to the terms and conditions purporting to govern the transaction. For instance, a recurring scenario involves a challenge to assent when the proponent of the wrap agreement seeks to enforce a provision therein mandating arbitration or litigation in a particular forum and/or prohibiting the litigation of claims as a class action.

Courts have struggled to apply traditional contract principles to discern the existence of

assent in the online setting. The analysis typically turns on whether a user or consumer (offeree) who later disclaims actual notice of the disputed terms(s) is nonetheless bound by virtue of constructive notice. And, because the constructive-notice doctrine is predicated on the acumen of the proverbial "reasonably prudent" offeree,<sup>2</sup> the enforceability of a wrap agreement under this analysis hinges, in large part, on the reviewing court's perception of online consumer savviness. While courts have notably varied expectations,<sup>3</sup> certain patterns have emerged by which the enforceability of a particular wrap agreement can be discerned — or at least predicted — by examining its characteristics.

## CATEGORIES

Wrap agreements are broadly categorized as either "clickwrap" or "browsewrap." Clickwrap agreements are those that require the offeree to indicate his or her assent by clicking an "I agree" icon. Clickwrap agreements are usually upheld on the theory that the offeree: 1) has fair notice of the terms, having been forced to confront them as part of the transaction; and 2) affirmatively manifests assent by clicking "I agree." A "scrollwrap" agreement is a more conclusive type of clickwrap agreement that requires the offeree to confront all of its terms by physically scrolling through the entirety of the online contract before affirming his or her agreement.<sup>4</sup>

In contrast to clickwrap agreements, browsewrap agreements do not require affirmative conduct to evidence the offeree's consent to its terms and conditions. The contract terms are available, usually by hyperlink, somewhere on the website, where the offeree may (but is not required to) navigate prior to effecting assent. Courts are more skeptical of browsewrap agreements because the offeree is not forced to confront the terms and conditions governing the transaction. Ultimately, constructive notice of browsewrap terms depends on "the design and content of the website and the agreement's webpage."5

# ENFORCEABILITY

While the clickwrap and browsewrap labels provide a helpful framework for analysis,

wrap agreements cannot always be neatly categorized as either clickwrap or browsewrap, and indeed, courts are increasingly encountering hybrid forms that exhibit characteristics of both.<sup>6</sup> Ultimately, the label does not matter because the underlying inquiry is the same: whether the wrap agreement (or hyperlink embodying it) is sufficiently conspicuous *i.e.*, whether a reasonably prudent offeree would have had fair notice of its terms.<sup>7</sup> In making this determination, courts consider the following factors:

#### Positioning and Accessibility of Contract Terms

First and of greatest importance, courts examine the positioning and accessibility of the online contract terms. Because wrap agreements are frequently made available via hyperlink, the analysis tends to focus on 1) the proximity of the hyperlink to the operative site content (*e.g.*, the item or service being purchased, a field required to complete the transaction or an icon that must be clicked to advance the transaction) and 2) the frequency with which it appears. A court is more likely to enforce a wrap agreement if its terms, or a hyperlink thereto, are positioned near the operative site content and/or appear on successive pages throughout the transaction.

By contrast, a court is unlikely to find sufficient notice if the wrap agreement or hyperlink thereto is buried among other links on the webpage, or if scrolling or successive clicking is required to access it. The leading case on this point is Specht v. Netscape Commc'ns Corp.<sup>8</sup> At issue in *Specht* was whether plaintiffs assented to licensing terms when they downloaded a free software plug-in. The invitation to download the plug-in was "located at or near the bottom of [the] screen," but notice of the licensing terms "was located in text that would have become visible to plaintiffs only if they had *scrolled* down to the next screen."9 The 2nd Circuit held that notice was inadequate, reasoning that, while the users "may have been aware that an unexplored portion of the ... webpage remained below the

download button," they would not necessarily have concluded "that th[e] [unexplored] portion contained a notice of license terms."<sup>10</sup>

Since *Specht*, courts have uniformly held that notice of wrap terms is insufficient if it is not viewable except by scrolling or clicking.<sup>11</sup> Courts have likewise refused to enforce wrap terms that are "buried" in the text of the webpage.

### Characteristics of the Text

Courts also consider the characteristics of the text containing the wrap terms (again, usually

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a hyperlink), including its font, size, color and whether it appears bolded, underlined or in "all caps." Not surprisingly, notice is likely to be held sufficient where the text draws the attention of the offeree or otherwise stands out from the rest of the site content.13 Notice is likely to be held insufficient where the text is indistinguishable from and simply blends in with the rest of the site content.<sup>14</sup> This is particularly true where notice of wrap terms is inconspicuous in relation to fields or icons required to advance or complete the transaction. For instance, in *Berkson v. Gogo LLC*,<sup>15</sup> the court considered not only the characteristics of the hyperlinked terms, but also the characteristics of the "sign in" feature that permitted users to enter the site. The court held that notice of the wrap terms was inadequate when compared to the sign-in feature: the hyperlink to the terms was "not in large font, all caps, or in bold," whereas the "sign in" feature was "very user-friendly and obvious, appearing in all caps, in a clearly delineated box in both the upper right hand and lower left hand corners of the homepage."16

#### Sophistication of the Offeree

Finally, courts assess the relative sophistication of the offeree. A court is far more likely to impute constructive knowledge of a wrap agreement to a business customer or a frequent user of a particular website or of the internet generally.17 At least one court has called for "limited discovery" to determine the plaintiff's "background and experience and what he knew about ordering from a computer."18

#### CONCLUSION

While the above-described factors are not exhaustive, they do tend to drive courts' analysis in determining the sufficiency of assent. The cases teach that the best practice for drafting an enforceable online contract is utilization of a clickwrap process that requires the offeree to affirmatively assent to its terms by clicking an "I agree" icon. If the entire agreement cannot be viewed on one screen, implementation of a scrollwrap feature — whereby the offeree must physically scroll or click through each page of the contract to advance to the next screen or continue using the site — will enhance the likelihood of enforceability.<sup>19</sup> Though not per se enforceable,<sup>20</sup> clickwrap agreements (and particularly, scrollwrap agreements) are rarely held insufficient to afford notice. If a browsewrap or hybrid process must be utilized, the

conspicuousness of the terms, or a hyperlink thereto, will improve the likelihood of enforceability. The absence of these features will be the focus of challenges to agreements already "wrapped up" in litigation, driving significant, sometimes, outcome-determinative, issues such as the forum for resolution of a particular dispute or the plaintiff's ability to litigate claims as a class action.

Though the internet has exposed courts to novel commercial situations, "it has not fundamentally changed the principles of contract."21 Thus, even with the many advances in technology, the enforceability of online agreements ultimately "boils down to ... notice and informed assent with respect to the terms in question."22 That's a wrap!

3. See Berkson v. Gogo LLC, 97 F. Supp. 3d 359, 400-03 (E.D.N.Y. 2015) (criticizing Fjeta court for overestimating the online sophistication of the "reasonable person" by "presuppos[ing] intensive and extensive use of the internet").

4. Berkson, 97 F. Supp. 3d at 395.

5. Nguyen v. Barnes & Noble Inc., 763 F.3d 1171, 1177 (9th Cir. 2014). 6. See Fteja v. Facebook, Inc., 841 F. Supp. 2d 829, 838 (S.D.N.Y. 2012) ("Facebook's Terms of Use are somewhat like a browsewrap agreement in that the terms are only visible via a hyperlink, but also somewhat like a clickwrap agreement in that the user must do something else — click "Sign Up" — to assent to the hyperlinked terms"); *Craw-ford v. Beachbody, LLC,* No. 14CV1583-GPC KSC, 2014 WL 6606563, at \*3 (S.D. Cal. Nov. 5, 2014) (observing that the case "involve[d] a modified or hybrid clickwrap/browsewrap agreement).

7. Barnes & Noble Inc., 763 F.3d at 1177.

8. 306 F.3d 17 (2d Cir. 2002).

9. Id. at 23 (emphasis added).

11. See Van Tassell v. United Mktg. Grp., LLC, 795 F. Supp. 2d 770, 792 (N.D. Ill. 2011) (notice insufficient where consumer had to engage in a 'multi-step process" of scrolling and clicking to access Conditions of Use); Hines, 668 F.Supp.2d at 367 (E.D. N.Y. 2009) (notice insufficient where plaintiff "could not even see the link to [the terms and conditions] without scrolling down to the bottom of the screen - an action that was not required to effectuate her purchase").

12. In re Zappos.com, 893 F.Supp.2d at 1064 (D. Nev. 2012) (notice insufficient where Terms of Use were "inconspicuous, buried in the middle to bottom of every ... webpage among many other links, and the website never direct[ed] a user to the Terms of Use."); Cvent, Inc. v. Eventbrite, Inc., 739 F.Supp.2d 927, 937-38 (E.D. Va. 2010) (notice insufficient where terms and conditions only appeared "via a link buried at

the bottom of the first page"). 13. See, e.g., Cullinane, 2016 WL 3751652 at \*2 (notice sufficient where "[t]he words 'Terms of Service & Privacy Policy' appear[ed] in bold white lettering on a black background, and [were] surrounded by a gray box, indicating a button," while "[t]he other words [were] in gray lettering"); *Crawford*, 2014 WL 6606563 at \*1 (notice sufficient based in part on the color contrast between the words "Terms and Conditions," which appeared in blue font, and the surrounding language, which appeared in grey font).

14. See, e.g., In re Zappos, 893 F. Supp. 2d at 1064 (notice insufficient where hyperlink to terms of service was "the same size, font, and color as most other non-significant links").

15. 97 F. Supp. 3d 359 (E.D.N.Y. 2015). 16. *Berkson,* 97 F. Supp. 3d at 404.

17. See Register.com, Inc. v. Verio, Inc., 356 F.3d 393, 401 (2d Cir. 2004) (imputing knowledge of website's terms of use to repeated user of site); Salameno v. Gogo Inc., No. 16-CV-0487, 2016 WL 3688435, at \*5-6 (E.D.N.Y. July 7, 2016) (same); Specht, 306 F.3d at 35 (refusing to impute knowledge of website's license terms based on a single download");

<sup>1.</sup> Enforceability is used herein as shorthand to indicate the formation of a binding, enforceable agreement.

<sup>2.</sup> See, e.g., Schnabel v. Trilegiant Corp., 697 F.3d 110, 120 (2d Cir. 2012).

<sup>10.</sup> Id. at 32.

Fteja v. Facebook, Inc., 841 F. Supp. 2d 829, 836 (S.D.N.Y. 2012) (noting that courts are more likely to enforce browsewrap agreements against businesses rather than individual consumers); Cairo, 2005 WL 756610 at \*5 (same).

18. Berkson, 97 F. Supp. 3d at 403. But see Nguyen v. Barnes & Noble Inc., 763 F.3d 1171, 1179 (9th Cir. 2014) (rejecting "[Defendant's] argument that [Plaintiff's] familiarity with other websites governed by similar browsewrap terms ... gives rise to an inference of constructive notice"; noting that "[w]hether [Plaintiff] has experience with the browsewrap agreements found on other websites such as Facebook, LinkedIn, MySpace, or Twitter, has no bearing on whether he had constructive notice of [Defendant's] Terms of Use").

19. Berkson, 97 F. Supp. 3d at 395. 20. Berkson, 97 F. Supp. 3d at 397.

- 21. Register.com, 356 F.3d at 403.
- 22. Cullinane, 2016 WL 3751652 at \*5.

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# The L in Triple LTs: The Limited Nature of Licenses for Legal Technicians

By Michael Speck

LLTs, what are they? Where are they? How many of them are there? An LLLT is a limited licensed legal technician; they are not an attorney, but are licensed to practice law in a limited capacity. Washington was the first state to adopt the LLLT model and remains the only state to grant any limited licenses to legal technicians. In early 2015, Washington granted licenses to seven LLLTs (grandfathered in, having at least 10 years of practice). In the fall of 2015, 15 more applicants sat for the LLLT exam in Washington with 10 applicants passing the exam.<sup>1</sup> There are likely no more than 22 LLLTs (or the equivalent) in the country, all of them in the state of Washington.<sup>2</sup>

Why did Washington mess with what wasn't working and create LLLTs?<sup>3</sup> In 2001, the Washington State Supreme Court created a Task Force on Civil Equal Justice Funding to assess the civil legal needs of low-income individuals and to recommend ways the state might help to meet those needs. The task force conducted The Civil Legal Needs Study (study),<sup>4</sup> which examined the best practices identified in both a national study published by the American Bar Association in 1999<sup>5</sup> and Oregon's 2000 "Assessment of Legal Needs."6 The task force commissioned a field survey of in-depth interviews and a telephone survey of randomly chosen households. The study results indicated that civil legal needs in low-income populations were not being adequately met. One of the major reasons given by the study participants for not seeking legal assistance was the lack of affordable legal services. The study reports that this lack of affordable services led to the creation of a secondary market of unregulated, untrained and unsupervised legal practitioners.

In its June 2012 order, the court explained its rationale for adopting APR 28:

The practice of law is a professional calling that requires competence, experience, accountability and oversight. [Limited] License Legal Technicians are not lawyers. They are prohibited from engaging in most activities that lawyers have been trained to provide. They are, under the rule adopted today, authorized to engage in very discrete, limited scope and limited function activities. Many individuals will need far more help than the limited scope of law related activities that a limited license legal technician will be able to offer. These people must still seek help from an attorney. But there are people who need only limited levels of assistance that can be provided by non-lawyers trained and within the framework of the regulatory system developed by the Practice of Law Board. This assistance should be available and affordable. Our system of justice requires it.7

Who is qualified to become a Washington LLLT? To become a limited license legal technician, candidates must:

- Obtain an associate's degree or higher;
- Complete 45 credit hours of core curriculum through an American Bar Associationapproved legal program;
- Complete applicable practice area courses (*e.g.* family law) offered through the University of Washington School of Law;
- Complete 3,000 hours of paralegal experience involving substantive legal work in any practice area under the supervision of a lawyer; and
- Take and pass the Legal Technician Exam.<sup>8</sup>

These qualifications are considerable, even described as "onerous" by *Tulsa Business and Legal News* correspondent Ralph Schaefer.

What rules must LLLTs follow? On Jan. 8, 2015, the Washington State Supreme Court adopted the Limited License Legal Technician Rules of Professional Conduct (LLLT RPC), which became effective Feb. 3, 2015. Many of the LLLT RPC were adopted from the RPC regulating attorneys, either applying analogously or as modified to reflect the limits on LLLT's practice. The preamble to the LLLT RPC begins with:

An LLLT is authorized to provide limited legal services that lie within the scope of the practice that the LLLT is licensed to undertake. Within that scope, an LLLT is a member of the legal profession, is a representative of clients, and has a special responsibility for the quality of justice.

Comments to the preamble include:

The Rules of Professional Conduct for LLLTs are modeled on Washington's Rules of Professional Conduct for lawyers (lawyer RPC). The structure of these Rules, like the Lawyer RPC, generally parallels the structure of the American Bar Association's Model Rules of Professional Conduct.

Examples of modified RPC include:

• LLLT RPC 1.13, which is inapplicable to LLLTs as the authorized scope of an LLLT practice does not currently "contemplate representation of an organization."

- Lawyer RPC 1.15A(a) contemplates that lawyers may act as escrow agents for the closing of a purchase and sale of real estate or personal property, a practice area that is not contemplated by APR 28. Accordingly, there is no counterpart in this LLLT RPC to lawyer RPC 1.15A(a)(2).
- Lawyer RPC 2.3 pertains to a lawyer providing an evaluation of a matter affecting a client for the use of someone other than the client. Unlike lawyers, LLLTs are not authorized to communicate the client's position to third parties. Drafting an opinion letter for the purposes of its use with a third party is the same as communicating the client's position to a third party and is prohibited by APR 28(H)(6).<sup>10</sup>

Every LLLT is required to show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 28 by submitting 1) an individual professional liability insurance policy in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit; 2) a professional liability insurance policy of the employer or the parent company of the employer who has agreed to provide coverage for the LLLT's ability to respond in damages in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit; or 3) proof of indemnification by the LLLT's government employer.<sup>11</sup>

A Washington LLLT is subject to the same rules of professional conduct as an attorney, with the exception of those modified to reflect the limited nature of the license. LLLTs are required to contract with their clients and specifically state the limits of the work that can be done. LLLTs are also required to submit proof of financial responsibility. Subject to these strict qualifications and rules, what may an LLLT do for a client? Under current Washington State Supreme Court authorization, legal technicians may advise clients in only one area of practice — family law. LLLTs can, in working with clients on family law matters:

- Obtain relevant facts and explain the relevancy of such information to the client;
- Inform the client of applicable procedures, including deadlines, documents which must be filed and the anticipated course of the legal proceeding;

- Inform the client of applicable procedures for proper service of process and filing of legal documents;
- Provide the client with self-help materials prepared by a Washington lawyer or approved by the board that contain information about relevant legal requirements, case law basis for the client's claim and venue and jurisdiction requirements;
- Review documents or exhibits that the client has received from the opposing party and explain them to the client;
- Select, complete, file and effect service of forms that have been approved by the state of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute, federal forms, forms prepared by a Washington lawyer or forms approved by the board and advise the client of the significance of the selected forms to the client's case;
- Perform legal research;
- Draft legal letters and documents beyond what is permitted in paragraph six (see two bullet points above), if the work is reviewed and approved by a Washington lawyer;
- Advise a client as to other documents that may be necessary to the client's case and explain how such additional documents or pleadings may affect the client's case; and
- Assist the client in obtaining necessary documents or records, such as birth, death or marriage certificates.<sup>12</sup>

The short list of work that an LLLT can perform for a client must arise under specified conditions. First, an LLLT must have a principal place of business, with a physical address for the acceptance of service of process, within the state of Washington. The services authorized shall not be delegated to a nonlicensed person. A contract must be the first step to an LLLT-client relationship. The contract must specifically explain the services to be performed, the fact that the LLLT is not a lawyer and may only provide limited services, a clear statement about the LLLT's responsibility to protect the client's confidentiality and a statement allowing the client to terminate the working relationship at any time, entitling the client to a full refund of all unearned fees shall not initiate or respond to an appeal to an appellate court.<sup>13</sup>

LLLTs have an affirmative duty to inform clients when issues arise that are beyond the limited scope of the LLLT's practice and to inform the client in writing that:

- The issue may exist, describing in general terms the nature of the issue;
- The LLLT is not authorized to advise or assist on this issue;
- The failure to obtain a lawyer's advice could be adverse to the client's interests; and
- The client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's interests.<sup>14</sup>

In addition to these limitations on a LLLT's practice, there are several applicable prohibitions. LLLTs may not:

- Make any statement that the limited licensed legal technician can or will obtain special favors from, or has special influence, with any court or governmental agency;
- Retain any fees or costs for services not performed;
- Refuse to return documents supplied by, prepared by or paid for by the client upon the request of the client. These documents must be returned upon request even if there is a fee dispute between the limited licensed legal technician and the client;
- Represent or advertise, in connection with the provision of services, other legal titles or credentials that could cause a client to believe the limited licensed legal technician possesses professional legal skills beyond those authorized by the license held by the limited licensed legal technician;
- Represent a client in court proceedings, formal administrative adjudicative proceedings or other formal dispute resolution processes unless permitted by GR 24;
- Negotiate the client's legal rights or responsibilities, communicate with another person the client's position or convey to the client the position of another party unless permitted by GR 24(b);

- Provide services to a client in connection with a legal matter in another state unless permitted by the laws of that state to perform such services for the client; and
- Represent or otherwise provide legal or law-related services to a client, except as permitted by law, this rule or associated rules and regulations.<sup>15</sup>

These general parameters of an LLLT's practice are restricted further still as the only practice area authorized by the LLLT RPC is a very limited practice in family law or domestic relations.<sup>16</sup> Of course LLLTs cannot represent more than one party in any domestic relations matter, but LLLTs are also prohibited from providing legal services in *de facto* parentage or nonparental custody actions, and where 25 U.S.C. Chapter 21, the Indian Child Welfare Act or

RCW 13.38, the Washington State Indian Child Welfare Act, applies to the matter. Also, LLLTs cannot advise or assist clients regarding:

- Division of owned real estate, formal business entities or retirement assets that require a supplemental order to divide and award, which includes division of all defined benefit plans and defined contribution plans;
- Bankruptcy, including obtaining a stay from bankruptcy;
- Disposition of debt and assets if one party is in bankruptcy or files a bankruptcy during the pendency of the proceed-

ing unless a) the LLLT's client has retained a lawyer to represent them in the bankruptcy, b) the client has consulted with a lawyer and the lawyer has provided written instructions for the LLLT as to whether and how to proceed regarding the division of debts and assets in the domestic relations proceeding or c) the bankruptcy has been discharged;

- Anti-harassment orders, criminal no contact orders, anti-stalking orders and sexual assault protection orders in domestic violence actions;
- Jointly acquired committed intimate relationship property issues in committed intimate domestic relationship actions;

...the only practice area authorized by the LLLT RPC is a very limited practice in family law or domestic relations.

- Major parenting plan modifications unless the terms were agreed to by the parties before the onset of the representation by the LLLT;
- The determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21(A) unless and until jurisdiction has been resolved;
- Objections to relocation petitions, responses to objections to relocation petitions or temporary orders in relocation actions; and
- Final revised parenting plans in relocation actions except in the event of default or where the terms have been agreed to by the parties.<sup>17</sup>

LLLTs are also expressly prohibited from appearing or participating in the taking of a deposition or initiating or responding to an appeal to an appellate court.<sup>18</sup>

Now that nonattorneys may, in a very limited way and subject to strict regulation, provide legal services in Washington, the market there will change to reflect new relationships among service providers and their clients. In April of this year, the WA RPC were amended to clarify the limits upon business relationships between an attorney and an LLLT. Under Washington's Rule 5.9,<sup>19</sup> a lawyer may:

- Share fees with an LLLT who is in the same firm as the lawyer;
- Form a partnership with an LLLT where the activities of the partnership consist of the practice of law; or
- Practice with, or in the form of, a professional corporation, association or other business structure authorized to practice law for a profit in which an LLLT owns an interest or serves as a corporate director or officer or occupies a position of similar responsibility.

A lawyer and an LLLT may practice in a jointly owned firm or other business structure authorized by paragraph (a) of Rule 5.9 only if:

- LLLTs do not direct or regulate any lawyer's professional judgment in rendering legal services;
- LLLTs have no direct supervisory authority over any lawyer;
- LLLTs do not possess a majority ownership interest or exercise controlling managerial authority in the firm; and
- Lawyers with managerial authority in the firm expressly undertake responsibility for the conduct of LLLT partners or owners to the same extent they are responsible for the conduct of lawyers in the firm under Rule 5.1.<sup>20</sup>

Is the Washington LLLT experiment a glimpse of things to come? The winds of change are stirring. Perhaps allowing nonlawyers to provide limited legal services will help the profession, as well as the public we serve.<sup>21</sup> This is an intermediate step to, or one of many changes in lieu of, deregulation of the profession.<sup>22</sup> In the spring of this year, the ABA published an ostensible position paper discussing the pros and cons of the alternative business structures for law firms, including empirical data from jurisdictions who have adopted the ABA Model Rules of Professional Conduct. No conclusion was reached, and input from the membership has been sought; however, the ABA acknowledged the Washington LLLT rules created an ABS for Washington law firms:

Washington State also permits a form of nonlawyer ownership. The Washington Supreme Court recently created the Limited License Legal Technician (LLLT), the first independent paraprofessional in the United States that is licensed to give legal advice. On March 23, 2015, the Washington Supreme Court issued a new rule permitting LLLTs to own a minority interest in law firms. As a result, Washington State falls into the first category of ABS described above, except that ownership by nonlawyers is limited to LLLTs.<sup>23</sup>

This position paper is consistent with ABA Resolution 105, which creates "model regulatory objectives" for the provision of nontraditional legal services and states in relevant part:

FURTHER RESOLVED, That the American Bar Association urges that each state's highest court, and those of each territory and tribe, be guided by the ABA Model Regulatory Objectives for the Provision of Legal Services when they assess the court's existing regulatory framework and any other regulations they may choose to develop concerning non-traditional legal service providers.

FURTHER RESOLVED, That nothing contained in this Resolution abrogates in any manner existing ABA policy prohibiting non lawyer ownership of law firms or the core values adopted 30 by the House of Delegates.<sup>24</sup>

Would Oklahoma ever consider the LLLT model?<sup>25</sup> I submit that we should at least study the possibility. There is much work to be done in improving the access to justice for Oklahomans. Oklahoma ranked 50th in the composite index set forth in the 2014 Justice Index compiled by National Center for Access to Justice (NCAJ).<sup>26</sup> The NCAJ is a project of the Cardozo School of Law. The NCAJ index is "a snapshot of the degree to which certain selected best practices for ensuring access to the civil and criminal justice systems have been adopted across the country."27 It also "shows the number of these attorneys for every 10,000 people in poverty in each state" as well as "the number of all attorneys per 10,000 people (not in poverty) in each state."28

According to the NCAJ index, Oklahoma has 0.73 attorneys for every 10,000 people living in poverty and 35.28 attorneys per 10,000 people. As to the number of attorneys for every 10,000 people living in poverty, more than 30 states are better situated than Oklahoma.<sup>29</sup> The NCAJ reports more than 80 percent of the litigants in the courts of the various states appear pro se "in matters as important as evictions, mortgage foreclosures, child custody and child support proceedings, and debt collection cases."<sup>30</sup> This appears to indicate that a paucity of legal representation for poor persons is a national problem, and that we in Oklahoma have yet to rise to the average, and yet inadequate, response to the need.

It is evident there are unmet legal needs for economically disadvantaged Oklahomans.<sup>31</sup> Where a market need requires specialized training, those who fill in the gaps "often can harm vulnerable consumer populations." In the afore-quoted article, titled "The Washington State Limited License Legal Technician Practice Rule: A National First in Access to Justice," Brooks Holland an associate professor of law at Gonzaga University School of Law, cites a letter from Washington Practice of Law Board to Washington State Supreme Court, at page 2 (Oct. 27, 2010) (on file with said author), which she describes as "explaining that a 'thriving market for non-attorney legal services ... operates in Washington — with little to no oversight.'"

When a legal crisis arises, [persons in need] either must try to handle it themselves, without any understanding of the legal framework involved, or turn to unregulated "paralegals" or others offering their services. Increasingly, people of limited means are being victimized by unscrupulous individuals providing ineffective and sometimes unethical services to the desperate. These individuals claim to have the expertise to provide legal assistance, at a price. Although this situation has proliferated in several areas of practice, it seems most rampant with regard to family law and . . . with unlicensed "notario" services.<sup>32</sup>

Analogs exist in Oklahoma as evidenced by such websites as:

- myoklahomadivorce.com;
- paylessdivorceok.com; and
- oklahomadivorceform.com.

These websites indicate that the services advertised are not legal services, and that documents provided and/or completed are for use by pro se litigants. I make no representation regarding the scruples of these service providers or the efficacy of their work. These are empirical questions which are beyond the scope of this article.

It is clear there are people in Oklahoma who need only limited levels of assistance, and that these needs are falling through the gaps in our system of justice. While the Oklahoma Rules of Professional Conduct allow for limited scope representation,33 the flexibility afforded to Oklahoma attorneys has not eliminated the market served by unregulated service providers. In the fall of 2016, Oklahoma, with the leadership of the Oklahoma Supreme Court's Access to Justice Commission and the Oklahoma Bar Association, participated in the launch of the ABA's national pro bono website. Oklahoma Free Legal Answers (OFLA) will permit citizens with limited income to submit questions to lawyers who have volunteered their time.<sup>34</sup> Even with online access to free legal advice, there will likely remain significant unmet legal needs which exceed the limited scope of the OFLA, a problem which may soon be exacerbated by drastic budget cuts to Legal Services Corporation. Reduced-fee and pro bono services providing representation to Oklahomans in need may soon feel the pain associated with proposed drastic budgets cuts to Legal Services Corporation.<sup>35</sup> Perhaps these shortcomings can be addressed in part by nonlawyers trained and within the framework of the existing regulatory system.

When considering further nonlawyer representation such as the LLLT model, we should seek answers to the previously alluded to empirical questions, such as: To what extent, and in what settings, are nonlawyer representatives effective? Under what circumstances would nonlawyer representation create more harm than good? In what instances can the legal needs of citizens be successfully identified and met by the parties themselves, with or without the limited assistance of legal professionals?<sup>36</sup>

If the data indicates that nonlawyer representation has been effective thus far, why wouldn't we consider LLLTs as one means of improving access to justice? If this form of assistance, properly regulated, is both effective and affordable, shouldn't we study it as one of many tools? In our efforts to improve the access our fellow Oklahomans have to their system of justice, shouldn't we examine any and all options which are elsewhere successful?<sup>37</sup> To paraphrase the Washington Supreme Court in its order creating the first LLLT rules in the country, there are many Oklahomans who need only limited levels of assistance. It may well be that affordable assistance can be provided by trained nonlawyers within the framework of the existing regulatory system. Our system of justice and our duty to our fellow citizens requires that we leave nothing on the conference table.

1. See www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians/Legal-Technician-FAQs. Note that this is not an exhaustive account of the status of LLLT, navigator and document preparer or similar programs in various stages of consideration or development among the various states. My purpose here is to relay to the members of the Oklahoma Bar Association a brief account of Washington's LLLT rule, which grants limited licenses to qualified paralegals.

2. There were, as of March 8, 2017, 20 LLLTs identified in the Washington Legal Technicians Directory located at www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians/Directory.

3. These comments build upon an article published in the *Tulsa Lawyer* in June 2013 titled "Paralegals and the Access to Justice: Washington's Limited License Legal Technicians Give Us Food for Thought" by Michael Speck and Christina Smith.

4. See ocla.va.gov/wp-content/uploads/2015/06/CLNS14-Execu utive-Report-05-28-2015-FINAL1.pdf. This study was updated in 2015, based upon research done in the Social and Economic Sciences Research Center (SESRC) at Washington State University during the summer and fall of 2014, prior to the licensure of the first LLLIs. See also ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy\_ October2015\_V21\_Final10\_14\_15.pdf.

5. *See* www.americanbar.org/content/dam/aba/administrative/ legal\_aid\_indigent\_defendants/downloads/agendaforaccess. authcheckdam.pdf.

6. See www.osbar.org/\_docs/resources/legalneedsreport.pdf.

7. The Civil Legal Needs Study, published by Washington State Supreme Court, Task Force on Civil Equal Justice Funding (2003), www. courts.wa.gov/newsinfo/content/taskforce/CivilLegalNeeds.pdf.

8. See WA APR 28(D), www.wsba.org/~/media/Files/Licensing\_ Lawyer%20Conduct/LLLT/APR%2028%20and%20Regs%203-31-2015.ashx.

9. See www.tulsaworld.com/business/tulsabusiness/business\_ news/legalnewsfeatures/triple-lt-rules-onerous/article\_5e8cbba3-535f-57a2-95a7-7f54b92e2071.html.

10. See the LLLT RPC, www.wsba.org/~/media/Files/Licensing\_ Lawyer%20Conduct/LLLT/2015-02-03%20LLLT%20RPC.ashx.

11. See WA APR 28 Regulation 12, Supreme Court of Washington Order No. 25700-A-1005 and the WSBA Legal Technician Program FAQs at: www.wsba.org/~/media/Files/Licensing\_Lawyer%20Conduct/ LLLT/20120615%20SCt%20Order%20%20Legal%20Technician%20Rule. ashx and www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians/Legal-Technician-FAQs.

12. See WA APR 28(F).

13. See WA APR 28(F).

14. See WA APR 28(A).

15. See WA APR 28(H).

16. See WA APR 28 Regulation 2(B).

17. See WA APR 28 Regulation 2(B)(3).

18. Id.

19. See www.courts.wa.gov/court\_rules/?fa=court\_rules.list& group= ga&set=RPC.

20. See Rule 5.9 of Washington State Court Rules: Rules of Professional Conduct.

21. See "News Analysis: Allowing Non-Lawyers to Provide Legal Services Could Help Profession" by Erin Arvelund, June 7, 2016 at:

legalexecutiveinstitute.com/allowing-non-lawyers-provide-legalservices/

22. See "Should the US Eliminate Entry Barriers to the Practice of Law? Perspectives Shaped by Industry Deregulation," by Clifford Winston and Quentin Karpilow, 106(5) American Economic Review 171, (Oct. 1, 2016). I remain unconvinced by the arguments in favor of deregulation of the practice of law. The analogizing to various industries, not only oversimplifies the consequences of those regulatory changes, but also relies upon the unwarranted assumption that legal services are, for the purposes of economic analysis, a service like any other. Dick the Butcher said, "The first thing we do, let's kill all the lawyers." See Henry VI, Part II, act IV, Scene II, Line 73. The administration of justice is an anathema to tyranny. The rebel Jack Cade didn't dismiss the suggestion as demoralizing or disheartening, but embraces the notion when he replies "Nay, that I mean to do."

23. See src.bna.com/eeX. See also "ABA House Approves Model Regulatory Objectives for Nontraditional Legal Services" by Lorelei Laird, ABA Journal, Feb. 8, 2016, www.abajournal.com/news/article/ house\_approves\_proposed\_model\_regulatory\_objectives\_for\_non traditional\_lega.

24. See ABA Resolution 105, Adopted ty the House of Delegates on Feb. 8, 2016 (newly adopted language <u>underlined</u>), www.abajournal. com/files/2016\_hod\_midyear\_105.authcheckdam.pdf.

25. Closing comments are taken from "Access to Justice — There is Much Work to Be Done" by Michael Speck, 86 Oklahoma Bar Journal 400 (Feb. 14, 2015).

26. See www.justiceindex.org/findings/.

27. See www.justiceindex.org/findings/#sthash.d862tcA8.dpuf.

28. See www.justiceindex.org/methodology/#sthash.TVx81BkZ.dpuf.

29. See www.justiceindex.org/findings/attorney-access/.

 See www.justiceindex.org/findings/self-represented-litigants/ #sthash.rl]hzx82.dpuf.

31. In 2016, the Oklahoma Supreme Court's Access to Justice Commission commissioned a legal needs study to be conducted by Legal Aid Services of Oklahoma, with funding provided by the American Bar Association, and with the assistance of faculty from OSU. That study will better define the nature and extent of these unmet legal needs in Oklahoma.

32. See "The Washington State Limited License Legal Technician Practice Rule: A National First in Access to Justice," by Brooks Holland, 82 MISS. L.J. SUPRA 75, 90 (2013), mississippilawjournal.org/ wp-content/uploads/2013/02/3\_Holland\_Final.pdf.

33. See Rule 1.2 Comments 5-8.

34. See oklahoma.freelegalanswers.org/ and Michael Speck, "Free Legal Answers in Oklahoma," September 2016.
35. Legal Aid Services of Oklahoma Inc. and Oklahoma Indian

35. Legal Aid Services of Oklahoma Inc. and Oklahoma Indian Legal Services have received over \$5 million a year in basic field funding from Legal Services Corporation since 2013, including \$5,096,816 in 2016. See www.lsc.gov/state-profile?st=OK&Printable=True. See also reports indicating that the current administration is "eyeing the elimination of LSC as part of the 2017 Federal Budget." www.njlawjournal. com/id=1202777693184/Legal-Services-Worried-That-Trump-Will-Take-Ax-to-Agency.

36. Professor Anna Carpenter of the TU School Of Law's Lobeck Taylor Family Advocacy Clinic is a co-author of forthcoming articles which will discuss these and other empirical questions.

37. In its report and recommendations published Nov. 18, 2015, the Utah Supreme Court Task Force to Examine Limited Legal Licensing summarizes the characteristics of limited licensing in Arizona (Document Preparers), California (LLLTs or analog to same under consideration), Florida (Legal Document Preparers), Louisiana (Notary Publics), Nevada (Document Preparers), Oregon (LLLTs or analog to same under consideration), and Washington (discussed at length herein) and mentions preliminary efforts in Connecticut and Massachusetts. *See* www.utcourts.gov/committees/limited\_legal/Supreme%20Court%20Task%20Force%20 to%20Examine%20Limited%20Legal%20Licensing.pdf. Court navigators, nonattorney representatives before state and federal administrative agencies and other nonattorney representatives are not addressed herein, or the Utah Report.

#### ABOUT THE AUTHOR



Michael Speck holds a B.A. and M.A. in philosophy from OU and a J.D. from Southern Illinois University School of Law. After more than 10 years of civil litigation in Oklahoma City, and nine years of adjunct instruction at Rose State College, Mr. Speck

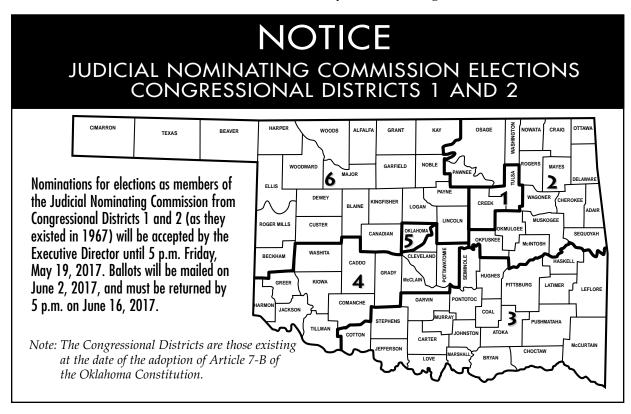
joined the faculty at Tulsa Community College in January 2012 as the program coordinator of the Paralegal Studies Program.

# Judicial Nominating Commission Elections: Nomination Period Opens

The selection of qualified persons for appointment to the judiciary is of the utmost importance to the administration of justice in this state. Since the adoption of Article 7-B to the Oklahoma Constitution in 1967, there has been significant improvement in the quality of the appointments to the bench. Originally, the Judicial Nominating Commission was involved in the nomination of justices of the Supreme Court and judges of the Court of Criminal Appeals. Since the adoption of the amendment, the Legislature added the requirement that vacancies in all judgeships, appellate and trial, be filled by appointment of the governor from nominees submitted by the Judicial Nominating Commission.

The commission is composed of 15 members. There are six non-lawyers appointed by the governor, six lawyers elected by members of the bar, and three at large members, one selected by the Speaker of the House of Representatives; one selected by the President Pro Tempore of the Senate; and one selected by not less than eight members of the commission. All serve sixyear terms, except the members at large who serve twoyear terms. Members may not succeed themselves on the commission.

The lawyers of this state play a very important role in the selection of judges since six of the members of the commission are lawyers elected by lawyers. The lawyer members are elected from each of the six congressional districts as they existed in 1967. (As you know, the congressional districts were



redrawn in 2011.) Elections are held each odd numbered year for members from two districts.

### 2017 ELECTIONS

This year there will be elections for members in Districts 1 and 2. District 1 is Creek and Tulsa counties. District 2 is composed of 17 counties in the northeastern part of the state. (See the sidebar for the complete list.)

Lawyers desiring to be candidates for the Judicial Nominating Commission positions have until Friday, May 19, 2017, at 5 p.m. to submit their Nominating Petitions. Members can download petition forms at goo.gl/ANaaA9. Ballots will be mailed on June 2, 2017, and must be returned by June 16, 2017, at 5 p.m.

It is important to the administration of justice that the OBA members in the First and Second Congressional Districts become informed on the candidates for the Judicial Nominating Commission and cast their vote. The framers of the constitutional amendment entrusted to the lawyers the responsibility of electing qualified people to serve on the commission. Hopefully, the lawyers in the First and Second Congressional Districts will fulfill their responsibility by voting in the election for members of the Judicial Nominating Commission.

#### OBA PROCEDURES GOVERNING THE ELECTION OF LAWYER MEMBERS TO THE JUDICIAL NOMINATING COMMISSION

1. Article 7-B, Section 3, of the Oklahoma Constitution requires elections be held in each odd numbered year by active members of the Oklahoma Bar Association to elect two members of the Judicial Nominating Commission for six-year terms from Congressional Districts as such districts existed at the date of adoption of Article 7-B of the Oklahoma Constitution (1967).

# **DISTRICT 1 COUNTIES**

- Creek
- Tulsa

# **DISTRICT 2 COUNTIES**

- Adair
- Cherokee
- Craig
- Delaware
- Mayes
- McIntosh
- Muskogee
- Nowata
- Okfuskee
- Okmulgee
- Osage
- Ottawa
- Pawnee
- Rogers
- Sequoyah
- Wagoner
- Washington

2. Ten (10) active members of the association, within the Congressional District from which a member of the commission is to be elected, shall file with the Executive Director a signed petition (which may be in parts) nominating a candidate for the commission; or, one or more County Bar Associations within said Congressional District may file with the Executive Director a nominating resolution nominating such a candidate for the commission.

3. Nominating petitions must be received at the Bar Center by 5 p.m. on the third Friday in May.

4. All candidates shall be advised of their nominations, and unless they indicate they do not desire to serve on the commission, their name shall be placed on the ballot.

5. If no candidates are nominated for any Congressional District, the Board of Governors shall select at least two candidates to stand for election to such office.

6. Under the supervision of the Executive Director, or his designee, ballots shall be mailed to every active member of the association in the respective Congressional District on the first Friday in June, and all ballots must be received at the Bar Center by 5 p.m. on the third Friday in June.

7. Under the supervision of the Executive Director, or his designee, the ballots shall be opened, tabulated and certified at 9 a.m. on the Monday following the third Friday of June.

8. Unless one candidate receives at least 40 percent of the votes cast, there shall be a runoff election between the two candidates receiving the highest number of votes.

9. In case a runoff election is necessary in any Congressional District, runoff ballots shall be mailed, under the supervision of the Executive Director, or his designee, to every active member of the association therein on the fourth Friday in June, and all runoff ballots must be received at the Bar Center by 5 p.m. on the third Friday in July.

10. Under the supervision of the Executive Director, or his designee, the runoff ballots shall be opened, tabulated and certified at 9 a.m. on the Monday following the third Friday in July. 11. Those elected shall be immediately notified, and their function certified to the Secretary of State by the President of the Oklahoma Bar Association, attested by the Executive Director.

12. The Executive Director, or his designee, shall take

possession of and destroy any ballots printed and unused.

13. The election procedures, with the specific dates included, shall be published in the *Oklahoma Bar Journal* in the three issues immediately preceding the date for filing nominating resolutions.

# NOTICE OF JUDICIAL VACANCY

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

Associate District Judge Twenty-fourth Judicial District Okfuskee County, Oklahoma

This vacancy is due to the retirement of the Honorable David Martin effective March 1, 2017.

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

Application forms can be obtained on line at www.oscn.net by following the link to the Oklahoma Judicial Nominating Commission or by contacting Tammy Reaves, Administrative Office of the Courts, 2100 North Lincoln, Suite 3, Oklahoma City, OK 73105, (405) 556-9300, and should be submitted to the Chairman of the Commission at the same address no later than 5:00 p.m., Friday, April 21, 2017. If applications are mailed, they must be postmarked by midnight, April 21, 2017.

Deborah A. Reheard, Chair Oklahoma Judicial Nominating Commission



Economic Damages | Forensic Accounting & Fraud Investigations | Computer Forensics | eDiscovery

# BAR NEWS

# Bar Members Celebrate Membership Anniversaries

The Oklahoma Bar Association applauds these members who, in 2017, reached significant milestone anniversaries.



**TULSA COUNTY** James G. Davidson, *Tulsa* 

In 1947 India and Pakistan gained independence from Britain, the Dead Sea Scrolls were discovered in Qumran and the microwave oven was invented by Percy Spencer. Jackie Robinson joined the Brooklyn Dodgers in the spring of 1947 and the movie *Miracle on 34th Street* debuted in October of that year.



**CLEVELAND COUNTY** Maurice Dean Brown, Norman

GARFIELD COUNTY Curtis Lee Horrall, Enid **GRADY COUNTY** Clarence L. Maher, *Chickasha* 

MAJOR COUNTY Mary Ridgeway Bailey, Fairview

MURRAY COUNTY W. J. Albright, Sulphur

MUSKOGEE COUNTY Robert Bruce Green, *Muskogee* 

**NOBLE COUNTY** Robert Leroy Kasper, *Perry* 

OKLAHOMA COUNTY James Franklin Davis, Oklahoma City Mathew M. Dowling, Oklahoma City James Wylie George, Oklahoma City Paul B. Lindsey, Oklahoma City James N. Posey, Bethany Albert F. Schrempp, Oklahoma City TULSA COUNTY

TULSA COUNTY Thomas R. Brett, *Tulsa* Darrel G. Camerer, *Tulsa* J. Jerry Dickman, *Tulsa* G. Douglas Fox, *Tulsa*  Paul Houston Johnson, *Tulsa* Robert Wayne Langholz, *Tulsa* John Jerry Tanner, *Tulsa* Richard L. Wheatley Jr., *Tulsa* Charles Scott Woodson, *Sand Springs* 

The crime drama *Twelve Angry Men* debuted in April of 1957 and *Leave it to Beaver* premiered in October of that same year. History was made that year as Russia launched Sputnik I, ushering in the space age.

**OUT-OF-STATE MEMBERS** William Howard Boyles, *Dallas* 

Robert K. Chiles, *Sarasota*, *FL* James T. Comfort, *Richardson*, *TX* 

Elmer M. Farinella, *Albuquerque*, NM

Don Ratcliffe Holland, *Kingsland, TX* Devier Pierson, *Washington, D.C.* Murlene Worth, *Austin, TX* William S. Jack Fine, *Payson, AZ* 



**BECKHAM COUNTY** Arthur Edwin McComas, *Elk City* 

CANADIAN COUNTY Nicholas D. Garrett, Piedmont

Gerald E. Weis, Yukon

CARTER COUNTY James Alan Clark, Ardmore

Theodore James Pasley, Ardmore

CLEVELAND COUNTY Glenn E. Floyd, Norman Amos Nathan Moses Jr., Norman

COMANCHE COUNTY James M. Fullerton, Lawton

Thomas W. Wisener, Fletcher

**CREEK COUNTY** Charles Doyle Watson Jr., Drumright

KAY COUNTY Fred L. Boettcher, *Ponca City* Leslie D. Page Jr., *Blackwell* 

**KINGFISHER COUNTY** E. Edd Pritchett, *Kingfisher* 

**LATIMER COUNTY** Ray A. Johnston, *Wilburton* 

**LEFLORE COUNTY** George Hunter McBee, *Poteau* 

**LOVE COUNTY** G. Timothy Armstrong, *Thackerville* 

MCCLAIN COUNTY Buster Franklin Wilburn, Washington

MUSKOGEE COUNTY John O. Moffitt, Fort Gibson **OKLAHOMA COUNTY** Daniel Daugherty Adams Jr.,

Oklahoma City

James Robert Barnett, Oklahoma City

Barry Weldon Benefield, Oklahoma City

J. Ted Bonham, Oklahoma City

Rex D. Brooks, Oklahoma City

Charles Colwell Chastain, Oklahoma City

R. Denning Crowe, *Oklahoma City* 

Frederick W. Dunlevy Jr., Oklahoma City

John Thomas Eberle, Oklahoma City

Robert Dale Garrett, Oklahoma City

Edwin F. Garrison, Oklahoma City

Warren L. Griffin, Oklahoma City

Taylor Kennedy Hammett, Midwest City

Thurgood Marshall was sworn in as the first African-American U.S. Supreme Court justice in October of 1967. In that same year, Congress created the Public Broadcasting Service (PBS), providing us shows like Sesame Street and Mister Rogers' Neighborhood.

John W. Harbour Jr., Oklahoma City

Kenneth M. Hemry, Oklahoma City

Stephen Horwitz, Oklahoma City

Ronald Robert Hudson, Oklahoma City

Robert M. Johnson, *Oklahoma City* 

Stanley P. Johnston, *Oklahoma City* 

Dorothy Allene Lawson, Oklahoma City Mike Millstead, Del City Richard Morris, *Del City* Eleanor T. Pendell Moser, *Oklahoma City* 

Max D. Moulton, *Oklahoma City* Clvde A. Muchmore,

Oklahoma City

J. Larry Nichols, Oklahoma City

J. Edward Oliver, Oklahoma City

Jack H. Petty, Bethany

Glenn E. Ricks, Oklahoma City

James McKee Robinson III, Oklahoma City

Donald Joe Rockett, Oklahoma City

Albert J. Tesio, Del City

W. Roger Webb, Arcadia

Donald Ray Wilson, Oklahoma City

**OKMULGEE COUNTY** Thomas K. Butler, *Okmulgee* 

**PONTOTOC COUNTY** Michael Garnett Smith, Ada

**POTTAWATOMIE COUNTY** Jay Scott Brown, *Shawnee* 

**STEPHENS COUNTY** John Ray Green, *Duncan* 

**TULSA COUNTY** 

Glenn R. Beustring, *Tulsa* Vincent Craig Blackstock, *Tulsa* Douglas Lee Boyd, *Tulsa* Gatra Marvin Bradshaw, *Tulsa* Jarold William Casey, *Tulsa* Richard Casey Cooper, *Tulsa* R. Hayden Downie, *Tulsa* R. Hayden Downie, *Tulsa* Cecil Gentner Drummond, *Tulsa* Thomas D. Gable, *Tulsa* John A. Gladd, *Broken Arrow* Richard Hugh Goldwyn, *Tulsa* Russell Henry Harbaugh Jr., *Tulsa* 

Roy Dennis Johnsen, *Tulsa* Stephen Charles Lewis, *Tulsa*  Joseph Arthur McCormick, *Tulsa* Paul B. Naylor, *Tulsa* Lee Wayne Paden, *Tulsa* Coleman Louis Robison, *Tulsa* R. Thomas Seymour, *Tulsa* Michael Voll Snyder, *Tulsa* Marvin Eugene Spears, *Tulsa* Douglas G. Stuart, *Broken Arrow* Ross O. Swimmer, *Tulsa* John Baumert Turner, *Tulsa* Patrick Olynn Waddel, *Tulsa* Melvin Reynold Walters, *Tulsa* Bryan S. Watt, *Tulsa* James Earl Whitman, *Tulsa* Frank Burleigh Wolfe III, *Tulsa* 

# WASHINGTON COUNTY

Robert M. Kane, *Bartlesville* John M. Keefer, *Bartlesville* Patrick H. Roark, *Bartlesville* Bruce W. Robinett, *Bartlesville*  WOODWARD COUNTY Bryce L. Hodgden, *Woodward* 

# **OUT-OF-STATE MEMBERS**

Daniel W. Allan, Anchorage, AK

George Dewees Bennett, Los Angeles

Robert Lee Blackwood, *Freeport*, *TX* 

Gary Wayne Brown, Fairfax, VA

John Rider Fears, *Fountain Hills, AZ* 

Robert James Fulgency, Edina, MN

Samuel W. Graber, Sherman, TX

Clark Allen Halderson, Carlsbad, CA

Bill Gene Halstead, Bluffton, SC

Montell E. Hester, Tacoma, WA

Max D. Hochanadel, Sammamish, WA John Hohn, San Marcos, TX John Paul Jones, Rockvale, TN

Darrel A. Kelsey, Prairie Village, KS

Neal Stephen Keys, North Miami Beach, FL

Michael Elliott Krasnow, *Bradenton*, *FL* 

Stephan E. Lawton, *Chevy Chase, MD* 

R. Howard Mashburn, *Conroe, TX* 

Auburn L. Mitchell, Austin, TX

Regis L. Mullen, *Lewisville*, TX

David F. Nemecek, Bradenton, FL

Richard A. Overton, St. Louis

Larry Dixon Patton, North Port, FL

Stuart B. Robbins, *Newton*, *MA* Philip Roland Russ, *Amarillo*, *TX* 

Jerry W. Wark, *Phoenix* 

Charles Wren Wolfe, Magnolia, TX

# Notice of Vacancy for United States Magistrate Judge United States District Court For The Northern District of Oklahoma

Applications are now being accepted for a full-time position of Magistrate Judge in Tulsa. The duties are demanding and wide-ranging and will include: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial motions and evidentiary proceedings as may be delegated by the Judges of the District Court; and (4) trial and disposition of civil cases upon consent of the litigants. The incumbent will begin to serve in the fall of 2017. See full notice, including qualification requirements and application instructions, at: www.oknd.uscourts.gov.

# AN EQUAL OPPORTUNITY EMPLOYER

# Mock Trial Builds Skills for All Career Fields, Not Just Law

By Todd A. Murray

"Mock trial is an exceptional program that teaches students public speaking and creative problem solving," said Cymber St. Gemme, former Owasso High School participant who helped start a mock trial program at TU. "It challenges students to prepare effectively as a team with the information given but also to think on their feet. Additionally, students gain networking opportunities and learn how to conduct themselves in a professional setting," she continued.

Not just former participants praise the Oklahoma Mock Trial Program, which brings together high school students and teachers with practicing and retired lawyers and judges to demystify our court system while promoting a positive image of the legal profession. If the Mock Trial Committee had its way, every school district in Oklahoma would sponsor a team, realizing the benefits to be achieved through mock trial participation. Mock trial participants gain skills requested by employees for any field, not just law.

In 2015 *Forbes* magazine published a story about the skills that were most requested by employers from college graduates. The National Association of Colleges and Employers conducted the study. To those who have participated in mock trial, it would be no surprise to learn that the top six requested skills from the NACE study are all gained through mock trial parstatements that develop a cohesive and persuasive argument advocating both sides, prosecution/plaintiff and defense/defendant.



From left: Mock Trial Committee members (front row) Melissa Peros, Judy Spencer, Lydia Anderson, Todd Murray, Shea Bracken, (back row) Kevin Cunningham, Anthony Casey, Andrea Medley and Michael Nesser. Other committee members are Jennifer Bruner, Aaron Bundy, Christine Cave and Dan Couch.

ticipation. In fact, other skills on the list can be obtained through mock trial, too.

The most requested skill by employers of college graduates in this study is the ability to work on a team. Employers desire college graduates who not only get along with others, but can cooperate as a team to accomplish company goals.

Mock trial teaches its participants teamwork: individual students must work together to create opening statements, direct examinations, crossexaminations and closing Michon Hastings, attorney and coach with Owasso High School, said, "Students learn the joys and rewards of working hard to accomplish a goal and gain lifelong skills that will carry them powerfully and eloquently into any career."

Attorneys rely on witnesses to know the case well enough to respond to direct questions and sidestep crafty cross-examination questions from the opponent. Witnesses rely on attorneys to know the rules of evidence to respond intelligently to objections and to easily



Judging the final championship round were, from left, Retired Judge Edward Cunningham, Judge Paul J. Cleary, Judge Martha Rupp Carter, Judge Shon Erwin, Judge Jane Wiseman and Judge Dana L. Rasure.

rehabilitate them when needed. Both witnesses and attorneys rely on timekeepers to ensure that the cases are presented within the competition time constraints.

"Mock trial promotes both teamwork and sportsmanship in a unique way," said Melissa Peros, attorney and case writing chair of the committee. "Building a legal case where the evidence, witnesses and attorneys have to work together to create a theme that is used throughout the presentation, gives the students an opportunity to be a piece of a bigger whole. Furthermore, the Oklahoma students go beyond their own teams and support each other through teamwork. We regularly see our teams helping prepare the state champion for nationals in May promoting a sense of teamwork throughout the entire community."

Employers next most desire college graduates who have the ability to make decisions and solve problems. Mock trial teaches participants to critically evaluate all the evidence that is presented and to make discerning selections about what information is relevant to best tell a captivating story.

Moreover, mock trial teaches participants to expect uncooperative witnesses as well as those that might have a different interpretation of the facts, forcing split-second decisions on how to best obtain the information desired from each witness. During a trial, participants might be surprised at an objection not previously considered during practice, but must be ready to argue the objection with references to the federal rules of evidence.

Mock trial also teaches participants to communicate verbally, another skill requested by employers. From opening statements, to direct and cross-examinations, closing statements and even making protests, mock trial participants learn how to project their voice, use vocal inflection and communicate thoughts verbally.

A former attorney turned English teacher, Bruce Bushong, Shawnee High School coach, has a unique perspective on the impact the program has on students. He said, "One of my former students, who was regularly praised for how 'smooth' he was in his presentation, gained from his participation in the Mock Trial Program the confidence to start his own business after he finished college. Another student was inspired by his successful scores to take on the challenge of attending Harvard."

Jennifer A. Bruner, attorney and committee member, mimics Mr. Bushong's experience. "My younger sister was on the Weatherford High School mock trial team many years ago," she said. "As a team member, she gained valuable experience in the cooperative teamwork that is required to make a mock trial presentation; but more importantly, she gained her first public speaking experience as an attorney on that team. Those skills have served her well throughout her life, and she has built her own consulting company around her communication and presentation skills."

In today's global work environment, employers require employees who can organize and prioritize work. Mock Trial Committee Vice Chair Kevin Cunningham said, "The case materials in the competition necessarily require a prioritization of points to cover and arguments to make. There are too many possible points of contention to address them all within the time limit allowed. Participants must determine which points help their case position, craft and present their case to those points, and work to maintain a case theory that covers the points necessary to prevail. Critical thinking, prioritization and discipline are absolutely necessary to a successful case presentation."

Employers also demand employees who have the ability to obtain and process information. In order to prepare cases from the written materials prepared, participants, just like attorneys, must seek out background information on a range of topics. For instance, this year participants prepared a civil suit filed by the citizens of Wheatville against Quadstone Energy, a drilling company.

When a 6.2 magnitude earthquake destroys the downtown of a small Oklahoma town, citizens become divided as to its cause — some believe that the catastrophic seismic event occurred due to the fracking that brought prosperity to some in the town when an energy company began drilling in the area. Those receiving royalties from the oil production, however, believe the earthquake that destroyed over 20 buildings without harming any human lives was a natural event totally unrelated to the fracking activity started in 2008. In order to make sense of the case, teams sought out experts in geology and petroleum drilling.

"Each year," said Melissa Peros, "we construct a case that teaches students to use their critical thinking skills to both understand the material and choose what items are not worth pursuing. The committee specifically plants 'red herrings,' and I am always impressed with the way the students deal with those issues. In years past, the committee has been pleasantly surprised when students see something we did not and manage to use it to great effect in their case presentation."

While participants can gain similar skills in other high school courses, mock trial is singular in teaching all of these skills through interaction and collaboration with legal professionals in order to cultivate a populace knowledgeable about our legal system. Television and film do not show what our legal system really is. Moreover, the Mock Trial Program is one of only a few that promotes a positive image of our profession. The OBA is well served by the Mock Trial Program, which is in its 38th year. In this year's competition, the Jenks High School 6th Horn team defeated Owasso High School's Sotomayor team and will represent Oklahoma at the national competition in Hartford, Connecticut, in May. There were 34 teams representing 22 schools that participated.

The program is generously supported by the Oklahoma Bar Foundation, as well as the legal community itself volunteering thousands of hours to provide the program. For information on joining the committee or volunteering for next year, please contact Mock Trial Coordinator Judy Spencer at mocktrial@okbar.org.

#### TRIAL SITE COORDINATORS

Lydia Anderson Shea Bracken Aaron Bundy Deresa Clark Dan Couch Kevin Cunningham Shane Henry Patrick Layden Andrea Medley Regina Mever Anne Mize Todd Murray Michael Nesser Melissa Peros Nathan Richter Susie Summers Chris Szlichta Leah Terrill-NesSmith Carolyn Thompson

# ATTORNEY COACHES

Ranada Adams Emma Arnett Clifton Baker Judge James Bland Brendon Bridges Judge Daman Cantrell Eric Cavett Angie Dean Michael Denton

Deirdre Dexter **Eddie Forester** Melissa French Eric Grantham Clint Hastings Brian Henderson Shane Henry Judge Todd Hicks Andrew Hoffland Michael Horn Michon Hughes Chris Iones Tim Maxey Judge Tim Mills Anthony Moore Rob Neal Ellen Ouinton Rod Ridenour Lorena Rivas Leah Roper Desmond Sides Bill Speed Ken Underwood Judge Jill Weedon Matthew Winton Connie Wolfe

# PRESIDING JUDGES AND SCORING PANELISTS

Patrick Abitbol Stacy Acord Terry Allen Nick Atwood Alan Barker Luke Barteaux Gabe Bass Matt Beese Jack Beesley Howard Berkson Kirsten Bernhardt Brandon Bickle Kelly Bishop David Box Dennis Box John Branum Kay Bridger-Riley Rodney Brook Elizabeth Brown Lauren Brown Mary Bundren George Burnett Brett Butner Jack Cadenhand Alyssa Campbell John Cannon Toni Capra

Dietmar Caudle David Cheek Paul Choate Jason Christopher Mark Clark Amie Colclazier Kelly Comarda Jack Coppedge Michael Coulson John Cramer **Kymberly Cravatt** Dan Crawford **Retired Judge** Edward Cunningham Andrea Cutter Chance Deaton Michael Denton Charles Dickson Kyle Eckman Josh Edwards Judge Shon Erwin Rees Evans Craig Fitzgerald Michelle Freeman Mykel Fry Rvan Fulda Jodie Gage Charles Gass Sarai Geary Debra Gee **Charles Geister** Robert Gifford Kayce Gisinger Dawn Goeres Scott Goode Breanne Gordon Sean Graham Stephen Gray Mark Graziano Mark Grossman Justice Noma Gurich David Guten Don Hackler Matthew Haire Lester Haizlip Laura Hamilton **Emily Harrelson** Deanna Hartley Bill Haselwood Steven Haynes Brady Henderson Rick Henthorn Clay Hillis

Kurt Hoffman Craig Hoster Trevor Hughes Caroline Hunt Blake Jackson Keith Jennings Io Lvnn Jeter Brittany Jewett Debbie Johnson James Kaufman Steven Kessinger John Kinslow Kent Larason Jerry Lee Renee Little Randy Long Nicole Longwell Stephen McCaleb Shelly McCorkle Kevyn Mattax Ronnie May Cherie Meislahn Robert Mever Jennifer Miller Mike Miller J.B. Miller Judge Suzanne Mitchell Andrew Morris Phillip Morton Lou Ânn Moudy Brenda Nipp Ivan Orndorff Iessica Ortiz Mark Osby Jenna Owens Amy Page Christine Pappas Kathleen Pence Melissa Peros Linda Pizzini Larry Rahmeier Cpt. Ryan Redd Robert Redemann Greg Reilly Scott Reygers Jacqueline Rhodes Lisa Riggs Lorena Rivas Thomas Robertson **Charles Rogers** Joe Rolston **Robin Rollins** Jacob Rowe

Hilary Sadhoo Jenny Sanbrano Adam Scham Sarah Schmook Bonnie Schomp Charles Schwartz Mark Schwebke John Severe Randall Sewell Micah Sexton **James Shaw Ieff Shaw** Matt Sheets Grant Shepherd Ben Sherrer Thomas Showman **Reign Sikes** Vani Singhal Kim Slinkard Karen Smith Jared Smith Karen Smith Katy Sokolsky Taylor Stein Luke Stephens Sheila Stinson Khristan Strubhar **Jim Stuart** Chuck Sullivan Thomas Swafford Brian Swenson Scott Thomas Carolyn Thompson Amanda Thrash Scott Tully Allison VanBrunt Georgenia VanTuyl Brecken Wagner Judge Caroline Wall Mark Warman Whitney Webb Roger Wilev Mike Wilson

### ABOUT THE AUTHOR



Todd Murray practices in Oklahoma City and serves as chairperson for the Oklahoma High School Mock Trial Committee.

# LEGISLATIVE NEWS

# Monitoring Committee Reports Judicial Bills Still Pending

By Angela Ailles Bahm

On March 21, the OBA sponsored its annual Day at the Capitol. My thanks again to guest speakers Rep. Chris Kannady, Administrative Director of the Courts Jari Askins and former Rep. Randy Grau. All of them did an excellent job of providing attendees enlightening information.

Following presentations and lunch, all those who attended were encouraged to visit their senators and representatives. I want to take note and thank the attorney-legislators for their service. If they represent you and your district, please contact them to extend a note of thanks and an offer to assist.

Sen. Julie Daniels, District 29 Sen. Kay Floyd, District 46 Sen. David Holt, District 30 Sen. John Sparks, District 16 Sen. Anthony Sykes, District 24 Rep. Scott Biggs, District 51 Rep. Kevin Calvey, District 82 Rep. Tim Downing, District 42 Rep. Jon Echols, District 90 Rep. Scott Inman, District 94 Rep. John Paul Jordan, District 43 Rep. Chris Kannady, District 91 Rep. Ben Loring, District 7 Rep. Jason Lowe, District 97 Rep. Scott McEachin, District 67 Rep. Terry O'Donnell, District 23 Rep. Mike Osburn, District 81 Rep. David Perryman, District 56



Rep. Emily Virgin, District 44 Rep. Collin Walke, District 87 Rep. Cory T. Williams, District 94 Rep. Rande Worthen, District 64

For the Day at the Capitol event, the Legislative Monitoring Committee provided pads of sticky notes in the shape of the United States with the bar association's logo and an email address with a note, "Get the legal impact of proposed bills." All attendees were encouraged to take these to their legislators. The Legislative Monitoring Committee wants to be a resource to the legislators should they wish input

as to the possible legal effects of any proposed legislation. Please do not hesitate to stop by the bar association and pick up some of these sticky pads the next time you make a visit to the Legislature.

Another update to the Legislative Monitoring Committee has been made. All chairs of committees and sections have been made default members of the Legislative Monitoring Committee. I also encourage every county's bar association to have a member on the Legislative Monitoring Committee so that person can keep the county membership informed on matters of interest. With the new, outstanding functionality of MyOKBar Communities, any committee or section monitoring legislation can send me a report or list of bills they are monitoring for posting to the Legislative Monitoring Committee Community. This has already had a tremendous response, and reports have been posted from the Estate Planning, Probate and Trust Section and the Real Property Law Section's Title Examination Stan-

dards Committee. In addition, Executive Director John Morris Williams continues to post updates on bills being monitored.

At last year's annual meeting, the House of Delegates voted to celebrate the 50th anniversary of judicial reform in 2017 and reaffirmed by resolution the selection of judges through the Judicial Nominating Commission. However, as anticipated, the Legislature is advancing a number of bills again this year attempting to alter or eliminate the JNC. Those bills include the following:

**SB 213** Conforms the Supreme Court judicial districts to the current five congressional districts and creates four at-large positions.

**SB 708** Adds to the qualifications of a judge that he or she must have been lead counsel in a minimum of three jury trials brought to verdict prior to filing for a position.

**SJR 42** Provides for a change to the Constitution that would require all appellate positions to be elected in partian elections.

**SJR 43** Provides for a change to the Constitution requiring Senate confirmation of judicial

Now is the time to call your representative to educate him or her on the effect of these bills.

appointments; the governor would submit names to the JNC for rating only.

**SJR 44** Again provides for change to the Constitution requiring Senate confirmation for certain

appointments and providing that the governor can call the Legislature into special session to consider judicial appointments once per quarter.

These bills have made it through the Senate and are currently in the House for consideration. *Now* is the time to call your representative to educate him or her on the effect of these bills. The last day of the legislative session is May 26.

The last meeting during the legislative session for the Legislative Monitoring Committee was April 12. If any additional bills come up,

look to the MyOKBar Communities page for information. If you have any suggestions or recommendations for the improvement of the committee, please let me know.

### ABOUT THE AUTHOR



Ms. Ailles Bahm is the managing attorney of State Farm's in-house office and also serves as the Leg-islative Monitoring Committee chairperson. She can be contact-ed at angela.ailles-bahm.ga23@ statefarm.com.

# OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

# 2017 Issues

■ May Constitutional Law Editor: Erin L. Means erin.l.means@gmail.com Deadline: Jan. 1, 2017

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

- August Technology & Office Management Editor: Amanda Grant amanda@spiro-law.com Deadline: May 1, 2017
- September Bar Convention Editor: Carol Manning
- October Insurance Law Editor: Renée DeMoss rdemoss@gablelaw.com Deadline: May 1, 2017
- November Administrative Law Editor: Mark Ramsey mramsey@soonerlaw.com Deadline: Aug. 1, 2017
- December Ethics & Professional Responsibility Editor: Leslie Taylor leslietaylorjd@gmail.com Deadline: Aug. 1, 2017

# JNC Filing Period, Legislation and Déjà Vu All Over Again

By John Morris Williams

Every other year pursuant to Article 7B, Section (a)(2) of the Oklahoma Constitution my office, following the procedures adopted by the OBA Board of Governors, conducts the lawyer member elections for two of the six positions on the Judicial Nominating Commission (JNC). The positons are geographical following the boundaries of the six congressional districts as they existed following court reform in 1967. Notice of elections is being published in this and future issues of the Oklahoma Bar *Journal* and placed on the OBA website at www.okbar.org. Supreme Court Districts 1 and 2 are the districts that will be up for election this year.

The work of the JNC is critical to maintaining a fair and impartial judicial system that is free from partisan politics in the selection of judges and justices of our highest courts. I want to encourage anyone who may be interested in running for one of the positions to look at that notice in this issue.

This year there are several bills relating to the JNC. It's déjà vu all over again.

**SJR 42** calls for partisan election of Supreme Court justices,

Court of Criminal Appeals judges and Court of Civil Appeals judges.

**SJR 43** modifies the JNC to be a vetting body for a nominee submitted by the governor. The nominee would then be confirmed by the Senate.

> Most of the JNC bills contain provisions similar to bills that have been filed before.

**SJR 44** changes the number of nominees submitted to the governor from three to five. If the governor does not wish to appoint one of the five applicants submitted, the governor can call for five more nominees. The nominee is then to be confirmed by the Senate.

**SB 700** calls for the elimination of the election of the lawyer members on the JNC and

for the speaker to appoint three members and the president pro tempore of the Senate to appoint three members. Appointments under this statute would require there be at least one appointee from each congressional district.

There are several other bills relating to redistricting of Supreme Court districts, increasing the percentage of votes needed in retention elections, mandatory retirement of justices and judges and qualifications of district judges.

Most of the INC bills contain provisions similar to bills that have been filed before. The consistent theme is that the JNC must be changed so that political parties or political bodies can appoint and/or confirm judges and justices. This has been consistent for the past 12 years or so. During this time, not one judge or justice appointed under our current process has ever been accused of corruption in office. Under the JNC, Oklahomans have enjoyed a scandal-free court system that was once the worst in the nation when bribes, disguised as campaign contributions, bought opinions of the Oklahoma Supreme Court.

It is déjà vu all over again when it comes to bills attacking and attempting to alter, amend or dispose of the JNC. If the attempts to cripple or kill the JNC are successful, it will be déjà vu all over again when big money and special interest groups elect judges and justices and campaign contributions buy court opinions.

If you have not contacted your legislators and given them your opinion on these issues, I encourage you to do so. And yes, it is déjà vu all over again in me asking you to be involved and let your voice be heard.

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

# NOTICE

The Oklahoma Supreme Court is accepting applications for the position of **Clerk of the Supreme Court** 

Applicants must be licensed to practice law within the State of Oklahoma. The Clerk of the Supreme Court is also the clerk for the Courts of Civil Appeals, Court of Criminal Appeals, the Court of Tax Review and the Court on the Judiciary.

See Const. Art. 7 §5; 20 O.S. 2011§ 78.

The annual salary is \$111,356. Applications should be submitted no later than **Monday, April 20, 2017 by 5:00 p.m.** to the Office of the Chief Justice, c/o Vickie Campbell, Oklahoma Judicial Center, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

# Backing Up, Like Breaking Up, Is Sometimes Hard to Do

By Jim Calloway

March 31 marked the observance of World Backup Day. Now, I know you think I probably made that up, but the observance has a website and everything — www.worldback upday.com. There is even a pledge:

I solemnly swear to back up my important documents and precious memories on March 31st.

And a sub-pledge:

I will also tell my friends and family about World Backup Day — friends don't let friends go without a backup.

The day was selected as the day to avoid becoming an April fool by backing up data the day before April Fool's Day.

### **BUT FOR LAWYERS...**

But for lawyers (and I know you saw this one coming), every day should be backup day!

Backing up data has evolved over the last couple decades. I recall many years ago backing up my home computer on a series of floppy disks. Not only did I have to babysit the machine during the entire process, but I recall once wondering if I was going to have to leave to go buy new floppies in the middle of the process. I also recall in my early days at the OBA when I would visit law firms and ask them when they did their last backup. Sometimes the answer was some variant of "Well, we are supposed to do them every Friday, but last Friday we had a big brief due and the Friday before that Catherine, who does it, was on vacation. Thanks for reminding us." That was not a great practice then, but certainly less scary in those days when only word processing documents and billing records (with a paper backup) lived on the law firm computer.

Today, a data loss for a law firm of even a day could be catastrophic. Law offices are busy places. Many tasks are done on a given day of law firm work. Most of these tasks generate some sort of important data, whether it is a legal memorandum or a calendar entry. Previous practices of doing a daily or weekly backup have long ago given way to the modern standard of having a continuous backup process and managing multiple backups.

Lawyers are encouraged to maintain both a continuous automated backup and have multiple backups.

The idea of multiple backups is easy to grasp because it is so simple. The often-cited "3-2-1 rule" says that for appropriate backup you need at least three copies, on at least two different kinds of media, at least one of which is kept off-site. But in practice, accomplishing this can be a challenge. Business continuity experts say that one backup should be kept at least 100 miles away from the others.

So, from my point of view, an automatic online backup service satisfies two of these requirements, continuous backup and the data being stored at least 100 miles away.

For several years, the OBA had a relationship with an online backup service called CoreVault. When the parent company of CoreVault decided to move in a different corporate direction and that relationship was terminated, some OBA customers were transferred to another company called Keep It Safe, which has no affiliation with the OBA.

# WHAT SHOULD YOU BACK UP?

Normally an online backup plan costs less depending on the amount of data you back up.

A "complete" online backup of a computer is now more expensive than most will care to pay. There's no reason to pay a daily fee to back up the entire Windows operating system on each workstation in every installed application. The data is what needs to be protected and so many lawyers now only backup certain drives. It is important to think of all the things that do need to be backed up one might not normally consider data, such as your favorites bookmarks in your browsers and your speech recognition data file that helps the software recognize your voice.

In many law firms, individual workstations are not backed up online at all, and all of the files and other data are saved to a network drive which is backed up.

To restore a computer that has been damaged, a mirror image of the computer's drive with all of the standard software installed should be created. This can be done using tools like Acronis True Image 2017. A Google search will allow you to find lists of topreviewed commercial backup tools.<sup>1</sup>

Some lawyers adopt a more hands-on approach to avoid the cost of online backup.

There was a discussion on the Law Office Management and Technology Section community page where several lawyers discussed using the Acronis to copy to another machine in the office for their continuous backup, while taking portable hard drives home periodically to facilitate off-site backup. Using portable hard drives for backup data is a very cost-effective way of doing so. But using an old computer to do so without first replacing the hard drive is like using a bald tire for your spare.

Many people did not know that an old hard drive sitting on

a shelf can degrade. In a recent online interview, some Seagate employees indicated that in a proper storage place, one that is cool and dry, standard hard drive starts to degrade within one to two years of nonuse. Flash storage has been shown to degrade in half that time. There are two lessons from that observation. First, the extra expense of a solid-state drive is often justified for a computer used daily because speed improves user efficiency. But for storage backup drives, solid-state drives are an unnecessary expense for a somewhat less stable solution. But the main lesson is that, if you decide to use computer hard drives for your backup devices, you need to power up and access them approximately every six months to keep your data "healthy."

Having a solid set of data somewhere else to protect your client and your operations that can be easily accessed is one of the reasons why cloud-based practice management software tools have become so popular for smaller firms.

## **INCIDENT RESPONSE PLAN**

A hard drive or other computer failure means no computer access. Make certain you have a step-by-step response plan prepared and printed on paper. It should be available in several places in the office and include how to do the restore process, who to contact if assistance will be required and all other information needed to recover from a hard drive crash or other data disaster.

### DON'T FORGET YOUR PHONE

Recently, my iPhone became very finicky about recharging. I fought with it for a couple of

days using some tricks I learned through online research, but also ordered another phone. I received the new phone, but decided to wait until the weekend to set it up. The older phone had other ideas, dying in the middle of the night even though it was plugged in. I was quite pleased to log into my iCloud backup and learn that the last automated backup of the phone was very late that night. Setting up the new phone from the iCloud backup was seamless and easy. I didn't lose any information.

Ironically, the phone had notified me a few months previously that my free iCloud space was inadequate and I had been paying an extra dollar per month for the additional space. I had plans to go in and see what I could delete to save the extra money. That \$7 or \$8 seems well worth it now. So, if your backup for your phone is overdue, maybe tonight should be the night.

### CONCLUSION

If your backup procedures have been less-than-perfect, now you can appreciate why. This is simple in theory but also more complex as you try to apply it to your law practice. It's important to create a plan so your backups are done correctly. Losing all (or much) of your digital data is not something any lawyer or law firm wants to experience.

Mr. Calloway is OBA Management Assistance Program director. Need a quick answer to a tech problem or help solving a management dilemma? Contact him at 405-416-7008, 1-800-522-8065 or jimc@okbar.org. It's a free member benefit!

<sup>1.</sup> https://www.lifewire.com/best-commercialbackup-software-programs-2624711

# Meeting Summary

The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, Feb. 17.

# REPORT OF THE PRESIDENT

President Thomas reported she attended the luncheon following the swearing in and January board meeting, Oklahoma Bar Foundation Trustees meeting, Legislative Reading Day, Southern Conference of Bar Presidents meeting, National Conference of Bar Presidents meeting, various events associated with the NCBP meeting, Oklahoma ABA delegation dinner, ABA Midyear Meeting, ABA House of Delegates, presentation of William G. Paul's Lifetime Achievement Award by the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline, Strategic Planning Committee meeting, various meetings via phone and computer regarding legislative matters and other OBA issues. She also presented a CLE to the McClain County Bar Association and filmed a segment for the *Ask A Lawyer* TV show.

# **REPORT OF THE VICE PRESIDENT**

Vice President Castillo reported she attended OBA Legislative Reading Day, Oklahoma Bar Foundation Board of Trustees meeting, Oklahoma City Chamber of Commerce legislative breakfast, OBA Bench and Bar Committee meeting and OBA Strategic Planning Committee meeting. She also helped judge the fourth-grade essay entries in the OBA Law Day Contest.

# REPORT OF THE PRESIDENT-ELECT

President-Elect Hays reported she attended the luncheon following the January board meeting, ABA Midyear Meeting in Miami, Florida Southern Conference of Bar Presidents meeting, National Conference of Bar Presidents meeting, various events associated with the NCBP meeting, Oklahoma ABA delegation dinner, ABA House of Delegates, ABA award presentation of the Raymond Pace and Sadie Tanner Mossell Alexander Award to William G. Paul of Oklahoma City and February OBA Family Law Section monthly meeting/CLE at which she presented the budget report. She also chaired the Strategic Planning Committee meeting in addition to researching issues for president-elect 2017 planning and 2018 planning.

# REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the Solo & Small Firm Conference Planning Committee meeting, National Association of Bar Executives meeting, Legislative Reading Day, Access to Justice Commission meeting, Bench and Bar Committee meeting, monthly staff celebration, OBA employee Sharon Orth retirement luncheon and various meetings on legislative matters.

## REPORT OF THE PAST PRESIDENT

Past President Isaacs reported he presented juror appreciation plaques, posters and certificates at Washita, Beckham, Ellis and Custer county courthouses. He spoke at the American Board of Trial Advocates annual banquet. He attended President Thomas' luncheon following the January board meeting, OBA Legislative Reading Day and National Conference of Bar Presidents Midyear Meeting in Miami, Florida.

# **BOARD MEMBER REPORTS**

Governor Coyle reported he attended the Oklahoma County Criminal Lawyers meeting and Lawyers Helping Lawyers Assistance Program Committee meeting. He also did a guest lecture at OCU. Governor Fields reported he attended the luncheon following the January board meeting and Pittsburg County Bar Association meeting. He travelled to Idabel to present District Judge Mike DeBerry and Associate District Judge Ken Farley with the juror certificate of appreciation plaque, poster and certificates for McCurtain County. Governor Gotwals reported he attended a lunch presentation at Women in Recovery on behalf of the Tulsa County Bar Foundation, Inn of Court meeting/presentation on how to lose your law license on the internet, OU law

alumni reception in Tulsa, **TCBF** Golf Committee meeting and TCBA Board of Directors meeting. In Miami, Florida, he attended the ABA Midyear Meeting, National Conference of Bar Foundation Presidents and the presentation of William G. Paul's Lifetime Achievement Award by the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline. He presented a CLE and paper to the OBA Master Lawyers Section on "Ethics in Representing a Client with Diminished Capacity." Governor Hennigh reported he attended the Garfield County Bar Association meeting. Governor Hicks reported he attended Tulsa County Bar Foundation meeting preparation, TCBF Golf Committee meeting and OBA Access to Justice Committee meeting via teleconference. Governor Hutter reported she attended the luncheon following the January board meeting, Solo & Small Firm Conference Planning Committee meeting, Cleveland County Bar Association executive meeting, county bar regular monthly meeting, Cleveland County Bench and Bar meeting and OBA **Diversity Committee monthly** meeting via conference call. Governor Kee reported he called the nine county bar association presidents in his district and talked to five of them about current topics. He said they were most interested in legislative issues regarding the Judicial Nominating Commission and the proposed sales tax on legal services. Governor Porter reported she attended the luncheon hosted by President Thomas, Legislative Reading Day, Oklahoma Municipal Retirement Fund board meeting, Women in Law Committee meeting and Holloway Inn of Court meeting.

Governor Tucker reported he attended the Muskogee County Bar Association meeting and OBA Law Day Committee meeting. Governor Weedn talked to local bar members regarding pending legislation and discussed Law Day plans with the Ottawa County Bar Association. Governor Will reported he attended the ABA Midyear Meeting, ABA YLD House of Delegates and OBA Strategic Planning Committee meeting. He also distributed a newsletter to all county bar association presidents in District 9 introducing himself as the new governor for the district, announcing the newest governors and executive leadership sworn in to the Board of Governors and advised them of topics from last meeting. His goal is to send a newsletter every month following the board meeting.

# REPORT OF THE YOUNG LAWYERS DIVISION

Governor Neal reported he attended the ABA Midyear Meeting and ABA YLD House of Delegates. He said the YLD board orientation and first meeting will be held tomorrow. Survival kits assembled by YLD members will be handed out to those taking the bar exam next week.

# REPORT OF THE SUPREME COURT LIAISON

Justice Edmondson reported Patrick Wyrick was sworn in last week as the new justice replacing Justice Steven Taylor, who has retired. He said Justice Wyrick is busy with a heavy caseload.

# **BOARD LIAISON REPORT**

Governor Coyle reported the Lawyers Helping Lawyers Assistance Program Committee met and discussed the best way to assist older lawyers who are experiencing problems. Governor Hutter reported this year's Solo & Small Firm Conference will return to the Choctaw Casino Resort in Durant and offer more familyfriendly activities. Governor Tucker reported the Law Day Committee is working on identifying Law Day chairpersons for each county. The *Ask* A Lawyer TV show will air at 7 p.m. on Thursday, April 27. Contest entries have been judged. Governor Porter said the Women in Law Committee had a good meeting with its new leadership. They are beginning to plan their annual conference with the idea to include a speaker on reinventing yourself in an occupation other than law. Vice President Castillo reported at the Bench and Bar Committee meeting **Executive Director Williams** reviewed proposed bills affecting the judiciary. She said two videos for the public were in production. Governor Hutter reported the Diversity Committee plans to hold its awards event at the judicial center and a law school admissions event, both in October. They will partner with the ABA to do a CLE on 1983 cases in May and will talk to Executive Director Williams about doing a survey. President-Elect Hays reported the Strategic Planning Committee met vesterday and three subcommittees were appointed. Vice President Castillo said leadership is reviewing Annual Meeting events and would like to change up the Thursday night event. She asked board members for suggestions.

## REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported the Professional Responsibility Commission and Professional Responsibili-

ty Tribunal annual reports were filed in early February. In reviewing the reports, she said the number of total grievances remains about the same but noted the severity of claims seems to be increasing. Discipline is following member demographics with the greatest number of lawyers in the 50-74 year range. She said the most recent Clients' Security Fund claims were paid at nearly 100 percent in December 2016, and out-of-state attorney registration numbers are about the same. A written report of PRC actions and OBA disciplinary matters for January was submitted to the board for its review.

#### CLIENTS' SECURITY FUND APPOINTMENT

The board approved President Thomas' recommendation to appoint John Kinslow, Lawton, to fill the vacancy created by the resignation of member Lincoln McElroy, whose term expires 12/31/17.

#### UNIFORM LAW COMMISSION

President Thomas reported she submitted the names of

David A. Poarch, Norman; Laura McConnell-Corbyn, Oklahoma City; and Charles W. Adams, Tulsa, to Gov. Fallin as nominees for consideration for one appointment to the Uniform Law Commission. The term will end June 1, 2021.

## **OETA FESTIVAL**

President Thomas asked board members to volunteer for this community service project taking pledges at OETA to support Oklahoma's PBS statewide TV station. Communications Director Manning shared the details about the event to take place March 6.

## DAY AT THE CAPITOL

President Thomas reminded board members the March board meeting will be held the evening of March 20, the day before OBA Day at the Capitol on March 21. Executive Director Williams reviewed the events planned for the day. A custom sticky pad will be the item bar members can give to legislators. The pad will have the email address of a new service the Legislative Monitoring Committee will begin providing to legislators — free legal research on the impact of proposed bills.

## UPCOMING EVENTS

Information about a variety of OBA and Law Day events was shared. Governor Gotwals mentioned the Tulsa County Bar Foundation golf tournament, which raised \$30,000 last year, will be held May 15.

#### NEW BOARD MEMBER ORIENTATION

Directors of each department will share a short summary of their department's responsibilities with the new board members. The orientation will take place shortly after the board meeting concludes.

## NEXT MEETING

The Board of Governors met March 20 at the Oklahoma Bar Center in Oklahoma City and April 14 in McAlester. A summary of those actions will be published after the minutes are approved. The next board meeting will be at 10 a.m. Friday, May 19, at the Oklahoma Bar Center in Oklahoma City.



### BAR FOUNDATION NEWS

## OBF Receives Generous Tribute Gift Donation Honors Retired Federal Judge Thomas R. Brett

By Candice Jones

The Oklahoma Bar Foundation is proud to be the recipient of a \$10,000 tribute gift from the Mabee Foundation in honor of retired federal Judge Thomas R. Brett. Judge Brett, a former Trustee of both the Oklahoma Bar Foundation and the Mabee Foundation, is highly regarded for his standards of excellence and dedication to ethics in the legal profession.

Judge Brett graduated from OU and the OU College of Law with a B.B.A. in 1953, a LL.B in 1957 and a J.D. in 1971. He served as a lieutenant in the U.S. Army, attended the Army Command and General Staff College, Industrial College of the Armed Forces and Air Force Air War College — and is a retired colonel of the U.S. Army Reserve Judge Advocate General Corps.

Judge Brett began his legal career as an assistant Tulsa County attorney, and during his years as a civil trial lawyer, was named a Fellow of the American College of Trial Lawyers. In 1979, he was appointed to serve as a United States district judge in the Northern District of Oklahoma, serving as chief judge from 1994-1996, and retiring in 2003 after 24 years on the bench. Judge Brett subsequently became a recognized



Some OBF Trustees and staff members meeting at the Mabee Foundation recently are, from left, Martha Cordell, Andy Shank, retired Judge Thomas Brett, Mabee Foundation Vice Chairman Raymond Tullius Jr., Tom Vincent II, OBF Executive Director Renée DeMoss and Candice Jones.

expert in arbitration and mediation. He is a past president of both the Tulsa County Bar Association and the Oklahoma Bar Association and has been honored with numerous awards in the areas of ethics, legal excellence and professionalism throughout his life.

Judge Brett has worked closely with the Mabee Foundation for 40 years, serving as a Trustee for 18 of those years. The Mabee Foundation is a private nonprofit entity established in 1948 by the late John E. and Lottie Mabee of Tulsa. The foundation supports charitable organizations, religious organizations, institutions of higher learning, hospitals and other general charitable entities in the southwest United States.

Thank you, Judge Brett, for your many years of dedication and service to the legal profession, the state of Oklahoma and our nation. We wish you all the best!

### ABOUT THE AUTHOR



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

# Your support changes lives!

**FELLOWS PROGRAMS** – Join one of the Fellows Giving Programs.

Fellows – for individuals	
\$100/year	Sustaining Fellow
\$200/year	Contributing Fellow
\$300/year	Benefactor Fellow
\$500/year	Leadership Fellow
\$1,000/year	Governing Fellow

<b>Community Fellows</b> – for organizations or businesses	
\$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

**MEMORIALS & TRIBUTES** – Make a tribute or memorial gift in honor of someone. OBF will send a handwritten tribute card to them or their family.

**UNCLAIMED TRUST FUNDS** – Unclaimed trust funds can be directed to the OBF. Please include the client name, case number and as much detailed information as possible about the funds on your company letterhead with the enclosed check.

**INTEREST ON LAWYER TRUST ACCOUNTS** (IOLTA) – OBF Prime Partner Banks give at higher interest rates, so more money is available for OBF Grantees to provide legal services. Select a Prime Partner Bank when setting up your IOLTA account: BancFirst, Bank of Oklahoma, MidFirst Bank, The First State Bank, Valliance Bank, First Oklahoma Bank Tulsa, City National Bank of Lawton, Citizens Bank of Ada, First Bank & Trust Duncan.

**CY PRES AWARDS** – Leftover monies from class action cases and other proceedings can be designated to the OBF's Court Grant Fund or General Fund as specified.









Give online at www.okbarfoundation.org/donate

Mail checks to OBF, P.O. Box 53036, Oklahoma City, OK 73152

Schedule a presentation for your group or business by contacting Candice Jones, at candicej@okbar.org.

Contact the OBF office at 405-416-7070 or email foundation@okbar.org.



### YOUNG LAWYERS DIVISION

# **Exciting Upcoming Events!**

By Lane R. Neal

Most lawyers know (and most young lawyers should know) that May 1 is Law Day. It is not only recognized here in Oklahoma but across the country. The purpose of Law Day is for citizens to show appreciation for the liberties we all enjoy and to recognize the principle of equality and justice under the law. The OBA Law Day Committee, along with the county bars, have been hard at work coordinating several events and activities for lawyers to get involved in celebrating Law Day. I would encourage all young lawyers to get involved in the celebration, whether it be with your county bar association or an OBA activity. As young lawyers, it is important for us to get involved early and often! The Law Day activities provide some great opportunities to share and celebrate our system of justice with our fellow citizens.

### YLD MIDYEAR MEETING

Are you and your family looking for a quick getaway this summer? Would you like to learn about how to make your law practice more efficient and flexible? Interested in meeting young lawyers from across the state? If you answered yes to any of these questions, think about attending the OBA YLD Midyear Meeting and Solo & Small



The Solo & Small Firm Conference will be held at the Choctaw Casino Resort in Durant.

Firm Conference. It takes place June 22-24 at the Choctaw Casino Resort in Durant.

In addition to the Young Lawyers Division Midyear Meeting, the conference has a lot to offer young lawyers. Here are a few of the highlights:

#### Networking

For many of us, we want to expand our networking circle beyond our local bars and practice areas. But, it can be difficult to do. The conference provides a perfect environment to network and get to know bar members from across the state.

### CLE

Yes, I said it. CLE. The CLE line-up is fresh and relevant for young lawyers, especially young lawyers with solo or small-firm practices. There is a big technology focus covering everything from the latest Microsoft Office 365 to social media. You can expect to pick up information on how to be more efficient and create a flexible law practice. There will also be an entire track examining the Alfred P. Murrah Federal Building bombing.

#### A Great Getaway

As young lawyers, many of us do not have the time or resources for long, destination vacations. The Choctaw



The Oasis Pool includes cabanas, a waterslide and VIP seating.

Casino Resort provides a perfect opportunity to relax for a few days without breaking the bank. It really is a world-class resort. The resort has an onsite spa, pools, bowling, laser tag arena, cinema and several great restaurants. Plus, there are opportunities for supervised children's activities – unlimited game play, laser tag, bowling, swimming, movie and a Choctaw elders craft class of beading and storytelling – all at nominal prices. Whether you plan to attend by yourself or want to bring the whole family, there is something for everyone.

### Discounts

There is discounted registration pricing if you register by June 8. For lawyers who have practiced two years or less the price is only \$125. For all other members, early registration is only \$200. That is an incredible bargain for all of the CLE, meals and social events. If you want to attend the YLD Midyear Meeting but are not able to attend the CLE, registration is only \$80. See all the details and register online at www.okbar.net/solo.

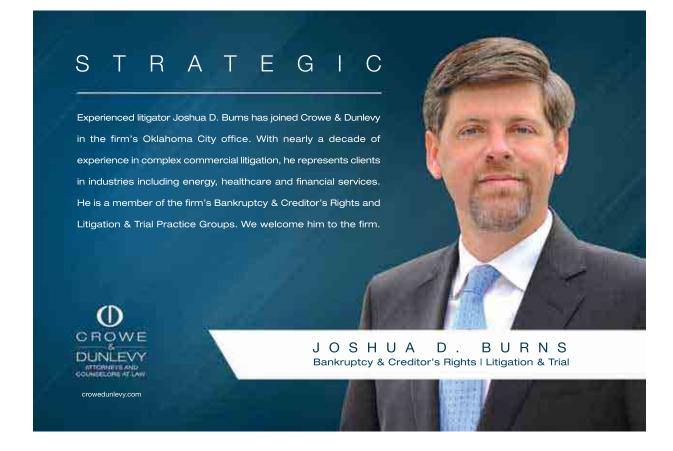
I hope to see you in Durant!

### ABOUT THE AUTHOR



Lane R. Neal practices in Oklahoma City and serves as the YLD chairperson. He may be contacted at LNeal@dlb.net. Keep up with the

YLD at www.facebook.com/obayld.



The Oklahoma Bar Journal

### NOTICE OF JUDICIAL VACANCY

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

### District Judge Fifth Judicial District, Office 4 Comanche/Cotton County

This vacancy is due to the retirement of the Honorable Mark Smith effective February 1, 2017.

To be appointed to the office of District Judge, Fifth Judicial District, Office 4, one must be a legal resident of Comanche or Cotton County at the time (s)he takes the oath of office and assumes the duties of office. Additionally, prior to appointment, such appointee shall have had a minimum of four years experience as a licensed practicing attorney, or as a judge of a court of record, or both, within the State of Oklahoma.

Application forms can be obtained on line at www.oscn.net following the link to Programs, then Judicial Nominating Commission, or by contacting Tammy Reaves, Administrative Office of the Courts, 2100 N. Lincoln, Suite 3, Oklahoma City, Oklahoma 73105, (405) 556-9300. Applications must be submitted to the Chairman of the Commission at the same address no later than 5:00 p.m., Friday, April 21, 2017. If applications are mailed, they must be postmarked by midnight, April 21, 2017.

Deborah A. Reheard, Chair Oklahoma Judicial Nominating Commission

### "PRESERVING VALUE IN M&A DEALS – THE INDEMNIFICATION CLAIM PROCESS"

presented by

### JOHN J. MCDONALD

Partner: Troutman Sanders (New York City Office)

*Sponsor:* Business and Corporate Law Section of the Oklahoma Bar Association

- ► WHEN: Friday, April 28, 2017 8:30 am – 12 noon
- ► WHERE: 21C Museum Hotel 900 W. Main Street Oklahoma City, Oklahoma 73106

This program has been approved for 3 hours of MCLE Credit The seminar is free for members of the Business and Corporate Law Section of the OBA All other attendees: \$100

Please RSVP to Mary Houston • mhouston@hartzoglaw.com • (405) 235-7000

### FOR YOUR INFORMATION

### **OBA** Members Raise Funds for OETA

The OBA raised nearly \$11,000 in private donations as part of its volunteer effort to support the state's PBS TV station during the annual OETA Festival. President Linda Thomas presented a check to the station, which partners with the bar association to produce the annual Ask A Lawyer TV show.

The amount donated keeps the OBA at the top sponsorship level that is recognized in the station's monthly programming guide.

Many thanks to those who made financial contributions and to the 25 OBA members and staff who volunteered. This vear's volunteers were Melinda Alizadeh-Fard, Brittany Byers, Robert Clark, Cliff Elliot, Jerrod Geiger, Robert Don Gifford, OBA President-Elect Kimberly Hays, OBA Past President Garvin Isaacs, Darla Jackson, Jeremiah Jordan, Mark Koss, Edward Oliver, Zachary Plaudis, Robert Powell, Allison Rosso, Charles Rouse,



From left: OBA member and OETA host Kim Brasher accepts a check for \$10,725 from OBA President Linda Thomas. OBA Executive Director John Morris Williams, OBA President-Elect Kimberly Hays and OBA Past President Garvin A. Isaacs.

Ricki Sonders, Kim Stevens, Barbara Stone, OBA President Linda Thomas, Margaret Travis, Mary Travis, Richard Vreeland, Ricki Walterscheid and OBA Executive Director John Morris Williams.

Patrick Wyrick to Be Sworn In to Oklahoma Supreme Court

Patrick Wyrick will be formally sworn in to the Oklahoma Supreme Court Friday, April 21, at 2 p.m. in the Oklahoma



Justice Patrick Wvrick Service Bureau

Supreme Court Ceremonial Courtroom. Chief Justice Douglas Combs will preside over the ceremony.

Mr. Wyrick, a fourth-generation Atoka native, earned his bachelor's degree in sociology/criminology from OU and his J.D. from the OU College of Law in 2007. He worked as an associate attorney at GableGotwals and as a law clerk to Judge James Payne in the U.S. District Court of Eastern Oklahoma in Muskogee.

Beginning in 2011, Mr. Wyrick served as Photo: Erin McGregor – Legislative solicitor general in the Oklahoma Attorney General's Office. As solicitor general, he represented the state of Oklahoma before

the U.S. and Oklahoma supreme courts and other federal and state courts. He also authored attorney general opinions and served as a key legal adviser to a variety of state officials.

"It is the honor of a lifetime to represent my hometown district as a member of the Oklahoma Supreme Court," Mr. Wyrick said. "I will continue to work hard and do my best to serve the people of this great state."

### **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 of about 500 words to OBA Communications Director Carol Manning, carolm@okbar.org.



### Margaret Travis Joins OBA as Heroes Program Coordinator

Margaret Travis recently joined the OBA staff as the new part-time OBA Heroes Program



Margaret Travis

coordinator. She will oversee the Oklahoma Lawyers for America's Heroes Program and will be responsible for determining eligibility for services, recruiting and matching volunteer lawyers for pro bono services, monitoring case assignments and representing the program at various functions, conferences and events.

Ms. Travis received her J.D. from the OU College of Law and her MHA from the OU Health Sciences Center. She has been in private practice since 1991 and currently focuses her practice on bankruptcy.

Ms. Travis believes in volunteering and has volunteered several times for the Oklahoma Lawyers for America Heroes, was recognized as the Oklahoma Lawyers for Children Lawyer of the Year and has worked the Legal Aid of Oklahoma Pro Se Divorce Docket. She is also a foster care "flunkie" with the Heartland Lab Rescue and volunteers her time at

St. Francis of Assisi Catholic Church and at St. Joe's Old Cathedral, both in Oklahoma City.

She may be reached at 405-416-7086 or margarett@okbar.org.

### **Deadline Extended for OBA President's Cruise to Cuba**

An extension to the deadline for OBA President Linda Thomas' Cruise to Cuba has been made. Travelers may book anytime up to two weeks prior to departure; however the negotiated rate of \$3,193.75 per person expires April 28. After April 28, the cost of the cruise could increase by up to 15 percent.

The cruise is July 5-14, 2017. The price includes roundtrip air from Oklahoma City or Dallas to Montego Bay, Jamaica, two nights' all-inclusive standard accommodations at the Iberostar Rose Hall, seven nights' ocean view accommodations on the Celstyal Crystal, all meals and beverages on the ship, six hours of CLE and much more!

Contact Bonnie Hedges at bonnie1@ bhtravel.com for more information.

### **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.



### **OBA** Member Resignations

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

Joni Lee Autrey OBA No. 30976 3672 Santa Adriana Ave. Las Cruces, NM 88012

Kelly Marie Baldrate OBA No. 21457 713 Custer Avenue Evanston, IL 60202

Stephen A. Becker OBA No. 644 300 Barr Harbor Dr., Ste. 250 West Conshohocken, PA 19428

Jennifer Nicole Brannon OBA No. 30997 1330 Brookmere Way Cumming, GA 30040

Altresha Q. Burchett-Williams OBA No. 31803 One AT&T Plaza 208 S. Akard St., Ste. 2907 Dallas, TX 75202

Linda Sherrylon Golden OBA No. 10652 1323 Tenkiller Lane Norman, OK 73071

Pamela Sue Holtzclaw (nka Williams) OBA No. 4336 515 Ridgeway Little Rock, AR 72205

Stanley Allan Leasure OBA No. 15286 1853 S. Fairway Ave. Springfield, MO 65804

Ronald Charles Palmatary OBA No. 11688 11500 Copper Trails Ln. Oklahoma City, OK 73170

Kenneth Russell Park OBA No. 22265 6440 Avondale Dr., Ste. 200 Nichols Hills, OK 73116

Robert Michael Rauh OBA No. 7426 2401 E. Speedway Blvd. Tucson, AZ 85719



**Doris Fransein**, Tulsa Juvenile Court chief judge, accepted the Parent Child Center Guardian Angel Award during the organization's annual Toyland Ball in January. She was recognized for her role in the Safe Babies Court Project.

**Brad West** of Shawnee has been named vice president for the Oklahoma Chapter of the American Board of Trial Advocates for 2017. The announcement was made at the Oklahoma Chapter Annual Banquet.

**Sen. Kay Floyd** was named as a 2016 Elected Women of Excellence Award winner by the National Foundation for Women Legislators. The award was presented at the Toast to the Women of Excellence ceremony during the 2016 Annual Conference in Orlando, Florida.

Mark Antinoro of Pryor published *Divorce in Oklahoma*, a book that guides people through the divorce process.

Douglas J. Sorocco of Oklahoma City was named to the Business Committee for the Arts Executive Board. He practices in all areas of intellectual property law.

Municipal Judge Charles H. Pankey was recognized by the Oklahoma Municipal League and City of Piedmont for more than a quarter century of service to the City of Piedmont. He is of counsel at the Miller Dollarhide law firm in Oklahoma City.



Geoffrey D. Long of Oklaopening of GDL Legal PLLC. Mr. Long's practice focuses on government and administrative law with emphasis on Oklahoma ethics law, including campaign finance, election law, lobbying regulation and other areas of political activity regulation.

The Fort Worth, Texas, law firm Broude, Smith and Jennings PC has added William T. Fitzgerald, shareholder; Robert J. Fitzgerald, associate; and Preston J. Dugas III, of counsel attorney, to the firm. The firm's name has changed to Broude, Smith, Jennings, McGlinchey and Fitzgerald PC.

**Rebecca J. David** has joined the Tulsa-based law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd and Fiasco as an associate. She is 2016 graduate of the TU College of Law.

**Robert Don Gifford** has joined Gungoll, Jackson, Box and Devoll as a senior attorney in the firm's Oklahoma City office. His practice will focus on Native American law, criminal defense, civil litigation and government practice.

**Trent H. Baggett** has been selected by the District Attorneys Council to serve as the next executive coordinator.

GableGotwals announced the addition of seven new shareholders. Robert McCampbell and Travis Jett joined the firm's Oklahoma City office. Intellectual property attorneys James F. Lea III, Todd A. Nelson, David G. Woodral and Scott R. Zingerman joined the firm's Tulsa office. GableGotwals has promoted Daniel A. Nickel from of counsel to shareholder.

Daniel X. Resendez has joined Crain and Associates PLLC as an associate attorney. He is a 2016 graduate of the OCU School of Law and practices in the areas of estate planning, probate, real estate, landlord-tenant and business planning.

Meridith D. Lindaman was named partner at the Tulsa offices of Steidley and Neal PLLC. Rachel A. Fields has joined the firm's Tulsa office as an associate and Angel McPherson has joined the McAlester office as a partner.

Jace T. White has joined the Oklahoma City-based firm Pignato, Cooper, Kolker and Robertson PC as an associate. He is a 2016 graduate of the OCU School of Law.

**Teresa L. Green** has joined the Oklahoma City-based

firm Andrews Davis. Her practice focuses on estate planning, family law and business law.

John H. Graves has joined the Oklahoma City office of The National Litigation Law Group PLLC as director of consumer litigation. Prior to joining NLLG, he was in private practice for 14 years.

<sup>¬</sup>he Oklahoma City-based firm Durbin, Larimore and Bialick PC has recently named four new partners; Andrew Gunn, Timothy Martin, Thomas Kendrick and David Kearney. Mr. Gunn has 15 years' experience in civil litigation. Mr. Martin has over 25 years' experience as a trial lawyer and certified mediator. Mr. Kendrick has 14 years' experience as a trial lawyer. Mr. Kearney has 31 years of experience in trial litigation and appellate work.

Michael A. Fagan is a new shareholder with Fellers Snider. He is based out of the firm's Oklahoma City office and will focus his practice on workers' compensation and litigation.



Stephen Boaz of Oklahoma Tornado Summit in Oklahoma City. He was a member of a panel presenting information on handling claims arising from wind and tornado catastrophes.

Retired Oklahoma Supreme Court Justice Steven W. Taylor spoke at the Freedom of Information Oklahoma's second annual Night of Sunshine dinner April 7. He spoke about the importance of ensuring openness in government and the availability of public records.

A mir Farzaneh and Tyler Christians presented a CLE on the recent changes in immigration policy. The CLE was held Feb. 17.

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: Lacey Plaudis Communications Dept. Oklahoma Bar Association 405-416-7017 barbriefs@okbar.org

Articles for the May 20 issue must be received by April 21.



### IN MEMORIAM

aniel Frank Allis died Aug. 24, 2015. He was born Nov. 30, 1934, in Mount Pleasant, Michigan. He enjoyed sailing on Grand Lake with friends, family and colleagues. He was an avid Boy Scout camper. He also enjoyed ship modeling and providing pro bono legal advice to charitable institutions as well as individuals in need. Mr. Allis started his legal career working on the Chapman/McFarlin interests, now known as the Chapman Charitable Trust. He later practiced estate planning, trust, corporate and tax law. He retired from active practice in 1999 but continued to offer his services to his clients as able. Donations in his honor can be made to Neighbor for Neighbor Legal Clinic.

**reorge C. Baldridge** of Joplin, Missouri, died April 17, 2012, in Springfield, Missouri. He was born April 20, 1929, in Webb City, Missouri. He was a 1947 graduate of Webb City High School. He attended Joplin Junior College from 1948 to 1949 and then Kent State where he received an accounting degree in 1951. He was drafted into the Army in 1952. After his honorable discharge in 1953, he worked for the Tom Cusack Sr. Accounting Firm. He received his J.D. from the OU College of Law in 1957. He passed his CPA exam five days before passing his bar exam. He became the city attorney for Carterville, Missouri, in 1957. He was sworn in as magistrate judge for Jasper County in 1962. On Nov. 3, 1964, he was sworn in as Jasper County prosecutor

where he served from 1965 to 1968. Mr. Baldridge was the city attorney for Joplin from 1971 to 1985. He was also the Jasper County circuit judge from 1992 to 1998. He was sworn in as a senior judge on Sept. 30, 2004, the position he remained in until his death.

**N**. Franklyn Casey of Tulsa died Feb. 25. He was born Oct. 2, 1942. He attended public schools in Tulsa and graduated from Edison High School in 1960. He attended TU, where he earned a B.A. in 1965 and a J.D. in 1966. He practiced law in Tulsa for 47 years and was affectionately nicknamed "Loophole." He was known for devising unique and innovative solutions to complicated legal problems.

ana K. Cohlmia of Oklahoma City died Feb. 11. She was born Jan. 5, 1959, in Dallas. She graduated from Putnam City High School in 1977. She received her B.S. from OSU in 1981 and her J.D. from the OCU School of Law in 1985. Ms. Cohlmia practiced civil and family law for over 30 years. She was admitted to practice in the United States Supreme Courts, United States Court of Appeals for the 10th Circuit and United States District Courts for Western, Eastern and Northern Oklahoma. She co-hosted the radio show, Saturday Night *Law*, with Doug Friesen from 1998 to 2005 on Oklahoma KTOK. They took calls and discussed any and all issues.

**Frank Elkouri** died Jan. 18, 2013, in Norman. He was born Sept. 3, 1921, in Byron. After graduating from OU in

1943, he continued his studies in law, earning an LL.B., LL.M. and a S.J.D. by 1951. He joined the OU College of Law faculty in 1952 and after retiring in 1985, remained an active member of the OU College of Law community until 2010. His thesis, How Arbitration Works, was published in 1952 and is widely regarded as the authoritative treatise on the law and practice of labor arbitration. In January 2009, he and his wife published Stories of the American Civil War: Why and How It Was Fought, with proceeds donated to support medical research in osteo-arthritis.

ohn M. Jacobsen of Ed-**J** mond died Dec. 25, 2016. He was born in Salt Lake City in 1958. After graduating from Brigham Young University in 1983 he moved to Oklahoma City to study at the OCU School of Law. After his graduation in 1986, he began working for Oklahoma City's City Attorney's Office. In 1988, he transferred to the Oklahoma County District Attorney's Office and worked in the Civil Division. In 2001, Mr. Jacobsen was promoted to first assistant district attorney and later served as chief of the civil division of that office. In 2011, he was appointed as a special district judge for Oklahoma County and was assigned to the juvenile division of that court. \*This memorial has been corrected from a previous version.

Ronald Mason died Dec. 2, 2016, in Oklahoma City. He was born Nov. 4, 1964, in Oklahoma City. Mr. Mason received a bachelor's degree from Oklahoma Baptist University. He also received a J.D. from the OU College of Law in 1992. He began his career at Huckaby, Fleming, later worked at Dobbs, Schroder & Middleton and then at Holladay & Chilton. He started his own firm Mason Olson Law Firm and finished his career at Mason Law Firm.

**¬**eorge Edward Meisel GJr. of Pauls Valley died Feb. 16. He was born June 18, 1945, in Kansas City, Missouri. He graduated from Lawton High in 1963. He attended OU graduating with a B.A. in 1967, an M.A. in political science in 1968 and both an M.S. in library science and a J.D. in 1975. He was a member of the Oklahoma Law Review and Phi Delta Phi Legal Fraternity. He served as a captain in the U.S. Army. He served in Vietnam earning a Bronze Star Medal and a Bronze Star Medal with Oak Leaf Cluster. In 1976, he served as a municipal judge in Pauls Valley and Wynnewood. He was a member of the Kiwanis. He adored his grandchildren, fried pies, Blue Bell ice cream, Pig Shop cheeseburgers and fast cars. He loved his Sooners and followed the OU football and basketball teams with great interest and frustration.

Lisa Moran of Tulsa died Feb. 3. She was born Dec. 18, 1950, in Muskogee. She received her J.D. from the TU College of Law in 1988. She worked as a real estate attorney for over 25 years. Ms. Moran served as both a member and past president of the Gillies, a volunteer organization of the Gilcrease Museum. Additionally, she volunteered for both the Parkinson's Foundation Board and Legal Aid of Tulsa. She enjoyed traveling and sharing her travels with family and friends by hosting dinners highlighting her experiences. She appreciated opera, art, cooking and gardening. Contributions in her honor may be given to Meals on Wheels of Metro Tulsa.

Villiam S. Myers Jr. of Nichols Hills died Feb. 18. He was born Feb. 6, 1924, in Tulsa. In 1941, Mr. Myers began attending OU. He then entered the U.S. Army in World War II. He returned to graduate from OU and then from Harvard Law School. During the Korean War, he joined the Air Force as a JAG officer. He was a graduate of the Industrial College of the Armed Forces and retired as colonel from the U.S. Air Force. He received France's highest military medal, the Legion of Honor. He was also the recipient of the U.S. Legion of Merit. He began practicing law in Oklahoma City in 1949. After 17 years of practice, he was elected county judge of Oklahoma County and later became a district judge. By special appointment by various governors, he served on the Oklahoma Supreme Court, Court of Criminal Appeals, Court of Civil Appeals and Court of the Judiciary. He was an adjunct professor at the OU College of Law and also taught at the OCU School of Law. Donations in Mr. Myers's honor can be made to the Judge William S. Myers Award for Academic Excellence in Sociology, in care of UCO Foundation, 100 N. University Dr., Box 133, Edmond, OK 73034.

Benjamin E. Smith died Oct. 18, 2015. He was born May 19, 1922, in Edmond. He graduated from Enid High School in 1940. In 1942, he joined the United States Navy and served at Barbers Point, Oahu, Hawaii, as an aviation metalsmith. Mr. Smith continued his service in Norman, teaching as an aviation metalsmith at the Naval Air Technical Training Center. He was honorably discharged in 1946. He received his J.D. from the OCU School of Law in 1956. He spent his professional years dividing his time between practicing probate law, his real estate business and volume income tax preparation.

Cteven Emmet Smith of **O**Tulsa died March 5. He was born Nov. 2, 1929, in Stillwater. He received his B.S. in engineering from the University of Arkansas in 1951. Mr. Smith trained in the U.S. Air Force for service during the Korean War. He loved to fly and particularly enjoyed formation flying in air shows with his fellow War Bird pilots. He received his J.D. in 1957 from the OU College of Law. His practice in law began in Tulsa shortly thereafter. He remained active in Tulsa Title Lawyers until recent years. He was a member of the Tulsa County Bar Association, Executives of Tulsa, Quiet Birdmen, the Tulsa Bicycle Club and was a former president of the Summit Club. He enjoyed biking, fishing, hunting, flying and camping. Donations in his honor may be made to the American Cancer Society and Folds of Honor.

**Clifford Oscar Stone** died Aug. 3, 2012, in Kansas City, Missouri. He attended OU where he lettered in basketball and earned a J.D. from

the OU College of Law in 1957. His legal career spanned 56 years, practicing in oil and gas. He helped establish the First Judicial Legal Assistance Program, helping seniors in need of legal assistance. He served in the Navy during the Korean War and went on to join the Army as a JAG officer. He retired as a colonel in the Army Reserves. Donations in his honor may be made to OU or the American Cancer Society in the study of Mantle Cell Lymphoma, P.O. Box 22718, Oklahoma City, OK 73123-1718.

arry Tedder of Oklahoma LCity died Feb. 8. He was born Nov. 29, 1946, in Fort Sill. He graduated from Lawton High School in 1964. He continued his education and graduated with a B.A. from OU in 1973 and a J.D. from the OCU School of Law in 1975. He worked for the **Cleveland County District** Attorney's Office before opening a private practice as a criminal defense attorney. Donations in his honor can be made to the Spencer C. Duncan Make It Count Foundation.

**Charles B. Tetrick** of Tulsa died Dec. 28, 2015. He was born July 2, 1933, in Tulsa. He received a BBA in accounting from OU and a LL.M from Washington University in St. Louis. In 1965, he received his J.D. from the TU College of Law. Mr. Tetrick was a member of the Tulsa County and American Bar Associations and was a CPA. He practiced law at Moyers, Martin, Santee, Imel and Tetrick for 35 years. He was active in the Tulsa Rotary Club. **He served as an active duty officer in the U.S. Navy for two years.** He enjoyed outdoor activities including hunting, fishing, golf and gardening.

ames Charles Winterringer J died Jan. 7 in Shawnee. He was born Sept. 30, 1932, in Shawnee. He was a 1950 graduate of Shawnee High School, a graduate of Oklahoma A&M University (OSU) and a 1959 graduate of the OU College of Law. He served as an officer in the U.S. Army. Mr. Winterringer was an attorney and Sonic Drive-In franchise owner. He enjoyed piloting his own plane, spending time with his family at Lake Tenkiller, gardening, walking his dog Chevy, traveling the world, spending time in Cabo San Lucas and working on projects around his home. He was a lifelong active member of the First United Presbyterian Church of Shawnee, past president of Lions Club International, former Pottawatomie County district attorney and member of Phi Delta Theta Fraternity. Donations in his honor can be made to the Shawnee Educational Foundation at P.O. Box 3521, Shawnee OK, 74802.

Willis Ray Yarbrough of Tulsa died Jan. 6, 2016. He was born Jan. 5, 1928, in Uncas. He graduated from Seminole High School and OU. He received his J.D. from the TU College of Law in 1957. **Mr. Yarbrough was a United States Navy veteran.** He was a landman in the oil and gas production field. He was a longtime member of the First United Methodist Church and active in the Beacon Class. He was also a Shriner.

**Bryan Young** died Feb. 7 in Norman. He was born March 26, 1969, in Cincinnati, Ohio. He received a B.S. in sports science from OU in 1994. He obtained his masters in education administration in 2003 from Southern Nazarene University, and in 2012, he earned his J.D. from the OCU School of Law. In 2014, he retired from education to join the law firm of Ward & Glass LLP, where he worked until his passing. He spent 17 years as an educator with Norman Public Schools. During his tenure in the district, he served as a teacher, a mentor and a coach. He took over as the president of the Professional Educators of Norman in 2003. In 2006, he returned to Norman North High School as the assistant principal and in 2009, he took over as the principal, where he remained until his retirement. Donations in his honor may be made to the Norman Public School Foundation Teacher Grant Program, 131 S. Flood Ave., Norman, OK 73069.

## Communicating Between Generations

Baby boomers, Gen Xers and millennials all have their own preference in communications, and sometimes one approach to communication can be a mistake. From in-person communication to text messaging, it's good to assess your firm's needs and work to find the best way to bridge the communication gap.

Goo.gl/TY0N09



## What Not to Do When Decluttering

There are loads of tips for organizing and decluttering. For a change of pace and a helpful new view on the monumental task of wrangling the clutter, here's a handy list of common missteps and how to avoid them as you start to tackle the chaos.

Goo.gl/YSYY15



# Oklahoma Gardening

Getting ready for spring landscaping and gardening? The OSU-sponsored program Oklahoma Gardening has loads of Oklahoma-focused tips for the month of April that cover everything from starting your lawn fertilization to when to hang your hummingbird feeders.

### Goo.gl/N9i3hr



## Spring Cleaning Checklist

Spring has sprung, and with it the beginning of spring cleaning season. Though it will probably never be effortless, you can at least make it more manageable. This printable checklist has everything you need to know, including information on cleansers, stain removal, fabric care and storage.

### Goo.gl/AUhT58



### SERVICES

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WANT TO PURCHASE MINERALS AND OTHER OIL/ GAS INTERESTS. Send details to: P.O. Box 13557, Denver, CO 80201.

MOBILE LAW OFFICE. Trusted driver with lots of amenities. Wi-Fi. Travel all over in Oklahoma and other cities, like Dallas and Wichita. \$1 million insurance. Taylor Jackson, 405-570-1200, andbackrides. com, andbackrides@gmail.com.

### **OFFICE SPACE**

OFFICE SPACE FOR RENT WITH OTHER ATTOR-NEYS: NW Classen, OKC. Telephone, library, waiting area, receptionist, telephone answering services, desk, chair and file cabinet included in rent. One for \$390 and one for \$450 per month. Free parking. No lease required. Gene or Charles 405-525-6671.

### **OFFICE SPACE**

2812 NW 57TH SUITE 101 OKC. 1350 SF of very nice office space with five rooms, storage, bathroom and kitchen. Close to three highways nearby for easy commuting. Search craigslist ad using the address for pictures and details. Call 405-426-7820.

NW 63rd LAW OFFICE SPACES - large space and window, with free internet, free parking, conference room, kitchenette, reception and part-time receptionist. Lowcost copies, printing available. Near Hefner Parkway. \$600-\$700. Call 608-6040.

EDMOND OFFICE - 6 ROOMS SUITE. Responsible for housekeeping, internet, telephones, cable. Conference room available for additional hourly rate. Furnished or unfurnished. Must see to appreciate. 405-285-2596.

BEAUTIFUL OFFICE SPACE AVAILABLE IN IGLESIA BUILDING ON N. WESTERN AVENUE and 49th St. 4500+ SF of open office space available on the two floors above Vintage Coffee. Perfect for law firm who wants exposure along one of the best corridors in Oklahoma City. Contact Justin Greenfield at 405-408-8296.

MIDTOWN TULSA LAW OFFICE SPACE AVAILA-BLE - Telephone, Wi-Fi, internet, fax, copier, receptionist, waiting room, conference room, kitchenette, desk, chair and filing cabinet included. Ample parking. Easy access to Broken Arrow Expressway and downtown. \$500. No lease required. Chris 918 582-2500.

FOR LEASE. APPROXIMATELY 1500 SQ FT OF NEW OFFICE SPACE. Includes four offices and reception area. Very visible and accessible from Hwy 75 located 1 mile north of Henryetta. Additional 3500 sq ft of storage. www.loopnet.com/Listing/20105789/520-E-Bollinger-Rd-Henryetta-OK/.

### **POSITIONS AVAILABLE**

THE OKLAHOMA BAR ASSOCIATION HEROES program is looking for several volunteer attorneys. The need for FAMILY LAW ATTORNEYS is critical, but attorneys from all practice areas are needed. All ages, all counties. Gain invaluable experience, or mentor a young attorney, while helping someone in need. For more information or to sign up, contact Gisele Perryman, 405-416-7086 or heroes@okbar.org.

DOWNTOWN OKLAHOMA LAW FIRM WITH FIVE ATTORNEYS seeking of counsel attorney and/or office sharing arrangement. Attorney(s) must have some existing clients to join office and share expenses. Some referrals could be available. Telephone, internet, receptionist, conference room, access to kitchen, access to printer/copier/fax/scanner on system network. If interested, please contact us at "Box A," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

### **POSITIONS AVAILABLE**

COMPTON LAW seeks litigation associates with 3-5 years' experience to practice in the areas of general civil, family, criminal and personal injury for both OKC and Hinton offices. Base salary with handsome performance based compensation bonus. Must be polished, professional, self-motivated and committed to a team based company. Applicants must have the experience and ability to handle and manage individual cases while also having the flexibility to assist with and participate on team based projects/assignments. Interested applicants to send cover letter and resume to: ginnie@comptonlawfirm.net.

ESTABLISHED OKLAHOMA CITY LAW FIRM SEEK-ING ATTORNEY(S) WITH INSURANCE DEFENSE LITIGATION EXPERIENCE. Great problem solving and writing skills. Compensation and benefits negotiable. Please submit cover letter, resume and writing sample to "Box KK," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

AV RATED DOWNTOWN OKC LAW FIRM SEEKS ATTORNEYS with two or more years' experience in estate planning, litigation and/or labor and employment. Special consideration to those with existing business, but not required. Salary based on experience. Parking/ Health/Dental/Retirement plan. Send resume to "Box NN," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

MULTI-STATE LITIGATION FIRM, is seeking senior associates or first level partners to work in their Tulsa and/or Oklahoma City offices. Must be willing to work together as a team in a very active practice. We handle a variety of interesting cases that challenge a lawyer's creativity. Experience in products liability, trucking/ transportation, catastrophic injury and premise liability necessary; additional experience in insurance coverage and/or employment law is a bonus. We hire and pay for the proven best and the brightest. The pay is commensurate with salaries in the area, but the bonuses are not. That is where the best and brightest get their reward for a job well done. A firm where meritocracy truly rules. Only those up to the challenge need apply. Please send resumes to "Box AB," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

OKLAHOMA CITY LAW FIRM IS SEEKING AN AS-SOCIATE with 3 to 5 years' experience in immigration law. Individual must be able to handle removal proceedings, family-based petitions and hardship waiver cases. Please send your resume, cover letter and writing samples to Adams@usvisagroup.com.

FENTON FENTON SMITH RENEAU & MOON, AN AV RATED DEFENSE FIRM IS SEEKING AN ATTORNEY with one to five years of experience to assist in its civil litigation department. Please submit a resume, writing sample and transcript to: Recruiting Coordinator, 211 N. Robinson, Ste. 800N, Oklahoma City, OK 73102.

### **POSITIONS AVAILABLE**

DOWNTOWN OKLAHOMA CITY PERSONAL INJU-RY FIRM SEEKS AN ASSOCIATE with minimum 3 to 5 years' experience in general civil litigation. Individual must be able to draft pleadings, prepare discovery responses and handle scheduling. Trial and deposition experience preferred. Please send your resume with salary requirements to jeri.howard@taylorlucas.com.

PARALEGAL. EXCELLENT PAY AND BENEFITS! W.C. Bradley Co., a 130+ year old international consumer products company seeks a qualified paralegal for its Tulsa, Oklahoma, office. Reporting directly to the general counsel, this position will perform critical legal functions on behalf of its family of world class companies who compete in the global marketplace. This position will be replacing one of our paralegals who has been with us for 14 years and is retiring in June 2017, therefore ample time for training is available. Requirements include a self-motivated team player with 5+ years' experience; completion of an ABA-accredited paralegal program is preferred. Candidates must have strong legal research and writing skills. Excellent computer, organizational, attention-to-detail, project management, written/verbal communication and prioritization skills are musts. The ability to meet deadlines is critical. Candidate should have flexibility for some travel. This position requires experience in product liability claims and litigation, regulatory (primarily working with the Consumer Products Safety Commission) and general research. Insurance and claims experience is necessary. Proficiency with Microsoft Word, Access, Outlook, Excel, PowerPoint and Windowsbased software is required. Experience with Westlaw, Serengeti Legal Tracker and CTS is a plus. Contract (consumer product emphasis with retailers such as Wal-Mart, Bass Pro, Home Depot, Lowes, etc.) and Corporate Governance experience is a plus. Your expertise will be rewarded with an attractive salary/benefits package along with a casual dress code environment. To apply, please submit salary requirements, salary history and resume to the following: https://career4. successfactors.com/sfcareer/jobreqcareer?jobId=1321 &company=wcbradley&username. No phone calls please. The W.C. Bradley Co. is an Affirmative Action and Equal Opportunity Employer. The W.C. Bradley Co. uses E-Verify to confirm the employment eligibility of all new team members. To learn more about E-Verify, including your rights and responsibilities, please visit the U.S. Citizen and Immigration Service at www.uscis. gov/e-verify. E-Verify is a registered trademark of the U.S. Department of Homeland Security.

SMALL DEFENSE LITIGATION BOUTIQUE IN DOWN-TOWN OKLAHOMA CITY seeks an experienced paralegal. Prefer medical malpractice/personal injury/product liability experience. The firm offers an atmosphere of team building and support for a self-motivated individual. Please send resume to edmison@berryfirm.com.

### **POSITIONS AVAILABLE**

THE LAW FIRM OF COLLINS, ZORN & WAGNER, PC is pleased to announce two newly created positions for associate attorneys. The firm is currently seeking an attorney with 1-3 years' experience and another attorney with 5-10 years' experience. Associates in these positions will be responsible for court appearances, depositions, discovery and general litigation in active cases filed in the Oklahoma Eastern, Northern and Western Federal District Courts. Collins, Zorn and Wagner, PC is primarily a defense litigation firm focusing on civil rights, employment and constitutional law. Please send your resume, references and a cover letter including salary requirements to kjs@czwlaw.com.

ASSOCIATE ATTORNEY: AV-rated, downtown Oklahoma City litigation firm, whose primary areas of practice are insurance defense, products liability and transportation defense, has an immediate position available for an associate attorney with 2+ years' experience. A qualified candidate must have solid litigation experience, including a proven aptitude for performing legal research, drafting motions and briefs and conducting all phases of pretrial discovery. Salary is commensurate with experience. Please send resume to legaljobok@gmail.com.

THE EDMOND OFFICE OF RUBENSTEIN & PITTS SEEKS FULL TIME ASSOCIATE with 2-5 years of experience to assist with transactional and business litigation practice. Excellent writing, analytical skills, interpersonal skills, motivation and strong academics are required. Full range of benefits and competitive salary. Send cover letter, resume, references and writing sample to afors@oklawpartners.com.

RIGGS ABNEY IS SEEKING AN ASSOCIATE ATTOR-NEY TO JOIN ITS FAMILY LAW GROUP in its Tulsa office. Ideal candidates will have 2-7 years of experience in handling divorces and legal separations, custody matters and guardianships. Applicant must be able to manage individual cases while assisting senior attorneys in projects/assignments. Excellent trial presentation, writing, analytical and interpersonal skills required. Pay is commensurate with experience. Please direct all inquiries to Jamie Neal at jneal@riggsabney.com.

ALTUS CITY COUNCIL IS LOOKING TO RETAIN/EM-PLOY AN INDIVIDUAL OR FIRM to provide city attorney services. For more info, please contact City Manager Janice Cain - jcain@altusok.gov or 580-481-2202.

WATKINS TAX RESOLUTION AND ACCOUNTING FIRM is hiring attorneys for its Oklahoma City and Tulsa offices. The firm is a growing, fast-paced setting with a focus on client service in federal and state tax help (e.g. offers in compromise, penalty abatement, innocent spouse relief). Previous tax experience is not required, but previous work in retail, restaurant or other customer service area is preferred. Competitive salary, health insurance and 401K available. Please send a one-page resume with one-page cover letter to Info@TaxHelpOK.com.

### POSITIONS AVAILABLE

EXPANDING LAW FIRM SEEKS ENTREPRENEUR-IAL-MINDED ATTORNEYS with experience in the following practice areas: HR/employment; estate planning; healthcare/regulatory; personal injury/insurance defense and/or trucking/transportation litigation. We are looking for resourceful individuals who want to be part of a unique team of lawyers and work on a wide variety of business consulting and litigation. Experienced with a book of business? Young and hungry? We have room for all. Tired of working long hours for just a salary? Our compensation package allows flexibility with regard to income and work load. We have a great origination policy, too. Send resume and cover letter/ video correspondence clip outlining practice area experience and why you are ready to work in a different kind of firm, to Employment@ResolutionLegal.com.

FIRST AMERICAN TITLE INSURANCE COMPANY SEEKS ATTORNEY FOR TITLE EXAMINATION and underwriting counsel for Tulsa County. Must have strong background in real estate law and title examination. All contacts will be kept confidential. Compensation commensurate with experience. Send resume to kbranning@firstam.com.

ASSOCIATE ATTORNEY - KOZENY & MCCUBBIN, LC, EDMOND, OK. We are seeking candidates with a law degree from an accredited university; license to practice in OK, active and in good standing, with willingness to obtain licensing for other states as requested; 1 to 10 years' experience practicing law, creditor's rights and civil litigation preferred; advanced computer skills; accuracy and efficiency in a high-volume, fastpaced environment; professional demeanor; teamoriented with excellent communication and problem solving skills. The associate attorney will provide legal services and counsel, litigate cases and advise the firm's clients and partners regarding legal rights, responsibilities, strategies, and best practices on retained matters; will also be expected to keep current on changes in the law and attend CLE courses. Position operates in a fast-paced environment of tight deadlines and very high standards. Full time, Monday – Friday, minimum hours 8 a.m. - 5 p.m., some travel required for court appearances throughout the state. Benefits include medical, dental, vision, 401k, paid holidays, paid time off, plus various voluntary, ancillary benefits. Final candidates must pass pre-employment drug-screening, credit and criminal background checks, and education/credential verification. Our firm is AV rated and an Equal Opportunity Employer dedicated to workforce diversity. Qualified candidates may apply at: https://home.eease.adp.com/recruit/?id=15573141.

FRANDEN, FARRIS, QUILLIN, GOODNIGHT AND ROBERTS a mid-size, Tulsa AV, primarily defense litigation firm seeks a lawyer with 5-8 years' experience. If interested, please send confidential resume, references and writing samples to kanderson@tulsalawyer.com.

### **POSITIONS AVAILABLE**

THE UNIVERSITY OF OKLAHOMA'S OFFICE OF LEGAL COUNSEL HAS TWO OPENINGS FOR LITI-GATION ATTORNEYS on the university's main campus in Norman, Oklahoma. Candidates should have experience in all aspects of complex civil litigation practice, impeccable legal research and writing skills and the ability to work in a fast-paced environment. Experience with employment and the Oklahoma Governmental Tort Claims Act preferred. Applicants must have a J.D. from an ABA-accredited law school and a current Oklahoma bar license. Applications must be made electronically through the University of Oklahoma's Online Employment System at http://jobs.ou.edu/.

SMALL TULSA LAW FIRM SEEKING FULL-TIME OF-FICE MANAGER. Experience with Microsoft Office, TimeSlips and Quickbooks Pro preferred. Pay commensurate with experience. Send resumes to "Box B," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

### Notice of Pro Se Law Clerk Vacancy United States District Court Northern District of Oklahoma Tulsa

Applications are now being accepted for the position of Pro Se Law Clerk. This position reports to the Chief Judge and serves all Article III Judges in the Northern District of Oklahoma. The incumbent will provide legal advice and assistance to the Court regarding prisoner petitions and complaints. The incumbent will also handle death penalty cases. Preference will be given to applications received on or before April 28, 2017. The salary range is \$78,168.00 – \$131,833.00, based on qualifications and experience. The report date will be October 2, 2017. See full notice and application instructions at: www.oknd.uscourts.gov.

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# The Rewards of Mock Trial Coaching

By Judge Daman Cantrell

The Oklahoma Bar Association recently completed its 38th year of competition in the High School Mock Trial Program. The annual competition is sponsored by the OBA Young Lawyers Division and the Oklahoma Bar Foundation. For the 28th year, this program has been my main bar association volunteer activity. And for the 28th year, I have been motivated, inspired and delighted by this program and the young people it serves. legal community for a day. Coordinator Judy Spencer leads an amazing OBA committee to make it all happen.

The rewards are not just for the students who wish to have a career in the law. Coach Michon Hastings said, "Students learn the joys and rewards of working hard to accomplish a goal and gain lifelong skills that will carry them powerfully and eloquently into any career." prepare for competition, I must work with them to craft a theme to tell a case story that resonates with the mock trial judges. With this work, I always learn more than I teach.

"The more meaningful reason I am involved with mock trial is because it gives me the opportunity to watch young people develop their personal power, confidence and character. No matter what path



Owasso High School's Sotomayor team was the runner up in this year's High School Mock Trial Program state championship. With them are their coaches and the final-round judges.

In the competition, students participate as witnesses and lawyers with fact patterns either civil or criminal. The lawyers use exhibits and create theories of the case for both sides. Students must learn to use the same rules of evidence and procedure as real attorneys do in everyday courtrooms.

The results are stunning. Students are able to achieve at a high level and inspire the scoring judges. In most every advanced round, the comment is made, "You are as good as or better than the real attorneys who appear before me."

The thrill is not just the competition itself. Students are sent to various courtrooms all around the state. They get to interact with real judges and attorneys in those various locales and become part of that Judge Deirdre Dexter said, "Mock trial helps students learn critical thinking, gain self-confidence, acquire public-speaking skills and learn the value of hard work and camaraderie — all while having fun."

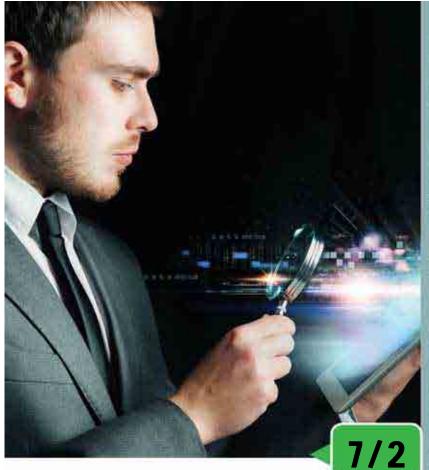
While the long-lasting relationships formed with the students are the real prize, what is happily surprising are the benefits for the participating lawyers. Veteran trial attorneys Ken Underwood and Rob Ridenour both told me they are much better lawyers after coaching the students.

Ken said, "Every year I coach mock trial I become a better lawyer, because to teach the rules of evidence, I must know them and understand them. To help students in life they pursue, it will be better because of the mock trial experience. These young people are truly our future, and I am comforted to know that our future is in such good hands," he said.

Rob said, "Mock trial changes lives. One can blossom from a shy and inward person into an assured and assertive advocate who is not afraid to speak their mind and confront challenges."

While our Owasso team lost in the state finals, we all feel enriched and inspired by the program, our colleagues and especially the kids. We'll "lawyer up" again next year! Go Rams!

Judge Cantrell is a district judge for the 14th Judicial District of Oklahoma in Tulsa.



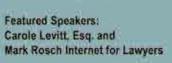
# How to Become Your Own Cybersleuth:

Conducting Effective Internet Investigative and Background Research

APRIL 28, 9 a.m. - 4 p.m.

Oklahoma Bar Center - "Live" Webcast Available

Each attendee will receive a copy of the speakers' 458-page book, The Cybersleuth's Guide to the Internet, a \$64.95 value.



In this fast-paced investigative research seminar, you will learn to create more effective Internet searches to locate information crucial to your matters, which you might otherwise miss. We will reveal hidden Google search features and shortcuts to speed up your research. You will also learn to use free public record sites and sites with free "publicly available" information (including social media sites), for discovery, trial preparation, background checks, and for locating missing persons. Discover the advantages (and limitations) of data broker databases.

Don't be left behind in exploiting this gold mine of information that will assist you in meeting your investigative research and due diligence obligations, in addition to meeting your ethical duty, to be conversant with the benefits and risks of technology pursuant to the newly adopted comment 6 of Oklahoma Rules of Professional Conduct, Rule 1.1.

Come join Carole Levitt and Mark Rosch, internationally recognized Internet trainers and authors of seven American Bar Association Internet research books, who will show you how to be a Cybersleuth to unearth information for FREE (or at low cost!) on the Net.

\$200 for early-bird registrations with payment received by April 21st; \$225 for registrations with payment received between April 24th – April 27th. Walk-ins \$275. Registration includes continental breakfast and lunch. To receive a \$10 discount for the in-person program, register online at http://www.okbar.org/members/CLE. Registration for the live webcast is \$250. Seniors may register for \$50 on in-person programs (late fees apply) and \$75 for webcasts, and members licensed 2 years or less may register for \$75 for in-person programs (late fees apply) and \$100 for webcasts.

For details and to register go to: www.okbar.org/members/CLE

# MYTH: ONLY BAD LAWYERS HAVE CLAIMS.

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