

ALSO INSIDE: Noncompetes in Mergers and Acquisitions
EEOC Challenging Discrimination • Defend Trade Secrets Act

THE OKLAHOMA BAR Journal

Volume 88 — No. 2 — 1/21/2017



**Meet
Your Bar
Association**



2017 OBA President
Linda S. Thomas

UPCOMING WEBCASTS



ALL of your required 12 hours of MCLE credit can be received by viewing Live Webcasts, these programs are being "live-streamed" at certain dates and times and MUST be viewed on these scheduled dates and times:

Wednesday, January 25
Social Media as Investigative Research and Evidence
(1 hour of Ethics)
Presented by CLEseminars.com

Thursday, January 26
The Ethics of Social Media Research
(1 hour of Ethics)
Presented by CLEseminars.com

Thursday, January 26
Fail Better:
Continuing Efforts to Eliminate Bias in the Legal Profession
(1 hour of Ethics)
Presented by Mesa CLE with Humorist Sean Carter

Tuesday, February 7
Legal Ethics Is No Laughing:
Matter What Lawyer Jokes Say About Our Ethical Foibles
(1 hour of Ethics)
Presented by Mesa CLE with Humorist Sean Carter

Tuesday, February 14
Don't Be A Stupid Cupid:
Avoiding Inappropriate Entanglements in the Practice of Law
(1 hour of Ethics)
Presented by Mesa CLE with Humorist Sean Carter

Tuesday, February 21
The Passion of the Barrister:
An Ethical Lawyer is a Happy Lawyer
(1 hour of Ethics)
Presented by Mesa CLE with Humorist Sean Carter

Saturday, February 25
The 2017 Ethy Awards
(2 hour of Ethics)
Presented by Mesa CLE with Humorist Sean Carter

Tuesday, February 28
Attorney, Heal Thyself:
The Detection, Treatment and Prevention of Substance Abuse
(1 hour of Ethics)
Presented by Mesa CLE with Humorist Sean Carter

Tuesday, March 7
Thou Shalt Not Lie, Cheat & Steal:
The Ten Commandments of Legal Ethics
(1 hour of Ethics)
Presented by Mesa CLE with Humorist Sean Carter

oba  cle
continuing legal education

To register go to: www.okbar.org/members/CLE/Webcasts

LAWPAY[®]

THE WAY ATTORNEYS GET PAID



OKLAHOMA BAR ASSOCIATION SINCE 1904

Proud Member Benefit Provider

Pay Invoice

Completely Secure

EST 75%

Year	Percentage
2010	35%
2013	47%
2016	55%
2019	EST 75%

IT'S ESTIMATED THAT OVER 75% OF BILLS WILL BE PAID ONLINE BY 2019.

Invoice Payment

Payment Detail

Account to Pay*
Amount to Pay

Invoice Number
Invoice Period
Invoice Date

Cardholder Information
Name
Address
City
State

VISA MasterCard AMERICAN EXPRESS DISCOVER

Pay Invoice

1.95% & 20¢ per transaction | No swipe required | No equipment needed | \$5-\$20 monthly

The proven payment solution for lawyers.

Managing payments and growing revenue for over 30,000 law firms in the US, LawPay is the only solution recognized by the ABA. Designed specifically for the legal industry, LawPay guarantees complete separation of earned and unearned fees, giving you the confidence and peace of mind your credit card transactions are handled the right way.

LawPay.com/OBA | 866.376.0950



2017

Solo & Small Firm Conference

The 2017 Conference
brings back kids' activities
in a family friendly
atmosphere



SAVE THE DATE AND BRING THE KIDS

June 22nd - 24th ♦ 2017



Programs include a full day of technology CLE; a full day of how-to basics for every Solo & Small Firm practitioner; and an analysis of the Oklahoma Trial of the Century: *State of Oklahoma v. Terry Nichols*

Choctaw Casino Resort
Durant, OK

(3 CLE tracts, both days 12 hours of CLE available to each participant)

**Registration begins March 5th,
2017 at www.okbar.org**



THEME:
MEET YOUR OBA
EDITOR: CAROL MANNING

contents

Jan. 21, 2017 • Vol. 88 • No. 2



FEATURES

- 79 MEET 2017 OBA PRESIDENT LINDA THOMAS
- 83 OBA OFFICERS AND BOARD OF GOVERNORS: VOLUNTEERS WHO GUIDE YOUR ASSOCIATION
- 92 OBA DEPARTMENTS AND THE MEMBER SERVICES THEY PROVIDE
- 99 MEMBER BENEFITS
- 105 GROW YOUR NETWORK BY JOINING OURS!
- 106 OBA SECTIONS

pg. 117
NEW JUDICIAL
LEADERS



DEPARTMENTS

- 76 FROM THE PRESIDENT
- 137 FROM THE EXECUTIVE DIRECTOR
- 139 LAW PRACTICE TIPS
- 143 EDITORIAL CALENDAR
- 144 ETHICS & PROFESSIONAL RESPONSIBILITY
- 145 OBA BOARD OF GOVERNORS ACTIONS
- 147 OKLAHOMA BAR FOUNDATION NEWS
- 150 YOUNG LAWYERS DIVISION
- 151 FOR YOUR INFORMATION
- 153 BENCH AND BAR BRIEFS
- 154 IN MEMORIAM
- 155 WHAT'S ONLINE
- 160 THE BACK PAGE



pg. 123
THE DEFEND TRADE
SECRETS ACT

PLUS

- 117 NEW LEADERS TAKE HELM OF OKLAHOMA'S TWO HIGHEST COURTS
- 118 EEOC TAKES THE LEAD IN CHALLENGING SEXUAL ORIENTATION DISCRIMINATION
By Mary L. Lohrke and Jessica R. Fu
- 123 THE DEFEND TRADE SECRETS ACT: IS IT A GAME CHANGER?
By Derek B. Ensminger
- 128 NONCOMPETES IN OKLAHOMA MERGERS AND ACQUISITIONS
By Brandon Kemp
- 134 MYOKBAR COMMUNITIES: YOUR NEW ONLINE COMMUNICATIONS PORTAL
- 136 INTEREST ON JUDGMENTS

My Commitment to You

By Linda S. Thomas

New Year's Day comes with celebration and promises of self improvement so the coming year will be a great year, a better year — or perhaps the best year ever. For me this particular Jan. 1 came not only with those typical New Year's resolutions, but also with my commitment to you, the members of the Oklahoma Bar Association, to remain focused throughout 2017 on the practice of law, the promotion of our association and issues related to the legal profession, including the independence of the judiciary and equal justice for all.

Oklahoma lawyers come from different walks of life, bringing with us a wide variety of backgrounds, interests, traditions, hobbies, political affiliations, etc. The journeys we have followed to get here are many, but regardless of where we focus our practice — large firm, small firm or solo practitioners, corporate, governmental or non-profit agency lawyers, state or federal judges — we are all lawyers. We differ in countless ways, but we have all chosen the field of law as our career, and that itself is a tie that uniquely binds us to one another. With that comes great responsibility — to develop and utilize our legal, listening and communication skills in order to well-serve our clients and our profession; to commit a due share of our interest and energy to serve our community, our profession and our association; and to display basic, but critical, human interaction skills so that when we walk out of the courtroom, away from the negotiation table or hang up the telephone, we maintain respect for one another and the profession.

We, as individuals in our collective efforts, can grow and strengthen our association to meet and overcome the challenges before us. So, I ask you to join me by adding three promises to your list of New Year's resolutions for 2017: 1) take care of our profession, 2) take care of our association and 3) take care of yourselves and each other. I believe that if we do these basic things, the future of our association and the

practice of law will be even better for all lawyers — now and for those who come behind us.

What can we do to take care of our profession? We must practice law with integrity, professionalism and a bit of humility. When we became Oklahoma lawyers, we all took an oath to fulfill an obligation to the legal profession, to be a person clients, judges and colleagues can trust and to uphold the laws of the state of Oklahoma. Do what is best for your clients, but do it with integrity and professionalism. We are part of a long

and hallowed calling that leads us to the privilege of serving others as lawyers and counselors. Take good care of this profession, and this profession will take good care of you.

I ask you to join me by adding three promises to your list of New Year's resolutions for 2017.

How can we take care of our association? Get involved. Join one (or more) of the 29 OBA committees from Access to Justice to Work/Life Balance; join one (or more) of the 25 different practice area sections, apply for the Leadership Academy, run for an OBA office, teach a CLE course, volunteer for Oklahoma Lawyers for America's Heroes or the Free Legal Answers program, take advantage of the more than 50 member services the OBA offers to assist you, not only with your practice, but also your personal life and plan now to attend our Annual Meeting in Tulsa Nov. 1-3.

Above all, we must take care of ourselves and each other. Pay attention to yourself, your physical, mental and spiritual self. Balance your professional life with your personal life. Enjoy a life

cont'd on page 127



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

THE OKLAHOMA BAR JOURNAL is a publication of the Oklahoma Bar Association. All rights reserved. Copyright© 2017 Oklahoma Bar Association. Statements or opinions expressed herein are those of the authors and do not necessarily reflect those of the Oklahoma Bar Association, its officers, Board of Governors, Board of Editors or staff. Although advertising copy is reviewed, no endorsement of any product or service offered by any advertisement is intended or implied by publication. Advertisers are solely responsible for the content of their ads, and the OBA reserves the right to edit or reject any advertising copy for any reason.

Legal articles carried in THE OKLAHOMA BAR JOURNAL are selected by the Board of Editors. Information about submissions can be found at www.okbar.org.

BAR CENTER STAFF

John Morris Williams, *Executive Director*; Gina L. Hendryx, *General Counsel*; Joe Balkenbush, *Ethics Counsel*; Jim Calloway, *Director of Management Assistance Program*; Craig D. Combs, *Director of Administration*; Susan Damron, *Director of Educational Programs*; Beverly Petry Lewis, *Administrator MCLE Commission*; Carol A. Manning, *Director of Communications*; Robbin Watson, *Director of Information Technology*; Loraine Dillinder Farabow, Tommy Humphries, Debbie Maddox, Katherine Smith, Steve Sullins, *Assistant General Counsels*

Gary Berger, Debbie Brink, Tony Blasier, Cheryl Corey, Nickie Day, Ben Douglas, Dieadra Florence, Johnny Marie Floyd, Matt Gayle, Marley Harris, Brandon Haynie, Suzi Hendrix, Misty Hill, Darla Jackson, Debra Jenkins, Jaime Lane, Durrel Lattimore, Mackenzie McDaniel, Renee Montgomery, Sharon Orth, Lacey Plaudis, Tracy Sanders, Mark Schneidewent, Laura Stone, Jan Thompson, Krystal Willis, Laura Willis & Roberta Yarbrough

Oklahoma Bar Association 405-416-7000
Toll Free 800-522-8065
FAX 405-416-7001
Continuing Legal Education 405-416-7029
Ethics Counsel 405-416-7055
General Counsel 405-416-7007
Lawyers Helping Lawyers 800-364-7886
Mgmt. Assistance Program 405-416-7008
Mandatory CLE 405-416-7009
Board of Bar Examiners 405-416-7075
Oklahoma Bar Foundation 405-416-7070

www.okbar.org

THE OKLAHOMA BAR Journal

Volume 88 — No. 2 — 1/21/2017

JOURNAL STAFF

JOHN MORRIS WILLIAMS
Editor-in-Chief
johnw@okbar.org

CAROL A. MANNING, Editor
carolm@okbar.org

MACKENZIE MCDANIEL
Advertising Manager
advertising@okbar.org

LACEY PLAUDIS
Communications Specialist
[laceyp@okbar.org](mailto:laceypl@okbar.org)

LAURA STONE
Communications Specialist
lauras@okbar.org

BOARD OF EDITORS

MELISSA DELACERDA
Stillwater, Chair

LUKE ADAMS, Clinton

RENÉE DEMOSS, Tulsa

PATRICIA A. FLANAGAN
Yukon

AMANDA GRANT, Spiro

C. SCOTT JONES,
Oklahoma City

ERIN MEANS, Moore

SHANNON L. PRESCOTT
Okmulgee

MARK RAMSEY, Claremore

LESLIE TAYLOR, Ada



OFFICERS & BOARD OF GOVERNORS

LINDA S. THOMAS, President, Bartlesville;
JENNIFER CASTILLO, Vice President, Oklahoma City;
KIMBERLY HAYS, President-Elect, Tulsa; GARVIN A. ISAACS, Immediate Past President, Oklahoma City; JOHN W. COYLE III, Oklahoma City; MARK E. FIELDS, McAlester; JAMES R. GOTWALS, Tulsa; KALEB K. HENNIGH, Enid; JAMES R. HICKS, Tulsa; ALISSA HUTTER, Norman; JAMES L. KEE, Duncan; JIMMY D. OLIVER, Stillwater; SONJA R. PORTER, Oklahoma City; ROY D. TUCKER, Muskogee; JOHN M. WEEDN, Miami; BRYON J. WILL, Yukon; LANE R. NEAL, Oklahoma City, Chairperson, OBA Young Lawyers Division

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

Subscriptions \$60 per year except for law students registered with the OBA and senior members who may subscribe for \$30; all active members included in dues. Single copies: \$3

Postmaster Send address changes to the Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152-3036.



Linda circa 1977

*Linda in her office at
Bartlesville, circa 1997*

Linda with her family



Linda at 2 years old in 1958

*Linda and her
husband Curt,
circa 1995*



Linda in 1963

Meet Your Bar Association

Meet 2017 OBA President Linda Thomas

By Lacey Plaudis

It is clear that Linda Thomas' family has shaped her into the woman she is today and will continue to refine her in years to come. Being raised in a close-knit family, Linda grew up with her three brothers in Tulsa.

"I was born in San Antonio when my dad was in the Air Force and then my family moved to Stillwater when he was in college. When he graduated from OSU we moved to Tulsa, and so I spent most of my childhood," she said.

While Linda enjoyed playing with dolls, she also played alongside her brothers with cars and trucks and led adventures in the backyard and neighborhood. "There are adventures that my brothers and I experienced that still even as adults we talk about," she said. Her brothers have grown from siblings into best friends, and her sisters-in-law are now the sisters she never had.

ARKANSAS YEARS

When Linda was a teenager, her family moved to the southwest corner of Arkansas. They lived in the small town of Ashdown. As a student at Ashdown High School, she enjoyed both the academic and social parts of high school. She played on the tennis and basketball teams and was also a cheerleader.

"I played basketball when girls played three-on-three half court. Back in the '70s girls played three on three half court so you either played offense or defense. I didn't play any sports in college but instead focused on academics and graduated in three years," she said.



*Linda with two of her grandchildren,
Ava and Alex*

After graduating high school in 1974, Linda pursued an undergraduate degree at a small private college in Arkansas. In 1977 she graduated *cum laude* from Ouachita Baptist University with a B.A. in speech pathology.

"I wanted to be in the public school, and I knew that [speech pathology] was at that time becoming a new program in the education field. I thought that would be a good door that would open for me," she said.

Presidential Trivia

Hobbies?

Reading, making homemade gifts for family/friends and spending time with my big extended family, especially my grandkids.

What accomplishment are you most proud of?

In my professional life, I'm most proud of being the Oklahoma Bar Association president. It's quite an honor that the association elected me to be their leader. In my personal life, the thing that I'm most proud of is that I have three very successful children who are happy and healthy.

What's the best advice you ever received?

Surround yourself with a small network of smart and positive people who want you to succeed — then let them help you.

Favorite holiday tradition?

Tamale dinner on Christmas Eve after Christmas Eve church service with the family

Favorite nonprofit?

Big Brothers Big Sisters of America

Ten years from now where will you be?

Probably still practicing law and enjoying my grandchildren, doing just exactly what I'm doing now.

What did you want to be when you were a kid?

A school teacher



Linda with her three kids, Allison, Amy and Brad

After her graduation, she moved to Dequeen, Arkansas, where she worked in the local elementary school as the school's first speech pathologist.

"I set that program up, and I did that for a few years until they needed a special education teacher. I taught special ed for a couple years and then went into the regular classroom teaching second grade," she said.

BEGINNING OF A NEW CAREER

After a casual conversation with her dad, Linda began to think about a new career path. A path

that would lead the way to her becoming our 2017 Oklahoma Bar Association president.

"My dad who had a big influence on me said to me one day, 'have you ever thought about going to law school?' At that time, I really had not thought about going to law school. Then over the next few weeks or months we talked about it, and decided that was something I really wanted to do. I applied at TU, got accepted and then moved to Bartlesville," she said.

FAMILY SUPPORT

Linda's parents were living in Bartlesville at the time, which was about an hour's drive to TU. It was a balancing

act for a few years, but the struggle created a unique and tender relationship between her children and their grandparents.

"The kids and I would get up in the morning and get ready for



Linda with her parents, Jim and Suzanne Cyrus, at the 1994 new admittee swearing-in ceremony

school. I'd drop them off at school, and I'd go teach all day. I'd pick them up from school, drop them off at my parents' house and head over to Tulsa.

"My parents were really good about going with the kids to all their activities, their sporting activities or whatever they were doing. When I got home from law school usually between 9 and 9:30 p.m., I would pick them up from their house and head over to my house. It was a juggling act for a while. I wouldn't have been able to do it without that support for sure," she said.

The bonds that were made in those years certainly had a lasting impact on the family. She said, "It was invaluable to me because I think having that generational contact really made a huge impact in my own children's lives. My kids are really, really close to their grandparents."

join the late Glenn Davis in his practice. "Glenn was my first mentor in the law. He helped me get new clients and tutored me during my early years of practice. He also taught me not to take myself too seriously," she said.



Linda at her law school graduation

Linda focuses her private practice in the area of all aspects of family law. Linda works and shares office space with five other lawyers, all men.



Linda with her brothers Scott, Mark and Michael

EARLY LAW CAREER

In 1994 Linda graduated from the TU College of Law with her J.D. After passing the bar that same year, she began working part time for a local law firm. After a few months at the firm, Linda decided to

"I have the best of both worlds where I'm my own boss, but I have other lawyers, who are also my friends, that I can rely on for help and advice," she said.

Who are you most like, your mom or your dad?

I'm a combination of both — I look like my mother, but my personality is more like my father's.

Who was the biggest influence in your life?

It absolutely has to be my parents.

Childhood nickname?

I didn't really have a nickname, but my dad called me the "rose among the thorns."

How has being involved in OBA activities been a benefit to your career?

I am constantly surrounded by smart, creative and dedicated lawyers from all over the state who are good sources of great advice and new ideas.

Oddest job you've held before becoming a lawyer?

When I was in high school, I was the designated "Christmas present wrapper" at the Ben Franklin store during the holidays.

Favorite ice cream flavor:

Chocolate Mocha

Most important quality a lawyer should have?

In 2011, then Chief Justice Steven W. Taylor told the new bar admittees during their swearing-in ceremony, "Learn to love justice more than you love victory." That quote has been part of my email signature since then, and rarely a day goes by that I don't consider the true meaning of that statement.

LOOKING INTO 2017

As Linda begins her year as the 2017 OBA president, she wants to assure that the many good programs already in place continue to grow and be nurtured. She said, "We have some excellent programs at the Oklahoma Bar Association and I want to make sure they continue to meet the needs of our association and the public."

Linda's aspirations also include promotion of OBA programs that 1) ensure all Oklahoma citizens have meaningful access to the justice system, 2) provide Oklahoma lawyers with an avenue to keep on top of the newest technology available and the threats that are out

Best way to spend a day off?

Doing anything with my grandkids, whenever possible.

Suggestion for a fortune cookie message?

He who throws dirt is losing ground.

Favorite TV show?

Almost anything on the Food Network – Chopped, Restaurant Impossible, Cake Wars...



Christmas at Grandma's in 1983 with Santa, Brad, Allison, Papa, Linda and Amy

there and 3) focus on the fair, independent and impartial administration of justice. She said, "With 2017 bringing the 50th anniversary of the creation of the Judicial Nominating Commission, it is the perfect time to celebrate the benefits of the JNC and to promote the public's understanding of the importance of the separation of powers and other important issues related to the public good and the practice of law."

She is already working with President-Elect Kim Hays, Vice President Jennifer Castillo, and the members of the Board of Governors to strategize new ideas for the Annual Meeting. She said, "We want to make some changes to the Annual Meeting in 2017 that will perhaps bring more law-

yers to the Annual Meeting in November and better meet their needs."

A LEGACY OF FAMILY

Linda has said that if she wasn't a lawyer her dream job would be that of a full-time grandmother. Practicing law has been a fulfilling experience for Linda and she believes it to be an extraordinary privilege. Many of the lessons she learned from her mother and father during childhood have carried over to the way she practices law. To her, it is important to treat everyone with respect and to give back and help others. In the practice of family law, she sees heartbreak and crisis but also families united and healed. It is a career that has made her appreciate her own family that much more.

Ms. Plaudis is an OBA communications specialist.

Meet Your Bar Association

OBA Officers and Board of Governors: Volunteers Who Guide Your Association



Kimberly Hays
President-Elect
Tulsa

- **Background:** Born in Tulsa; graduated from Tulsa Memorial High School, class of 1986; attended OSU and met my husband, Alan Souter, in Eskimo Joe's, and we married in 1993. We have two children Noelle, age 18, and Parker, age 14; began practicing law in 1993 with my father, James R. Hays, in Tulsa and after his death in 1994, I joined a firm for a short time and then opened my solo practice in Tulsa in 1998. My legal assistant/friend, Stephanie Pierce, has been with me since 1996. I practice exclusively family law.

- **Education:** B.A., OSU, 1990; J.D., University of Kansas School of Law, 1993
- **Childhood nickname?** Kimmie
- **Favorite childhood toy?** Barbie and all her accessories (the dreamhouse, car, pool and, of course, all the clothes and shoes)
- **How did you first become involved in OBA activities?** Friends in OBA Family Law Section leadership talked me into helping with some CLE planning and at the same time I signed up for my first OBA committee, professionalism. I quickly learned the rewards of working with other attorneys for the benefit of our bar association.
- **Has it benefited your career?** My OBA service creates a network of attorneys with different practice areas across Oklahoma. My network is a source of receiving referrals in my area of practice, family law, while offering me the opportunity to refer my clients to talented attorneys outside my area of practice.

- **Oddest job you've held before becoming a lawyer?** Sales clerk for Tennis and Ski Warehouse in Tulsa (I did not ski or play tennis.)
- **Favorite ice cream flavor?** Braum's mint chocolate chip
- **Most important quality a lawyer should have?** Ethics
- **Best way to spend a day off?** A day with husband, Alan, and kids, Noelle and Parker, along with play-time with our golden retriever puppy and then go for a run with my group of running girlfriends.
- **Creative fortune cookie message?** When life gives you lemons ... throw it back and ask for chocolate.
- **Favorite TV show?** *Scandal*



Jennifer Castillo
Vice President
Oklahoma City

- **Background:** I was born and raised in the Oklahoma City area and graduated from Del City High School in 1991. I now live in northwest Oklahoma City with my husband, Luis, sons, Aiden and Brody, and three dogs.
- **Education:** B.A. (Theater) Cameron University (1996); M.A. (Communication) OU (1999); J.D. OCU School of Law (2002)
- **Childhood nickname?** Jen
- **Favorite childhood toy?** Barbie dolls
- **How did you first become involved in OBA activities?** A lawyer I worked with encouraged me to run for a seat on the OBA YLD board. I began serving on the YLD board in 2008 and quickly became an OBA junkie.

- **Has it benefited your career?** My involvement with the OBA has allowed me to meet attorneys from across Oklahoma in a variety of practice areas. As a result, I have a strong network to call on for referrals, assistance and collaboration. This network has resulted in new business and leadership opportunities.
- **Oddest job you've held before becoming a lawyer?** I dressed up as an elf and handed out fliers for a local retailer during Christmas break of my senior year in high school.
- **Favorite ice cream flavor?** Cookies and cream
- **Most important quality a lawyer should have?** As lawyers, we often focus on our public speaking skills; however, I think being an active listener is the most important quality a lawyer can possess.
- **Best way to spend a day off?** I love spending days off hanging out at home with my three guys and my dogs. For me, there is no place like home.
- **Creative fortune cookie message?** Practice kindness. People will forget what you said but not how you said it.
- **Favorite TV show?** *House of Cards*



Garvin A. Isaacs

Past President
Oklahoma City

attended Texas Christian University on a basketball scholarship. I played four years for the Horned Frogs, graduating in 1967 with a bachelor's degree in government.

- **Background:** I grew up in Apache. My father, Garvin A. Isaacs, was Apache School District superintendent of schools. My mother, Ellen Isaacs, was a grade-school teacher. I have one brother, Philip Isaacs, who is a real estate appraiser and expert witness in real estate cases.

- **Education:** I graduated from Apache High School in 1963 and

- **Childhood nickname?** Guybo
- **Favorite childhood toy?** Basketball
- **How did you first become involved in OBA activities?** In the summer of 1976, I went to Cornell University's National Institute of Trial Advocacy, a two-week program conducted by Irving Younger. I first met him in Denver when he gave a lecture at a CLE course. I also attended the institute's two-week program in January. Professor Younger had a reputation as a great teacher who had also been a lawyer and a trial judge on the bench in New York City. Marian Opala, who in 1977 was administrative director of the Oklahoma Court System, asked me to invite Younger to come and lecture at the OBA. He agreed to come and speak on the "The Ten Commandments of Cross Examination." I had the privilege of introducing him at the Criminal Defense Lawyer's Institute held at the Oklahoma Bar Center, and I have been involved in bar activities since that time.
- **Has it benefited your career?** It has helped me think creatively. No two cases are alike, and there is no absolute formula or rule for any case.
- **Oddest job you've held before becoming a lawyer?** Interrogator of prisoners of war
- **Favorite ice cream flavor?** Vanilla
- **Most important quality a lawyer should have?** Honesty
- **Best way to spend a day off?** Painting, exploring, writing or fly fishing
- **Creative fortune cookie message?** Frequently wrong, often unprepared, but always ready
- **Favorite TV show?** *3 D Danny* (Dan D. Dynamo aka Danny Williams) and *Flash Gordon*



John M. Weedn
Governor –
District No. One
Miami

- **Background:** Grew up on a farm outside of Cyril
- **Education:** Bachelor's in political science from Missouri Southern, J.D. from the OU College of Law
- **Childhood nickname?** Little John. I was the fourth John in my family and the youngest. Of course, it wasn't long before I outgrew that nickname — being 6 ft. by the sixth grade.

- **Favorite childhood toy?** My bicycle — opened up the world around me
- **How did you first become involved in OBA activities?** As a young lawyer in Custer County in the early 2000s, it was expected we would be involved in the bar association. We attended the Annual Meeting as a group and regular monthly county bar meetings.
- **Has it benefited your career?** Contacts. It is amazing to have the ability to pick up a phone and get advice from lawyers ranging from Bartlesville to Idabel and all points in between. Almost as important are the personal relationships developed with the staff and administration at the bar center. We have some amazing staff who are always ready to help.
- **Oddest job you've held before becoming a lawyer?** Bouncer or batting cage attendant
- **Favorite ice cream flavor?** Strawberry
- **Most important quality a lawyer should have?** Discernment — about which cases and which clients to take
- **Best way to spend a day off?** In the woods
- **Creative fortune cookie message?** Turtles almost always win the race.
- **Favorite TV show?** *The First 48*



Mark E. Fields
Governor –
District No. Two
McAlester

- **Background:** Born and raised in McAlester. During my third year of law school, OBA Past President David Poarch taught one of my courses. He told me a firm in McAlester was looking for a new lawyer. I returned home and have practiced at Steidley & Neal since 2001.
- **Education:** OU, B.A. 1997 and OU College of Law, J.D. 2001

- **Childhood nickname?** Elvis
- **Favorite childhood toy?** Millennium Falcon
- **How did you first become involved in OBA activities?** I saw firsthand how OBA Past President Charles "Buddy" Neal and several past District 2 governors served on the Board of Governors, so I decided I should try to give back to the profession, too.
- **Has it benefited your career?** Ask me again in three years
- **Oddest job you've held before becoming a lawyer?** Bagging groceries, deli worker, booking at a bank and delivering furniture. None were particularly odd. I now wish I would have run away and joined the circus for a few years.
- **Favorite ice cream flavor?** Mint chocolate chip, with butter pecan closing in fast
- **Most important quality a lawyer should have?** Integrity, with common sense closing in faster than butter pecan
- **Best way to spend a day off?** Doing any number of things with my wife and kids — fishing on Lake Eufaula, spending the day in my backyard smoking a brisket or pork shoulder, playing golf or hanging around the house playing board games in between trying out new breakfast, lunch and dinner recipes
- **Creative fortune cookie message?** If you're reading this, you'll be hungry again in an hour. Plan accordingly.
- **Favorite TV show?** I never get tired of *Seinfeld* reruns.



John W. Coyle III

Governor –
District No. Three
Oklahoma City

● **Background:** I grew up in Oklahoma City. My father, Bill Coyle, was in the real estate and oil business and my mother, Katie, was a housewife and life master bridge player. I had two brothers who passed away and a sister, Shannon, who is a restaurant manager. I have been married to my wife, Julee, for more than 30 years and have four children. My oldest son, Billy, is a lawyer, Bob is a cell phone tower developer, Park is in the oil business, and my daughter, Ruby, teaches special needs children. While attending law school, I worked as a bailiff for Judge Paul Dudley, who conducted preliminary hearings on the fifth floor of the Oklahoma County Courthouse. After a year and a half, I went to work for Clyde Watts, a civil defense trial lawyer. I learned every day in these jobs how to conduct myself as a lawyer — it was invaluable! I was employed by James W. “Bill” Berry, a former district attorney, who practiced criminal defense and domestic relations law in the old Cravens Building. I worked for Bill for several years and learned every day. I have been practicing criminal defense law now for 42 years.

- **Education:** I graduated from Harding High School in Oklahoma City in 1966 and attended OU and OCU, graduating in 1971, with a degree in political science and history. I attended the OCU School of Law and graduated in 1974.
- **Childhood nickname?** Johnny
- **Favorite childhood toy?** My bike
- **How did you first become involved in OBA activities?** I was representing lawyers before the bar. I wanted to give something back.
- **Has it benefited your career?** I have met the dedicated lawyers that do service for the bar.
- **Oddest job you’ve held before becoming a lawyer?** For a short time, I worked at the rendering plant at the Stockyards.
- **Favorite ice cream flavor?** Caramel
- **Most important quality a lawyer should have?** Honesty
- **Best way to spend a day off?** With my grandchildren

- **Creative fortune cookie message?** Focus on health
- **Favorite TV show?** Football



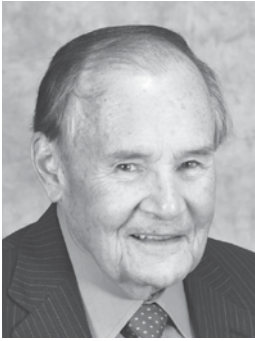
Kaleb K. Hennigh

Governor –
District No. Four
Enid

● **Background:** I was born and raised in northwest Oklahoma, graduating from Laverne High School in 1996 with strong rural and agricultural roots and interests. I returned to Enid in 2007, where I have been practicing ever since. I have two sons, Karsen (9) and Jase (7).

● **Education:** B.S. agricultural communications, OSU, 2000; J.D. OU College of Law, 2003; LL.M. University of Arkansas College of Law, Fayetteville, Arkansas, 2005.

- **Childhood nickname?** Road runner
- **Favorite childhood toy?** Red Ryder BB gun
- **How did you first become involved in OBA activities?** Through the Young Lawyers Division
- **Has it benefited your career?** Getting and staying involved with the OBA ensures you maintain contact with quality lawyers throughout this state. It is very beneficial as a practitioner to develop professional relationships with attorneys across this great state when clients seek representation outside of your geographical area or professional expertise.
- **Oddest job you’ve held before becoming a lawyer?** Rice crop consultant for a global crop chemical company in the Mississippi Delta
- **Favorite ice cream flavor?** Chocolate
- **Most important quality a lawyer should have?** Patience
- **Best way to spend a day off?** Doing something outdoors with my boys
- **Creative fortune cookie message?** Follow the advice of your lawyer
- **Favorite TV show?** Blue Bloods



James L. Kee

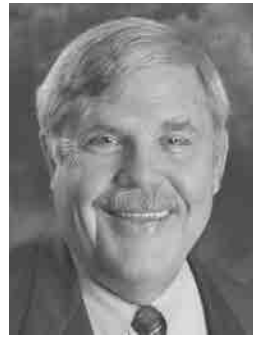
Governor -
District No. Five
Duncan

- **Background:** Born in Drumright, raised in Bartlesville; paratrooper 101st ABN Div.; father of two, grandfather of seven and great grandfather of two with another on the way; practiced law 50+ years; travelled to 60 countries and territories on five continents; took a sabbatical in 1986-87 during which I lived in

London working for a Korean company negotiating OPEC contracts in the

Middle East and West Africa; very familiar with politics in the Middle East; have won trials in every decade from the 1960s to present

- **Education:** B.S. degree East Central University; J.D. OCU School of Law 1966
- **Childhood nickname?** Jimbo
- **Favorite childhood toy?** Electric train
- **How did you first become involved in OBA activities?** Being a founder and president of the Oklahoma Criminal Defense Law Association
- **Oddest job you've held before becoming a lawyer?** I was a jug hustler on a seismograph crew in summers while going to college.
- **Favorite ice cream flavor?** Chocolate
- **Most important quality a lawyer should have?** Integrity
- **Best way to spend a day off?** Working at our farm
- **Favorite TV show?** Blacklist



James R. Gotwals

Governor -
District No. Six
Tulsa

- **Background:** I am a life-long Tulsan. I have been married to my wife, Janet Gotwals, for 34 years, and we have three kids together, who are now all adults.

- **Education:** I graduated from Tulsa Central High School in 1968; BBA in finance from OU in 1972; and law degree from the OU College of Law in 1975

- **Childhood nickname?** Robin "the boy wonder"

- **Favorite childhood toy?** My bicycle
- **How did you first become involved in OBA activities?** I volunteered to serve on committees and joined sections.
- **Has it benefited your career?** I have become friends with some of the finest and most charitable persons (lawyers) from across the county, the state and on a national level. My firm has been fortunate to have received referrals from many of them, and I can call on them to refer clients to. There are many great role models among them.
- **Oddest job you've held before becoming a lawyer?** I worked one summer on a pipeline from Saint Joseph, Missouri, across the state north as a swamper on a side boom caterpillar on the set-up crew. It was a unique experience.
- **Favorite ice cream flavor?** Peach
- **Most important quality a lawyer should have?** Integrity
- **Best way to spend a day off?** Spending time with family
- **Creative fortune cookie message?** Your perseverance will soon be rewarded
- **Favorite TV show?** Sports generally. I really don't have a favorite show.



Roy D. Tucker
Governor -
District No. Seven
Muskogee

- **Background:** I was born and raised in Lexington and graduated high school in 1994.
- **Education:** University of Central Oklahoma, B.A. in English, 1998; TU College of Law, J.D. 2003.
- **Childhood nickname?** Little LeRoy
- **Favorite childhood toy?** A Honda 250 three wheeler. This was back before anyone was concerned about liability.

- **How did you first become involved in OBA activities?** I attended a YLD mixer about a year out of law school, and a few months later was appointed to the YLD board to fill an at-large seat. I've been involved ever since.
- **Has it benefited your career?** I have a vast network of colleagues, allies and friends.
- **Oddest job you've held before becoming a lawyer?** All of my jobs have been pretty usual and mainstream — retail, hospitality and mortgage industry
- **Favorite ice cream flavor?** German chocolate
- **Most important quality a lawyer should have?** An incredible memory
- **Best way to spend a day off?** Champagne brunch and Netflix bingeing to follow
- **Creative fortune cookie message?** Look behind you, NOW!
- **Favorite TV show?** Madam Secretary



Jimmy D. Oliver
Governor -
District No. Eight
Stillwater

- **Background:** I was born at Camp Pendleton Military Base in California, where my father was stationed. My family moved to Stillwater when I was 8 years old. After I graduated from college, I moved to Portland, Oregon, until deciding to return to Oklahoma to obtain my legal education.
- **Education:** I graduated from OSU with a journalism degree in 2004 and received my law degree from the OCU School of Law in 2010.

- **Favorite childhood toy?** Legos
- **How did you first become involved in OBA activities?** I first attended the Annual Meeting in 2011 and realized there were many opportunities available for a young lawyer.
- **Has it benefited your career?** Being involved in the OBA has allowed me to meet people from all over the state and to make friends I will have for a lifetime. This has created a network of other lawyers with whom I can share experiences, knowledge and concerns.
- **Oddest job you've held before becoming a lawyer?** I bartended my way through college and law school, which once led to an interesting experience serving beers at a biker rally.
- **Favorite ice cream flavor?** Chocolate chip
- **Most important quality a lawyer should have?** Objectivity and the ability to recognize flaws in your own case/client
- **Best way to spend a day off?** Exploring new local places for interesting food and drinks
- **Creative fortune cookie message?** You would make a great lawyer
- **Favorite TV show?** Bob's Burgers



Bryon J. Will
Governor -
District No. Nine
Yukon

- **Background:** Born and raised in Morrison. My father (Eldon) was a dairy farmer and my mother (Nedra) was a homemaker. The farm my family lives on has been in my family since the 1893 Cherokee Strip Land Run. My wife and I and our children live in Yukon.
- **Education:** OSU, B.S. in animal science; University of Central Oklahoma, MBA; OCU School of Law, J.D.

- **Childhood nickname?** My mom and dad would often say "Bryon Jay!!!" but that was when I got into trouble.
- **Favorite childhood toy?** Toy guns. I had all kinds.
- **How did you first become involved in OBA activities?** Elected to the YLD Board of Directors
- **Has it benefited your career?** It expanded my network of colleagues across the state.
- **Oddest job you've held before becoming a lawyer?** Moved trailer houses right out of college. You would be surprised what is under one of those things when planted in the same spot for 20 years.
- **Favorite ice cream flavor?** Cookies-n-cream
- **Most important quality a lawyer should have?** Highest standards of ethics
- **Best way to spend a day off?** Fish when it's warm; hunt when it's cold.
- **Creative fortune cookie message?** Tomorrow you will receive great riches. Not really, you're just going to have to go to work like the rest of us.
- **Favorite TV show?** The most popular TV show at our house is *Mickey Mouse Clubhouse*. That's not saying it's my favorite.



James R. Hicks
Governor -
At Large
Tulsa

- **Background:** Born in Blackwell and raised in Denton, Texas; married 33 years to Nancy Baker with twin children, Stan and Hannah, age 24
- **Education:** Graduate of OU in 1982 and the TU College of Law in 1985
- **Childhood nickname?** Jimmy
- **Favorite childhood toy?** Bicycle

- **How did you first become involved in OBA activities?** Young Lawyers Division activities
- **Has it benefited your career?** It's resulted in recognition across the state with judges and attorneys who see my photo in the OBJ.
- **Oddest job you've held before becoming a lawyer?** Moving assistant for 7 Santini Brothers when they moved American Airlines headquarters from the Chrysler Building in Manhattan to Grapevine, Texas
- **Favorite ice cream flavor?** Mint chocolate chip
- **Most important quality a lawyer should have?** Patience
- **Best way to spend a day off?** Reading a historical novel
- **Creative fortune cookie message?** Often wrong, seldom in doubt
- **Favorite TV show?** *House of Cards*



Alissa Hutter

Governor -
At Large
Norman

- **Background:** Born and raised in Norman (Sooner born and Sooner bred)
- **Education:** Bachelor's in business administration from OU; J.D. from the OCU School of Law in 2005
- **Childhood nickname?** Lissers
- **Favorite childhood toy?** Gerogie the monkey puppet (I still have it).

- **How did you first become involved in OBA activities?** I noticed how active Peggy Stockwell is with the OBA, and I reached out to her. She helped me to get involved and it's been a great fit.
- **Has it benefited your career?** I have loved meeting all of the different lawyers from all over the state.
- **Oddest job you've held before becoming a lawyer?** I've never really had any interestingly odd jobs, just babysitting and waiting tables. In law school, I worked as a summer intern at Steidley & Neal, at Durbin, Larimore and Bilaick, and then as a licensed legal intern in the Oklahoma County District Attorney's Office.
- **Favorite ice cream flavor?** Mint chocolate chip
- **Most important quality a lawyer should have?** Honesty
- **Best way to spend a day off?** Traveling
- **Creative fortune cookie message?** Start the diet tomorrow
- **Favorite TV show?** Game of Thrones



Sonja R. Porter

Governor -
At Large
Oklahoma City

- **Background:** I was born and raised in the small blue-collar town of Kingsport, Tennessee, (that's in the far north-east corner), where most foods are deep fried in fat and smothered in gravy. Kingsport is the headquarters for the Eastman Chemical Manufacturing plant, where my dad worked for almost 30 years before he retired and where I spent two summers working before going to law school. I moved to Oklahoma City upon being accepted to the OCU School of Law in 1996, fully intending to return to Tennessee after I finished. But while here, I reunited with a college friend, who convinced me to marry him in 1997. So I've been a transplanted Okie ever since. We currently live in Yukon with our three children, Jozef (16), Sean (12) and Mikayla (8), plus two cats and a dog.

- **Education:** 1995 B.A. in prelaw from Bob Jones University, Greenville, South Carolina; 1999 J.D. from the OCU School of Law
- **Favorite childhood toy?** Stuffed animals
- **How did you first become involved in OBA activities?** Joined the Women in Law Committee
- **Has it benefited your career?** My involvement with the OBA has allowed me to meet many great lawyers from all over the state who have helped me to improve as a lawyer and have sent me referrals.
- **Oddest job you've held before becoming a lawyer?** Packaging hydroquinone (a dry chemical) at a chemical plant in my home town in Tennessee.
- **Favorite ice cream flavor?** Plain chocolate
- **Most important quality a lawyer should have?** Integrity
- **Best way to spend a day off?** Sleeping in late and then hanging out with my husband and kids
- **Creative fortune cookie message?** Try again
- **Favorite TV show?** Doctor Who



Lane R. Neal
Governor –
YLD Chair
Oklahoma City

- **Background:** I was born and raised in Lawton. My father (Larry) ran (and still runs) J.T. Neal Insurance Agency, which was started by my grandfather (J.T.). My mother (Linda) had a full-time job of raising my sisters and me while constantly volunteering in our community. As I get older, I appreciate more and more the hard work my parents put into raising the three of us. After law school, I worked in the Oklahoma

County District Attorney’s Office before moving into civil litigation. My wife, Laura, is also an attorney in Oklahoma City and practices criminal defense and personal injury. Last June, we welcomed our first son, William, into the world. Nothing has been the same since! Our dog, Greta, is finally warming up to our family’s recent addition.

- **Education:** Graduated from Lawton High School in 2000; received a BBA in entrepreneurship and venture management from OU in 2004; J.D. also from the OU College of Law in 2008
- **Childhood nickname?** “Lane” was unique enough

- **Favorite childhood toy?** My model John Deere tractor and plow
- **How did you first become involved in OBA activities?** I took a chance and ran for one of the OBA YLD board seats for Oklahoma County while I was still in the Oklahoma County DA’s Office.
- **Has it benefited your career?** The relationships I have developed through my involvement in the OBA are invaluable, both professionally and personally.
- **Oddest job you’ve held before becoming a lawyer?** Picking up trash in roadside ditches (for money, not punishment!)
- **Favorite ice cream flavor?** Braum’s chocolate with peanut butter
- **Most important quality a lawyer should have?** Thick skin
- **Best way to spend a day off?** A toss-up between quail hunting and snow skiing
- **Creative fortune cookie message?** You learn from your mistakes...you will learn a lot today.
- **Favorite TV show?** Game of Thrones

#EIDELIKE
I'D LIKE AN INNOVATIVE APPROACH TO EDISCOVERY MANAGEMENT

EideBailly
CPAs & BUSINESS ADVISORS

405.478.3334 | forensics.eidebailly.com

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

Meet Your Bar Association

OBA Departments and the Member Services They Provide

Volunteer leaders may be the chief engineers who keep any professional association on track, but it is the staff who provides the power to move forward. Member services are an essential part of the Oklahoma Bar Association. Learn more about what each department offers members, and put a face with a name in photos of the employees who work for you — bar association members.

Executive Director

OBA Bylaws, Article IV, Section 4:

(a) The Executive Director shall keep the roster of the members of the Association and of the House of Delegates entitled to vote therein. He or she shall record and be the custodian of the minutes, journal and records of the Association and of the House of Delegates and of the Board of Governors.

(b) The Executive Director shall act as Treasurer, and be the custodian of the funds of the Association. No funds shall be withdrawn except in the manner approved by the Board of Governors.

(1) The expenditures of the Association shall be in accordance with the provisions of the Rules Creating and Controlling the Oklahoma Bar Association as promulgated by the Oklahoma Supreme Court.

(2) The Executive Director shall maintain at all times a fidelity bond executed by a surety company as surety, the amount thereof and the surety to be approved by the Board of Governors.

(c) He shall supervise the office of the Association and its personnel and shall see that the



EXECUTIVE DIRECTOR John Morris Williams and Executive Assistant Debbie Brink

work of the Association is properly performed. He or she shall also perform such other duties as the House of Delegates, the Board of Governors or the President of the Association may direct.

Rules Creating and Controlling the OBA, Article VI, Section 4:

The Executive Director shall perform such duties and services as may be required by these Rules or the Bylaws and as may be directed by the Board of Governors or the President of the

Association. He shall also keep a complete and accurate list of the members of the Association; notify delinquent members and certify the names of delinquent members to the Supreme Court as required by these Rules; certify to the Supreme Court records and other matters as provided by these rules.

Phone: 405-416-7014



ADMINISTRATION – (seated) Tracy Sanders, Roberta Yarbrough, Debra Jenkins, (standing) Director Craig Combs, Suzi Hendrix and Durrel Lattimore

Administration

The responsibilities of the Administration Department are multifaceted, but its primary emphasis is handling finances, human resources, Annual Meeting planning, bar center operations and maintaining official membership information. Specific duties include:

- scheduling bar center meeting rooms
- coordinating and scheduling meetings utilizing videoconference equipment in Oklahoma City and Tulsa
- assisting committees and sections with mailings to their members
- providing mailing labels of bar members to committees and sections
- tracking expenditures for all committees and sections
- providing monthly committee and section accounting reports upon request

- ensuring the bar center interior and exterior facilities are maintained so members can take pride in their building
- maintaining and updating member roster information
- invoicing senior members and nonmembers for *Oklahoma Bar Journal* subscriptions
- managing the Legal Intern Program
- producing certificates of good standing for our members
- processing expense claims for OBA officers, YLD officers and section and committee members
- staffing bar center reception area
- selling bar cards
- processing incoming and outgoing mail

Phone: 405-416-7000

Membership: 405-416-7080



COMMUNICATIONS – Director Carol Manning, Laura Stone, Mackenzie McDaniel and Lacey Plaudis

Communications

The Communications Department has responsibility for the OBA's member communications and external public relations efforts. Areas of major emphasis are:

- publishing 34 issues of the *Oklahoma Bar Journal* every year
- managing social media such as the OBA's official Facebook page and Twitter account
- contributing stories and information for the OBA website to keep members current
- assisting the Law Day Committee in accomplishing extensive Law Day state-

wide activities and community service projects that generate significant positive public recognition for the legal profession

- publishing the OBA Annual Meeting program and House of Delegates book and promoting award winners, the meeting itself and election results
- developing and implementing a communications strategy utilizing the medium of videography to inform bar members and the public

More specific duties that benefit members are:

- editing information submitted by and about bar members for the FYI and Bench & Bar Briefs section of the bar journal
- publishing the semimonthly E-News for OBA members with email addresses
- expediting information requests from the news media
- issuing news releases about association events
- assisting OBA committees, sections and divisions in publicizing their projects to both members and the media
- working with sections to publish short law articles related to the section's focus
- assisting sections and committees with placing and designing free ads in the bar journal to promote their activities to other members

The department serves as a liaison for one board and several committees and assists in accomplishing their goals. Responsibilities include:

- working with the 10-member Board of Editors that reviews articles submitted and plans for future theme-related *Oklahoma Bar Journal* issues; once articles are approved for publication, the staff has responsibility of editing, proofreading and layout
- assisting the Communications Committee in its projects including overseeing the publication of 16 brochures on such topics as divorce, landlord/tenant rights and estate planning; brochures are distributed free as a community service to individuals, libraries, nonprofit organizations, etc.,

and staff handles the continuous demand for those materials to be mailed across the state

- working with the Law Day Committee to conduct statewide contests for Oklahoma students, provide county Law Day chairpersons with both event and promotion ideas for county celebrations, coordinate the statewide Ask A Lawyer community service project in which volunteer attorneys give free legal advice to people who call in, implement marketing strategies to promote the Ask A Lawyer free legal advice and produce a one-hour, interview-style TV program, in cooperation with OETA (the state's PBS affiliate) that shows how lawyers work to improve the lives of all Oklahomans

The department also assists the Awards Committee, Disaster Response and Relief Committee, Lawyers Helping Lawyers Assistance Program Committee, Law-related Education Committee and the Young Lawyers Division.



CONTINUING LEGAL EDUCATION – (seated) Marley Harris, Director Susan Damron, (standing) Gary Berger, Renee Montgomery and Mark Schneidewent

Continuing Legal Education

OBA/CLE is the state's leading CLE provider. The staff works hard to provide innovative, timely and entertaining programs to meet all our members' needs. Call Director of Educational Programs Susan Damron at 405-416-7028 with your program ideas.

Department services include:

- developing and producing hundreds of quality live seminars and webcasts
- offering group replays of the live seminars
- developing and producing on-demand and audio seminars, including webcast encores
- offering recent seminar publications in hard copy or electronic format
- developing and producing CLE at the OBA Annual Meeting
- coordinating with the Management Assistance Program to plan and facilitate the annual Solo & Small Firm Conference
- assisting the Women in Law, Diversity and Professionalism committees with conferences
- working with OBA officers to plan leadership training for OBA members
- coordinating with various OBA sections in the planning of OBA/CLE section cosponsored CLE seminars
- securing local and nationally recognized experts to present continuing legal education programming in Oklahoma
- creating electronic forms to assist members in various areas of law practice
- providing online OBA/CLE registration and access to materials through MyOKBar
- timely application of OBA/CLE attendance credit to enable members to have an up-to-date view of accumulated OBA/CLE credit

Phone: 405-416-7029

Email: cle@okbar.org

Ethics Counsel

The Office of Ethics Counsel is a membership service available only to OBA members. It was created to assist members with conflict dilemmas, confidentiality questions, communication concerns and other ethical inquiries unique to the profession. The Office of Ethics Counsel is autonomous from and independent of the Office of the General Counsel. Members seeking assistance with ethical questions are afforded an “attorney/client” relationship with the full expectation of confidentiality.



ETHICS COUNSEL –
Joe Balkenbush

Through the Office of Ethics Counsel, Oklahoma Bar Association members can obtain informal guidance and advisory interpretations of the rules of professional conduct. Responsibilities of the ethics counsel include:

- answering ethics questions from OBA members
- researching and writing ethics materials for the OBA website, CLE publications, seminars and the *Oklahoma Bar Journal*
- preparing and presenting CLE programs on the topics of ethics and professionalism
- acting as a liaison to the Bench and Bar, Professionalism and Lawyers Helping Lawyers committees and the Legal Ethics Advisory Panel
- monitoring the OBA diversion program and teaching related classes

Phone: 405-416-7055

Email: joeb@okbar.org

General Counsel

The Office of the General Counsel is charged with the responsibility of:

- reviewing and investigating allegations of lawyer misconduct or incapacity
- reviewing and investigating allegations of the unauthorized practice of law
- prosecuting violations of the Oklahoma Rules of Professional Conduct
- administering the Clients’ Security Fund

In addition to these enumerated duties, the Office of the General Counsel:

- serves as liaison to the OBA Board of Governors advising the governing group on legal matters



GENERAL COUNSEL – (Seated) *Debbie Maddox, General Counsel Gina Hendryx, Loraine Dillinder Farabow; (back row) Tommy Humphries, Steve Sullins and Katherine Ogden*



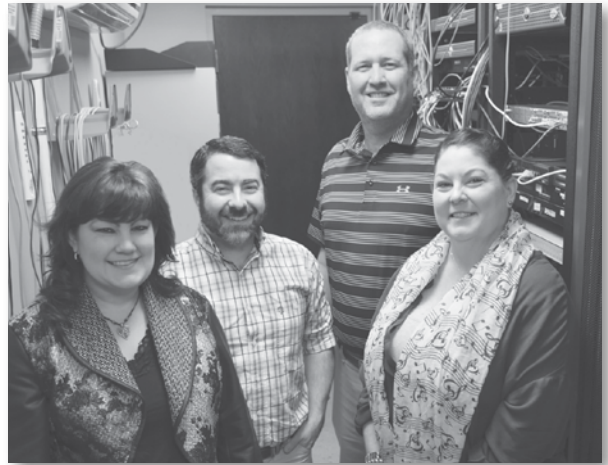
SUPPORT STAFF – *Dieadra Florence, Ben Douglas and Laura Brown*



INVESTIGATORS – *Sharon Orth, Jaime Lane, Krystal Willis and Tony Blaiser*

- processes and approves the registration for attorneys from other jurisdictions
- administers the trust account overdraft notification program

Phone: 405-416-7007



INFORMATION TECHNOLOGY – *Director Robbin Watson, Brandon Haynie, Matt Gayle and Cheryl Corey*

Information Technology

The Information Technology Department is responsible for desktop computer support to staff, network management of internal servers and externally accessible servers, web application development and maintenance, MyOKBar Communities management, development of association management system and database, network security, audio/visual support to staff, monitoring of evolving technologies and assistance to all departments to utilize technology in their departments. The Information Technology Department's functions are mostly of an internal nature; however, services directly benefiting members are:

- providing a community for each committee and section for the purpose of communicating with members easily and in a cost effective manner
- maintaining a committee chairperson community and a section chairperson community to allow communication between the association and the chairs, as well as between the chairs themselves
- providing a website to include a members-only section where members can update roster information, pay dues, register for CLE, review MCLÉ credits, etc.
- promoting the association's online presence through the OBA website and various social media outlets

- providing free sign-up for the www.findalawyer.com lawyer referral service

Phone: 405-416-7045

Email: web@okbar.org



MANAGEMENT ASSISTANCE PROGRAM
– Darla Jackson, Director Jim Calloway and Nickie Day

Management Assistance Program

The OBA Management Assistance Program focuses on helping Oklahoma lawyers with the business side of their law practice. From “basic training” for the new lawyer to providing management and technology advice for the seasoned professional, the department has a wide array of information to assist every lawyer in every practice setting.

- **Free Telephone Hotline** — The OBA-MAP Department attempts to answer brief questions about management and technology issues. The department number is 405-416-7008. The toll-free number is 800-522-8065. Advice provided is confidential.
- **OBA Solo & Small Firm Conference** — Attend great CLE programs with nationally recognized experts, network with other small-firm lawyers from across the state and meet with small-firm friendly vendors. Join us for the Solo & Small Firm Conference June 22-24, at the Choctaw Casino Resort in Durant.
- **OBA-MAP Lending Library** — Attorneys can borrow books on law practice management and technology from the OBA-MAP Lending Library.
- **MyOKBar Communities** — Your practice management advisors regularly post law

practice management and technology tips to Practice Management Advice Community in MyOKBar. Join this community to read these tips and download materials for your law office operations.

- **OBA-NET** — This is an online community for the legal profession. Oklahoma lawyers post questions and brainstorm with other lawyers online. There are many files and forms available that have been uploaded by other OBA members.
- **Advice on law office software tools** — OBA Practice Management Advisor Darla Jackson believes all lawyers would benefit from using practice management software (PMS) tools and digital client files. Although she cannot recommend a single PMS product in a telephone conversation, she can help you narrow down your choices and answer some specific questions on features. Her direct line is 405-416-7031.
- **Discounts on practice management books (and other ABA titles)** — If you prefer to own a book rather than borrow it, your OBA membership entitles you to 15 percent off the list price of any of the ABA’s more than 300 titles. Simply enter PAB9EOKB in the Discount Code Number field when placing your order on the ABA website.
- **Jim Calloway’s Law Practice Tips Blog** — Regular postings of internet tips, law practice tips and hot news in law office management and technology are available by visiting the blog website, subscribing to the email alerts or subscribing to the RSS news feed. Visit the blog at www.lawpracticetipsblog.com.
- **Office “Health Checks”** — These consultations take place in the lawyer’s office on a fee for services basis. A wide range of management issues can be covered. Typically all staff and attorneys will be involved both in group and individual interviews and the day will end outlining a series of recommendations and setting priorities.
- **Free consultations at the bar center** — Any lawyer who is setting up a new practice or has encountered a difficult issue that cannot be comfortably handled over the telephone is welcome to schedule a

free 45-minute appointment with the OBA-MAP director or the OBA practice management advisor.

- **Opening Your Law Practice Program** — This free program consists of a one-day seminar, scheduled in Oklahoma City twice a year (spring and fall) and in Tulsa in the fall, to assist attorneys setting up new solo practices. A companion project is the “Starting a Law Practice Web Directory” which is available to anyone at www.okbar.org/members/map/StartingALawPractice.
- **Oklahoma Bar Journal** articles — Each theme issue of the *Oklahoma Bar Journal* contains the regular column “Law Practice Tips” by OBA-MAP Director Jim Calloway.
- **Local Bar Presentations** — The OBA-MAP director and staff are available to speak at your county bar meetings or other organized lawyer groups at no charge.

Phone: 405-416-7008

Mandatory Continuing Legal Education

The OBA Mandatory Continuing Legal Education Department is the regulatory office concerned with the accreditation of all continuing legal education programs and the compliance by all Oklahoma bar members with the MCLE requirement. Often confused with the CLE Department, the MCLE Department does not present CLE seminars.

Mandatory Continuing Legal Education, a program adopted by the Oklahoma Supreme Court in 1986, establishes minimum requirements for continuing legal education for Oklahoma attorneys. The program is administered by the OBA Mandatory Continuing Legal Education Commission, which consists of nine members, that has general supervisory authority over the rules and may adopt regulations consistent with the rules.

Our goal is to assist OBA members to receive the maximum CLE credit to which they are entitled.



MANDATORY CONTINUING LEGAL EDUCATION – *Jan Thompson, Administrator*
Beverly Petry Lewis and Johnny Floyd

Member services include:

- review seminars for possible MCLE accreditation
- review requests for various teaching activities
- provide clarification of the Rules of the Oklahoma Supreme Court for Mandatory Continuing Legal Education for OBA members
- maintain OBA members MCLE transcripts

Phone: 405-416-7009

Email: mcle@okbar.org



Don't know whom to contact?

If you need more information about which employees in a department to contact, check the staff list at www.okbar.org/members/OBAstaff. You will find a list of OBA staff members, a summary of their responsibilities and their email address.

Meet Your Bar Association

Member Benefits

By Laura Stone

Did you know that every member of the OBA has access to a variety of free or discounted services and programs? Benefits range from in-house OBA services like publications and support, to top-ranking technology services like Fastcase and Citrix. There are even discounts from leading hotels and travel companies. Don't miss out, take advantage of all the great partnerships available to you as an OBA member!

ONLINE SERVICES

E-News — Get the latest OBA news and information to assist in your law practice through this semimonthly e-newsletter. It is sent to members with an email address as part of their official roster information.



Fastcase — The OBA offers online legal research as a free benefit to all OBA members. The OBA has contracted with Fastcase to provide national coverage, unlimited usage, unlimited customer service and unlimited printing at no cost to bar members as a part of their existing bar membership. MobileSync makes the Fastcase legal research even more powerful. It gives you the option to link your Fastcase account (via the Fastcase app) to your smartphone or tablet. MobileSync automatically syncs your activity history and saved favorites on any of the Fastcase applications, so no work is ever lost. When you log in, you will see your

favorites saved on mobile devices equipped with the mobile app. To use Fastcase, go to www.okbar.org and click the link to sign into your MyOKBar account using your username (OBA number) and pin.

HeinOnline — HeinOnline is the newest online research tool available for free to OBA members. Research archived *Oklahoma Bar Journals* dating back to the very first issue from 1930. You can view, print or save as a PDF any article or entire issue, as well as use the easy search tools to find the article, topic or author you need. Access it directly by clicking the HeinOnline link on your main MyOKBar page.

new!

OKBAR.org — The OBA website is your hub for all things OBA-related. Want to read the latest news, updates on special projects or about an upcoming CLE? This is your place to start. Information is primarily geared for members, but contains a great deal of information for the public as well.

MyOKBar — This members-only portion of the website is your portal for member services. It is where members can update roster information, pay annual dues, access the member directory and much, much more. Links have been added to member benefits like HeinOnline for easier researching of archived *Oklahoma Bar*

Journal issues, single-login access for Fastcase and front-page access to members' committees, sections and other important parts of their OBA membership. With the new platform, members can now upload a photo and add more detailed contact information, including links to social media, to increase networking and communication between members. The link to log in is conveniently located on the front page of the OBA website at www.okbar.org.

MyOKBar Communities — MyOKBar Communities is the all-new message board and file-sharing service that allows members to help each other through online participation. To make it more convenient, MyOKBar Communities links automatically with your MyOKBar account, so your name, profile photo and other information will be synced. Access MyOKBar Communities through the link on your main MyOKBar account page.

new!



OBA CLE — Have you visited the OBA CLE website lately? There you will find listings of all our in-person seminars, live webcasts, webcast encores and live audio programs. Six of your 12-hour annual requirement can also be met by watching on-demand programs at your convenience, 24/7. Find all the options at www.okbar.org/members/cle. OBA members can also come to the bar center any time during regular business hours to watch a seminar video of your choice and earn CLE, but please call Renee Montgomery at 405-416-7029 in advance to schedule.

OKMCLE.org — The MCLE Department has launched a new website, www.OKMCLE.org. (Also available through the link on your MyOKBar main page.) This new website is the hub for all things MCLE-related. Members can check the rules for MCLE requirements, get applications for approval of programs and other forms, as well as view answers to frequently asked questions. Members also have the ability to view their transcript of CLE credits and, for the first time ever, review a list of all upcoming OKMCLE-approved programs.

new!

Oklahoma Find A Lawyer — The public can find lawyers by practice area and geographical area through the OBA-maintained Oklahoma Find A Lawyer website at www.oklahomafindalawyer.com. OBA members are not automatically listed but if you'd like to sign up, the system is being integrated into the new MyOKBar and you'll soon be able to do so through your account. Look for the easy sign-up instructions in the coming weeks. If you have already selected to be included in the Find a Lawyer directory, you are still currently listed and do not need to re-sign up.

Speakers Bureau — The OBA Speakers Bureau is an automated online service connecting schools and civic clubs with lawyers who can speak on a number of important topics and issues. Lawyers may indicate the county or counties where they are willing to make presentations. Available resources include speeches, outlines and handouts prepared by the OBA's Bench and Bar Committee on selected topics for presentation to public groups. Go to speakers.okbar.org to sign up.

PUBLICATIONS

Oklahoma Bar Journal — Thirty-four issues of the *Oklahoma Bar Journal* are published annually. Issues include scholarly articles, court opinions, substantive law, state bar news, professional changes, member news, master calendar of judicial and bar events and much more. It is free to active members or a \$60 annual subscription (discounted rate for senior members and Oklahoma law students). Specially printed binders to keep bar journals organized on a shelf are available for \$15.95 each by contacting the Communications Department. Access issues online, including an archive of issues from 2005 to present, at www.okbar.org/members/barjournal. An even better archive is HeinOnline, an online research tool now free to OBA members. Access from MyOKBar.

Continuing legal education materials — Seminar materials and electronic form books are available for purchase and are an affordable way to get quality, state-specific practice aids on a wide variety of legal topics. Prices start at \$40. A complete list of topics is available online, or stop by the CLE Department at the Oklahoma Bar Center Monday through Friday, 8:30 a.m.-5 p.m., and review the selections. Electronic practice forms are also available by chapter. Check out www.okbar.org/members/cle and click on the Publications tab.

Consumer information brochures — Pamphlets on 15 topics covering commonly asked questions to give to clients are sold to OBA members at a minimal cost of \$16 for 100. Brochure topics are: wills, probate, joint tenancy, home buying, tenant rights and duties, landlord rights, divorce, small claims court, employee rights, bankruptcy, trial juror information, lawyers and legal fees, advanced directive, criminal law and resolving conflicts and disputes. As a community service, the OBA distributes the brochures for free to courthouses and libraries throughout the state. An online order form is available at www.okbar.org/public/brochures.

Title Examination Standards — Produced by the OBA Real Property Law Section, this contains all the presently effective Oklahoma Title Examination Standards and reflects all revisions. Available for \$9 per copy or is free to Real Property Section members.

PRACTICE MANAGEMENT AND PROFESSIONALISM

Young Lawyers Division — The YLD is a professional service network offering the chance to participate in community and bar-related programs. Lawyers of any age who have been in practice less than 10 years are automatically members. No dues are required. There are many YLD programs to get involved in and connect with members on Facebook at www.facebook.com/OBAYLD. Find their website at www.okbar.org/members/YLD.

Practice management / technology hotline service — OBA members may contact the Management Assistance Program (MAP) staff and the OBA director of technology for brief answers about practical management and technology issues, such as law office software, understanding computer jargon, staff and personnel problems, software training opportunities, time management and trust account management. Call 405-416-7008.

Office “health checks” — Get in-depth personal or group consultations that take place in the lawyer’s office. Consultations may focus on technology, office procedures or other areas agreed upon by attorney and MAP director. The fee is \$500 per day plus mileage for small law firms (five attorneys or less) or \$750 per day for medium or larger firms (more than five attorneys). Call 405-416-7008 to schedule.

Book purchasing program — OBA members can receive a discount on American Bar Association books through the OBA Management Assistance Program. Call 405-416-7008 for details.

Lending library — Law practice management books, video and audio tapes available for lawyers to check out and review. While there is no fee for checking out materials to take home, there is a \$5 charge to mail the materials to you. The complete list of materials is online at www.okbar.org/members/map.

Ethics counsel — OBA ethics counsel is available to assist members with ethical questions and inquiries on subjects such as conflicts, confidentiality and client concerns. All contact with ethics counsel is confidential per Oklahoma Law. Ethics counsel also presents continuing education programs on the topics of ethics and professionalism. Call 405-416-7055 or email joeb@okbar.org. Find ethics tips and more information online at www.okbar.org/members/ethicscounsel.



Free counseling services — Need help with stress, depression or addiction? Call the Lawyers Helping Lawyers Assistance Program toll-free at 800-364-7886. It’s strictly confidential and available 24 hours a day. The OBA offers all bar members up to six hours of free counseling. Plus, members can take advantage of free lawyer discussion groups that meet monthly in Oklahoma City. Program details and group discussion topics are at www.okbar.org/LHL.

OBA sections — Twenty-six substantive law sections are available that offer professional development and networking. Experience professional growth by learning from colleagues in your practice area and develop new contacts. Benefits vary by section with a growing number of sections holding midyear or quarterly meetings that offer free or discounted CLE to section members. You’ll find a list of

sections, their annual dues and a membership registration form in this issue.

County bar association and civic group speakers — The OBA officers, Board of Governors members and staff members are available (for the price of a meal) to speak at luncheons and banquets on a wide variety of topics including legislative issues, ethics, law office management and law practice tips. Call 405-416-7000 or 800-522-8065 to schedule.

NETWORKING

Leadership opportunities — Boards, committees, sections and commissions are some of the volunteer opportunities that offer career development and ways to network with other attorneys and judges from across the state. Members may volunteer to serve on a committee at any time during the year. You can sign up for a committee online either through the front page of your MyOKBar account or by clicking on the Join a Committee link at the bottom of the OBA homepage at www.okbar.org.

Annual Meeting — When you attend Annual Meeting, you have the opportunity to participate in CLE programs, section and committee meetings and take advantage of networking opportunities with attorneys and judges from throughout the state. You can also have a voice in determining the OBA's legislative program and electing future state bar leaders. The 2017 Annual Meeting will be Nov. 1-3 at the Hyatt Regency Hotel in Tulsa.



Solo & Small Firm Conference / YLD Mid-year Meeting — There's something for everyone at the Solo & Small Firm Conference, not just solo practitioners. Obtain your 2017 CLE, network with dozens of Oklahoma lawyers and ask top national vendors about the latest products and technology, all in a relaxed family setting. Mark your calendar for June 22-24 at the Choctaw Casino Resort in Durant.

OTHER SERVICES

Direct dial and 24-hour messaging to OBA staff members — Bypass waiting for the OBA receptionist to answer your call by dialing a staff

person or department directly. A list of departmental phone numbers is published in the *Oklahoma Bar Journal* on the masthead page, leave a voice message for the department you dial any time (nights and weekends too). You can also find online a list of staff members, brief job descriptions and links to their email addresses at www.okbar.org/members/OBAstaff.

BlueJeans virtual meeting platform — New for this year, the OBA has contracted a new service called BlueJeans, a distance meeting service. With BlueJeans, members can join a meeting from anywhere, moderate a meeting from anywhere and even share documents to everyone across all platforms, just like a face-to-face meeting. To start using this for your committee or section meetings, contact the OBA committee and section liaison Debra Jenkins at debraj@okbar.org for more information. Read more online at tinyurl.com/obabluejeans.

new!

Legislative services — The OBA's executive director works for adoption of legislative issues approved by the House of Delegates, and the Legislative Monitoring Committee provides a periodic legislative report highlighting the status of selected bills during the session. The report is published in the *Oklahoma Bar Journal* and on the website while the Legislature is in session.

Meeting rooms at the bar center — The Oklahoma Bar Center has several room sizes to choose to accommodate small and large group meetings, client conferences and depositions. Free to members during weekday business hours, nominal fee for evenings.

Toll-free phone number — OBA members who live outside the Oklahoma City metro calling area can place free calls to the Oklahoma Bar Center by dialing 800-522-8065 during business hours, which connects you to our receptionist (a real, live person — not a machine) to direct your call to the proper person or department.

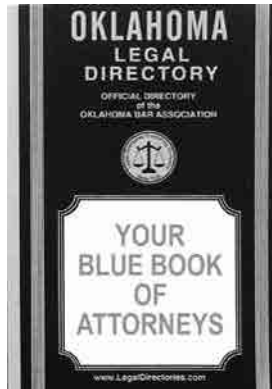
OPTIONAL MEMBER SERVICES

ABA Retirement Funds — Does your retirement plan offer no out-of-pocket expenses, professional fiduciary services, a broad range of investment options and full-service administration? The ABA Retirement Funds do! The ABA Retirement Funds Program has been providing affordable 401(k) plans exclusively to

the legal community for more than 50 years. The program's bundled approach allows your firm to keep its focus on the success of the practice. We provide you with trustee, record keeping, tax reporting, compliance testing, investment management and participant communication services — all from a single source — at no additional cost to your firm. Maybe it's time to find out what's inside your 401(k). Call 866-812-3580 for a free consultation or visit www.abaretirement.com for more information.

OBA-sponsored insurance programs — Keep rates low through group buying power. For information about OBA programs for life, health (employer-group and individual), individual disability, personal umbrella liability, long-term care and other insurance plans, contact 300 Insurance Group (previously known as Beale Professional Services) at 405-521-1600 or 800-530-4863; www.3000iG.com. For professional liability, Oklahoma Attorneys Mutual Insurance Co. is the only insurer owned by OBA members. OAMIC can be reached at 405-471-5380 or 800-318-7505; www.oamic.com. They also offer a broad range of court bonds with more information at www.oklahoma.onlinecourtbonds.com.

Oklahoma Legal Directory — This official directory of OBA members provides addresses and phone numbers, roster alphabetical and by county, includes guide to county, state and federal offices plus departments of the U.S. and Oklahoma government, complete digest of courts, professional associations including OBA officers, committees and sections. It is published by Legal Directories Publishing Co. in both hard-bound (\$61 + shipping and sales tax) or electronic copies. Call 800-447-5375 ext. 2 to request order form or visit their website at www.legaldirectories.com.



MEMBER DISCOUNTS

Travel and Transportation

Avis — The Oklahoma Bar Association can offer you the use of its Avis car rental discount rates if you use the reference code A674000. Contact Avis toll-free at 800-831-8000 or www.avis.com.

Colcord Hotel — A boutique hotel near Bricktown in downtown Oklahoma City, the Colcord Hotel offers OBA members discounted rates for a deluxe king or deluxe double room, superior corner king and the Colcord Suite. Call the hotel at 866-781-3800 to make your reservation and mention that you are an OBA member for the special discount, or make your reservation online at www.colcordhotel.com utilizing the corporate rate; access code is OKBR.

Go Next — Go Next has been in business for 40 years and provides high-quality recreational travel to destinations around the globe. Group rates on trips are available to you, your family and your friends. All trips include airfare from either Oklahoma City or Tulsa, accommodations, transfers, breakfast buffet and other amenities. See highlights of the current trip offerings at www.GoNext.com. Call Go Next toll-free at 800-842-9023 for more information or reservations.

Hertz Car Rental — The OBA's discount number for Hertz car rental is CDP 0164851. To use the service, call Hertz toll-free at 800-654-3131 or visit www.hertz.com.

Technology and Law Office Management

Citrix — OBA members can receive a 30-day trial followed by a 10 percent discount on Citrix technology tools. Among these is the secure cloud-based storage service, Citrix ShareFile. ShareFile provides an easy-to-use email encryption solution, and Sharefile Business and Platinum plans offer Outlook integration for one-touch encryption of either entire emails or email attachments with no need for the recipient to download or install any software. Other Citrix products include RightSignature, ShareConnect and Podio. Go to www.tinyurl.com/obacitrix to sign up for your 30-day trial and read more about available products.

LAWPAY[®]
CREDIT CARD PROCESSING

LawPay — The OBA endorses the LawPay credit card processing services programs designed for attorneys. Funds from each client credit card transaction may be either deposited into client trust or operating account as the

lawyer designates. All transaction fees are deducted from the law firm operating account to simplify the trust account record-keeping. Credit cards attract clients, win business, improve cash flow and reduce collections. To learn more call 866-376-0950 or visit www.lawpay.com/oba.

LawWare — Bar members may subscribe to the document assembly, document management and client management software program at a discounted group rate. Created by Oklahoma attorneys in 1991, LawWare streamlines the process of organizing and generating legal forms and related documents for law offices of any size. With the OBA endorsement, members may subscribe to LawWare at a discounted rate of \$49 per month for the first copy and \$10 per month for each additional office copy. To inquire about LawWare or to order a subscription, call 866-LAW-WARE or visit www.LawWare.com.



Ruby Receptionists

— Looking for a full-time receptionist for your law practice but worried about the expense? Ruby Receptionists may be the answer. Ruby Receptionists is a virtual reception service based

in Portland, Oregon. You can use their services full time, or you can get temporary help a few hours a day when you want to close for lunch or need someone to fill in when someone is out sick. It's a great solution for solo and small firms; the service will screen, announce and transfer calls, take messages, place outgoing calls and more. To learn more, call 866-611-7829 or visit www.callruby.com/okbar. Mention your OBA membership and receive a money-back guarantee trial and special pricing on your monthly plan.

UPS — OBA members can use the UPS Savings Program. Make the most out of your membership and take advantage of some of the most competitive rates available on shipping services with UPS. Whether you need your documents or packages to arrive the next day

or are looking for the most affordable shipping option, UPS understands the importance of reliability, speed and cost. See how UPS discounts can help your bottom line.



- Up to 34 percent on UPS Air letters including UPS Next Day Air*
- Up to 30 percent on UPS Air packages (1 lb.+)*
- Up to 32 percent on UPS International imports and exports
- Up to 16 percent on UPS Ground shipments
- Savings begin at 70 percent on UPS Freight shipments over 150 lbs.

You can receive these discounts even if you already have a UPS account. Plus, the more you ship, the more you can save with UPS. To enroll and start saving, visit savewithups.com/oba.

*Discounts exclude UPS Express Critical® and UPS Next Day Air Early A.M.

WordPerfect — OBA members can purchase a WordPerfect Office X8 (office suite for legal professionals) license at a reduced price; go to goo.gl/f5lfz4.

W O R D R A K E .

WordRake — Is your writing too “wordy” or reliant on “legalese?” WordRake may be the solution for you. Developed for lawyers, the software provides editing suggestions for clarity and brevity. WordRake instantly edits documents right in Microsoft Word, suggesting changes that eliminate unnecessary words and phrases. OBA members receive a 10 percent discount on the product. Download a free seven-day trial to check it out. The MS Word add-in is easy to install, and annual licensing plans offer increased savings based on subscription duration. When you purchase, enter coupon code OKBAR on the final purchase page to receive the special OBA member discount; www.wordrake.com.

Meet Your Bar Association

Grow Your Network by Joining Ours!

Stay connected with your association and your peers by joining the OBA on Facebook and Twitter! Get information on issues that affect you and the profession of law, see substantive articles from the *Oklahoma Bar Journal* and other law-related resources and stay in the know about upcoming community and member events.

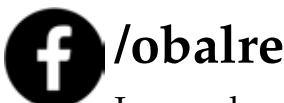
FACEBOOK



The OBA's official
Facebook page



Get updates about
upcoming CLEs and
deadlines



Learn about the OBA law-
related education programs



Keep up with the the OBA
Young Lawyers Division

TWITTER



The OBA's official
Twitter handle



Follow to stay up-to-date
on info about CLEs

*Do you have a comment about
what we post or suggestions for
what you'd like to see on our
social media accounts? Email
lauras@okbar.org.*

Meet Your Bar Association

OBA Sections

Joining an OBA section provides a great opportunity to network and connect with lawyers who share a common practice area. The investment in annual dues is minimal, and the benefits are huge. The perks of membership vary by section — including free or discounted CLE, and some sections publish member newsletters. The OBA supports 26 substantive law sections that offer professional development and interaction. The following list of lawyers will serve in 2017 as section leaders:

Alternative Dispute Resolution Section

Larry B. Lipe, Chairperson
Conner & Winters LLP
4000 One Williams Center
Tulsa, OK 74172-0148
918-586-8512

Clifford R. Magee, Vice Chairperson
P.O. Box 701800
Tulsa, OK 74170
918-747-1747

Charles C. Mashek, MD, JD, Secretary/Treasurer
1530 N. Harrison #243
Shawnee, OK 74804
479-477-0754

A. Dan Woska, ADR Week
722 N. Broadway Avenue
Oklahoma City, OK 73102
405-657-2271

John H. Graves, Immediate Past Chairperson
2119 Riverwalk Dr., Suite 161
Moore, OK 73160
405-684-6735

Appellate Practice Section

Michael L. Brooks, Chairperson
7100 N. Classen Blvd., Ste. 300
Oklahoma City, OK 73116
405-840-1066

Rob Ramana, Chairperson-Elect
517 N.W. 40th
Oklahoma City, OK 73118
405-524-9871

Cullen D. Sweeney, Treasurer
Crowe & Dunlevy PC
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102
405-235-7721

Virginia D. Sanders, Secretary
OIDS-Capital Post-Conviction Division
P.O. Box 926
Norman, OK 73070-0926
405-801-2770



Mark Koss, Immediate Past Chairperson
P.O. Box 720804
Oklahoma City, OK 73172-0804
405-720-6868

Bankruptcy and Reorganization Section

Andrew R. Turner, Chairperson
Conner & Winters
4000 One Williams Center
Tulsa, OK 74172-0148
918-586-5711

Ross Plourde, Chairperson-Elect
211 N. Robinson, 10th Floor
Oklahoma City, OK 73102
405-235-9621

John B. Jarboe, Co-Treasurer
401 S. Boston, Suite 1810
Tulsa, OK 74103-4018
918-582-6131

Ellin Therese Buthod, Co-Treasurer
P.O. Box 1347
Okmulgee, OK 74447-1347
918-549-7221

Timothy D. Kline, Secretary
Corporate Tower, 13th Floor
101 N. Robinson Avenue
Oklahoma City, OK 73102
405-235-4100

Charles Greenough, Immediate Past President
McAfee & Taft
Williams Center Tower II
2 W. 2nd Street, Suite 1100
Tulsa, OK 74103
918-587-0000

Business and Corporate Law

Armand Paliotta, Chairperson
Hartzog, Conger, Cason & Neville
201 Robert S. Kerr Ave., # 1600
Oklahoma City, OK 73102-4216
405-235-7000

Jeffrey D. Hassell, Chairperson-Elect
1100 ONEOK Plaza
100 W. 5th Street
Tulsa, OK 74103-4217
918-595-4823

H. Wayne Cooper, Immediate Past Chairperson
Doerner, Saunders, Daniel & Anderson LLP
Two W. Second Street, Suite 700
Tulsa, OK 74103-3725
918-591-5228

Criminal Law

Megan Morgan Tilly, Chairperson
1811 N.W. 19th Street
Oklahoma City, OK 73106
405-323-9372

Robert Don Gifford, Chairperson-Elect
Gungoll Jackson
101 Park Ave., Suite 1400
Oklahoma City, OK 73102-5602
405-778-4647

Russ Cochran, Treasurer
419 N.E. 38th Terrace
Oklahoma City, OK 73105
405-521-2885

Ricki J. Walterscheid, Secretary
OIDS-General Appeals Division
P.O. Box 926
Norman, OK 73070
405-801-2727



David T. McKenzie, Immediate Past
Chairperson
210 Park Avenue, Suite 3030
Oklahoma City, OK 73102
405-406-2771

Michael R. Wilds, Q & A Editor
BALA
3100 E. New Orleans Street
Broken Arrow, OK 74014
918-449-6532

Judge Douglas E. Drummond, Q & A Editor
Tulsa County Courthouse
500 S. Denver Ave., #401
Tulsa, OK 74105
918-596-5360

Benjamin C. Brown, Seminar Committee
Chair
Oklahoma Indigent Defense System
P.O. Box 926
Norman, OK 73070
405-801-2694

Trent H. Baggett, Legislative Committee Chair
511 Chautauqua
Norman, OK 73069
405-740-6963

Disability Law

Miles L. Mitzner, Chairperson-OKC
P.O. Box 5700
Edmond, OK 73083-5700
405-348-3400

Steve Troutman, Chairperson-Tulsa
1350 S. Boulder Avenue, Suite 410
Tulsa, OK 74119-3230
918-587-0050



Philip D. Ryan, Vice Chairperson
4323 N.W. 63rd Street, Suite 110
Oklahoma City, OK 73116-1513
405-528-4567

Athlea M. Adkisson, Secretary/Treasurer
308 N.W. 13th Street, Suite 100
Oklahoma City, OK 73103
405-232-0555

Karen Nelson, Newsletter Editor
Richard A. Nelson PC
P.O. Box 2345
Edmond, OK 73083
405-844-0322

Alex Forbes, CLE Chairperson
1800 S. Midwest Boulevard
Midwest City, OK 73110
405-733-1990

Mason Johnston, Young Lawyer Liaison
3408 N.W. 163rd Street
Edmond, OK 73013
405-613-5775

Cary L. Bartlow, Ph.D., Vocational Expert
Liaison
5704 N. Rockwell Avenue
Bethany, OK 73008
405-848-6007

Gary W. Jones, Social Chairperson
1321 N. Robinson
Oklahoma City, OK 73103
405-236-1416

Roger B. Hale, Listserv Chairperson
P.O. Box 333
Ada, OK 74821
580-436-2300

Energy and Natural Resources Law

L. Mark Walker, Chairperson
Braniff Building, Suite 100
324 N. Robinson Avenue
Oklahoma City, OK 73102
405-235-7700

Eric C. Money, Chairperson-Elect
101 Park Avenue, Suite 1400
Oklahoma City, OK 73102
405-272-4710

Valery O. Giebel, Secretary/Treasurer
100 West 5th Street, Suite 900
Tulsa, OK 74103
918-581-5500

Dawson A. Brotemarkle, Budget Director
320 S. Boston Ave., Suite 200
Tulsa, OK 74103
918-899-9480

Heather Cupp, Immediate Past Chairperson
320 S. Boston Avenue, Suite 200
Tulsa, OK 74103-3708
918-594-0400

Environmental Law

Robert D. Singletary, Chairperson
3800 N. Classen Boulevard
Oklahoma City, OK 73118
405-530-8803

Matthew A. Paque, Chairperson-Elect
Tenth Floor, Two Leadership Square
211 North Robinson Avenue
Oklahoma City, OK 73102
405-552-2386

Teena G. Gunter, Treasurer
2800 N. Lincoln Boulevard
Oklahoma City, OK 73105
405-522-5997

To Be Announced, Secretary

Matthew A. Caves, Immediate Past Chairperson
P.O. Box 429
Anadarko, OK 73005-0429
405-247-4486

Estate Planning, Probate & Trust

Emily Crain, Chairperson
The Allison Firm PLLC
4812 East 81st Street, Suite 301
Tulsa, OK 74137
918-492-4500

H. Terrell Monks, Chairperson-Elect
Law Offices of Terrell Monks
1840 S. Douglas Boulevard
Midwest City, OK 73130
405-733-8686

Melissa Taylor, Treasurer
1407 E. 21st Street
Tulsa, OK 74114
918-630-9476



A. Daniel Woska, Secretary
Woska Law Firm LLC
Mezzanine
722 N. Broadway
Oklahoma City, OK 73102
405-657-2271

James "Jim" C. Milton, Co-Legislative Liaison
Hall Estill
320 S. Boston Avenue
Tulsa, OK 74103
918-584-6765

Clint T. Swanson, Co-Legislative Liaison
200 Reunion Center
9 East Fourth Street
Tulsa, OK 74103
918-856-3934

Samantha Weyrauch Davis, Probate Practice
Manual Chairperson
320 S. Boston, Suite 200
Tulsa, OK 74103-3706
918-594-0638

Donna J. Jackson, Website Development
Chairperson
10404 N. Vineyard Blvd., Ste. E
Oklahoma City, OK 73120
405-840-1874

Dawn Desirae Hallman, Continuing
Education and Networking Chair
Hallman & Associates
2230 McKown Drive
Norman, OK 73072
405-447-9455

Dawn Hallman, Immediate Past Chairperson
Hallman & Associates
2230 McKown Drive
Norman, OK 73072
405-447-9455

Family Law

Allyson Dow, Chairperson
228 Robert S. Kerr Ave., Ste. 835
Oklahoma City, OK 73102
405-496-5768

Jeff Crites, Chairperson-Elect/CLE Chairperson
201 N. Grand Street, Ste. 400
Enid, OK 73701
580-242-4444

Kimberly Hays, Budget Chair
248 W. 16th Street
Tulsa, OK 74119-4212
918-592-2800

Monica Dionisio, Secretary
16311 Sonoma Park Drive
Edmond, OK 73013
405-705-5900

Bradley K. Cunningham, Membership Chair
4000 One Williams Center
Tulsa, OK 74172
918-586-8960



Kimberly Hays, Section Leaders Council
Liaison
248 W. 16th Street
Tulsa, OK 74119
918-592-2800

Luke Barteaux, Immediate Past Chairperson
1630 S. Main St.
Tulsa, OK 74119
918-585-1107

Gary J. Dean, Past Chair Emeritus
208 S. Vann Street
Pryor, OK 74361-5216
918-825-1676

Rees Evans, Historian
501 N.W. 13th Street
Oklahoma City, OK 73103-2203
405-232-4311

David A. Tracy, Bylaws
320 S. Boston Avenue, Suite 1130
Tulsa, OK 74103-4700
918-582-8001

Kimberly Hays, Annual Meeting Committee
248 W. 16th Street
Tulsa, OK 74119
918-592-2800

Amy Page, Suites Chair
3840 S. 103rd East Ave., Suite 109
Tulsa, OK 74146
918-439-2424

Monica Dionisio, Awards & Nominations
16311 Sonoma Park Drive
Edmond, OK 73013
405-705-5900

Kimberly Hays, Policies & Procedures Manual
248 W. 16th Street
Tulsa, OK 74119
918-592-2800

Luke Barteaux, Communications Committee
1630 S. Main St.
Tulsa, OK 74119
918-585-1107

Lateesha Hunter,
Social Committee – OKC
P.O. Box 12742
Oklahoma City, OK 73157
405-534-2200

Brian R. Swenson,
Social Committee – Tulsa
1719 East 71st Street
Tulsa, OK 74136
918-481-5898

Practice Manual:
Jon R. Ford
One Grand Center
201 N. Grand, Suite 400
Enid, OK 73701-4341
580-234-0253

Keith A. Jones
5801 E. 41st Street, Suite 300
Tulsa, OK 74135-5628
918-770-4890

Phil Tucker
P.O. Box 601
Edmond, OK 73083-0601
405-348-1789

Trial Advocacy Institute:
Phil Tucker
P.O. Box 601
Edmond, OK 73083-0601
405-348-1789

Jon R. Ford
One Grand Center
201 N. Grand, Suite 400
Enid, OK 73701-4341
580-234-0253

M. Shane Henry
906 South Cheyenne
Tulsa, OK 74119
918-585-1107

Phil Tucker, Legislative Co-Chair
P.O. Box 601
Edmond, OK 73083-0601
405-348-1789

Noel Kristine Tucker, Legislative Co-Chair
2964 Via Esperanza
Edmond, OK 73013
405-513-5750

Phil Tucker, ABA Liaison
P.O. Box 601
Edmond, OK 73083-0601
405-348-1789

Noel Kristine Tucker, ABA Liaison
2964 Via Esperanza
Edmond, OK 73013
405-513-5750

Financial Institutions and Commercial Law Section

Miles T. Pringle, Chairperson
P.O. Box 21844
Oklahoma City, OK 73156
405-848-4810

Jesse Sumner Jr., Vice Chairperson
P.O. Box 21100
Tulsa, OK 74121



Alexa L. Mangum, Secretary/Treasurer
Midfirst Bank
501 N.W. Grand Blvd.
Oklahoma City, OK 73118
405-767-7305

Eric L. Johnson, Program Officer
Hudson Cook LLP
8524 S. Western, Suite 114
Oklahoma City, OK 73139
405-602-3812

Bob Luttrell, Listserv Liaison
McAfee & Taft
211 N. Robinson Avenue, 10th Fl.
Oklahoma City, OK 73102-7103
405-552-2291

Roy John Martin, Legislative Subcommittee
Chairperson
3613 N.W. 56th Street, Suite 240
Oklahoma City, OK 73112-4512
405-522-4665

Eric L. Johnson, Immediate Past Chairperson
Hudson Cook LLP
8524 S. Western, Suite 114
Oklahoma City, OK 73139
405-602-3812

General Practice – Solo & Small Firm

Ronald P. Lander, Chairperson
P.O. Box 126
Tahlequah, OK 74465-0126
918-931-2681

Ashley Brooke Forrester, Chairperson-Elect
5913 Yale Drive
Oklahoma City, OK 73162
405-974-1625

Frank A. Urbanic, Vice Chairperson
19200 Pleasant Pointe Dr
Luther, OK 73054
281-541-1882

Aaron Bruner, Secretary
316 S Highland RD
Midwest City, OK 73110-2136
405-719-5285

Michael A. Whiting, Treasurer
316 S. Highland Road
Midwest City, OK 73110
405-248-0965

Sonja R. Porter, Immediate Past Chairperson
620 N Robinson Ave., Ste 203
Oklahoma City, OK 73102-6217
405-650-4753

Government & Administrative Law Practice

David A. Miley, Chairperson
Okla. Dept. of Transportation
200 N.E. 21st Street
Oklahoma City, OK 73105-3204
405-521-2639

Melissa L. Blanton, Chairperson-Elect
2915 N. Classen Blvd., Ste. 405
Oklahoma City, OK 73106
405-521-6600

Yasodhara Mohanty Means, Treasurer
Commissioners of the Land Office
204 N. Robinson, Suite 900
Oklahoma City, OK 73102
405-521-4076

Tamar Scott, Secretary
Okla. Dept. of Transportation
200 N.E. 21st Street
Oklahoma City, OK 73105
405-521-2635

Michael Mannes, Past Chairperson
538 N.W. 43rd Street
Oklahoma City, OK 73118
405-473-0352

Health Law

Susan Walker, Chairperson
Williams Center Tower II
2 W. 2nd Street, Suite 1100
Tulsa, OK 74103
918-587-0000

Stacy Brklacich, Chairperson-Elect
1100 ONEOK Plaza
100 W. 5th Street
Tulsa, OK 74103-4217
918-595-4853



Elizabeth Ann Scott, Budget Officer
Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102
405-234-3248

Stacy Brklacich, Secretary
1100 ONEOK Plaza
100 W. 5th Street
Tulsa, OK 74103-4217
918-595-4853

Mary H. Richard, Immediate Past Chairperson
Corporate Tower, 13th Floor
101 N. Robinson Avenue
Oklahoma City, OK 73102
405-951-4788

Indian Law

Chris Tytanic, Chairperson
10401 Highview Drive
Oklahoma City, OK 73151
405-406-1394

Valery Giebel, Chairperson-Elect
Pray Walker
100 West 5th Street, Suite 900
Tulsa, OK 74103
918-581-5529

Jennifer N. Lamirand, Budget Officer
Crowe & Dunlevy PC
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102-6417
405-235-7700

Wilda Wahpepah, Secretary
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Ave. NW, Ste. 100
Washington, DC 20006-6801
405-321-2027

Deborah Reed, Immediate Past Chairperson
Reed Legal PLLC
3101 N. Hemlock Circle, Suite 112
Broken Arrow, OK 74012
918-994-7051

Insurance Law Section

Jon D. Starr, Chairperson
McGivern & Gilliard
P.O. Box 2619
Tulsa, OK 74101-2619
918-584-3391

Matthew B. Wade, Chairperson Elect
Abel Law Firm
The White House
900 Northeast 63rd Street
Oklahoma City, OK 73105
405-239-7046

Ryan C. Harper, Vice Chairperson
P.O. Box 3647
Tulsa, OK 74101
918-629-8708

J. M. Scott Ryan, Treasurer
850 Boulder Towers
1437 S. Boulder Avenue
Tulsa, OK 74119
918-749-5566

Jeffrey A. Curran, Secretary
GableGotwals
One Leadership Square
211 N. Robinson Avenue, Suite N1500
Oklahoma City, OK 73102
405-235-5500

Ryan James Fulda, OBA Liaison
Schaffer Herring PLLC
7134 S. Yale, Suite 300
Tulsa, OK 74136
918-550-8120

Michael L. Chitwood, Membership Liaison
Angela D. Ailles and Associates
One Benham Place
9400 N. Broadway Ext., Suite 500
Oklahoma City, OK 73114
405-475-9707

Intellectual Property

Paul E. Rossler, President
GableGotwals
1100 Oneok Plaza, 10th Floor
100 W. Fifth Street
Tulsa, OK 74103-4217
918-595-4872

Michael H. Smith, Vice President
Hall Estill
100 N. Broadway, Suite 2900
Oklahoma City, OK 73102-8865
405-553-2828

Shawn M. Dellegar, Secretary/Treasurer
Crowe & Dunlevy
500 Kennedy Building
321 S. Boston Avenue
Tulsa, OK 74103
918-592-9807

Zach Oubre, Director
McAfee & Taft
Two Leadership Square, 10th Floor
211 N. Robinson Avenue
Oklahoma City, OK 73102-7103
405-235-9621

Ann M. Robl, Director
609 W. Sheridan Ave.
Oklahoma City, OK 73102
405-607-8600

Derrick W. Harvey, Director-at-Large/
Immediate Past President
Harvey Law
100 W. Main Street, Suite 300
Ardmore, OK 73401
580-220-9374

Juvenile Law Section

William McKinney, Chairperson
5905 N. Classen Court
Oklahoma City, OK 73118
405-713-6770

Tsinena Thompson, Chairperson-Elect/
Treasurer
800 N. Harvey, Suite 323
Oklahoma City, OK 73116
405-232-4453

Melissa Scimeca, Secretary
1404 Riders Mark
Edmond, OK 73025
405-905-6840

Valerie L. Baker, Immediate Past President
Canadian County Childrens' Justice Ctr.
7905 East Highway 66
El Reno, OK 73036
405-264-5532

Labor and Employment Law

Lauren W. Johnston, Chairperson
Leonard & Associates PLLC
8265 S. Walker
Oklahoma City, OK 73139
405-239-3800

C. Scott Jones, Vice Chairperson
Pierce, Couch, Hendrickson, Baysinger
& Green
1109 N. Francis Avenue
Oklahoma City, OK 73106
405-235-1611



David A. Warta, Treasurer
Smolen, Smolen & Roytman PLLC
701 S. Cincinnati Avenue
Tulsa, OK 74119
918-585-2667

Amber L. Hurst, Secretary
Hammons, Gowens, Hurst & Assoc.
325 Dean A. McGee Avenue
Oklahoma City, OK 73102
405-235-6100

Kelsie M. Sullivan, Immediate Past
Chairperson
Richards & Connor
ParkCentre Building, 12th Floor
525 South Main Street
Tulsa, Oklahoma 74103-4509
918-585-2394

Law Office Management & Technology

Elaine M. Dowling, Chairperson
5500 N. Western, Suite 130
Oklahoma City, OK 73118
405-842-8005

Chip Eeds, Chairperson-Elect
P.O. Box 1583
Elk City, OK 73648
580-225-1315

Jody R. Nathan, Secretary/Treasurer
P.O. Box 702860
Tulsa, OK 74170-2860
918-592-7070

Noel Tucker, Immediate Past Chairperson
2964 Via Esperanza
Edmond, OK 73013
405-513-5750

Litigation

David W. VanMeter, Chairperson
600 N. Walker Avenue, Suite 101
Oklahoma City, OK 73102
405-228-4949

Renée DeMoss, Vice Chairperson
100 W. 5th Street, Suite 1100
Tulsa, OK 74103-4217
918-595-4800

John M. "Jake" Krattiger, Treasurer
1 Leadership Sq.
211 N. Robinson Avenue, Suite N1500
Oklahoma City, OK 73102-7144
400-235-5500

Master Lawyers

Ronald Main, Chairperson
6634 S. New Haven
Tulsa, OK 74136
918-742-1990

To Be Determined, Chair-Elect

Charles R. Hogshead, Treasurer
4112 S. New Haven Place
Tulsa, OK 74135
918-851-0813

Yasodhara Mohanty Means, Secretary
Asst. General Counsel
Commissioners of the Land Office
204 N. Robinson, Suite 900
Oklahoma City, OK 73102
405-521-4076

Military & Veterans Law

Amy K. Hart, Chairperson
P.O. Box 4040
Bartlesville, OK 74006
918-336-5100

Andi Atkinson, Chairperson-Elect
17409 Cranbrook Road
Edmond, OK 73012
405-249-1659

To Be Determined, Budget Officer

Gisele K. Perryman, Secretary
P.O. Box 30525
Midwest City, OK 73140
405-414-8098

Andi Atkinson, CLE Chairperson
17409 Cranbrook Road
Edmond, OK 73012
405-249-1659

Stanley L. Evans, Immediate Past Chairperson
4108 N. Harvey Pwky.
Oklahoma City, OK 73118-8432
405-521-0323

Real Property Law

Charis Ward-Gallas, Chairperson
First American Title Insurance Co.
133 N.W. 8th Street
Oklahoma City, OK 73102
405-552-7711

Michael J. McMillin, Chairperson-Elect
Munson & McMillin
247 N. Broadway
Edmond, OK 73034-3707
405-513-7707

Zachary T. Ball, Treasurer
Ball and Morse PLLC
111 N. Peters Ave., Suite 440
Norman, OK 73069
405-701-5355

J. Brandon Harvey, Secretary
Field, Trojan & Harvey PLLC
106 W. Randolph Avenue
P.O. Box 5676
Enid, OK 73702
580-233-4625

Deborah Reed, Member-at-Large
Reed Legal PLLC
P.O. Box 702385
Tulsa, OK 74170
918-728-1604

Roberto Seda, Member-at-Large
Ball and Morse PLLC
111 N. Peters Ave., Suite 440
Norman, OK 73069
405-701-5355

Kraettli Epperson, TES Committee
Chairperson
50 Penn Place, Suite 1400
1900 N.W. Expressway
Oklahoma City, OK 73118
405-848-9100

John B. Wimbish, TES Handbook Editor
Riddle & Wimbish PC
5314 S. Yale, Suite 200
Tulsa, OK 74135
918-494-3770

Jared H. Harrison, Kingfisher, Immediate Past
Chairperson
Harrison & Mecklenburg Inc.
202 N. 6th Street
Kingfisher, OK 73750-2705
405-375-6484

Taxation Law Section

Jesse C. Chapel, Chairperson
Andrews Davis PC
100 N. Broadway Avenue, Ste. 3300
Oklahoma City, OK 73102
405-272-9241

Elizabeth J. Field, Vice Chairperson
100 N. Broadway Avenue, Suite 1500
Oklahoma City, OK 73102
405-522-9460

Peter T. Woodson, Treasurer
Barber & Bartz PC
525 S. Main, Suite 800
Tulsa, OK 74103
918-599-7755

Rachel Pappy, Secretary
Roderick H. Polston PC
2424 Springer Drive, Suite 100
Norman, OK 73069
405-801-2146

Alan G. Holloway, Member-at-Large (West)
Two Leadership Square
211 N. Robinson, 10th Floor
Oklahoma City, OK 73102-7109
405-552-2344

Sheppard F. "Mike" Miers Jr., Member-
at-Large (East)
GableGotwals
100 W. 5th St., Suite 1100
Tulsa, OK 74103-4217
918-595-4800

Julie M. Holmes Chapel, IRS Liaison Officer
55 North Robinson, Room 830
Oklahoma City, OK 73102
405-982-6744



Marjorie L. Runes Welch, State Liaison Officer
100 N. Broadway Ave., Suite 1500
Oklahoma City, OK 73102
405-522-9460

W. Todd Holman, Immediate Past Chairperson
Barber & Bartz P.C.
525 S. Main, Suite 800
Tulsa, OK 74103
918-599-7755

Workers' Compensation

Jordan S. Ensley, Chairperson
10441 S. Regal Boulevard
Tulsa, OK 74133
918-970-2000

William R. Emig, Chairperson-Elect
201 Robert S. Kerr, Suite 800
Oklahoma City, OK 73102
405-232-1456

Raegan D. Sifferman, Treasurer
1109 N. Francis
Oklahoma City, OK 73106
405-235-1611

Jennifer E. Jackson, Immediate Past Chairperson
400 N. Walker Avenue, Suite 110
Oklahoma City, OK 73102
405-418-2083

Interested in joining a section? Use this form if you've already paid your 2017 dues. If not, you can sign up online when you pay your dues at MyOKBar.org.

OBA SECTION DUES

For new admits, section fees are waived for the remainder of the admitted year.

- | | |
|---|--|
| <input type="checkbox"/> Alternative Dispute Resolution \$15
<input type="checkbox"/> Appellate Practice \$25
<input type="checkbox"/> Bankruptcy & Reorganization \$25
<input type="checkbox"/> Business & Corporate Law \$15
<input type="checkbox"/> *Criminal Law \$15
<input type="checkbox"/> Disability Law \$25
<input type="checkbox"/> Energy and Natural Resources \$20
<input type="checkbox"/> Environmental Law \$25
<input type="checkbox"/> Estate Planning, Probate & Trust \$20
<input type="checkbox"/> *Family Law \$25
<input type="checkbox"/> Financial Institutions & Commercial Law \$15
<input type="checkbox"/> General Practice/Solo Small Firm \$15
<input type="checkbox"/> Government & Administrative Law Practice \$15
<input type="checkbox"/> Health Law \$25 | <input type="checkbox"/> Indian Law \$20
<input type="checkbox"/> Insurance Law \$20
<input type="checkbox"/> Intellectual Property Law \$25
<input type="checkbox"/> *Juvenile Law \$15
<input type="checkbox"/> Labor & Employment Law \$20
<input type="checkbox"/> Law Office Management & Technology \$20
<input type="checkbox"/> Litigation \$25
<input type="checkbox"/> Master Lawyers Section \$20
<input type="checkbox"/> Military and Veterans Law
(free to Active Military/Veterans) \$15
<input type="checkbox"/> Real Property Law \$20
<input type="checkbox"/> Taxation Law \$20
<input type="checkbox"/> Workers' Compensation \$25 |
| TOTAL \$ _____ | |

*Complimentary membership for Judges

Check the Sections you wish to join above:

Name OBA No.

Address City State Zip

Phone number Email (Sections do most of their communication and send newsletters via email)

Please update my OBA roster information to reflect the above changes.

Mail a check payable to the OBA for the amount of section dues to: OBA Membership Department, PO Box 53036, Oklahoma City, OK 73152.

Or Fill in the information below:

Credit Card # _____ Expiration date _____

Signature _____

Note: Section memberships are for the current calendar year and are not pro-rated.

New Leaders Take Helm of Oklahoma's Two Highest Courts

SUPREME COURT



*Chief Justice
Douglas L. Combs*



*Vice Chief Justice
Noma D. Gurich*

Douglas L. Combs has been sworn in as chief justice of the Supreme Court. Chief Justice Combs has been a member of the Oklahoma Supreme Court since 2010. A native of Shawnee, he received his J.D. from the OCU School of Law.

Chief Justice Combs began his judicial career in 1995 as special judge for the 23rd Judicial District, serving Pottawatomie and Lincoln counties. He was elected district judge in 2002 and 2006, serving eight years before his appointment to the state's highest court. He and his wife, Janet, have two sons who are also attorneys.

Noma D. Gurich has been sworn in as the vice chief justice of the Supreme Court. Vice Chief Justice Gurich has been a judge in Oklahoma for more than 25 years. She served on the Oklahoma Workers' Compensation Court and more than 12 years as district judge for Oklahoma County prior to her appointment to the Oklahoma Supreme Court.

A native of Indiana, Vice Chief Justice Gurich is only the third woman to serve on the state's highest appellate court. She received her J.D. from the OU College of Law and is married to John E. Miley, general counsel of the Oklahoma Employment Security Commission.

COURT OF CRIMINAL APPEALS



*Presiding Judge
Gary L. Lumpkin*



*Vice Presiding Judge
David Lewis*

Gary L. Lumpkin was elected presiding judge of the Court of Criminal Appeals. Originally a native of Sentinel, Presiding Judge Lumpkin and his wife subsequently established their home in Madill. He received his J.D. from the OU College of Law in 1974.

Presiding Judge Lumpkin served as assistant district attorney and subsequently first assistant district attorney for the 20th Judicial District, Marshall County associate district judge and then district judge for the 20th Judicial District. He was appointed to the Oklahoma Court of Criminal Appeals in 1988.

David Lewis now serves as vice presiding judge of the Court of Criminal Appeals. He previously served as presiding judge in 2013-2014.

Vice Presiding Judge Lewis was born in Ardmore and earned his J.D. from the OU College of Law in 1983. After establishing a private practice in Lawton, he subsequently served as an assistant district attorney, special judge and ultimately a district judge for Comanche, Stephens, Jefferson and Cotton counties. He was appointed to the Court of Criminal Appeals in 2005 and is the first African American to serve on the court.

EEOC Takes the Lead in Challenging Sexual Orientation Discrimination

By Mary L. Lohrke and Jessica R. Fu

The Equal Employment Opportunity Commission (EEOC)¹ is taking the lead in challenging workplace sexual orientation² discrimination. In *EEOC v. Scott Medical Center*,³ the EEOC filed suit under Title VII of the Civil Rights Act of 1964, as amended (Title VII), alleging that a gay male telemarketer was subjected to a sexually hostile work environment perpetuated by his manager. The EEOC's complaint alleges that the manager repeatedly referred to the employee using anti-gay epithets and made inappropriate comments about his sexuality and his sexual relationship with his partner. The complaint further alleges that the employee reported the conduct to the company's president, who refused to take action, forcing the employee to quit. The EEOC has taken the position that Title VII prohibits workplace discrimination on the basis of sexual orientation.⁴

The EEOC is also testing its interpretation in the high-profile case *Hively v. Ivy Tech Community College*, which is pending in the 7th Circuit.⁵ The *Hively* case was originally filed in the Northern District of Indiana in August 2014.⁶ Hively claimed she was denied promotions and full-time employment by Ivy Tech because of her sexual orientation. The lower court granted Ivy Tech's motion to dismiss on the ground that Title VII does not protect against sexual orientation discrimination.⁷ A three-member panel of the 7th Circuit affirmed the district court's ruling on the same grounds.⁸ Hively moved for rehearing *en banc*, and on Oct. 11, 2016, that motion was granted. The 7th Circuit vacated its own prior ruling and ordered a new hearing before all sitting 7th Circuit judges — a rare occurrence.⁹ The EEOC filed a "friend of the

court" amicus brief supporting rehearing *en banc*¹⁰ and addressed the full panel during oral argument on Nov. 30, 2016.

Sexual orientation is not explicitly listed in Title VII as a prohibited basis for employment actions. The statute only prohibits discrimination against employees "because of ... race, color, religion, sex, or national origin."¹¹ Further, there is very little legislative history regarding the meaning of "because of sex," as the original bill did not include a ban on sex discrimination and sex was added as a protected category to the bill just before it passed.¹² Over the years, "because of sex" has been expanded by the courts to include a number of previously unrecognized claims, but nearly every court that has addressed the issue, includ-

ing the 10th Circuit, has held that sexual orientation discrimination is *not* covered by Title VII.¹³ However, the EEOC has recently taken the position that sexual orientation discrimination is, by its very nature, discrimination “because of sex” and, therefore, prohibited by Title VII. In July 2015, the EEOC issued a ruling that a federal sector employee claiming sexual orientation discrimination necessarily stated a claim of discrimination on the basis of sex under Title VII.¹⁴ Following its decision, the EEOC updated its website to clarify its interpretive position that Title VII protects both sexual orientation and gender identity (or transgender) discrimination.¹⁵ The EEOC is now testing its interpretation in federal courts by challenging sexual orientation discrimination in the private sector.

The EEOC makes several good arguments that sexual orientation discrimination is a cognizable claim under Title VII. First, the EEOC recognizes that sexual orientation discrimination was not considered by Congress when it passed Title VII, but cites United States Supreme Court precedent extending the scope of the law beyond its initial intent.¹⁶ For example, in 1986 (24 years after Title VII was enacted), the Supreme Court, in *Meritor Savings Bank, FSB v. Vinson*,¹⁷ recognized that the statute’s prohibition against discrimination “because of sex” encompasses hostile work environment sexual harassment. Twelve years later, the Supreme Court recognized a cause of action for same-sex harassment.¹⁸

In *Oncale v. Sundowner Offshore Services, Inc.*, a male oil-rig worker claimed that he was repeatedly subjected to sex-related, humiliating actions by his male co-workers, including sodomizing him with a bar of soap and threatening him with rape.¹⁹ The Supreme Court in *Oncale* unanimously interpreted Title VII’s prohibition on sex discrimination to cover same-sex harassment even though the 1964 Congress probably never considered such conduct.²⁰ In so holding, the court stated that statutes “often go beyond the principal evil to cover reasonably comparable evils, and it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed.”²¹ The EEOC argues that Title VII should be similarly expanded to recognize sexual orientation discrimination.

The EEOC further argues that Congress’s failure to amend Title VII to include sexual orientation or to pass other legislation that would prohibit discrimination based on sexual orien-

tation or gender identity²² says nothing about what the existing statute prohibits. Quoting the Supreme Court, the EEOC argues, “[S]ubsequent legislative history is a ‘hazardous basis for inferring the intent of an earlier’ Congress” and is “a particularly dangerous ground on which to rest an interpretation of a prior statute when it concerns ... a proposal that does not become law.”²³ Since the mid-1990s, proposed legislation would not simply have added sexual orientation discrimination to Title VII, but would have created stand-alone statutes with numerous other provisions, some of which were highly controversial.²⁴ The EEOC argues that Congress’s failure to pass any of those bills shows only that a majority of legislators could not agree on any single version of the provisions.

Next, the EEOC argues that discrimination on the basis of sexual orientation is a form of gender stereotyping, which has long been recognized by the Supreme Court and lower courts as a form of sex discrimination.²⁵ In *Price Waterhouse v. Hopkins*,²⁶ the plaintiff was denied partnership in an accounting firm because her employer perceived her as insufficiently feminine. One partner advised the plaintiff that she could improve her chances for partnership if she would “walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry.”²⁷ The Supreme Court held that such comments indicated discrimination based on sex stereotypes, which is illegal discrimination “because of sex” under Title VII.²⁸

Applying *Price Waterhouse*, the majority of courts that have considered the issue have recognized a Title VII cause of action for discrimination based on gender nonconformity or discrimination against transgender persons.²⁹ In *Etsitty v. Utah Transit Authority*,³⁰ the 10th Circuit held that Title VII protection extends to transsexuals if they are discriminated against because of gender nonconformity but determined that the plaintiff could not demonstrate that the stated reason for her termination was pretextual.³¹ Relying on *Etsitty*, an Oklahoma federal district court in *United States of America and Dr. Rachel Tudor v. Southeastern Oklahoma State University*³² recently refused to dismiss the plaintiff’s Title VII claim where she alleged harassment following her transition from male to female. The EEOC has taken a similar position. In *Macy v. Holder*,³³ a transgender woman applied for a job with the Bureau of Alcohol, Tobacco, Firearms and

“ The courts have not been as amenable to sexual orientation discrimination claims, distinguishing such claims from those based upon nonconformity with sexual stereotypes. ”

Explosives Agency (ATF). She was still known as a male at that time, having not yet made the transition to being female. The director of the ATF made the plaintiff an offer of employment contingent on a background check. The plaintiff then informed the ATF that she was in the process of transitioning from male to female. Five days later, the plaintiff received an email stating that, due to budget reductions, the position was no longer available. The EEOC held in *Macy* that “discrimination against a transgender individual because that person is transgender is, by definition, discrimination ‘based on ... sex,’ and such discrimination therefore violates Title VII.”³⁴

The courts have not been as amenable to sexual orientation discrimination claims, distinguishing such claims from those based upon nonconformity with sexual stereotypes.³⁵ However, the EEOC argues that discrimination based on sexual orientation is necessarily based on sex stereotyping. That argument has some appeal where the line between discrimination based on gender stereotyping and discrimination based on sexual orientation is blurry and discrimination against gay people reflects, in large part, disapproval of their nonconformity with heterosexual attraction and gender-based expectations.

The EEOC also argues that discrimination on the basis of sexual orientation “necessarily entails treating an employee less favorably because of the employee’s sex.”³⁶ For example, if an employer would not have discriminated if the employee was a man dating a woman, instead of a woman dating a woman, then the employee was discriminated against because of her gender. Employers must treat men and women equally when they engage in the same activity, even when that activity is a romantic relationship with a person of the same gender. Of all the theories advanced by the EEOC, this

one has had the most success with the courts, not only in the context of Title VII claims but also claims of sex discrimination under Title IX, the Due Process Clause and the Equal Protection Clause.³⁷

Finally, the EEOC argues that sexual orientation discrimination is “associational discrimination on the basis of sex.”³⁸ Title VII has long been interpreted to prohibit discrimination on the basis of association with a person in a protected class, *e.g.* because of the race of an employee’s friend or significant other.³⁹ The EEOC reasons that Title VII similarly prohibits employers from treating employees differently based on the fact that they are in a same-sex relationship.

While only the United States Supreme Court can give a conclusive interpretation that sexual orientation discrimination is protected under Title VII, the courts give great deference to the EEOC’s interpretation of the law.⁴⁰ The EEOC’s interpretation paves the way for federal courts and ultimately the Supreme Court to find that discrimination claims based on sexual orientation are cognizable under Title VII. This emerging area of the law should be monitored, as it has the potential to greatly expand employee protections in the workplace.⁴¹ In the meantime, employers should be proactive to ensure that their managers and supervisors are trained to avoid discrimination on the basis of sexual orientation and to intervene when they see such harassment or discrimination, as they would when they see harassment or discrimination of any kind. If conduct potentially giving rise to sexual orientation discrimination is reported, employers should take the complaint seriously, investigate and take appropriate action.

1. The EEOC is the primary agency charged by Congress with enforcing Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* Through its administrative enforcement process, the EEOC receives, investigates and resolves charges of employment discrimination filed against private sector employers, employment agencies, labor unions and state and local governments. 42 U.S.C. §2000e-5(b). Where the charges are not resolved through conciliation or other informal methods, the EEOC may pursue litigation. 42 U.S.C. §2000e-5(f) (1). The EEOC also leads and coordinates equal employment opportunity efforts across the federal government and conducts administrative hearings and issues appellate decisions on complaints of discrimination filed by federal employees. *See Federal Agencies: Federal Sector*, EEOC, www.eeoc.gov/federal/index.cfm. EEOC decisions are binding on federal employers. 29 C.F.R. §1614.502.

2. According to the American Psychological Association, sexual orientation refers to the sex of those to whom one is sexually and romantically attracted and traditionally includes heterosexuality, bisexuality and homosexuality. *See “The Guidelines for Psychological Practice with Lesbian, Gay, and Bisexual Clients,”* adopted by the APA Council of Representatives, Feb. 18-20, 2011, www.apa.org/pi/lgbt/resources/guidelines.aspx.

3. *EEOC v. Scott Medical Center*, Case No. 2:16-cv-00225-CB, is filed in the Western District of Pennsylvania. The defendants in the *Scott*

case filed a motion to dismiss, arguing that Title VII does not protect against discrimination based on sexual orientation. The district court denied the motion to dismiss, holding that Title VII's "because of sex" provision prohibits discrimination on the basis of sexual orientation.

4. The EEOC filed a second sexual orientation lawsuit in *EEOC v. Pallet Companies*, Case No. 1:16-cv-00595-CCB, which was filed in the District of Maryland, Baltimore Division. However, that case was settled by Consent Decree entered on June 28, 2016.

5. *Hively v. Ivy Tech Cmty College*, Case No. 15-1720 (7th Cir.).

6. *Hively v. Ivy Tech Cmty College*, Case No. 14-cv-01791-RL-CAN.

7. *Id.* at Dkt. #14.

8. *Hively v. Ivy Tech Cmty College*, 830 F.3d 698, 2016 WL 4039703 (7th Cir. 2016).

9. *Hively*, Case No. 15-1720, Dkt. #60.

10. Brief for the EEOC as Amicus Curiae filed Aug. 29, 2016, *Hively*, Case No. 15-1720, Dkt. #52. The EEOC has also filed amicus briefs in two cases pending before the three-judge panel in the 2nd Circuit and the Eleventh Circuit. See Brief for the EEOC as Amicus Curiae filed June 28, 2016, *Christiansen v. Omnicom Group, Inc.*, www.eeoc.gov/eooc/litigation/briefs/christiansen, and Brief for the EEOC as Amicus Curiae filed Jan. 11, 2016, *Evans v. Georgia Regional Hospital*, www.eeoc.gov/eooc/litigation/briefs/evans4.

11. 42 U.S.C. §2000e-2(a)(1). Similarly, the Oklahoma Anti-Discrimination Act prohibits discrimination "because of race, color, religion, sex, national origin, age, genetic information or disability." 25 O.S. §§1301, *et seq.*

12. Robert Stevens Miller Jr., "Sex Discrimination and Title VII of the Civil Rights Act of 1964," 51 *Minn. L. Rev.* 877, 880 (1967). Apparently, "sex" was added at the last minute as a strategy to prevent passage of the bill. See *id.*, n. 15, at 883. Of course, this strategy failed.

13. See e.g. *Medina v. Income Support Div.*, N.M., 413 F.3d 1131, 1135 (10th Cir. 2005) ("Title VII's protections ... do not extend to harassment due to a person's sexuality."); *Simonton v. Runyon*, 232 F.3d 33, 35 (2d Cir. 2000) ("The law is well-settled in this circuit and in all others to have reached the question that ... Title VII does not prohibit harassment or discrimination because of sexual orientation."); *Wrightson v. Pizza Hut of Am., Inc.*, 99 F.3d 138, 143 (4th Cir. 1996) ("Title VII does not afford a cause of action for discrimination based upon sexual orientation."); *Williamson v. A.G. Edwards & Sons, Inc.*, 876 F.2d 69, 70 (8th Cir. 1989) ("Title VII does not prohibit discrimination against homosexuals."); *DeSantis v. Pacific Tel. & Tel. Co.*, 608 F.2d 327, 329-330 (9th Cir. 1979) ("[W]e conclude that Title VII's prohibition of 'sex' discrimination applies only to discrimination on the basis of gender and should not be judicially extended to include sexual preference such as homosexuality.") (citing cases).

14. See *Baldwin v. Dep't of Transp.*, EEOC Appeal No. 0120133080 (July 15, 2015), www.eeoc.gov/decisions/0120133080.pdf. Additionally, the EEOC, in conjunction with the Office of Personnel Management, the Office of Special Counsel and the Merit Systems Protection Board, has issued guidance addressing sexual orientation and gender identity discrimination in the federal sector. See *Addressing Sexual Orientation and Gender Identity Discrimination in Federal Civilian Employment, A Guide to Employment Rights, Protections, and Responsibilities*, www.opm.gov/LGBTGuide. Further, the Obama administration issued Executive Order 13672, prohibiting federal contractors from discriminating on the basis of sexual orientation and gender identity. 79 Fed. Reg. 42971, www.gpo.gov/fdsys/pkg/FR-2014-07-23/pdf/2014-17522.pdf.

15. See *What You Should Know About EEOC and the Enforcement Protections for LGBT Workers*, EEOC, www.eeoc.gov/eooc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm.

16. EEOC *Hively* Brief, *supra*, n. 10, at p.9.

17. 477 U.S. 57, 66, 106 S.Ct. 2399, 2405 (1986).

18. See *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 79-80, 118 S.Ct. 998, 1002 (1998).

19. *Oncale v. Sundowner Offshore Servs., Inc.*, 83 F.3d 118, 118-119 (5th Cir. 1996).

20. *Oncale*, 523 U.S. at 79, 118 S.Ct. 1002.

21. *Id.*

22. Jody Feder and Cynthia Brougher, *Sexual Orientation and Gender Identity Discrimination in Employment: A Legal Analysis of the Employment Non-Discrimination Act (ENDA)*, Cong'l Res. Serv., July 15, 2013, www.fas.org/sgp/crs/misc/R40934.pdf.

23. EEOC *Hively* Brief, *supra*, n. 10, at ps. 9-10 (citing *Pension Benefit Guar. Corp. v. LTV Corp.*, 496 U.S. 633, 650, 110 S.Ct. 2668, 2678 (1990)).

24. See Kate B. Rhodes, *Defending ENDA: The Ramifications of Omitting the BFOQ Defense in the Employment Non-discrimination Act*, 19 *Law & Sexuality* 1, *8-11 (2010) (describing ENDA congressional history).

25. EEOC *Hively* Brief, *supra*, n. 10, at p.7.

26. 490 U.S. 228, 109 S.Ct. 1775 (1989).

27. *Id.* at 235, 109 S.Ct. at 1782.

28. See *id.*

29. See, e.g. *Smith v. City of Salem, Ohio*, 378 F.3d 566, 572, 575 (6th Cir. 2004) ("Sex stereotyping based upon a person's gender non-conforming behavior is impermissible discrimination ..."); *Kastl v. Maricopa Co. Cmty. Coll. Dist.*, 325 F. App'x. 492, 493 (9th Cir. 2009) ("it is unlawful to discriminate against a transgender (or any other) person because he or she does not behave in accordance with an employer's expectations for men or women"); *Glenn v. Brumby*, 663 F.3d 1312 (11th Cir. 2011) (holding that defendant discriminated against the plaintiff based on sex by terminating her because she was transitioning from male to female); *Barnes v. City of Cincinnati*, 401 F.3d 729 (6th Cir. 2005) (holding that employee who alleged he was demoted because he was a male-to-female transsexual stated a claim under Title VII); *Bibby v. Philadelphia Coca Cola Bottling Co.*, 260 F.3d 257, 262-64 (3rd Cir. 2001) ("[A] plaintiff may be able to prove that same-sex harassment was discrimination because of sex by presenting evidence that the harasser's conduct was motivated by a belief that the victim did not conform to the stereotypes of his or her gender."); see also *Rosa v. Parks W. Bank & Trust Co.*, 214 F.3d 213 (1st Cir. 2000) (analogizing to Title VII to hold that plaintiff stated a claim of sex discrimination under the Equal Credit Opportunity Act by alleging he was denied a loan application because he dressed in female attire); *Schwenck v. Hartford*, 204 F.3d 1187, 1201-02 (9th Cir. 2000) (relying on Title VII case law to conclude that violence against a transsexual was violence because of gender under the Gender Motivated Violence Act); but see *Schroer v. Billington*, 424 F. Supp. 2d 203 (D.D.C. 2006) (dismissing case because employee did not allege that she was fired for not being typically masculine or typically feminine as required for sex-stereotyping claim, but noting that it was time to "revisit" the theory that discrimination because someone is a transsexual is "literally" discrimination "because of ... sex").

30. 502 F.3d 1215 (10th Cir. 2007).

31. See *id.* at 1224.

32. 2015 WL 4606079 (W.D. Okla. July 10, 2015).

33. *Macy v. Holder*, EEOC Appeal No. 0120120821 (April 20, 2012), www.washingtonblade.com/content/files/2012/04/90910497-EEOC-Ruling.pdf.

34. In addition, the Department of Justice recently filed suit against the State of North Carolina, alleging that House Bill 2, which requires transgender persons to use the bathroom that conforms with the gender on their birth certificate, constitutes a "pattern or practice of employment discrimination on the basis of sex in violation of Title VII ... discrimination on the basis of sex in an education program receiving federal funds in violation of Title IX ... and discrimination on the basis of sex and gender identity in programs receiving federal funds in violation of the Violence Against Women Reauthorization Act of 2013." *U.S. v. North Carolina*, Case No. 1:16-cv-00425 filed May 9, 2016, in the Middle District of North Carolina, www.justice.gov/opa/file/849991/download. On May 13, 2016, the Department of Justice issued guidance to all schools receiving federal funds regarding their obligations to transgender students under Title IX. See *Dear Colleague Letter on Transgender Students*, DOJ, www.justice.gov/opa/file/850986/download.

35. See e.g. *Dawson v. Bumble & Bumble*, 389 F.3d 211, 219 (2nd Cir. 2005) ("Like other courts, we have therefore recognized that a gender stereotyping claim should not be used to bootstrap protection for sexual orientation into Title VII.") (internal quotation marks omitted); *Vickers v. Fairfield Med. Ctr.*, 453 F.3d 757, 763 (6th Cir. 2006) (dismissing sex-stereotyping claim where plaintiff alleged he was harassed because his perceived sexual practices did not conform to traditionally masculine roles but he "failed to allege that he did not conform to traditional gender stereotypes in any observable way at work"; the court noted that recognition of plaintiff's claim "would have the effect of *de facto* amending Title VII to encompass sexual orientation as a prohibited basis for discrimination"); but see *Heller v. Columbia Edgewater Country Club*, 195 F. Supp. 2d 1212 (D. Ore. 2002) (refusing to dismiss claim where jury could find that employee was harassed and ultimately discharged because she did not conform to the stereotype that women should be attracted to and date only men).

36. EEOC *Hively* Brief, *supra*, n. 10, at p. 5.

37. See e.g. *Hall v. BNSF Ry. Co.*, 2014 WL 4719007 (W.D. Wash. Sept. 22, 2014) (refusing to dismiss sex discrimination claim where employee argued that he was denied the spousal health benefit for his male spouse while female employees received the benefit); *Heller*, 195 F. Supp. 2d at 1223 (D. Or. 2002) ("One way (but certainly not the only means) of [proving conduct is discriminatory] is to inquire whether the harasser would have acted the same if the gender of the victim had been different. A jury could find that [the plaintiff's manager] would not have acted as she (allegedly) did if plaintiff were a man dating a woman, instead of a woman dating a woman.") (internal citations omitted); see also *Videckis v. Pepperdine Univ.*, 100 F. Supp. 3d 927, 937 (C.D. Cal. 2015) ("[D]iscrimination based on a same-sex relationship could fall under the umbrella of sexual discrimination even if such discrimination were not based explicitly on gender stereotypes. For

example, a policy that female basketball players could only be in relationships with males inherently would seem to discriminate on the basis of gender.”); *Lawson v. Kelly*, 58 F. Supp. 3d 923 (W.D. Mo. 2014) (holding that ban on same-sex marriage created gender classification that violated equal protection and due process).

38. EEOC *Hively* Brief, *supra* n. 10, at p. 6.

39. See e.g. *Holcomb v. Iona College*, 521 F.3d 130, 139 (2nd Cir. 2008) (recognizing associational race claim of plaintiff in interracial marriage); *Drake v. Minnesota Min. & Mfg. Co.*, 134 F.3d 878 (7th Cir. 1998) (holding that a white employee may sue under Title VII for discrimination against him resulting from his friendship with black co-workers).

40. See *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 279, 96 S. Ct. 2574, 2578 (1976).

41. It is uncertain what a Trump administration will mean for this developing area of the law. The Trump administration will have the opportunity to appoint new commissioners and general counsel for the EEOC and to fill more than 100 federal judgeships that are currently vacant, including at least one on the Supreme Court. The new president can also rescind any executive orders that may have extended protections based on sexual orientation. All of this, along with the appointment of the current attorney general nominee, Jeff Sessions, who has a well-documented history of opposing protections for sexual orientation, may affect this area of law moving forward.

ABOUT THE AUTHORS



Mary L. Lohrke is a partner with the Tulsa firm of Titus Hillis Reynolds Love. She exclusively practices employment law. She represents employers before state and federal courts and administrative agencies in disputes involving discrimination, harassment, reasonable accommodation, wrongful termination and wage and hour issues. She routinely provides preventive counseling and training on all employment topics and serves as an adjunct settlement judge for employment cases in the Northern District of Oklahoma.



Jessica R. Fu is an attorney in Tulsa who primarily practices civil litigation, including employment law. She graduated with highest honors from the TU College of Law in 2011 and was named to the Order of the Curule Chair.

the MEDIATION INSTITUTE



Call or Register Online Today!

www.mediationinstitute.net

(888) 607-8914 (toll free)
(405) 607-8914

Tuition:

Family & Divorce Training
\$975

Civil, Commercial & Employment Training
\$875

(Early Registration, Group & Multiple Course
Discounts Available)

Offering Two Mediation Courses In Your Area!

40 Hour Family & Divorce Mediation Training

Tulsa - Feb. 1-4, 2017
Oklahoma City - March 8-11, 2017

24 Hour Civil, Commercial & Employment Mediation Training

Oklahoma City - Feb. 22-24, 2017

Our Courses:

- ✓ Are led by James Stovall, an experienced professional mediator who has conducted training for thousands of individuals, including judges, attorneys, executives and mental health professionals.
- ✓ Meet the training requirements of the Oklahoma District Court Mediation Act.
- ✓ Are approved for MCLE credit by the Oklahoma Bar Association. Family & Divorce mediation training is approved for 40 hours MCLE including 2 hours of Ethics. Civil Commercial & Employment mediation training is approved for 24 hours MCLE including 1 hour of Ethics.
- ✓ Combine lecture, discussion groups, case studies, role-play, demonstrations, and provide marketing strategies for launching a successful mediation practice.
- ✓ Both courses are comprehensive and “stand-alone.” See Web site for detailed agenda.

The Defend Trade Secrets Act: Is It a Game Changer?

By Derek B. Ensminger

“Trade secrets are the commercially valuable designs, processes, techniques and other forms of information kept confidential by companies because, by virtue of their secrecy, they give companies an edge in a competitive marketplace.”¹ According to expert testimony provided to the United States House Judiciary Subcommittee on Courts, Intellectual Property and the Internet, “[t]rade secrets are an integral part of a company’s competitive advantage in today’s economy, and with the increased digitization of critical data and increased global trade, this information is highly susceptible to theft.”²

“Unlike other types of intellectual property, which are primarily protected under Federal law, trade secrets [have been] primarily governed by State law.”³ Indeed, some version of the Uniform Trade Secrets Act (UTSA) has been adopted in most states,⁴ including Oklahoma.⁵ The UTSA’s supremacy over trade secret protection was diminished May 11, 2016, however, when President Obama signed the Defend Trade Secrets Act (DTSA), which establishes for the first time a federal civil cause of action for trade secret misappropriation.⁶ According to Congress, the new sheriff in town is warranted because “[w]hile 48 states have adopted variations of the UTSA, the state laws vary in a number of ways and contain built-in limitations that make them not wholly effective in a national and global economy.”⁷ The legislative intent is to “provide a single, national standard for trade secret misappropriation with clear rules and predictability for everyone involved.”⁸

Although the DTSA incorporates much of the UTSA’s substance, the new federal law has some notable procedural and substantive nuances that may significantly affect trade secret litigation. Additionally, employers should beware of a unique notice mandate in the DTSA.

BASIC PROCEDURAL IMPLICATIONS

The DTSA does not pre-empt state law⁹ such as Oklahoma’s UTSA (OUTSA) and other state versions of the UTSA. Thus, claimants now have the option to utilize one or both of the statutes. Like the OUTSA,¹⁰ the DTSA has a three-year limitation period.¹¹

The most obvious procedural implication of the DTSA is that it establishes federal question jurisdiction for trade secret misappropriation cases.¹² As a result, it is possible that federal — rather than state — courts will become the primary forum for trade secret cases. At a

minimum, litigants will have added procedural considerations and options.

DEFINITIONS

The DTSA incorporates the pre-existing definition of “trade secret” under the Federal Economic Espionage Act (EEA), a federal criminal prohibition on trade secret misappropriation. Under that definition, information is a protected trade secret if:

(A) the owner thereof has taken reasonable measures to keep such information secret and

(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.¹³

The OUTSA includes the same definition.¹⁴

However, the EEA definition adopted by the DTSA also explains that protected trade secret information includes:

[A]ll forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing.¹⁵

In contrast, the OUTSA definition merely states that trade secret information can include “a formula, pattern, compilation, program, device, method, technique or process.”¹⁶ The DTSA’s wide-ranging language — specifically the language expressly protecting intangible information and rejecting any rigid storage requirements — arguably offers broader trade secret protection than the OUTSA.

“The [DTSA’s] definition of misappropriation is modeled on the [UTSA], versions of which have been adopted by 48 states.”¹⁷ Congress “intentionally used this established definition to make clear that [the DTSA] is not intended to alter the balance of current trade secret law or alter specific court decisions.”¹⁸ And so, like the OUTSA,¹⁹ the DTSA defines misappropriation as:

(A) acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(B) disclosure or use of a trade secret of another without express or implied consent by a person who —

(i) used improper means to acquire knowledge of the trade secret;

(ii) at the time of disclosure or use, knew or had reason to know that the knowledge of the trade secret was — (I) derived from or through a person who had used improper means to acquire the trade secret; (II) acquired under circumstances giving rise to a duty to maintain the secrecy of the trade secret or limit the use of the trade secret; or (III) derived from or through a person who owed a duty to the person seeking relief to maintain the secrecy of the trade secret or limit the use of the trade secret; or

(iii) before a material change of the position of the person, knew or had reason to know that — (I) the trade secret was a trade secret; and (II) knowledge of the trade secret had been acquired by accident or mistake.²⁰

Both statutes also define improper means as “theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means.”²¹ However, the DTSA definition also states that improper means “does not include reverse engineering, independent derivation, or any other lawful means of acquisition.”²² The OUTSA does not include this exclusionary language.²³

REMEDIES

Injunctive relief is available under the DTSA.²⁴ Additionally, “[i]f determined appropriate, a court may require affirmative actions to be taken to protect the trade secret, and, in exceptional circumstances that render an injunction inequitable, may condition future use of the trade secret upon payment of a reasonable royalty for no longer than the period of time for which such use would have been prohibited.”²⁵

Injunctive relief under the DTSA is subject to two caveats. The first relates to the doctrine of inevitable disclosure, which states “a plaintiff may prove a claim of trade secret misappropriation

priation by demonstrating that defendant's new employment will inevitably lead him to rely on the plaintiff's trade secrets."²⁶ This rule has obvious consequences concerning employee mobility. As a result, "courts interpreting State trade secret laws have reached different conclusions on the applicability of the inevitable disclosure doctrine."²⁷ To protect jurisdictions that have expressly rejected the doctrine of inevitable disclosure, the DTSA states that an injunction for actual or threatened misappropriation cannot hinder employment mobility, and any "conditions placed on such employment shall be based on evidence of threatened misappropriation and not merely on the information the person knows."²⁸

However, the second caveat states that an injunction cannot "conflict with an applicable State law prohibiting restraints on the practice of a lawful profession, trade, or business."²⁹ Likewise, according to the DTSA's legislative materials, "if a State's trade secrets law authorizes additional remedies, those State-law remedies will still be available."³⁰ Thus, an injunction enjoining a former employee "based on the information possessed by the employee alone" may be permissible if sanctioned by applicable state law.³¹

For the most part, the DTSA's injunctive relief provisions are the same as the corresponding provisions in the OUTSA.³² Indeed, Congress intended to copy the equitable provisions in the UTSA.³³ The only distinction, of course, is the DTSA's language specifically protecting employee mobility, individual knowledge and state laws.

Regarding monetary damages, the DTSA expressly permits 1) actual damages; 2) unjust enrichment damages; 3) a reasonable royalty in lieu of damages measured by other methods; 4) for willful and malicious misappropriation, exemplary damages not to exceed two times the amount of compensatory damages and 5) reasonable attorney fees to the prevailing party for willful and malicious misappropriation or bad faith conduct.³⁴ The legislative intent was not "to encourage the use of reasonable royalties to resolve trade secret misappropriation."³⁵ The DTSA's damages provisions were drawn

directly from the UTSA,³⁶ and the same damages are available under the OUTSA.³⁷

CIVIL SEIZURES AND DIGITAL SAFEGUARDS

The most significant substantive aspect of the DTSA is its authorization of an entirely new means of protection — *ex parte* seizure orders.³⁸ The DTSA expressly cautions that *ex parte* seizure orders are only for "extraordinary circumstances."³⁹ Congress included this provision "to be used in instances in which a defendant is seeking to flee the country or planning to disclose the trade secret to a third party immediately or is otherwise not amenable to the enforcement of the court's orders."⁴⁰

A court may not issue an *ex parte* seizure order unless the applicant has clearly shown:

- 1) a temporary restraining order issued pursuant to Federal Rule of Civil Procedure 65(b) would be inadequate because the party to which the order would be issued would evade, avoid, or otherwise not comply with it; 2) immediate and irreparable injury will occur if the seizure is not ordered; 3) the harm to the applicant of denying the application outweighs the harm to the legitimate interests of the person against whom the seizure is ordered and substantially outweighs the harm to any third parties; 4) the applicant is likely to succeed in showing that the person against whom the seizure

is ordered misappropriated the trade secret by improper means, or conspired to misappropriate the trade secret by improper means, and is in actual possession of it and any property to be seized; 5) the applicant describes with reasonable particularity the matter to be seized and, to the extent reasonable, identifies the location where the matter is to be seized; 6) the person against whom the seizure would be ordered, or those working in concert with that person, would destroy, move, hide, or otherwise make such matter inaccessible if the applicant were to provide that person notice; and 7) the applicant has not publicized the requested seizure.⁴¹

A court issuing an *ex parte* seizure order must "minimize any interruption to the business

“ For the most part, the DTSA's injunctive relief provisions are the same as the corresponding provisions in the OUTSA. ”

operations of third parties, protect the seized property from disclosure, and set a hearing date at the earliest possible time and not later than 7 days after the order has issued.”⁴²

Although the *ex parte* seizure order is a significant tool, claimants should proceed with caution as the DTSA also 1) “provides that a person who suffers damage by reason of a wrongful or excessive seizure has a cause of action against the applicant ... to recover damages, including punitive damages, and reasonable attorney’s fees”⁴³ and 2) directs the court to require an applicant “to provide the security determined adequate by the court for the payment of the damages that any person may be entitled to recover as a result of a wrongful or excessive seizure or a wrongful or excessive attempted seizure.”⁴⁴

The DTSA also includes some unique digital safeguards regarding seized material. Under the DTSA, a court taking custody of seized materials is instructed to 1) secure the seized material from physical and electronic access⁴⁵ and 2) prohibit any seized storage mediums from being connected to a network or the internet without the consent of both parties.⁴⁶ Moreover, a party or a person with an interest in material seized “may make a motion at any time, which may be heard *ex parte*, to encrypt any material seized or to be seized.”⁴⁷ “The motion shall include, when possible, the desired encryption method.”⁴⁸

EMPLOYER NOTICE REQUIREMENTS

Under the DTSA, an individual is immune from criminal or civil liability for a trade secret disclosure made either 1) in confidence to the government or an attorney for the purpose of reporting or investigating a suspected violation of law or 2) in a court filing under seal.⁴⁹ Notably, employers must provide notice of the DTSA immunity protection “in any contract or agreement with an employee that governs the use of a trade secret or other confidential information.”⁵⁰ “[T]he term ‘employee’ includes any individual performing work as a contractor or consultant.”⁵¹ It is sufficient for an employer to cross-reference a policy document “that sets forth the employer’s reporting policy for a suspected violation of law.”⁵² The employer notice requirement only applies “to contracts and agreements that are entered into or updated after [May 11, 2016].”⁵³ If an employer does not comply with the DTSA notice requirements, the employer will not be entitled to exemplary

damages or attorney fees in a DTSA civil action against an un-notified employee.⁵⁴

THE BOTTOM LINE

The obvious significance of the DTSA is that it opens up the federal courts to civil actions for trade secret misappropriation. Although the DTSA’s substance largely mirrors the OUTSA, practitioners and companies should be mindful of the new substantive protections created by the DTSA, namely *ex parte* seizure orders and the accompanying digital protections. Additionally, employers desiring full-trade secret protection under the DTSA should be aware of its immunity notice obligations.

Since the DTSA does not pre-empt state laws like the OUTSA, claimants have the flexibility to make claims under one or both statutes. Depending on the circumstances, a claimant’s desired forum and/or remedies may guide pleading strategy. For example, a claimant wishing to avoid removal to federal court for strategic reasons may refrain from asserting a claim under the DTSA, whereas a claimant desiring an *ex parte* seizure and/or digital protections may proceed with a DTSA-focused claim in federal court. Practitioners should remain cognizant of the new strategic options created by the DTSA.

1. H.R. Rep. No. 114–529, at 2 (2016).
2. *Id.* at 3.
3. S. Rep. No. 114–220, at 2 (2016).
4. *Id.*; H.R. Rep. No. 114–529, at 4.
5. See 78 Okla. Stat. §§85–94 (1986).
6. See Pub. L. No. 114–153, 130 Stat. 376 (codified in scattered sections of 18 U.S.C.).
7. H.R. Rep. No. 114–529, at 4.
8. S. Rep. No. 114–220, at 14.
9. Pub. L. No. 114–153, §2(f), 130 Stat. 376, 382.
10. See 78 Okla. Stat. §91.
11. 18 U.S.C. §1836(d).
12. See *Id.* §1836(c); 28 U.S.C. §1331.
13. 18 U.S.C. §1839(3).
14. See 78 Okla. Stat. §86(4).
15. 18 U.S.C. §1839(3).
16. 78 Okla. Stat. §86(4).
17. H.R. Rep. No. 114–529, at 5.
18. *Id.* at 14; S. Rep. No. 114–220, at 10.
19. See 78 Okla. Stat. §86(2).
20. 18 U.S.C. §1839(5).
21. *Id.* §1839(6)(A); 78 Okla. Stat. §86(1).
22. 18 U.S.C. §1839(6)(B).
23. See 78 Okla. Stat. §86(1); cf. *AvidAir Helicopter Supply, Inc. v. Rolls-Royce Corp.*, 663 F.3d 966, 973 (8th Cir. 2011) (“The fact that information can be ultimately discerned by others — whether through independent investigation, accidental discovery, or reverse engineering — does not make it unprotectable [under the UTSA].”).
24. See 18 U.S.C. §1836(b)(3)(A).
25. H.R. Rep. No. 114–529, at 12; S. Rep. No. 114–220, at 8–9; see 18 U.S.C. §1836(b)(3)(A)(ii)–(iii).
26. *PepsiCo, Inc. v. Redmond*, 54 F.3d 1262, 1269 (7th Cir. 1995).
27. H.R. Rep. No. 114–529, at 12 n.16; S. Rep. No. 114–220, at 8 n.16.
28. 18 U.S.C. §1836(b)(3)(A)(i)(I).
29. *Id.* §1836(b)(3)(A)(i)(II); cf. 15 Okla. Stat. §217.
30. H.R. Rep. No. 114–529, at 12; S. Rep. No. 114–220, at 9.
31. H.R. Rep. No. 114–529, at 12–13; S. Rep. No. 114–220, at 9.

cont'd from page 76

- 32. Compare 18 U.S.C. §1836(b)(3)(A) with 78 Okla. Stat. §87.
- 33. See H.R. Rep. No. 114-529, at 12; S. Rep. No. 114-220, at 8.
- 34. 18 U.S.C. §1836(b)(3)(B)-(C).
- 35. H.R. Rep. No. 114-529, at 13; S. Rep. No. 114-220, at 9.
- 36. H.R. Rep. No. 114-529, at 13; S. Rep. No. 114-220, at 9.
- 37. See 78 Okla. Stat. §§88-89.
- 38. See 18 U.S.C. §1836(b)(2).
- 39. *Id.* §1836(b)(2)(A)(i).
- 40. H.R. Rep. No. 114-529, at 9-10; S. Rep. No. 114-220, at 6.
- 41. H.R. Rep. No. 114-529, at 10; S. Rep. No. 114-220, at 6; see 18 U.S.C. §1836(b)(2)(A)(ii).
- 42. H.R. Rep. No. 114-529, at 5; see 18 U.S.C. §1836(b)(2)(B).
- 43. H.R. Rep. No. 114-529, at 12; S. Rep. No. 114-220, at 8; see 18 U.S.C. §1836(b)(2)(G).
- 44. 18 U.S.C. §1836(b)(2)(B)(vi).
- 45. *Id.* §1836(b)(2)(D)(i).
- 46. *Id.* §1836(b)(2)(D)(ii).
- 47. *Id.* §1836(b)(2)(H).
- 48. *Id.*
- 49. *Id.* §1833(b)(1).
- 50. *Id.* §1833(b)(3)(A).
- 51. *Id.* §1833(b)(4).
- 52. *Id.* §1833(b)(3)(B).
- 53. *Id.* §1833(b)(3)(D).
- 54. *Id.* §1833(b)(3)(C).

ABOUT THE AUTHOR



Derek Ensminger is associate general counsel at SONIC® Drive-In and an adjunct professor of law at the OCU School of Law. His primary focus is on labor and employment law. He received his J.D. from the OCU School of Law where he was a Hatton W.

Summers scholar and staff editor for the *Oklahoma City University Law Review*.

outside the profession with your families and friends. We cannot compromise who we are as persons to get what we want as professionals. Don't just be good lawyers, be good men and women. I recently had the privilege of hearing Dr. Antonia Novello, 14th U.S. surgeon general, give the keynote address to the very first class of medical students at Burrell College of Osteopathic Medicine, a new medical school in Las Cruces, New Mexico. The words she spoke to those students are also appropriate for lawyers at any stage of our careers. She told them, "Remember — your work as a professional defines you as a human being. It has been said that much of the good and the bad you do in your life will be done in your work."

THREE TYPES OF WORK

Then she went on to talk about the three types of work. First, there is a "job," where the goal is to simply make a living and support a family. Second, comes the "career" where your progress is traced through your appointments and achievements. Then comes the "calling" — the blending of activity and character that makes work meaningful. Wherever you are, my fellow lawyers, along this path, I hope being a lawyer is or becomes your calling because I believe being a lawyer is an extraordinary privilege.

We cannot let the negative we see and hear about the legal profession deter us from a life of caring about and serving those who need our help — our clients, our community and our brothers and sisters in the legal profession. Keep the legal profession a sacred institution, not only for those of us who work in it, but even more importantly for those who depend upon it. There is a difference between doing well and doing good. DO GOOD!

You have entrusted me with the leadership of this association, and I pledge to serve our association with integrity, and to continue to build upon the solid foundation of the Oklahoma Bar Association in a way that best serves every lawyer in this state. I look forward to the coming year with excitement and anticipation of service to the OBA.

Noncompetes in Oklahoma Mergers and Acquisitions

By Brandon Kemp

Imagine you get a call one afternoon from an old college friend. She is a small-business owner and her business has had a great few years. Earlier in the week, a competitor offered to sell his business to her. Your friend has run the numbers and the proposed transaction looks like a great deal. But, she is concerned that her competitor will sell out only to start a new competing business. Your friend's company is an Oklahoma limited liability company headquartered in Tulsa. Her competitor's company is a Delaware limited liability company also headquartered in Tulsa. The competitor owns 95 percent of the membership interests in the company, and the remaining 5 percent is held by passive investors. Both companies do business regionally, with customers in Oklahoma, Arkansas and Missouri. Your friend asks you, "If I buy this business, what can I do to make sure no one unfairly competes with me? What does the *law* say?" You would probably reply, "Well, in Oklahoma, it's a little complicated ... but I have a few ideas." What follows is an introduction to Oklahoma noncompete law in the context of business acquisitions.

Covenants in restraint of trade have been disfavored by the common law since the 15th century.¹ They have been prohibited by statute in Oklahoma since 1890, when Oklahoma Territory adopted the Dakota Territory statute regarding covenants in restraint of trade.² Today, though recodified and slightly modified, the Oklahoma statute prohibiting covenants in restraint of trade is substantively the same as the 1890 version. The statute, 15 O.S. §217, now provides, "Every contract by which any one is restrained from exercising a lawful profession, trade or business of any kind, otherwise than as provided by [statute] is to that extent void."³

As 15 O.S. §217 allows, the broad prohibition of covenants in restraint of trade is subject to four statutory exceptions:

- 1) In a "sale of goodwill," the seller may agree "to refrain from carrying on a similar business within a specified county and any county or counties contiguous thereto, or a specified city or town or any part thereof, so long as the buyer, or any person deriving title to the goodwill from him carries on a like business therein;"⁴
- 2) In a dissolution of a partnership, the partners may agree that "none of them will carry on a similar business within a specified county and any county or counties

contiguous thereto, or a specified city or town or any part thereof;⁵

- 3) An employee may agree not to “directly solicit the sale of goods, services or a combination of goods and services from the established customers of the former employer” following the employee’s termination;⁶ and
- 4) An employee or an independent contractor may agree with a person or business not to “solicit[], directly or indirectly, actively or inactively, the employees or independent contractors of that person or business to become employees or independent contractors of another person or business ...”⁷

The first two exceptions — the sale of goodwill exception and the dissolution of a partnership exception — were also adopted from the Code of Dakota Territory,⁸ and they are a codification of a long-recognized common-law exception to the general prohibition of covenants in restraint of trade.⁹ Both exceptions contain a territorial limitation, and both contain a savings provision that authorizes a court to reform a territorially overbroad but otherwise lawful covenant to “the county comprising the primary place of the conduct of the subject business and within any counties contiguous thereto.”¹⁰

The third statutory exception, adopted in 2001, allows employees to agree they will not solicit a former employer’s “established customers.” This provision codifies an Oklahoma common-law exception to 15 O.S. §217 that developed in the 1970s.¹¹

The final statutory exception, which the legislature added in 2013, allows an employee or independent contractor to agree not to poach a business’s employees or independent contractors. Therefore, in the context of a sale of a business, statutory exceptions one, three and four could be written into the transaction and its ancillary documents. The first exception (*i.e.*, the goodwill exception) would apply to the owners of the target business. The third and fourth exceptions (*i.e.*, the nonsolicitation exceptions) would apply to employees of the target business.

SALE OF GOODWILL EXCEPTION

As set out above, the goodwill exception provides, “One who sells the goodwill of a business may agree with the buyer to refrain from carrying on a similar business within a speci-

fied county and any county or counties contiguous thereto, or a specified city or town or any part thereof, so long as the buyer, or any person deriving title to the goodwill from him carries on a like business therein.”¹² Therefore, for the goodwill exception to apply to a transaction, the transaction must involve a “sale” and “goodwill.” Any covenant must also be appropriately limited in time and territory.

Does the Transaction Involve a ‘Sale’

The Supreme Court of Oklahoma has held that “sale,” in the context of the goodwill exception, encompasses an array of transactions. Specifically, in *Farren v. Autoviable Services, Inc.*, the court held that the term “sale” does not require an “actual cash sale.”¹³ The court explained,

We do not believe that an actual cash sale of goodwill was the paramount reason for inclusion of this statute in the law of this State. We believe that the purpose of this statute is to allow the parties to the transfer of a going business to mutually agree, as a part of the value of the business transferred, that the transferee will be protected from his transferor who might use his previously acquired experience, contacts and expertise to promote his own interests in the same field of business in competition with his transferee.¹⁴

On this reasoning, the court held that where the goodwill of a target corporation was “included in the corporate entity that merged with ... the surviving corporation, and thus transferred to [the surviving corporation]” there was “a ‘sale’ of the good will within the meaning of [15 O.S. §218].”¹⁵ Therefore, a “sale” of goodwill encompasses not only cash sales, but also corporate mergers and likely other transfers of goodwill.

Does the Transaction Involve ‘Goodwill’

Determining whether a transaction involves a sale of “goodwill” is not as straightforward. The Oklahoma Statutes define a business’s goodwill as “the expectation of continued public patronage ...”¹⁶ The Supreme Court of Oklahoma has similarly defined “goodwill” as “the custom or patronage of any established trade or business; the benefit or advantage of having established a business and secured its patronage by the public.”¹⁷ The Supreme Court of Oklahoma has also explained that while “good will is in its nature intangible, it is uniformly

recognized that it is a species of property and constitutes a valuable asset of the business of which it is a part."¹⁸ Additionally, where a contract for the sale of a business does not explicitly address the transfer of goodwill, a court will examine the contract to determine if the parties intended a transfer of goodwill.¹⁹

While determining whether a transaction includes a transfer of goodwill is easy in a sale of sole proprietorship or 100 percent of the equity in a business entity, it is not so simple in a transfer of a small percentage of stock or limited liability company units. In the first reported Oklahoma case to address this situation, *Key v. Perkins*, the Supreme Court of Oklahoma held that the sale of a 20 percent interest in a corporation by an "active business manager" was a sale of goodwill within a predecessor statute to 15 O.S. §218.²⁰ The court explained,

As we view it, the weight of authority and sound reasoning and logic support the contention that the owner of an *appreciable interest* in the stock and property and assets of a corporation has a proportionate interest in the goodwill of the business; and that on a sale thereof such owner is bound by a contemporaneous agreement, supported by an adequate consideration, not to engage in a similar business within the territorial and time limits provided by [15 OS §218].²¹

Later decisions have latched on to *Key's* "appreciable interest" requirement. For example, in *Bayly, Martin & Fay, Inc. v. Pickard*, the court stated that a .8 percent interest in a corporation held by a salesman was a "miniscule amount of stock" and was "insufficient to support an argument that the goodwill exception to [15 O.S.] §217 [was] applicable."²² Though this statement was *obiter dictum*, it has been relied upon by the Oklahoma Court of Civil Appeals to reverse and remand a district court decision for further fact-finding to determine whether an interest in a business was "appreciable," and thus sufficient to support a transfer of goodwill, or "miniscule," and thus insufficient.²³ Therefore, in transactions where the seller will transfer an equity interest of less than 20 percent of the business, the sale of goodwill exception may not apply. Certainly,

the exception will not apply to a transfer of a .8 percent or smaller interest.

Extending the Territorial Scope With Choice of Law

Assuming that the sale of goodwill exception applies to a particular transaction, under Oklahoma law, a covenant not to compete may cover "a specified county and any county or counties contiguous thereto, or a specified city or town or any part thereof, so long as the buyer, or any person deriving title to the goodwill from him carries on a like business therein."²⁴ By statute, the duration of the covenant not to compete may be perpetual, as long as the buyer or his assigns continue the purchased business within the territory. Unfortunately, though, the territorial limitation of a county and its contiguous counties limits the usefulness of the 15 O.S. §218 goodwill exception. Perhaps a county and its contiguous counties seemed like a vast territorial range in 1890, but it is meager in modern terms.

That said, many states will enforce a noncompete with a much larger territory. Thus, if the parties choose the law of another jurisdiction to govern their transaction, an Oklahoma court might enforce a noncompetition covenant in a sale of goodwill to the extent of the chosen jurisdiction's law. In Oklahoma, a contract will be governed in accordance with Oklahoma's choice-of-law principles "unless otherwise agreed and unless contrary to the law or public policy of the state where enforcement of the contract is sought."²⁵ In other words, an Oklahoma court will enforce a choice-of-law clause that complies with Section 187 of the Restatement (Second) of Conflict of Laws.²⁶ Therefore, if the parties to a transaction choose a governing law with a substantial relationship to the transaction — *e.g.*, the state of incorporation of the target company or the buyer — and the terms of the noncompetition covenant do not violate Oklahoma's public policy, an Oklahoma court should enforce a noncompetition covenant that is in compliance with the law of the chosen jurisdiction.²⁷

Though the Supreme Court of Oklahoma has not addressed this issue, at the time of the publication of this article, there is a case pending in

“ Later decisions have latched on to *Key's* ‘appreciable interest’ requirement. ”

the court that may.²⁸ Additionally, at least one published decision supports that Oklahoma would enforce a covenant not to compete beyond the territorial restrictions of 15 O.S. §218 in a transaction that included a sale of goodwill and was governed by the law of another jurisdiction. In *Eakle v. Grinnell Corp.*, the United States District Court for the Eastern District of Oklahoma held that a five-year non-competition covenant that covered the entire states of Oklahoma and Arkansas and was governed by Delaware law was enforceable in Oklahoma.²⁹ The noncompete was entered into as part of a sale of 100 percent of the stock of a corporation operating in Oklahoma (*i.e.*, a sale of goodwill),³⁰ and the buyer was a Delaware corporation.³¹ Two years after concluding the sale of the corporation, the buyer-employer terminated the seller-employee.³² Thereafter, the seller-employee sought a declaratory judgment that the “noncompete agreement” entered into as part of the sale of the corporation was void because it violated Oklahoma public policy by being territorially overbroad.³³

The Eastern District disagreed with the seller-employee. First, the Eastern District recognized that Delaware will enforce a covenant not to compete “if reasonably limited as to time, area, and purpose and if such promise does not constitute an unreasonable restraint of trade or otherwise contravene public policy,”³⁴ and concluded that the noncompete covenant complied with Delaware law.³⁵ Next, the Eastern District acknowledged that, under Oklahoma law, a noncompete covenant made in connection with a sale of goodwill may only encompass the city or county (and contiguous counties) where the sold enterprise is operated.³⁶ Nevertheless, the Eastern District noted that the public policy of Oklahoma authorized noncompete agreements entered into in connection with a sale of goodwill to some degree and determined that Oklahoma would enforce the noncompete agreement.³⁷ Specifically, the Eastern District explained,

A mere difference in the law is not sufficient to warrant the application of the public policy exception argued for by [seller-employee] ... To hold otherwise would be to allow the exception to swallow the rule. If the court were to follow [seller-employee’s] line of reasoning then the forum’s law would always apply when a difference in respective states’ laws could be shown. The mere fact a chosen law differs from the

forum’s law does not make the application of the chosen law a violation of the forum’s public policy. Rather, a broader concept of public policy is required. Here, the public policy of Oklahoma authorizes noncompete agreements in the context of the sale of goodwill. While it is true that certain limitations have been enacted under section 218 to govern these situations, the fact remains that Oklahoma nonetheless approves of the concept of noncompete agreements when the sale of goodwill is involved, albeit with certain geographic restrictions. The court concludes such restrictions do not act as an impediment to its application of Delaware law in connection with the [noncompete agreement].³⁸

The Eastern District also found that the covenant’s five-year duration and prohibition of certain activities complied with Oklahoma law.³⁹ Though *Eakle* is a federal district court opinion, it provides support that Oklahoma would enforce a noncompete covenant, entered into in connection with a sale of goodwill, that complied with the law of another state chosen to govern a transaction. Therefore, it may be possible to extend the territorial limits of 15 O.S. §218 in an Oklahoma transaction, provided there is a reasonable basis for choosing the law of another jurisdiction.

Even if an Oklahoma court declined to enforce a noncompete covenant because it exceeded the territorial limits of 15 O.S. §218, the statute mitigates the risk of trying. Section 218 specifically provides that a noncompete covenant that is “otherwise lawful but which exceeds the territorial limitations specified by this section may be deemed valid, but only within the county comprising the primary place of the conduct of the subject business and within any counties contiguous thereto.” In the past, Oklahoma appellate courts have reformed and enforced noncompetes that were territorially overbroad but otherwise complied with 15 O.S. §218.⁴⁰ Likewise, in an unpublished decision involving the goodwill exception, the United States District Court for the Northern District of Oklahoma declined to follow the holding in *Eakle*, but enforced an “overbroad” noncompete to the territorial limits of 15 O.S. §218.⁴¹

EMPLOYEE COVENANTS

In addition to noncompete covenants with the owner of a target business, the buyer of a target business also has options to protect the

target business from unfair competition by the target's business managers or other employees. Unfortunately, though, while the seller of a business may outright agree to not carry on a similar business, an Oklahoma court will not uphold the same covenant made by a mere employee.⁴² For employees, the exceptions to Oklahoma's broad prohibition of covenants in restraint of trade are limited to nonsolicitation of established customers and nonsolicitation of employees and independent contractors.⁴³

The Nonsolicitation of Established Customers Exception

Since 1970, Oklahoma courts have upheld covenants made by employees not to solicit established customers.⁴⁴ In 2001, the Oklahoma Legislature codified this exception to 15 O.S. §217 as 15 O.S. §219A, which permits employee covenants not to "directly solicit the sale of goods, services or a combination of goods and services from the established customers of the former employer." Unfortunately, the statute does not define "established customers," and no Oklahoma appellate court has interpreted that term.

Additionally, at least one Oklahoma appellate court decision interpreting 15 O.S. §219A has held that covenants not to solicit established customers that do not comply with "rule of reason" will be rejected.⁴⁵ An Oklahoma court will modify an unreasonable nonsolicitation covenant "if the contractual defect can be cured by imposition of reasonable limitations concerning the activities embraced, time, or geographical limitations."⁴⁶ But, a covenant "cannot be judicially modified if essential elements of a contract must be supplied."⁴⁷

Though the Supreme Court of Oklahoma has not considered whether the "rule of reason" applies to nonsolicitation covenants following the adoption of 15 O.S. §219A, it would still be prudent to draft any nonsolicitation covenant to conform to nonsolicitation covenants that have been upheld under the "rule of reason" before the adoption of 15 O.S. §219A. To that end, Oklahoma courts have upheld covenants not to solicit established customers with durations as long as two years.⁴⁸ Any nonsolicitation covenant with a longer duration or that extends beyond "established customers" risks being determined unenforceable and perhaps not reformable.⁴⁹

The Nonsolicitation of Employees and Independent Contractors Exception

Finally, in 2013, the Oklahoma Legislature adopted 15 O.S. §219B, which provides that an employee or an independent contractor may agree with a person or business not to "solicit[], directly or indirectly, actively or inactively, the employees or independent contractors of that person or business to become employees or independent contractors of another person or business ..."⁵⁰ The statute does not define any of its material terms, such as "soliciting," "actively," "inactively," "directly" or "indirectly."⁵¹ And, there is no Oklahoma precedent evaluating the enforceability of a covenant not to solicit employees or independent contractors, either before or after the statute was adopted.⁵² Nevertheless, as in the case of covenants not to solicit established customers, it is possible that a reviewing court would subject a covenant by an employee not to solicit a company's employees or independent contractors to "rule of reason" analysis. A practitioner should consider limiting the duration and territorial scope of a covenant not to solicit employees or independent contractors to survive "rule of reason" analysis.

CONCLUSION

So, back to your ideas for that old college friend. First, you would probably tell her that if she buys 20 percent or more of the business, through an asset sale or an equity sale, the deal may require an agreement by the seller not to carry on a similar business in Tulsa County and its contiguous counties for as long as she operates the purchased business. You might also tell her that because the target company is a Delaware limited liability company, choosing Delaware law to govern the agreement may enable her to extend the territory of the non-compete, say, to include Oklahoma, Arkansas and Missouri. Certainly, you would let her know that she unfortunately cannot similarly restrict the target company's business managers or other employees but can require them to agree not to solicit the target company's established customers, employees or independent contractors. Of course, you would have to conclude, "This could all change tomorrow. Law and legislation are moving targets."

1. For a discussion of the history of covenants in restraint of trade, see, e.g., Harlan M. Blake, "Employee Agreements Not to Compete," 73 *Harvard L. Rev.* 625 (1960).

2. Compare Terr. Okla. Stat. Ch. 17, art. IV, §8 (1890) with Terr. Dak. Code §959 (1883). See also 1 *Revised Statutes of Oklahoma 1910*, vii, 262

(Clinton O. Bunn ed., 1912) (“The great body of the [Oklahoma] statutes ... came from Dakota ...”).

3. Despite its seemingly absolute terms, 15 O.S. §217 only prohibits “unreasonable” restraints of trade. *Key Temp. Pers., Inc. v. Cox*, 1994 OK CIV APP 123, ¶8, 884 P.2d 1213, 1215. The common-law exceptions that developed under the “rule of reason” are now encompassed by the statutory exceptions that are discussed in this article.

4. 15 O.S. §218.

5. 15 O.S. §219.

6. 15 O.S. §219A(A).

7. 15 O.S. §219B.

8. *Compare* Terr. Okla. Stat. Ch. 17, art. IV, §8 (1890) with Terr. Dak. Code §960 (1883). *Compare* Terr. Okla. Stat. Ch. 17, art. IV, §9 (1890) with Terr. Dak. Code §961 (1883). *See also* 1 Revised Statutes of Oklahoma 1910, vii, 262-63 (Clinton O. Bunn ed., 1912).

9. *See* note 1, *supra*.

10. 15 O.S. §§218-219.

11. *See Bayly, Martin & Fay, Inc. v. Pickard*, 1989 OK 122, ¶¶11-12, 780 P.2d 1168, 1171-72 (detailing the emergence of the “rule of reason” in Oklahoma).

12. 15 O.S. §218.

13. 1973 OK 4, ¶5, 508 P.2d 646, 648.

14. *Id.*

15. *Id.* at ¶6, 508 P.2d 646, 648.

16. 60 O.S. §315. The definition also clarifies that “goodwill ... does not include a right to use the name of any person from whom it was acquired.”

17. *Freeling v. Wood*, 1961 OK 113, ¶12, 361 P.2d 1061, 1063.

18. *Id.* at ¶13, 361 P.2d 1061, 1063 (quotation omitted).

19. *Griffin v. Hunt*, 1954 OK 87, ¶8, 268 P.2d 874, 876 (upholding a covenant not to compete under the goodwill exception where the contract did not refer to goodwill but the transfer of goodwill was “the plain purpose and effect” of the agreement).

20. 1935 OK 142, ¶¶3, 14, 46 P.2d 530, 531-32.

21. *Id.* at ¶14, 46 P.2d 530, 532 (emphasis added).

22. 1989 OK 122, ¶9, 780 P.2d 1168, 1170.

23. *Oliver v. Omnicare, Inc.*, 2004 OK CIV APP 93, ¶13, 103 P.3d 626, 630. After remand, the parties stipulated to dismissal with prejudice; therefore, it was never determined whether the transfer at issue supported the goodwill exception. *See* Stipulation of Dismissal with Prejudice, *Oliver v. Omnicare*, CJ-2003-1070 (D. Ct. Okla. Cnty. Jan. 6, 2005). *See also Cardoni v. Prosperity Bank*, 805 F.3d 573, 588 (5th Cir. 2015) (invoking the “appreciable”/“miniscule” dichotomy to reject an argument that a .39 percent equity interest would support the goodwill exception under Oklahoma law).

24. 15 O.S. §218.

25. *Oliver*, 2004 OK CIV APP 93, ¶4, 103 P.3d 626, 628.

26. *Dean Witter Reynolds, Inc. v. Shear*, 1990 OK 67, ¶6, 796 P.2d 296, 298-99 (noting that a litigant “could have, but did not, call for a judicial analysis of any of the facts supportive of a choice-of-law challenge under the Restatement (Second) Conflict of Laws §187”).

27. *See* Restatement (Second) of Conflict of Laws §187. The statement in *Oliver*, note 25, *supra*, somewhat oversimplifies the Restatement’s analysis. To invalidate a choice-of-law provision, the analysis requires not only that the enforcing court determine that the provision is contrary to its state’s fundamental public policy, but also that the state has the most significant relationship to the transaction and the parties. *See Dean*, 1990 OK 67, ¶7, 796 P.2d 296, 299. Nevertheless, the enforcing court is likely to determine that its state has the most significant relationship.

28. *Berry and Berry Acquisitions, LLC v. BFN Properties LLC*, No. DF-114,442 (Okla. Sup. Ct. appellants’ brief filed Aug. 16, 2016).

29. 272 F. Supp. 2d 1304, 1312 (E.D. Okla. 2003).

30. *Id.* at 1306.

31. *Id.*, syllabus, at 1304.

32. *Id.* at 1307.

33. *Id.*

34. *Id.* at 1308 (quoting *Turek v. Tull*, 139 A.2d 368, 372 (Del. Ch. 1958), *aff’d*, 147 A.2d 658 (Del. 1958)).

35. *Id.*

36. *Id.* at 1312.

37. *Id.*

38. *Id.* (internal citations omitted).

39. *Id.* at 1311-12.

40. *See, e.g., Hartman v. Everett*, 1932 OK 460, ¶6, 12 P.2d 543, 544.

41. *Su. Stainless, L.P. v. Sappington*, No. 07-CV-0334-CVE-PJC, 2008 WL 918706, at *6 (N.D. Okla. Apr. 1, 2008). The Northern District declined to follow *Eakle* on the basis of the Oklahoma Court of Civil Appeals’ choice-of-law analysis in *Oliver*, which was adopted by the 10th Circuit. *Id.* Again, though, *Oliver* oversimplifies the Restatement (Second) of Conflict of Laws analysis, which appears to have been adopted by the Supreme Court of Oklahoma. *See* notes 25-27, *supra*. To invalidate a contractual provision, the Restatement requires not merely that the provision violate the law of the enforcing state, but that the provision be “contrary to a fundamental policy of the state with the materially greater interest ...” *Dean Witter Reynolds, Inc. v. Shear*, 1990 OK 67, ¶7, 796 P.2d 296, 299 (internal quotation omitted).

42. *See, e.g., Cardiovascular Surgical Specialists, Corp. v. Mammana*, 2002 OK 27, ¶20, 61 P.3d 210, 215 (striking noncompete provisions from an employee’s employment contract).

43. 15 O.S. §§19A, 19B. Though not the subject of this article, an Oklahoma employer can combat unfair employee competition through other means, such as through the protection and defense of its trade secrets in accordance with the Oklahoma Uniform Trade Secrets Act. *See* 78 O.S. §§85-94.

44. *Bayly, Martin & Fay, Inc. v. Pickard*, 1989 OK 122, ¶¶11-12, 780 P.2d 1168, 1171-72.

45. *Inergy Propane, LLC v. Lundy*, 2009 OK CIV APP 8, ¶28, 219 P.3d 547, 557. “The determination of whether a restraint is reasonable depends on all the facts and circumstances. A restraint is deemed reasonable only if it 1) is no greater than is required for the employer’s protection from unfair competition; 2) does not impose undue hardship on the employee; and, 3) is not injurious to the public.” *Loewen Grp. Acquisition Corp. v. Matthews*, 2000 OK CIV APP 109, ¶15, 12 P.3d 977, 980 (citing *Tatum v. Colonial Life & Acc. Ins. Co. of Am.*, 1970 OK 27, ¶8, 465 P.2d 448, 451-52).

46. *Bayly*, 1989 OK 122, ¶14, 780 P.2d 1168, 1173.

47. *Key Temp. Pers., Inc. v. Cox*, 1994 OK CIV APP 123, ¶8, 884 P.2d 1213, 1215.

48. *See, e.g., Tatum v. Colonial Life & Acc. Ins. Co. of Am.*, 1970 OK 27, ¶12, 465 P.2d 448, 452; *Thayne A. Hedges Reg’l Speech & Hearing Ctr., Inc. v. Baughman*, 1998 OK CIV APP 122, ¶3, 996 P.2d 939, 941.

49. *See Bayly*, 1989 OK 122, ¶18, 780 P.2d 1168, 1175 (striking down a nonsolicitation provision that extended beyond established customers).

50. 15 O.S. §219B.

51. *See id.*

52. In *Howard v. Nitrolift Technologies, LLC*, which was decided before 15 O.S. §219B was adopted, the Supreme Court of Oklahoma held that employee covenants regarding the nonsolicitation of employees were unenforceable under Oklahoma law. 2011 OK 98, ¶23, 273 P.3d 20, 29, *cert. granted, judgment vacated*, 133 S. Ct. 500 (2012). The opinion was vacated by the Supreme Court of the United States on other grounds, and the Oklahoma legislature adopted 15 O.S. §219B to abrogate the holding in *Howard*. *See* Teresa L. Green, *The Shifting Landscape of Restrictive Covenants in Oklahoma*, 40 Okla. City U. L. Rev. 449, 463 (2015).

ABOUT THE AUTHOR



Brandon Kemp is an associate attorney with Conner & Winters LLP. Mr. Kemp primarily practices with the firm’s corporate and securities and litigation practice groups. Among other things, his practice includes securities registration and SEC reporting, securities and asset-sale transactions and commercial litigation in a variety of industries. He is a 2013 graduate of the OU College of Law, where he was an editor of the *Oklahoma Law Review*.

MyOKBar Communities: Your New Online Communications Portal

The same way MyOKBar is your portal to all your OBA services like Fastcase and OBA-CLE registration, MyOKBar Communities is your new portal for all section and committee communications.

MyOKBar Communities will work best with your participation. We hope this new platform will become a valuable and time-saving resource for you.

Have questions? The quick tips below should answer most of your questions, but if you are still having trouble email the webmaster at web@okbar.org.

8 THINGS TO KNOW ABOUT MYOKBAR COMMUNITIES



1. Access MyOKBar Communities through MyOKBar.

Log in to your MyOKBar account through the link on the OBA homepage at www.okbar.org. From there, click the red MyOKBar Communities link in the box near the bottom of your profile page.



2. Communities will replace all OBA committee and section electronic mailing lists.

If you are a member of a committee or section, you are auto-subscribed to receive a single email each day called a “daily digest” which contains all Communities communications from the previous 24 hours. You can log in and change your preferences to “real time,” which will send you an instant email for any notification, or no email notifications of



3. Section officers can send an immediate email to all section members regardless of email notification preferences.

For critical messages like a meeting notice or immediate alerts, regardless of subscription settings, officers and select staff will be able to send urgent email to members.



4. All sections and committees will now have a file library.

This will include meeting notices, agendas and minutes, as well as forms, practice aids, CLE presentation materials and other helpful files. Through the upload/download feature, Communities allows for open discussions and file sharing available to every OBA member.



5. You should upload a photo to your profile to participate.

Just like in any interaction, seeing a face is important. When people see your name in the member directory, it’s important they see your photo so they know they have the right person. To do so, log in to your MyOKBar account and click the pen icon on the placeholder image.



6. Join the optional forums to get the most out of Communities.

These optional forums include Practice Management Advice with tips from the OBA Management Assistance Program, OBA Water Cooler for general discussions, Mentoring and Young Lawyers Division. They are open to all OBA members, but you will need to affirmatively join and set your email notification preferences.



7. You can participate in Communities without logging in.

Though limited in scope, every member of a section or committee community who receives email can select Post a Message or Reply to Group from their email notification. Those reply messages are sent to a unique email address and will post as messages to that community.



8. Some members cannot see their section's community yet.

If you have not yet paid your section dues, you have not yet been added to your section. The software integrates with your MyOKBar account and although we are working to address the issue, the quickest resolution is to pay your dues for 2017. If you have senior status and are no longer paying dues or have already paid your dues and want to join a new section, you can use the Join a Section link on your main MyOKBar profile page to join a section.

NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT OF MARK ANTHONY CLAYBORNE, SCBD #6474 TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION

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

Any person desiring to be heard in opposition to or in support of the petition may appear before the Professional Responsibility Tribunal at the Oklahoma Bar Center at 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma, at 9:30 a.m. on **Wednesday, March 1, 2017**. Any person wishing to appear should contact Gina Hendryx, General Counsel, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152, telephone (405) 416-7007.

PROFESSIONAL RESPONSIBILITY TRIBUNAL

NOTICE

INTEREST ON JUDGMENTS

January 5, 2017

2017 Interest Rates: In accordance with 12 O.S. 2013 Supp. §727.1 (I), the postjudgment interest rate to be charged on judgments for calendar year 2017 shall be 5.75 percent. Also, the prejudgment interest rate for calendar year 2017 shall be 0.31 percent (applicable to actions filed on or after January 1, 2010). These interest rates will be in effect from January 1, 2017, through December 31, 2017.

Interest Rates by Year: Interest rates from November 1, 1986, through December 31, 2017, are as follows (interest rates listed below were calculated in accordance with the statute in effect for that period).

Date	Postjudgment Interest Rate	Prejudgment Interest Rate
2017	5.75%	0.31%
2016	5.50%	0.06%
2015	5.25%	0.03%
2014	5.25%	0.05%
November 1, 2013 through first regular business day of January, 2014 <i>(12 O.S. 2013 Supp. §727.1)</i>	5.25%	0.09%
July 1, 2013 through October 31, 2013 <i>(12 O.S. 2004 Supp. §727.1)</i>	5.25%	5.25%
January 1, 2013 through June 30, 2013 <i>(12 O.S. 2009 Supp. §727.1)</i>	5.25%	0.09%
2012	5.25%	0.05%
2011	5.25%	0.13%
2010	5.25%	0.14%
2009	5.25%	5.25%
2008	9.25%	9.25%
2007	10.25%	10.25%
2006	9.25%	9.25%
2005	7.25%	7.25%
2004	5.01%	5.01%
2003	5.63%	5.63%
2002	7.48%	7.48%
2001	9.95%	9.95%
2000	8.73%	8.73%
1999	8.87%	8.87%
1998	9.22%	9.22%
1997	9.15%	9.15%
1996	9.55%	9.55%
1995	8.31%	8.31%
1994	6.99%	6.99%
1993	7.42%	7.42%
1992	9.58%	9.58%
1991	11.71%	11.71%
1990	12.35%	12.35%
1989	10.92%	10.92%
1988	9.95%	9.95%
1987	10.03%	10.03%
1986	11.65%	11.65%

/s/ Jari Askins
Administrative Director of the Courts

Control Alt Delete

By John Morris Williams

Sometimes it seems a reboot is in order. No better time to get a fresh start than the beginning of a new year. I remember getting the warning when doing the soft reboot that all work not saved would be lost. I have been saving my work for some time regarding member demographics. 2017 may be a year for the OBA to reboot and re-examine our data and to determine if our current rules, policies, practices, member benefits and economics have retained the right format.

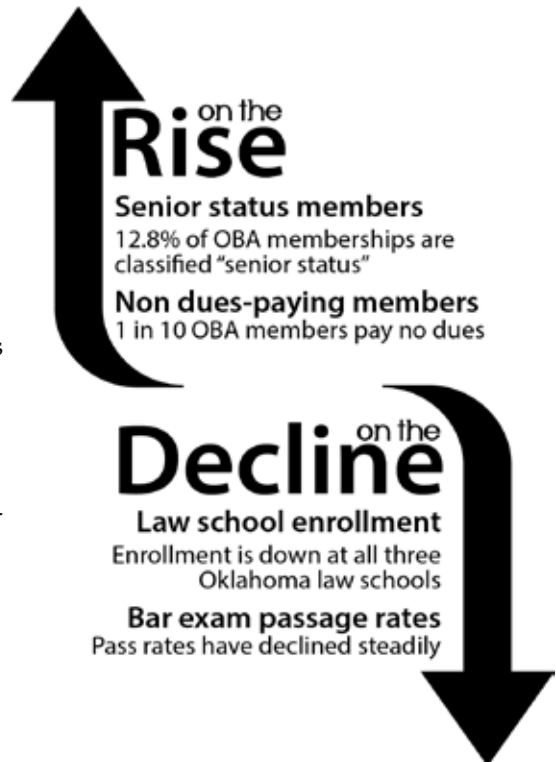
The percentage of OBA members obtaining senior status is at an all-time high. This trend will continue for several years as the baby boomers begin advancing to the arbitrary, but certain age of 70 for that membership classification. In fact, 12.8 percent of the OBA membership has opted to take senior status. As most are aware, senior status members enjoy all the privileges of active membership and do not have the requirement to pay dues. OBA members who enjoy senior status range from members who are actively engaged in the practice of law to those who have moved to their perfect retirement haven and never contemplate the practice of law. Regardless of how they spend their day, more than one in 10 OBA members pay no dues, and this number is climbing.

In addition to the increasing number of OBA members who

pay no dues, the number of new admittees has decreased, and it appears to be a trend that will continue for some time. Law school enrollments are down, and bar passage rates are also in decline. Thus, the “reloading” effect of new admittees replacing members taking senior status is no longer the case.

I have written and spoken on these demographics for some time. The OBA is not alone. It is a national trend in bar associations and many other professions in our society. The bottom line is that fewer dues-paying members will be supporting an association with a significant number of nondues-paying members. My intent is not to cause division among the different age brackets. However, I do want to call attention to the real economics of our association as it continues a trend of more members and less money.

OBA membership is one of the least expensive of state bar associations in the United States. In addition to member services, the OBA performs every regulatory function related to the practice of law. In many states discipline



and mandatory continuing legal education are carried out by separate entities and carry a separate fee. Our dues have not increased since 2004. We do lots of stuff, with less money than most comparable bar associations, and I believe we give good value to our members. Our contemplated reboot is not necessarily about raising dues or gaining financially, it is more about looking at the realities and equities of the situation.

It seems like it is just my luck. When I started paying into Social Security my stated full retirement age was 65. Now, I

am still paying in and my retirement age has moved to 66.8 months. It seems that everything that was supposed to be there for me in my golden years has either dried up, been postponed or all the rules keep getting rewritten. The same demographics that cause that to happen seem to apply to the OBA.

This year we will be looking at our demographics and our finances to determine what might be the best course for the future of the OBA. We are a member organization under the supervision of the Oklahoma Supreme Court. Both the membership and the Supreme Court will have to bless any changes we make. In the end, we may leave things as they are. Regard-

less, we will save our work so that when eventually we are forced to Control Alt Delete we will be that much further along.



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

MEMBER BENEFIT



eBooks | webinars | legal research | blog

- national coverage
- unlimited usage
- unlimited customer service
- unlimited printing
- Mobile Sync

No cost
to OBA
members!

To use Fastcase, sign in with your MyOKBar username (OBA number) and password on the OBA website.

For more member perks, visit www.okbar.org/members/members/benefits

Automation in Today's Law Firm

By Jim Calloway

One post-Christmas evening at home, we were taking care of several things. I finished loading the dishwasher, but set it to run in the middle of the night so we wouldn't have to listen to it operate. My wife was using the laptop to schedule bill payments for the month. My Sonos home speaker was on shuffle, playing the large Spotify holiday playlist I had compiled. My phone beeped with a reminder I had set for myself. We had previously had fun playing with the Amazon Echo.

We haven't yet automated our home lighting and temperature control. But it occurred to me that we all have increasing automation in our homes today, even before we go deeply into the new home control devices that are a part of the "Internet of Things" (IOT). There are legitimate security concerns about connecting cheap IOT devices to your home Wi-Fi network.¹ But such concerns may be ignored by consumers because of the appeal of these gadgets.

So what about the traditional law office? Are we seeing a lot of automation there?

There's probably a lot more than you realize. One aspect about automated business processes is that once the proce-

dures are automated you tend to quit thinking about them because now things happen ... well, automatically. For example, most lawyers have smartphones and most have their email from the office synchronized to their smartphone. Having your email on your phone is a blessing at some



times and a distraction at others. Some attorneys frequently check their email from their smartphones and some rarely do. But it is always handy to know that at least your most recent emails are always accessible via your smartphone. That is one automation feature most of us now take for granted — until it stops working.

Law office automation generally means using the computer

to do low-level tasks so the lawyers and staff can do more high-value work. Sometimes this is done by using add-ons or additional software tools. Sometimes it is just setting up a feature you have already, but are not using. Lawyers should be looking at ways to automate in order to minimize the time spent manually doing routine tasks.

MICROSOFT QUICK PARTS

I frequently discuss automated document assembly for law firms. Some firms are moving more quickly on this than others. The implementation of powerful document assembly does require some work and, as I've noted previously, there may even be some interpersonal challenges as the firm begins to standardize its forms.

But I'm surprised that more lawyers don't make use of Microsoft Quick Parts in Word, which essentially involves selecting text that you routinely use in a document and saving it so it can be subsequently quickly inserted into documents. Microsoft Quick Parts is easy to learn and yields results immediately. If you don't know how to do this, watch the OBA MAP's video "Fun With Microsoft Word Quick Parts" (avail-

able on the OBA-MAP homepage at www.okbar.org/members/MAP) and then create your first Quick Part just for practice. You will have a new word processing automation tool ready for your use in just a few minutes.

FOLDERS AND RULES IN OUTLOOK

Setting up custom email folders in Outlook can be very handy. Keeping your inbox uncluttered is a worthy goal. However, the OBA-MAP Department now discourages using Outlook folders for storing email relating to client matters because others in the office cannot access them. (Instead we encourage attorneys to retain email communications relating to client matters in the client file like any other correspondence related to that matter, preferably digitally in a practice management solution.)

But for organizing other groups of emails, Outlook folders are great. Setting up a rule in Outlook to route emails from an electronic mailing list directly from your inbox to a specified folder is something power users have done for some time. You should consider setting up email folders for emails from various vendors or hotel rewards programs so the messages can be located when needed, but aren't in the way when you are looking through your inbox for a recent important email. Some of you may decide to establish rules to organize emails you receive from our MyOKBar Communities. There is a risk of having something automatically sent to a folder that is of importance. To minimize that risk of missing an important message, you need to quickly scan these folders at least weekly.

You can search for specific instructions for your version of Outlook or other email program, but here's a quick example of how easy this can be set up in Outlook. An email appears in your inbox from the MegaMarketingBarristers Club. You hate to unsubscribe to this list because some day you will want to search and read select messages from the list, but the MegaMarketing messages never seem to appear at a convenient time. Right-click on Inbox in the Navigation Pane and select New Folder. Then you can name your new folder MMB Club. Usually you will

“ WordPerfect X8 can create PDFs with fillable form fields... ”

want to set the location of the new folder at the same level of Inbox, not as a sub folder below Inbox. Now you right click on that email you received in Inbox (without even opening) and select Rules, then Create Rule.

It is pretty simple to create a rule when you are dealing with an electronic mailing list because you can just set the rule to move everything from that sender to the MMB Club folder. You want to be cautious that you do not create a rule that automatically moves more email from your inbox than you intend. There are many advanced options that let you fine tune your rules operation. The result is that all future emails on this electronic mail-

ing list will be automatically moved to that folder. When you want to go read them, you know where to locate them. And later, when you decide you will never have time to read these emails ever, it is a quick task to unsubscribe, delete the rule and delete the folder with all of the emails in it. You can use the Manage Rules & Alerts to alter or delete rules under the File tab in Outlook.

Outlook Quick Steps is another email task automation tool that is included in Outlook 2010 and greater. Google “Outlook Quick Steps” for Microsoft's instructions on customizing this tool. Outlook Quick Steps will provide you with the ability to do routine things with one click that now take you four or five steps.

COREL WORDPERFECT: 'WE'RE NOT DEAD YET'

That reference to Monty Python's *Spamalot* is intended as praise for Corel's WordPerfect, not a benediction. Many observers were surprised last month when *TechnoLawyer* announced its “TL Newswire Top 25 Products of 2016 Awards” and coming in at number one was WordPerfect Office X8. This award is based on the number of clicks by subscribers to the *TL Newswire* for more product information. That's a different way of determining an award winner, but not an invalid one.

I've read praise of WordPerfect Office X8 in a *PC Magazine* review.² Lawyers can purchase a fully licensed version of X8 from Corel for only \$124.99 at this bar association license link: www.wordperfect.com/en/product/bar-association-license. If you are committed to WordPerfect and aren't using

this new, improved version, then maybe it is time to support WordPerfect with your purchasing dollars and see what new automation features this version now includes. I am told the conversion filters from Microsoft (which WordPerfect will download and install) are greatly improved. WordPerfect X8 can create PDFs with fillable form fields, which Microsoft Word does not.³

Since we are discussing automation and great office tools, you probably want to review all of the *TL Newswire* Top 25 Products of 2016.⁴ It is a list with some great tools.

UNLOCKING MICROSOFT WORD'S POWER

Lawyers generate documents. Most law offices now use Microsoft Office and Microsoft Word, and many tools and add-ons work only with Microsoft Word — not WordPerfect.

Microsoft Word is amazingly powerful, but it's just not intuitive to learn. In the words of Barron K. Henley, partner in Affinity Consulting, "You can use Word for 25 years and your skill level will be the same as it was approximately two weeks into using it. Many of the features are hidden, so you won't stumble onto them." Mr. Henley is a great trainer on Microsoft Word. If you haven't read my 2015 column in *Law Practice Magazine*, "Your Document Czar," I suggest you do so.⁵

Most of us could improve our Microsoft Word skills, but the point of that column is that each law office should have a highly skilled Microsoft Word user who can develop tools for others to use. If you're not using styles in your documents, you're missing out on many other automation tools contained within Microsoft Word.

Another basic practice is to have different templates to use for different types of documents. I would recommend that every law firm should have a basic letterhead template loaded on all computers.

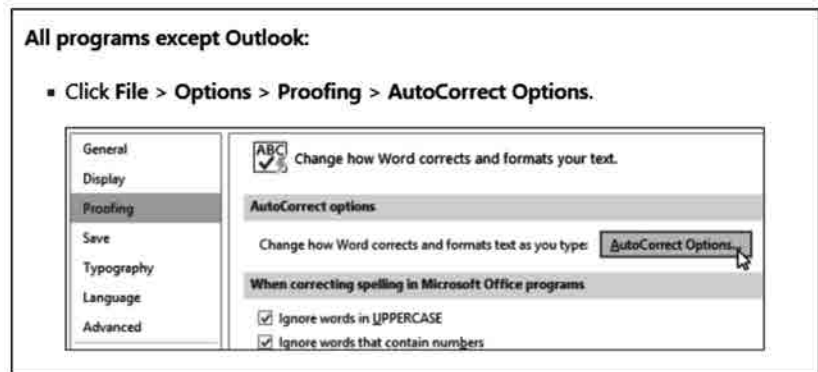
If you want to learn more about Microsoft Word customization and automation, mark your calendar because we are bringing Barron K. Henley back to Oklahoma in 2017. "Mastering Microsoft Word in the Law Office" is scheduled for April 20 in Tulsa and April 21 in Oklahoma City. Make plans now to attend or send your own "document czar" (or document czar nominee/draftee) to this great CLE program.

she will be doing a presentation on Office 365.

TEXT EXPANDERS

Since I use Quick Parts, I don't use text expanders, but many lawyers love them. Essentially these tools allow you to create short code words that automatically expand into longer strings of text. It is best to use a typographical symbol as the first character of the code word.

So, #email expands to your email address, #street expands to your complete mailing address and #tcoop becomes "Thank you for your cooperation and consideration."



I will also direct your attention to legalofficeguru.com. Deborah Savadra sends out Word tips to subscribers and provides an online course "Efficient Lawyer's Guide to Word."⁶ For an example of her training posts, see her post "Bulletproof Paragraph Numbering, Part 1."⁷

And as long as you are marking your calendar, the 2017 OBA Solo & Small Firm Conference will be at the Choctaw Casino Resort in Durant June 22-24. Catherine Sanders Reach, director of Law Practice Management & Technology at The Chicago Bar Association, will be one of our special guests and

I recently found a great detailed article on this subject, "Type Less: How Text Expansion Apps Help You Write Long Phrases With Fewer Key-strokes" on the *Zapier* blog.⁸ The author lists the following tools: TextExpander (iOS, Mac, Windows), aText (Mac), TypeIt 4Me (iOS, Mac), PhraseExpress (Windows, Android), Phrase Expander (Windows), Breevy (Windows), Texpan (Android), Alfred (Mac) and the free tool Text Replacement, which is included in Mac and iOS. You will have to read the article to see which tools the author recommends for different users. Active Words is another of

these tools that has been around for some time and is well established.⁹

The text expander tools work with any application, while Quick Parts only work within Word and Outlook. An “old school” method of doing this within Word is to use AutoCorrect as shown in the graphic above. You can add nonsense code words to the AutoCorrect table that will expand to longer phrases. This is also the place one goes to make Word stop changing the (c) in your outlines to ©.

SPEAK TO ME

And of course, as I have noted many times in these pages before, my favorite automation tool is automated typing with the speech recognition tool Dragon NaturallySpeaking (DNS) from Nuance.com. But DNS also includes voice commands and macros that automate many tasks.

Though as I’ve noted before, I’ve also been using the speech recognition tools provided by Siri more frequently.

Some readers may have received an Amazon Echo or Google Home voice-activated digital assistant as a holiday gift. These gadgets are a lot of fun and quite useful. However, if you had noted the late December media coverage after a prosecutor in Arkansas requested Echo Voice data from Amazon, you would have likely been concerned you had brought a combination government eavesdropper and jail-house snitch into your home. That’s not actually the case; although it is true that when you awake one of these devices with a code phrase (*e.g.*, “Alexa”), your voice is recorded and sent back to the company for interpretation. These

recordings are preserved for a time although a user can log in to delete them.

I did some additional research that resulted in a blog post, “Echos of Police, Privacy and Alexa,”¹⁰ that is worth your time if you have an interest. The bottom line is that these devices are only “listening all the time” for the wake-up phrase and record nothing until they hear it, so there is little likelihood of one of these devices recording something unintended and useful in the background. But the chance is not zero. Where the recordings might come in very handy is when a client was home alone all night using the Echo frequently and then needed an alibi. Those voice recordings might prove very useful.

Some lawyers will conclude that having a device connected to the internet that has a microphone is too risky for a law office, despite the security and encryption built in. But we will see these voice-powered systems become even more useful as they are paired with artificial intelligence tools. When the time arrives that one can say “Alexa, please do a first draft of the interrogatories on the Tom Jones case and obtain a result,” we may see a lot more adoption in the law office.

MORE AUTOMATION

Since so many services are now delivered online, we are seeing online automation tools that will connect various online services and make them work together. One of the popular ones is IFTTT¹¹ (If This, Then That). One could create a process that automatically removes attachments from your Gmail account and stores them in a specified Dropbox folder. These creations were called recipes

but they have recently been rebranded as applets.¹² Since IFTTT is free for the moment and works with the Echo and many other IOT devices, this is a method that many are using for voice commands to change their interior lighting and control other home devices. Users share their recipes so you do not have to build them all yourself.¹³ Businesses are busy developing applets that use their products.

Zapier is IFTTT’s biggest competitor. It has several levels of pricing: free, premium (\$20/month), business (\$49/month) and business plus (\$99/month). The processes created are called Zaps and tend to be business-oriented.¹⁴ See “Zapier Zaps for Lawyers”¹⁵ on *Lawyerist* for some examples.

Practice management solution Clio has several tiers of service plans and the mid- and higher-tier plans include Zapier integration. Zapier’s “Zapbook of Clio Zaps”¹⁶ explains the value of these tools by example.

These Zaps include creating new Clio matters from Google Forms responses, adding Basecamp 2 to-dos as tasks in Clio, saving new Clio contacts to Citrix ShareFile as a new client users and creating Citrix ShareFile folders from new Clio matters.

I can certainly understand why a law firm that does some of these processes many times a day would consider using a Zapier Zap to automate those tasks. If a firm using Clio is also committed to using Citrix ShareFile for client communication, those last two Zaps would save much of typically unbilled time.

Darla Jackson, the OBA practice management advisor who focuses on practice manage-

ment solution options for Oklahoma lawyers, also advised me that PracticePanther also offers Zaipeer integration for all of its users.¹⁷

CONCLUSION

Automation is a challenge for lawyers in the same way that delegation is a challenge. We, as a profession, are responsible for making sure that tasks are all done correctly. Hoping some web service did what it was supposed to in the background can be a little bit intimidating. But, the complexities of business operations today have many of us struggling with simple routine tasks when we need to be focusing on our most important work. Neither we lawyers nor our staff can spend the time to type the same phrases over and over again during the work week if there is a better option. Try a couple of these automation tools and see if they are reliable and actually improve your daily work.

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!

1. Jim Calloway, The Unintended Consequences of the Internet of Things, Jim Calloway's Law Practice Tips Blog, (Feb. 12, 2016), www.lawpracticetipsblog.com/2016/02/the-unintended-consequences-of-the-internet-of-things [web.archive.org/web/20160324125221/http://www.lawpracticetipsblog.com/2016/02/the-unintended-consequences-of-the-internet-of-things.html].

2. Edward Mendelson, "Review of Corel WordPerfect Office X8," *PCMag*, (Aug. 26, 2016), www.pcmag.com/article2/0,2817,2468426,00.asp [web.archive.org/web/20160830013230/http://www.pcmag.com/article2/0,2817,2468426,00.asp].

3. *Id.* under "Additional Features"

4. Neil J. Squillante, "TL NewsWire Top 25 Products of 2016 Awards," *TechnoLawyer Blog*, (Dec. 22, 2016), blog.technolawyer.com/2016/12/tl-newswire-top-25-products-2016-awards (Last visited Jan. 5, 2017).

5. Jim Calloway, "Your Document Czar," *Law Practice*, July-Aug. 2015, at 74-76, www.mazdigital.com/webreader/30731?page=76 (Last visited Jan. 5, 2017).

6. Deborah Savadra, "Efficient Lawyer's Guide to Word," *Legal Off. Guru Blog*, legalofficeguru.com/downloads/efficient-lawyers-guide-to-word (Last visited Jan. 5, 2017).

7. Deborah Savadra, "Bulletproof Paragraph Numbering, Part 1," *Legal Off. Guru Blog*, legalofficeguru.com/bulletproof-paragraph-numbering-part-1/ (Last visited Jan. 5, 2017).

8. Joe Stych, "Type Less: How Text Expansion Apps Help You Write Long Phrases With Fewer Keystrokes," *Zapier* (Apr. 19, 2016), zapier.com/blog/text-expander-how-to (Last visited Jan. 5, 2017).

9. ActiveWords, www.activewords.com/ [web.archive.org/web/2016122 5221916/http://www.activewords.com/].

10. Jim Calloway, "Echos of Police, Privacy and Alexa," *Jim Calloway's Law Practice Tips Blog*, (Dec. 29, 2016), www.lawpracticetipsblog.com/2016/12/echos-of-police-privacy-alexa [web.archive.org/web/20170112202308/http://www.lawpracticetipsblog.com/2016/12/echos-of-police-privacy-alexa.html].

11. IFTTT, ifttt.com [web.archive.org/web/20170104183921/https://ifttt.com/].

12. Thorin Klosowski, "IFTTT Rebrands Its Recipes as Applets, Rolls All Its Mobile Apps Into One," *Lifehacker* (Nov. 2, 2016, 12:30PM), lifehacker.com/ifttt-rebrands-its-recipes-as-applets-rolls-all-its-mo-1788492982 [web.archive.org/web/20161229123517/http://lifehacker.com/ifttt-rebrands-its-recipes-as-applets-rolls-all-its-mo-1788492982].

13. Eric Griffith, "The 110 Best IFTTT Recipes," *PCMag* (Aug. 4, 2015), www.pcmag.com/article2/0,2817,2424077,00 [web.archive.org/web/20170104155031/http://www.pcmag.com/article2/0,2817,2424077,00.asp].

14. Jill Duffy, "Review of Zapier," *PCMag* (Feb. 1, 2016), www.pcmag.com/article2/0,2817,2496696,00 [web.archive.org/web/20160504234359/http://www.pcmag.com/article2/0,2817,2496696,00.asp].

15. Jason Gershenson, "Zapier Zaps for Lawyers," *Lawyerist.com* (May 2, 2016), lawyerist.com/111159/zapier-zaps-lawyers/ (Last visited Jan. 5, 2017).

16. Zapier, "Automate Clio Tasks Using Zapier," zapier.com/zapbook/cli/ (Last visited Jan. 5, 2017).

17. PracticePanther "PracticePanther Adds Zapier to Offer Unlimited Integration Capabilities," www.practicepanther.com/zapier-integration (Last visited Jan. 5, 2017).

OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

2017 Issues

- February
Energy Law
Editor: Luke Adams
ladams@tisdalohara.com
Deadline: Oct. 1, 2016

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

- March
Work/Life Balance
Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Oct. 1, 2016

- April
Law Day
Editor: Carol Manning

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

- 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

How to Register an Out-of-State Attorney to Practice in an Oklahoma State Forum

By Gina Hendryx

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

- 1) Complete and submit to the OBA a signed application form which can be obtained at www.okbar.org or by calling 405-416-7062.
- 2) Submit current certificates of good standing from the attorney's licensing jurisdictions. The certificates should be issued within 30 days of submission.
- 3) Pay the registration fee of \$350 per attorney per case made payable to the Oklahoma Bar Association. The fee may be charged to a credit card by contacting Ben Douglas at 405-416-7062.

Upon receipt of the application, certificates of good standing and the fee payment, the OBA will review and issue a "Certificate of Compliance." Certificates of Compliance are issued after confirmation of the

application information, the applicant's good standing in his licensing jurisdiction and payment of applicable fees. All obtained and verified information is submitted to the Oklahoma court or tribunal as an exhibit to a "Motion to Admit *Pro Hac Vice*."

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

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

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

564	new applications from out-of-state attorneys in 2016
	waiver requests of the application fee in 2016 2
600	average new out-of-state attorneys per year over the last 6 years
more than 550	attorneys have renewed on average per year

In 2016, the Office of the General Counsel processed 564 new applications from out-of-state attorneys requesting to practice before an Oklahoma state tribunal. Out-of-state attorneys appearing pro bono to represent criminal indigent defendants, or on behalf of persons who otherwise would qualify for representation under the guidelines of the Legal Services Corp. due to their incomes, may request a waiver of the application fee from the OBA. In 2016, the Office of the General Counsel processed two waiver requests of the application fee.

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

Ms. Hendryx is OBA general counsel.

Meeting Summary

The Oklahoma Bar Association Board of Governors met at the Sheraton Hotel in Oklahoma City in conjunction with the OBA Annual Meeting on Wednesday, Nov. 2, 2016.

REPORT OF THE PRESIDENT

President Isaacs reported he is continuing to deliver juror appreciation plaques, posters and certificates to courthouses around the state. Since the last meeting, he has traveled to Tulsa, Rogers, Pawhuska, Grady, Caddo and Comanche counties. He called about 30 county bar presidents to encourage them to promote attending the OBA Annual Meeting to their members. He said many of the presidents expressed concern about the lack of funding for the judiciary, which forces the continuance of jury trials because of lack of funds to pay jurors. He also gave a speech at a pro bono seminar.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended a meeting with the Lawyers Helping Lawyers Assistance Program provider, Solo & Small Firm Conference Planning Committee meeting, Access to Justice Commission meeting, YLD board meeting via BlueJeans conferencing technology, a meeting to discuss greater OBA videoconferencing on public and member issues, meeting with Sheraton Hotel staff for final Annual Meeting orders and a staff

briefing regarding Annual Meeting activities.

BOARD MEMBER REPORTS

Governor Coyle reported he attended the Oklahoma County Bar Association meeting and Criminal Law Section luncheon at which awards were presented. He said the luncheon was well attended. **Governor Gotwals** reported he attended an inns of court presentation on intellectual property, Quality Assurance Panel meeting, a meeting with judges, the district attorney and a county commissioner on law library issues, Tulsa County Bar Association library trustees meeting and Tulsa County Bar Foundation Board of Trustees meeting. **Governor Hicks** reported he attended the Tulsa County Bar Foundation meeting. **Governor Hutter** reported she attended the Women in Law Conference awards luncheon, retirement ceremony and reception for Judge Foss and Cleveland County Bar Association executive monthly meeting. **Governor Kee** reported he visited seven counties in his district to talk to county bar association presidents and to leave them Annual Meeting materials to hand out to their county bar members. He talked to several other county bar presidents, who were encouraging their members to attend the convention. **Governor Kinslow**, unable to attend the meeting, reported via email he attended the Comanche County Bar Association monthly meeting at which Executive Director Wil-

liams gave an excellent report on new laws. He also attended a luncheon for pro bono lawyers in Lawton. **Governor Porter** reported she judged the OU Law Calvert Moot Court Competition, moderated and presented a segment at the OBA DUI 101 CLE at the bar center, and attended a regular meeting of the Oklahoma Board of Tests for Alcohol and Drug Influence. **Governor Weedn** reported he attended the Ottawa County Bar Association monthly meeting at which he discussed Annual Meeting plans and Law Day.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Will reported he attended the ABA YLD fall conference in Detroit and chaired the division's board meeting via BlueJeans conferencing. He said earlier in the week an email was sent to all YLD members inviting them to attend the YLD reception during Annual Meeting, and he was expecting good attendance.

REPORT OF THE SUPREME COURT LIAISON

Justice Kauger reported the last Movie Night with the Justices CLE will feature the movie, *The Thomas Crown Affair*, and *Blossoms in the Dust* will be featured next year.

BOARD LIAISON REPORT

Governor Gotwals reported long-time Professionalism Committee member Fred Slicker passed away, and the com-

mittee will honor him. A date for the seminar has been set.

BOARD OF EDITORS APPOINTMENTS

The board approved President-Elect Thomas' recommendations to reappoint Melissa DeLacerda, Stillwater, as chairperson, term to expire 12/31/17; reappoint Shannon Prescott, Okmulgee (Dist. 7) and Leslie Diane Taylor, Ada (Dist. 8) and appoint Charles Scott Jones, Oklahoma City (Dist. 3) as editors with terms to expire 12/31/2019.

CLIENTS' SECURITY FUND APPOINTMENTS

The board approved President-Elect Thomas' recommendations to reappoint Micheal Salem, Norman, as chairperson and Dan Sprouse, Pauls Valley, as vice chairperson with terms to expire 12/31/2017; reappoint Bradley Brown, Tulsa; Peggy Stockwell, Norman and Luke Adams, Clinton; appoint Stephen R. Stephens, Stillwater, as members with terms to expire 12/31/2019; and reappoint layperson Robert Sunday, Eufaula, as a member with a term to expire 12/31/2019.

MCLE COMMISSION APPOINTMENTS

The board approved President-Elect Thomas' recommendations to reappoint Jack L.

Brown, Tulsa, as chairperson with a term to expire 12/31/2017; appoint Mike Mordy, Ardmore; Ryan Patterson, Oklahoma City and Adrienne Watt, Tulsa, as members with terms to expire 12/31/2019.

OKLAHOMA INDIAN LEGAL SERVICES APPOINTMENT

The board approved President-Elect Thomas' recommendations to reappoint Diane Hammons, Tahlequah, term to expire 12/31/2019.

PROFESSIONAL RESPONSIBILITY COMMISSION APPOINTMENTS

The board approved President-Elect Thomas' recommendations to appoint Phil Tucker, Edmond and Sid Swinson, Tulsa, as members with terms to expire 12/31/2019.

OBA 2017 STANDING COMMITTEE LEADERSHIP AND BOARD OF GOVERNORS LIAISONS

President-Elect Thomas presented a list of bar members she has appointed as committee chairs and vice chairs in addition to board member assignments as liaisons.

APPOINTMENTS

President-Elect Thomas announced the appointments of:

Investment Committee — Reappoint M. Joe Crosthwait Jr., Midwest City, as chairperson and Kendra M. Robben, Oklahoma City, as vice chairperson, terms expire 12/31/2017; reappoint M. Joe Crosthwait, Midwest City; Kendra Robben, Oklahoma City; Susan Shields, Oklahoma City; Bill Grimm, Tulsa and Claire Bailey, Norman, as members, terms expire 12/31/2019.

Legal Ethics Advisory Panel — Reappoint Steven Balman, Tulsa, as panel coordinator, term expires 12/31/2017; Oklahoma City panel: reappoint Leasa Stewart, Oklahoma City, James Waldo, Oklahoma City, and appoint Harry Woods, Oklahoma City, terms expire 12/31/2019; Tulsa panel: reappoint Jon Prather, Tulsa; Steve Balman, Tulsa and David Butler, Enid, terms expire 12/31/2019.

NEXT MEETING

The Board of Governors met Dec. 9, 2016, and Jan. 20, 2017, at the Oklahoma Bar Center in Oklahoma City. A summary of those actions will be published after the minutes are approved. The next board meeting will be at 10 a.m. Friday, Feb. 17, 2017, at the Oklahoma Bar Center in Oklahoma City.

Happy New Year!

By Renée DeMoss

The year 2016 was a year of transition and success for the Oklahoma Bar Foundation. Our achievements are due to the efforts of Oklahoma lawyers. We thank you — our lawyer members, our Fellows, our board members and officers — for your unwavering support and commitment. The foundation is especially proud to work alongside our grantee organizations, which reached record numbers in 2016. Armed with foundation funds provided by Oklahoma lawyers, these nonprofits took action to provide needed legal services, education and aid in the administration of justice in our state. Let us take a moment to reflect on and celebrate the accomplishments of 2016 and look forward to the opportunities that await us in 2017.

In 2016, we hit a number of milestones:

- Celebrated the foundation's 70th anniversary — founded in 1946, the Oklahoma Bar Foundation is the nation's third oldest foundation.
- Awarded more than \$12 million in grants and scholarships in Oklahoma.
- Provided over 70,000 Oklahomans with legal services and education.
- Along with other IOLTA programs across the nation, and based on the state's poverty levels, received over \$4.5 million in funding to be used for mortgage foreclosure defense and community redevelopment program grants in Oklahoma.
- Increased IOLTA income to almost \$440,000 in 2016, from a low of \$241,000 in 2012.
- Provided programs across the state, telling the foundation's story to local bar associations, sections, lawyer groups and community groups.
- Finalized rebranding, website material and software changes and updates — and emphasized social media outreach.
- Revised the foundation's grant process to simplify procedures while obtaining more relevant information.
- Focused on making our grantees the centerpiece of communications and development efforts — the work they do is why we exist.

Meet the 2017 Board President Kevin Donelson



Kevin Donelson

Kevin Donelson practices in the areas of labor and employment law and civil and commercial litigation at the Fellers Snider Law Firm in Oklahoma City. He earned his law degree from the OU College of Law in 1988 and his B.A. from Southwestern Oklahoma State University.

Mr. Donelson serves on the OBF Board of Trustees Executive Committee where he has served as secretary/treasurer and vice president before becoming president. He has also co-chaired the Oklahoma Fellows of the American Bar Foundation, served on the Board of Directors for the Oklahoma County Bar Association and the Oklahoma City Board of Adjustment. He is also a member of the Fellows of the American Bar Foundation.

"The Bar Foundation has made some important changes over the past two years," he said. "These changes are leading us into a very positive direction for the future. We need to expand our opportunities including educating the bar and the judiciary that the bar foundation is available to receive *Cy Près Awards*."

more than
IOLTA income
increased to
ALMOST \$440,000
from a low of
\$241,000 in 2012

**OBF WAS FOUNDED IN 1946
AND NOW CELEBRATES
70 YEARS
OF LEGAL SERVICE AND EDUCATION**

70,000
Oklahomans provided
legal services &
education

\$12M
in grants & scholarships
awarded in Oklahoma

The Oklahoma Bar Foundation believes justice should be possible for all. Every day we empower nonprofits supporting Oklahoma's most legally vulnerable citizens, because our communities are stronger when everyone has fair and equal access to the justice system.

The foundation enters 2017 with optimism, determination and gratitude. We are incredibly fortunate to have wonderful partnerships with our Oklahoma attorneys, law schools, banks and fellow nonprofits. On a personal note, it is with honor that I start 2017 as executive director of the foundation. I can think of no other job in the legal profession that could provide more personal and professional fulfillment and pride than this one.

In 2017 as the foundation continues to grow, we will keep working for all Oklahomans in all communities across the state to help ensure that they receive the services they need. On behalf of the staff of the Oklahoma Bar Foundation, thank you. We appreciate your commitment to our Oklahoma communities, our citizens and our mission. We wish each and every one of you joy and success in 2017.



Meet Your Oklahoma Bar Foundation Staff – (From left, top row) Director of Development & Communications Candice Jones, Executive Director Renée DeMoss; (from left, bottom) IOLTA Manager Deb Holt and Executive Assistant Jessi Hesami.

ABOUT THE AUTHOR

Renée DeMoss is OBF executive director. Contact her at 405-416-7070 or reneed@okbar.org. More information can be found at www.okbarfoundation.org.



OKLAHOMA BAR FOUNDATION

Law. Education. Justice.

Oklahoma Bar Foundation Contribution Form

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

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

Preferred Email: Personal Work Email Address: _____

Tax Receipt will be emailed to address listed above

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

What inspires you to give? _____

DIRECT GIVING

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

FELLOWS PROGRAMS

Join a giving program!

Fellows Program:

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

Fellows Program - individuals

Community Fellows Program:

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

Community Fellow - law firms, companies, organizations

BILLING OPTIONS

___ Cash/Check Enclosed

___ Bill me Yearly Monthly Quarterly

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

Signature: _____

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

New Year, New Leadership, Same Commitment to Our Communities

By Lane R. Neal

Every new year provides us with an opportunity to reflect on years gone by and look forward to the opportunities that are ahead. As I write my first article as YLD chair, I have taken a moment to reflect on the chairpersons who served before me. The YLD has benefited from years of terrific leadership. Most recently, 2016 was a great year for the YLD under the leadership of Bryon Will. I hope to continue the traditions of YLD service and support for young lawyers for which we are well known across the state.

I am excited to get to work with all of the YLD board members to make 2017 a memorable year. Some may not realize it, but our board members give up several Saturday mornings throughout the year to attend our board meetings and community service projects. It's great to know the OBA has so many young lawyers from across the state who are willing and eager to serve.

One of the service projects is assembling bar exam survival kits in February and July to distribute to Oklahoma bar exam takers, as well as welcoming

our new lawyers at the swearing-in ceremonies in the spring and fall. We will also have our networking events at the Solo & Small Firm Conference in June and the Annual Meeting in November and will host a few membership events throughout the year.

Another service project I am excited to continue is the YLD Kick It Forward program. This program helps lawyers of all ages who are struggling to pay their dues and is funded completely through voluntary donations. Last year, the program paid 2016 membership dues for 10 OBA members. For more information on how to donate or apply for assistance, visit the Kick It Forward website at www.okbar.org/members/YLD/kickitforward.

I would also like to welcome our new board members. The YLD board now has representation from all across the state. For instance, we have members from Altus, McAlester, Grove, Enid, Bartlesville, Tulsa, Oklahoma City as well as several other cities across our state. I believe the diverse membership from across the state is vital in



Lane R. Neal

keeping the YLD in touch with young lawyers in Oklahoma.

While the YLD is fortunate to have great board involvement, I encourage other young lawyers to become active in the YLD. We always have room for new ideas and extra help with our projects and on our committees. I would encourage anyone thinking about getting involved to go ahead and do it! Feel free to contact me directly if you would like to get involved.

ABOUT THE AUTHOR

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

Jan. 29, 2017 - OBA Legislative Reading Day

The Oklahoma Legislature reconvenes next month and hundreds of bills have been prefiled. Much of that proposed legislation could affect the administration of justice, and some will undoubtedly affect your practice. Join the OBA Legislative Monitoring Committee at 10 a.m. Saturday, Jan. 29, 2017, at the Oklahoma Bar Center as they identify top bills of interest to the OBA and your practice area. Plus, earn 2 hours of MCLE credit. Lunch will be provided. RSVP to Debbie Brink at debbieb@okbar.org, if you'd like to attend.



Save the Date - OBA Day at the Capitol March 21

Oklahoma lawyers, let your voices be heard! OBA will host its annual Day at the Capitol Tuesday, March 21. Registration begins at 10 a.m. at the Oklahoma Bar Center, 1901 N. Lincoln Blvd., and the agenda will feature speakers commenting on legislation affecting various practice areas. We also will have remarks from the judiciary and bar leaders, and lunch will be provided before we go over to the capitol for the afternoon. Check www.okbar.org for more updates.



New Board Members Take Oath

Nine new members of the OBA Board of Governors were sworn into their positions Jan. 20 in the Supreme Court Ceremonial Courtroom at the state Capitol.



Linda Thomas

Officers taking the oath were Linda S. Thomas, Bartlesville, president; Kimberly Hays, Tulsa, president-elect and Jennifer Castillo, Oklahoma City, vice president. Sworn into the Board of Governors to represent their judicial districts for three-year terms were Mark E. Fields, McAlester; Jimmy D. Oliver, Stillwater; Bryon J. Will, Yukon and James R. Hicks, at large, Tulsa. Sworn into one-year terms on the board were Garvin A. Isaacs, Oklahoma City, immediate past president and Lane Neal, Oklahoma City, Young Lawyers Division chairperson.

LHL Discussion Group Hosts February Meeting

“How to Approach a Colleague About Substance Abuse or Other Impairment” will be the topic of the Feb. 2 meeting of the Lawyers Helping Lawyers monthly discussion group. Each meeting, always the first Thursday of the month, is facilitated by committee members and a licensed mental health professional. The group meets from 6 to 7:30 p.m. at the office of Tom Cummings, 701 N.W. 13th St. Oklahoma City. There is no cost to attend and snacks will be provided. RSVPs to Lori King, loriking@cabainc.com, are encouraged to ensure there is food for all.



**LAWYERS HELPING LAWYERS
ASSISTANCE PROGRAM**

Call 24/7 — 800-364-7886

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.



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.

OBA Member Resignations

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

Steven Scott Ashmore
OBA No. 17514
Walker Center, 209 West
1406 Asp Avenue
Norman, OK 73019

Frank R. Dale
OBA No. 2134
4835 S. Peoria, Ste. 11
Tulsa, OK 74105

Ross Carl Goodman
OBA No. 16838
520 S. 4th Street
Las Vegas, NV 89101

Melissa Carol Haddock
OBA No. 18939
3520 N.W. 44th Street
Oklahoma City, OK 73112

J. Vince Hightower
OBA No. 10333
174 Rainbow Dr., #7426
Livingston, TX 77399-1074

Nancy A. Martin
OBA No. 15032
205 N.W. A Street
Bentonville, AR 72712-4092

Andrew Supplee Nimick
OBA No. 13330
2028 Broad Hill Farms Road
Moon Township, PA
15108-9011

John Scott Odell
OBA No. 6745
498 Palos Verdes Blvd.
Redondo Beach, CA 90277

Debra Schwartz
OBA No. 18464
510 Avenida Sevilla, Unit B
Laguna Woods, CA
2637-8080

Michael C. Stovall Jr.
OBA No. 11032
2424 E. 21st St., Ste. 500
Tulsa, OK 74114

Clark Douglas Whisenant
OBA No. 22763
Chevron Services Co.
1400 Smith St., #6050
Houston, TX 77002

Novell Jeanenne Wilson
OBA No. 11573
5801 E. 41st, Ste. 300
Tulsa, OK 74135

Kudos

André B. Caldwell and **Susan E. Huntsman** have been elected as chair and co-chair for Crowe & Dunlevy's Diversity Committee. **Mary Ellen Ternes**, also of the firm, was elected incoming secretary for the American College of Environmental Lawyers.

Philip Hixon was elected vice president and **Stacy Brklacich** secretary for the Oklahoma Health Lawyers Association.

Joe Crosthwait Jr. was elected unopposed to be a state delegate for a three-year term beginning with the adjournment of the ABA 2017 Annual Meeting.

Cliff Elliott and **Judge Norman Grey** each received a Lifetime Achievement Award from the Garfield County Bar Association. The award is given to attorneys who have made the law their career and who have demonstrated a high competence in the law as well as high ethical standards. The awards were presented at the annual Garfield County Bar Association Christmas party Dec. 15.

On The Move

Mason Johnston has been named partner at Atkins and Markoff. Mr. Mason is the lead disability attorney at the firm.

Molly E. Tipton and **C. Eric Davis** have joined Phillips Murrah as oil and gas attorneys in the firm's Oklahoma City offices. Ms. Tipton represents both privately-owned and public companies in oil and gas matters. Mr. Davis represents clients in a range of regulatory and energy matters.

A. Todd Laster has joined Shook & Johnson PLLC as an associate attorney. Mr. Laster will continue his bankruptcy practice and will also assist the firm in transactional and employment related matters.

At The Podium

Steven J. Adams, Terry D. Ragsdale and **Bradley W. Welsh** presented "The Rule Against Perpetuities is Alive and Well" at the Tulsa County Bar Association Energy and Mineral Law Section CLE seminar.

Oklahoma Supreme Court Justice Steven Taylor was a featured speaker at the OSU

undergraduate commencement ceremonies Dec. 10.

Jason D. Baker gave an oil and gas ethics presentation titled "When a Mineral Buyer Has a Duty to Disclose" at the Tulsa County Bar Association Energy and Mineral Law Section CLE seminar.

Cathy Christensen presented an ethics seminar at the judicial conference. Her presentation was titled "Ethics and Traffic Court — When the Judge Doesn't See the Stop Sign."

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 March 11 Issue must be received by Feb. 6.

Larry Derryberry of Oklahoma City died Nov. 19. Mr. Derryberry was born April 22, 1939. While in high school he was a champion 4-H Club member. He graduated from OU with a B.A. in history in 1961 and a J.D. from the OU College of Law in 1963. While a second-year law student, he was elected to the Oklahoma Legislature where he served his Jackson County constituents in the House of Representatives. After graduation, he practiced law at Oden, Oden and Derryberry. In 1970, he was elected to the Office of the Attorney General of the state of Oklahoma. In 1979, he returned to the practice of law, establishing his law firm in Oklahoma City. He was a poet, songwriter and author. His first children's book, *The Oklahoma Scranimal*, was selected as an Oklahoma Centennial Children's Book in 2007.

Robert Riddle of Muskogee died July 1. Mr. Riddle was born Sept. 30, 1949, in Prague. He graduated from Prague High School in 1967. He then attended OSU where he received a degree in petroleum engineering. He went on to receive his J.D. from the OU College of Law in 1996. He practiced law in Shawnee and later went to work for the

Department of Veteran Affairs as a claims processor in Muskogee. **He was a veteran of the U.S. Navy and served during the Vietnam War.**

Vicki Robertson died Dec. 5. Ms. Robertson was born Oct. 5, 1949, in Ponca City. She graduated from OU in 1970 with a Bachelor of Science degree. She taught math at Northwest Classen High School for six years and coached the girls' tennis team. She received her J.D. from the OCU School of Law in 1978 while working for The Hartford Insurance. After passing the bar, she worked in Hartford's legal department. In 1980 she joined the law firm of Holloway, Dobson, Bachman, Alden, Robertson and Holloway. In 1996 she was sworn in as a special judge for Oklahoma County. In 1999 she was sworn in as a district judge. She retired in 2010 from the Oklahoma County District Court and was then appointed secretary of the Judicial Ethics Advisory Panel. She loved traveling, golfing and playing tennis.

Dino Edgardo Viera died Dec. 1 in New Orleans. Mr. Viera was born May 24, 1959, in New Orleans. He pursued his bachelor's degree in political science at the University of New Orleans,

where he attended on a golf scholarship. He furthered his studies at OU, where in 1985 he received his J.D. He remained in Oklahoma City as a partner at Fellers Snider Law Firm for over 20 years. In 2005, he and his family moved to Gonzales, Louisiana, where he opened Sleep Rite sleep study centers. His favorite hobbies were golf, snow skiing and more recently he had become an avid runner, having completed four half-marathons. In lieu of flowers, donations may be made to the American Brain Tumor Association.

John Joseph White of Lawton died Dec. 1. He was born Nov. 14, 1929, in Oklahoma City. He attended Catholic school in Oklahoma City and graduated from Saint Benedict's College in Atchison, Kansas, in 1951. **He served five years in the U.S. Air Force.** After he was discharged he worked as a chemist for the Department of Agriculture. During this time, he attended the OCU School of Law and graduated in 1951. He served as first assistant district attorney for the third judicial district of Oklahoma retiring in 1992. Following his retirement, he traveled the nation as an insurance adjuster.



ADVERTISE IN THE BAR JOURNAL

405.416.7084 or advertising@okbar.org



Get Involved

Did you make a resolution to become more involved with the OBA in 2017? Sign up for a committee or section and get involved in a meaningful way.

www.okbar.org/members/Committees/CommitteeSignUp



How to Track Business Success

Success can mean different things to different people. No matter what your definition, you must have a way to track it. Check out these tips to help you measure your success and track your 2017 business goals.

goo.gl/U7mQ96



10 Things That Should be on Your Radar in 2017

Technology and the legal profession are changing rapidly. Lawyers need to think differently about marketing, big data, project delivery and leadership. Here are 10 things that should be on your law firm's radar in 2017.

goo.gl/n5dPgJ



CLE

Don't repeat last year's mistake! Avoid last minute stress by getting a jumpstart on your CLE for the year.

www.okbar.org/members/CLE



SERVICES

OF COUNSEL LEGAL RESOURCES — SINCE 1992 —
Exclusive research & writing. Highest quality: trial and appellate, state and federal, admitted and practiced U.S. Supreme Court. Over 20 published opinions with numerous reversals on certiorari. **MaryGaye LeBoeuf** 405-728-9925, marygaye@cox.net.

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

APPEALS and LITIGATION SUPPORT

Expert research and writing by a veteran generalist who thrives on variety. Virtually any subject or any type of project, large or small. **NANCY K. ANDERSON**, 405-682-9554, nkanderson@hotmail.com.

Creative. Clear. Concise.

BRIEF WRITING, APPEALS, RESEARCH AND DISCOVERY SUPPORT. Eighteen years experience in civil litigation. Backed by established firm. **Neil D. Van Dalsem**, Taylor, Ryan, Minton, Van Dalsem & Williams PC, 918-749-5566, nvandalsem@trsvlaw.com.

**HANDWRITING IDENTIFICATION
POLYGRAPH EXAMINATION**

Board Certified	Court Qualified
Diplomate — ABFE	Former OSBI Agent
Life Fellow — ACFEI	FBI National Academy

Arthur D. Linville 405-736-1925

MEDICAL MALPRACTICE CASE REVIEW: Board certified pediatrician and member of the Oklahoma Bar Association. Available to review any issues involving neonates, children and adolescents. **William P. Simmons, M.D., J.D.** 850-877-1162 wsimmons@northfloridapeds.com.

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

SOFT-TISSUE CASE THAT JUST WON'T SETTLE? Travis Charles Smith is available to try your case for you, or assist you as second chair. Travis is a trial lawyer, not a claims adjuster, and is committed to helping the injured get what they really deserve. Services available on flat-fee or contingency basis. All inquiries are welcome. Call 405-525-6671 or email tcs@travischarlessmith.com.

ANNOUNCEMENTS

STEVEN L. TOLSON REOPENED HIS LAW PRACTICE on Jan. 1, 2017, focusing on business and civil litigation, business formation, corporate and commercial law, probate, divorce, general practice and civil mediation. He can be reached at 405 752-7541 or at stevenltolson@gmail.com.

OFFICE SPACE

SHARED PROFESSIONAL OFFICE SPACE AVAILABLE IN FOX CENTRE (808 W GORE BLVD, LAWTON). Reception area, handicapped accessible, receptionist, conference room, kitchenette, telephone answered, copier, fax, alarm system, mail handling and other services. Rates variable. All calls confidential. 580-353-3688.

NW OKC OFFICE SPACE AVAILABLE. One large office with great lake view and secretarial area. Furnished reception area, conference room, kitchen, internet and free parking. Contact erfpc@feiler-law.com.

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.

OKLAHOMA BASED TRIBE SEEKS STAFF ATTORNEY. Office location: Oklahoma, Texas, Utah or Kansas. Salaried/health/401(k)/vacation/sick leave, etc. Required expertise in federal administrative, human resource, corporate and Native American law. Recent graduates are encouraged to apply. Strong work ethic and self-motivation skills required. All replies considered confidential. Send resume and salary requirements to: "Box Z," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

**ATTORNEY
(WITH 3 TO 5 YEARS EXPERIENCE)**

needed for general civil practice, by AV-rated Tulsa insurance and transportation defense firm. Very busy, fast-paced office offering competitive salary commensurate with experience, health/life insurance, 401k, etc. Candidates with strong academic background and practical litigation experience, please send a résumé and writing sample (10 pg. max) to "Box PP," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

POSITIONS AVAILABLE

THE ASSOCIATE ATTORNEY WILL REVIEW PLEADINGS, ASSIST WITH TASK AND WORKFLOW MANAGEMENT and accompanying paperwork, not limited to providing professional legal assistance, advice and counsel with respect to collections and creditor's rights. The position requires research and analysis of legal questions and may entail daily court appearances. The position is part of a growing team of attorneys across several states and is located in Oklahoma City. Please send resumes to tonia.martinez@mjfirm.com.

EDMOND LAW FIRM SEEKING EXPERIENCED OIL AND GAS TITLE ATTORNEY. Prefer 5+ years' experience rendering Oklahoma title opinions. Pay commensurate with experience. Please send resume to edmondfirm@gmail.com.

Make a Difference

Do you want a fulfilling career where you can really make a difference in the lives of people? Are you fervent about equal justice? Does a program with a purpose motivate you? *Legal Aid Services of Oklahoma, Inc. (LASO)* is searching for an Attorney for its **Stillwater** Law Office.

We are a statewide, civil law firm providing legal services to the impoverished and senior population of Oklahoma. With more than twenty offices and a staff of 180+, we are committed to the mission of equal justice.

The successful individuals will have a passion for justice and empathy for impoverished individuals, computer literate and willingness to learn and contribute to a positive work environment. In return, the employee receives a great benefit package including paid health, dental, life insurance plan; a pension, and generous leave benefits. Additionally, LASO offers a great work environment and educational/career opportunities.

To start making a difference you MUST complete our application and submit it to Legal Aid Services of Oklahoma.

The online application can be found:
<https://legalaidokemployment.wufoo.com/forms/z7x4z5/>

Print application
http://www.legalaidok.org/documents/388541Employment_Application_Revised_10.2008.pdf

Legal Aid is an Equal Opportunity / Affirmative Action Employer.

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

DOWNTOWN OKLAHOMA CITY PERSONAL INJURY 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.

THE TOBACCO ENFORCEMENT UNIT OF THE OKLAHOMA ATTORNEY GENERAL'S OFFICE IS SEEKING AN ASSISTANT ATTORNEY GENERAL to be located in its Oklahoma City office. The Tobacco Enforcement Unit enforces state laws related to the manufacture, sale, distribution and possession of cigarettes and other tobacco products in Oklahoma. The assistant attorney general in this position will be responsible for maintaining Oklahoma's Directory of Compliant Tobacco Product Manufacturers. The assistant attorney general will review records and reports and assist in on-site audits and inspections of tobacco manufacturers, wholesalers and retailers of cigarettes and tobacco products to assure that tobacco product manufacturers, wholesalers and retailers engaged in the sale of cigarettes and tobacco products in Oklahoma are compliant with all applicable state laws and regulatory requirements. Applicants must be a licensed attorney in the state of Oklahoma. The applicant must have knowledge of accounting principles, as well as the ability to comprehend complex laws and regulations. A valid Oklahoma driver's license and the ability to travel is required. All applicants must agree in writing to complete, and satisfactorily pass, a background investigation by the Office of the Attorney General. Resumes for this position should be sent to resumes@oag.ok.gov and indicate which position the applicant is applying for in the subject line of the email. EOE.

JOHNSON & JONES PC seeks an experienced litigation legal assistant. Candidates should have a minimum of 3 years of experience in a litigation practice. Responsibilities include preparing letters/pleadings, scheduling, docketing and phone relief for receptionist. Plus factor: familiarity with PCLaw accounting/document management software, Adobe Pro, MS Word and ECF federal filings. Please email cover letter and resume to CWilliams@johnson-jones.com.

THE TRUSKETT LAW FIRM PLLC HAS A JOB OPENING. Compensation and benefits for a full-time employee are competitive, including but not limited to health insurance, 401(k), paid time off, life insurance, dental insurance, vision insurance, bonuses, etc. The position includes research, writing, analyzing cases, client interaction, interaction with the courts, interaction with medical offices, drafting documents for court and working alongside fellow licensed attorneys. We handle the following types of cases: personal injury, motor vehicle crash, slip and fall and catastrophic injury cases. We handle cases that are in prelitigation and in litigation. We practice in federal district courts, state district courts and in the work comp courts. Please send resume, transcript, list of references and a cover letter to john@truskettlaw.com.

POSITIONS AVAILABLE

Make a Difference

Do you want a fulfilling career where you can really make a difference in the lives of people? Are you fervent about equal justice? Does a program with a purpose motivate you? *Legal Aid Services of Oklahoma, Inc. (LASO)* is searching for an Attorney for its **McAlester** Law Office.

We are a statewide, civil law firm providing legal services to the impoverished and senior population of Oklahoma. With more than twenty offices and a staff of 180+, we are committed to the mission of equal justice.

The successful individuals will have a passion for justice and empathy for impoverished individuals, computer literate and willingness to learn and contribute to a positive work environment. In return, the employee receives a great benefit package including paid health, dental, life insurance plan; a pension, and generous leave benefits. Additionally, LASO offers a great work environment and educational/career opportunities.

To start making a difference you **MUST** complete our application and submit it to Legal Aid Services of Oklahoma.

The online application can be found:
<https://legalaidokemployment.wufoo.com/forms/z7x4z5/>

Print application
http://www.legalaidok.org/documents/388541Employment_Application_Revised_10.2008.pdf

Legal Aid is an Equal Opportunity/Affirmative Action Employer.

SMALL DOWNTOWN OKLAHOMA CITY FIRM OF DEFENSE ATTORNEYS WITH OFFICES IN DALLAS SEEKS AN ASSOCIATE with 4 to 6 years' experience in product liability, catastrophic injury, premises liability, medical malpractice, trucking/transportation, commercial litigation or expert intensive litigation. The firm offers an atmosphere of strong camaraderie with many long time employees and excellent support staff. Need a self-starter who can hit the ground running. Please send your resume and salary requirements to edminson@berryfirm.com.

NORMAN LAW FIRM IS SEEKING SHARP, MOTIVATED ATTORNEYS for fast-paced transactional work. Members of our growing firm enjoy a team atmosphere and an energetic environment. Attorneys will be part of a creative process in solving tax cases, handle an assigned caseload and will be assisted by an experienced support staff. Our firm offers health insurance benefits, paid vacation, paid personal days and a 401K matching program. Applicants need to be admitted to practice law in Oklahoma. No tax experience necessary. Submit cover letter and resume to Justin@irshelpok.com.

POSITIONS AVAILABLE

ESTABLISHED OKC LAW FIRM SEEKING ATTORNEY WITH EXPERIENCE IN HANDLING WORKERS' COMPENSATION CASES. Must have strong research and writing skills and be able to work independently. Please submit resume and salary requirements to "Box W," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

Make a Difference

Do you want a fulfilling career where you can really make a difference in the lives of people? Are you fervent about equal justice? Does a program with a purpose motivate you? *Legal Aid Services of Oklahoma, Inc. (LASO)* is searching for an Attorney for its **Norman** Law Office.

We are a statewide, civil law firm providing legal services to the impoverished and senior population of Oklahoma. With more than twenty offices and a staff of 180+, we are committed to the mission of equal justice.

The successful individuals will have a passion for justice and empathy for impoverished individuals, computer literate and willingness to learn and contribute to a positive work environment. In return, the employee receives a great benefit package including paid health, dental, life insurance plan; a pension, and generous leave benefits. Additionally, LASO offers a great work environment and educational/career opportunities.

To start making a difference you **MUST** complete our application and submit it to Legal Aid Services of Oklahoma.

The online application can be found:
<https://legalaidokemployment.wufoo.com/forms/z7x4z5/>

Print application
http://www.legalaidok.org/documents/388541Employment_Application_Revised_10.2008.pdf

Legal Aid is an Equal Opportunity/Affirmative Action Employer.

The firm of NELSON TERRY MORTON DEWITT & PARUOLO is seeking an attorney with a minimum of 1 year's experience in civil trial practice, insurance defense litigation and insurance coverage. Please submit your resume, cover letter and a writing sample to Robin Fitzpatrick, P.O. Box 138800, Oklahoma City, Oklahoma 73113 or by email to rfitzpatrick@ntmdlaw.com.

RESEARCH ATTORNEY NEEDED. Contract part-time research and writing attorney needed to prepare both state and federal criminal briefs and related pleadings. Pay negotiable depending on experience. Contact M. Michael Arnett at 405-767-0522, or fax resume to 405-767-0529.

POSITIONS AVAILABLE

CHILD SUPPORT SERVICES is seeking a full-time attorney for three of our Child Support Services Offices: 1) North Oklahoma City District Office located at 2409 N Kelley Ave., Rm 103 Oklahoma City, Oklahoma 73111; 2) Midwest City District Office located at 9901 S.E. 29th Street, Midwest City, Oklahoma 73130 and 3) Claremore District Office located at 515 East Patti Page Blvd, Claremore, Oklahoma 74017. The position involves negotiation with other attorneys and customers as well as preparation and trial of cases in child support hearings in district and administrative courts and the direction of staff in the preparation of legal documents. In addition, the successful candidate will help establish partnership networks and participate in community outreach activities within the service area in an effort to educate others regarding our services and their beneficial impact on families. Position will provide recommendations and advice on policies and programs in furtherance of strategic goals. In depth knowledge of family law related to paternity establishment, child support and medical support matters is preferred. Preference may also be given to candidates who live in or are willing to relocate to the service area. Active membership in the Oklahoma Bar Association is required. This position has alternate hiring levels. The beginning salary is at least \$42,771 annually with an outstanding benefits package including health and dental insurance, paid leave and retirement. Interested individuals must send a cover letter noting announcement number 17-R005U (North OKC), 17-R006U (Midwest City) or 17-R007U (Claremore), resume, three reference letters and a copy of current OBA card to: www.jobs.ok.gov. Applications must be received no earlier than 8 a.m. on Jan. 9, 2017, and no later than 5 p.m. on Feb. 9, 2017. For additional information about this job opportunity, please email Barbara.Perkins@okdhs.org. This position may be filled at an alternate hiring level as a Child Support Services Attorney III (beginning salary \$4,321.67 monthly), Child Support Services Attorney II (beginning salary \$3,942.92 monthly), or as a Child Support Services Attorney I (beginning salary \$3,564.25 monthly). The State of Oklahoma is an equal opportunity employer.

OKLAHOMA CITY LAW FIRM SEEKS TITLE ATTORNEY. Must have experience with Oklahoma title, including HBP title, and preferably rendering Title Opinions. Please submit cover letter, resume and references to Bcato@dcalawfirm.com.

POSITIONS AVAILABLE

TULSA LITIGATION FIRM WITH DIVERSE CIVIL PRACTICE SEEKS AN ATTORNEY with between 3 to 10 years of experience. Compensation DOE with excellent benefits. Applications kept confidential. Send resume, writing sample and references to jcm@rrbok.com.

PARALEGAL: Downtown Oklahoma City law firm seeks experienced paralegal. Salary and benefits highly competitive. The ideal candidate will have extensive experience in document-intensive multi-party litigation and electronic discovery. Trial experience necessary. Experience in summation, relativity, trial director and other relevant litigation technology necessary. Be self-motivated requiring limited supervision. Submit resume to: CBarrett@FellersSnider.com.

DOWNTOWN OKC LAW FIRM IS SEEKING AN ASSOCIATE ATTORNEY. Two to 5 years commercial transaction experience is preferred. Duties will include assisting in commercial transactions including commercial contracts, mergers and acquisitions, private equity/venture capital and securities. In addition, associate will assist senior attorneys who serve as outside general counsel for clients. This is an opportunity to work with a wide variety of clients in a great work environment. Salary based on experience. Generous benefits package. Please send your cover letter and resume to okc.resume.response@gmail.com.

CLASSIFIED INFORMATION

REGULAR CLASSIFIED ADS: \$1.25 per word with \$35 minimum per insertion. Additional \$15 for blind box. Blind box word count must include "Box ___," Oklahoma Bar Association, PO Box 53036, Oklahoma City, OK 73152."

DISPLAY CLASSIFIED ADS: Bold headline, centered, border are \$60 per inch of depth.

DEADLINE: See www.okbar.org/members/BarJournal/advertising.aspx or call 405-416-7084 for deadlines.

SEND AD (email preferred) stating number of times to be published to:

advertising@okbar.org, or
Mackenzie McDaniel, Oklahoma Bar Association,
PO Box 53036, Oklahoma City, OK 73152.

Publication and contents of any advertisement are not to be deemed an endorsement of the views expressed therein, nor shall the publication of any advertisement be considered an endorsement of the procedure or service involved. All placement notices must be clearly nondiscriminatory.

DO NOT STAPLE BLIND BOX APPLICATIONS.

To Be, or Not to Be, a Doctor?

By Lorena Rivas

The direct Latin translation of the words *juris doctorate* is a *doctor of law*. Thus, it would not be completely inappropriate if an attorney was referred to as a doctor. However, most attorneys in the United States would probably shrug such a title off. After all, we didn't complete residency and only had to go to law school for three years after our bachelor's degree. I used to think the same.

The first time I was called a doctor was from a female client of mine from Peru. She had been the victim of domestic abuse and had been abandoned by her abusive U.S. citizen husband. She came to me because she had been served with divorce papers in the hotel room she was staying in with her young daughter. She did not know what to do. She was lost and in fear for her future. She begged me, "*Doctora, por favor ayudame*. Doctor, please help me."

In many countries of Latin America, an attorney is commonly referred to as a doctor

— a wise doctor who knows how to navigate the complex legal system and fully advocate for them. The wise internet states that this respectful reverence derives from the 12th century when an individual was first awarded a



doctor's degree in civil law in Italy. This was two centuries before a doctor's degree was awarded in medicine.

The case of my Peruvian client was a complex one — a

divorce and an immigration case. We were not sure if we would prevail, but we did. The moment my client received the assurance that she and her daughter would be able to remain in the U.S., with some funds from the divorce settlement, was a truly blissful day for both her and me. While she wasn't suffering from a physical ailment when she first arrived at my office, she certainly was suffering from an emotional ailment.

Since then, I've had many more clients from Latin America refer to me as *doctora*, each with their own story of angst and need for help. While I still wonder if I am worthy of being called a doctor, the client's smile and sense of peace confirms that we, as attorneys, do have some type of healing powers, and there is no harm in being called such a name from time to time.

Ms. Rivas practices in Tulsa.

1. See Milard King Roper Jr., "Ethics: Information Opinion 1151 — Lawyers and the Title 'Doctor,'" 6 *Akron Law Review* 83 (1973).



Save the Date

6/0

THE EXPRESSIVE LITIGATOR: VOICE AND ITS RELATION TO PERSUASIVE STORY TELLING

MARCH 31, 9 a.m. - 2:50 p.m.

Oklahoma Bar Center - Webcast Available

oba cle
continuing legal education

**Program Presenters:
Rena Cook & Henry McDaniel**

The Expressive Litigator: Voice and its Relation to Persuasive Story Telling, provides an in-depth training course for the attorney who wants to have more vocal power, clarity and expressivity in front of judge and jury. Divided into three primary sections, Elements of Voice, Principals of Expressivity and Acting the Story, eighteen topics delve deeply into various aspects of voice, including breath, resonance, articulation, inflection that communicates meaning, and using verb imagery to find authenticity and variety.

Expressivity, confidence in front of judge and jury, the ability to build suspense and to hold an audience are all skills that can be taught. Each concept is introduced through brief narrative and definition of terms and ideas. Simple, tangible exercises that build skills are clearly laid out, providing a compressive pathway to real and lasting results.



OVERVIEW OF COURSE CONTENT

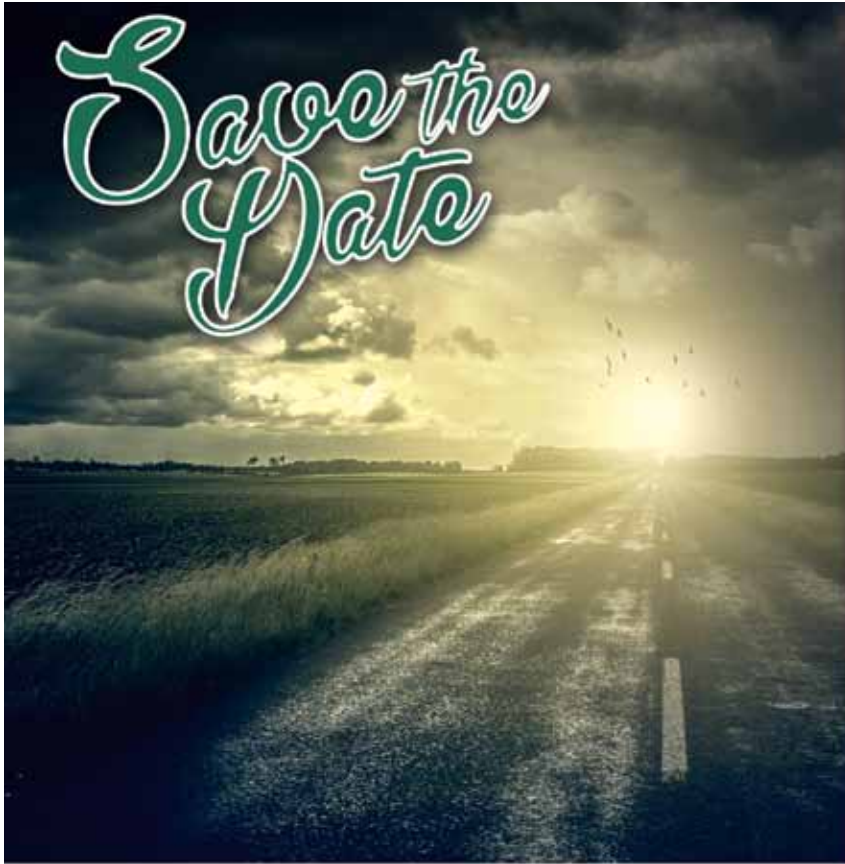
Each attendant is encouraged to bring a copy of an opening or closing they are currently working on so the work can be more immediately applicable and useful.

\$150 for early-bird registrations with payment received at least four full business days prior to the seminar date; \$175 for registrations with payment received within four full business days of the seminar date. 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 \$200. Seniors may register for \$50 on in-person programs and \$75 for webcasts, and members licensed 2 years or less may register for \$75 for in-person programs and \$100 for webcasts.

REGISTRATION COMING SOON !

www.okbar.org/members/CLE

Save the Date



BEING MORTAL

MARCH 10, 9 a.m. - 2:50 p.m.

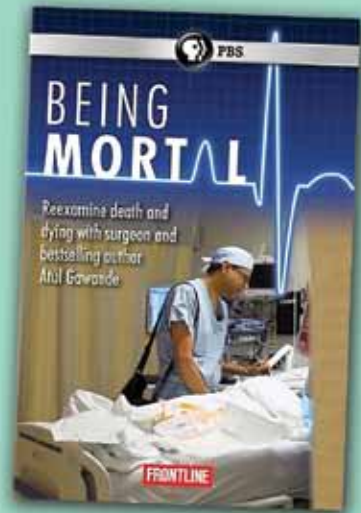
Oklahoma Bar Center, OKC - **WEBCAST AVAILABLE**

PROGRAM PLANNER: Donna Jackson, OKC
in conjunction with Good Shepard Hospice

\$150 for early-bird registrations with payment received at least four full business days prior to the seminar date; \$175 for registrations with payment received within four full business days of the seminar date. 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 \$200. Seniors may register for \$50 on in-person programs and \$75 for webcasts, and members licensed 2 years or less may register for \$75 for in-person programs and \$100 for webcasts.

HOPE IS NOT A PLAN

JOIN US for a screening and discussion of the *PBS FrontLine* film *Being Mortal*. Based on the best-selling book by Atul Gawande, MD, this documentary explores the hopes of patients and families facing terminal illness and their relationships with those who treat them.



See the film and be a part of a national conversation that brings professionals and community members together around the shared responsibility of discussing what matters most to patients and families facing difficult decisions and how to have these conversations ahead of a medical crisis.

oba • cle
continuing legal education

REGISTRATION COMING SOON ! www.okbar.org/members/CLE