

ALSO INSIDE: Solo & Small Firm Conference  
Legislative Report • Attorney Discipline Reports

# THE OKLAHOMA BAR Journal

Volume 88 — No. 8 — 3/11/2017

## Work / Life Balance



THIS PROGRAM  
WILL NOT BE  
REBROADCAST  
AT A LATER DATE.

oba cle  
continuing legal education

Featured Speaker: Paul H. Burton, J.D.

**ABOUT THE SPEAKER:**

Paul H. Burton is a former corporate finance attorney who helps people regain command of their day. As a nationally recognized time management expert, he regularly speaks to professional audiences about getting more done and enjoying greater personal and professional satisfaction.

**ABOUT THE PROGRAM:**

In this age of hyper-connectedness, the world seems to spin faster and faster. No matter how hard or long we work, we often finish the day right where we started. It feels like we're treading water! That's about to change.

This seminar delivers a host of best practices for staying focused, getting more done, and enjoying greater personal and professional satisfaction. The straightforward suggestions made in this program put you back in charge of your work and success. Using any or all of these principles, attendees can gain six plus minutes of productivity a day which adds up to twenty-four hours of additional productivity a year. That's three days of work off your desk!

**BY ATTENDING THIS SEMINAR, YOU WILL LEARN TO:**

- Make a direct connection between productivity and its relationship to success.
- Receive two dozen suggestions for increasing productivity and command over work and life.
- Become motivated to achieve greater career and personal success.

6/0

# Done! Time Management Strategies

For Regaining Command of Your Day

**APRIL 7, 9 a.m. - 2:45 p.m.**

*Oklahoma Bar Center - "Live" Webcast Available*

EACH PARTICIPANT WILL RECEIVE A HARD-COPY OF THE SEMINAR SPECIFIC, PUBLISHED BOOK AND SEMINAR-SPECIFIC QUICK REFERENCE CARD USED DURING AND AFTER THE PROGRAM.

\$200 for early-bird registrations with payment received by March 31st (includes continental breakfast and lunch); \$225 for registrations with payment received April 1st thru April 6th. Walk-ins \$275. To receive a \$10 discount for the live onsite program, register online at [www.okbar.org/members/CLE](http://www.okbar.org/members/CLE). Registration for the live webcast is \$250. Seniors may register for \$50 on in-person programs (late fees apply) and \$75 for webcasts, and members licensed 2 years or less may register for \$75 for in-person programs (late fees apply) and \$100 for webcasts.

**For details and to register go to: [www.okbar.org/members/CLE](http://www.okbar.org/members/CLE)**

# LAWPAY<sup>®</sup>

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 Due 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



## WHY PURCHASE A PERSONAL UMBRELLA POLICY BY 3000 INSURANCE GROUP?

In our society, you never know what might trigger a lawsuit. Even if the suit is groundless, defense costs can be substantial. Our umbrella policy provides the coverage you need to help handle these defense and liability costs.

### PERSONAL UMBRELLA HIGHLIGHTS:

- *Extremely Broad Coverage*
- *Competitive Rates*
- *Easy, Concise Online Application*
- *Policy Issued in 7 Days or Less*
- *Flexible Product Tailored to Your Needs*
- *Excellent Claims Service*
- *Worldwide Coverage Territory*
- *Coverage offered by an A-Rated Insurance Company*

*The coverage you need to help handle defense and liability costs.*



3000 INSURANCE GROUP



EXPLORE OUR  
OTHER  
OFFERINGS

*Request a quote  
online or speak with  
an agent today!*

🏠 [3000ig.com](http://3000ig.com)

📞 405.521.1600

MANAGEMENT LIABILITY

EMPLOYEE BENEFITS

INDIVIDUALS

COMMERCIAL PROPERTY & LIABILITY

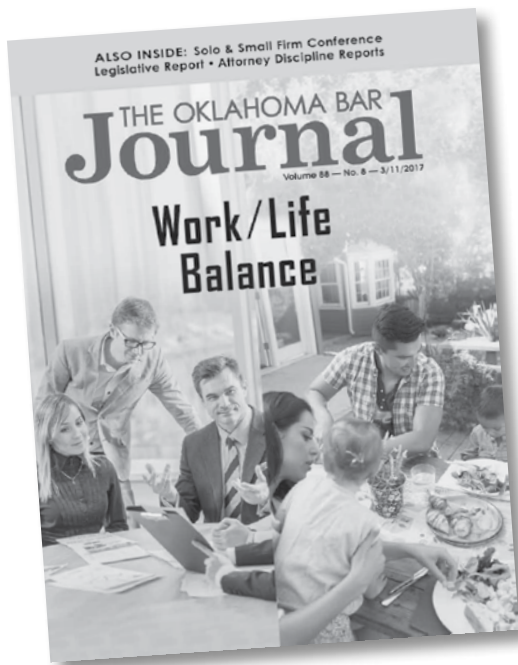
---

THEME:  
**WORK/LIFE BALANCE**  
EDITOR: MELISSA DeLACERDA

---

# contents

March 11, 2017 • Vol. 88 • No. 8



## FEATURES

- 431 **LIFE IS WORTH LIVING: HELP AVAILABLE FOR BAR MEMBERS IN DISTRESS**  
*By Ann E. Murray*
- 435 **STRESS AND SUBSTANCE ABUSE – HOW ARE YOU COPING?**  
*By Deanna L. Harris*
- 439 **DEALING WITH ANGER**  
*By Peggy Stockwell*
- 445 **THE BENEFITS OF YOGA TO ENHANCE YOUR LAW PRACTICE**  
*By Katy Jones*
- 449 **LIFE IS A ZERO-SUM GAME — HAVE YOU SOLVED YOUR SAVE-SPEND BALANCE?**  
*By Christine Hotwagner*
- 455 **MAKING THE CASE FOR REFLECTIVE PRACTITIONER GROUPS FOR MEDIATORS**  
*By Andrea Treiber Cutter*



pg. 470  
ATTORNEY  
DISCIPLINE  
REPORTS

## DEPARTMENTS

- 428 FROM THE PRESIDENT
- 436 EDITORIAL CALENDAR
- 482 FROM THE EXECUTIVE DIRECTOR
- 484 ETHICS & PROFESSIONAL RESPONSIBILITY
- 485 OBA BOARD OF GOVERNORS ACTIONS
- 488 OKLAHOMA BAR FOUNDATION NEWS
- 491 YOUNG LAWYERS DIVISION
- 493 CALENDAR
- 494 FOR YOUR INFORMATION
- 496 BENCH AND BAR BRIEFS
- 497 IN MEMORIAM
- 499 WHAT'S ONLINE
- 504 THE BACK PAGE

## PLUS

- 458 **LEGISLATIVE MONITORING COMMITTEE REPORT**  
*By Angela Ailles Bahm*
- 461 **PROPOSED OKLAHOMA DISTRICT COURT RULE MODIFICATION**
- 462 **SOLO & SMALL FIRM CONFERENCE**  
*By Jim Calloway*
- 470 **PROFESSIONAL RESPONSIBILITY COMMISSION ANNUAL REPORT**
- 479 **PROFESSIONAL RESPONSIBILITY TRIBUNAL ANNUAL REPORT**



pg. 462

# Change Bad Habits Into Powerful New Habits

By Linda S. Thomas

Ever heard of Nora Riva Bergman? Me either until last month when I met her at the National Conference of Bar Presidents. She's an attorney turned "attorney coach." It's been said, "She's uniquely qualified to address the lessons that every lawyer needs to learn to have a successful practice and fulfilled life. She's been in the trenches...lived the struggles...and sees the challenges that lawyers face..." With Nora's expressed permission, I want to share one of the lessons taken from her book, *50 Lessons for Lawyers*.

Lesson #5: Getting rid of unproductive habits and creating new powerful ones. We all have habits that destroy our focus and decrease our productivity, and while it's easy to form *bad* habits, it's difficult to change them. For example (admittedly, oversimplified), you're working on a brief that's due next Friday. You hear your computer ding letting you know, "You've got mail." Your brain says, "Check your email. That could be important." You stop what you're doing to check your email every time you hear the ding. Without realizing it, a bad habit is born.

To create a new habit, recognize the cue, then take it away — turn off that ding when you want to focus. Or maybe you're in the habit of stopping by your favorite coffee shop each morning for that high-calorie, but yummy, coffee drink. To create a new habit, take away the cue — change your route to work so as to avoid passing the coffee shop.

### THREE SIMPLE STEPS

Essentially, there are three simple (but not necessarily easy) steps to follow to create new, powerful habits that lead you toward your goals, whether professional or personal,

rather than away from them. Step 1: Identify the habit you want to create. Be specific, *i.e.* "drink six glasses of water per day" instead of "drink more water" or "check email once in the morning and once in the afternoon" rather than "check email less often."

Step 2: Set up external cues to help you remember to follow through with the new behavior until it becomes habit. If you want to make it a habit to meet with your paralegal every morning to review your cases, schedule the meeting on your calendar (and your paralegal's) until the daily meetings become habit.

Step 3: Following the same routine makes it easier to remember what you're trying to do. If you want to create the habit of walking 30 minutes a day, do it at the same time and in the same surroundings everyday. Rituals and routines support remembering, so find rituals that work for you.

The other 49 lessons taught in her book are also gems that help you "take control of your day, minimize unwanted interruptions, reduce stress, build a great team and love your practice again." If you want a law practice that serves your life rather than a life that serves your law practice, these things are essential.

*"Things which matter most must never be at the mercy of things which matter least."*

— Goethe

*Things which matter most must never be at the mercy of things which matter least.*  
— Goethe



*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](http://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 Ogden, Steve Sullins, *Assistant General Counsels*

Les Arnold, Gary Berger, Debbie Brink, Tony Blasier, Melody Claridge, 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, 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](http://www.okbar.org)

# THE OKLAHOMA BAR Journal

Volume 88 — No. 8 — 3/11/2017

## JOURNAL STAFF

JOHN MORRIS WILLIAMS  
Editor-in-Chief  
[johnw@okbar.org](mailto:johnw@okbar.org)

CAROL A. MANNING, Editor  
[carolm@okbar.org](mailto:carolm@okbar.org)

MACKENZIE MCDANIEL  
Advertising Manager  
[advertising@okbar.org](mailto:advertising@okbar.org)

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

LAURA STONE  
Communications Specialist  
[lauras@okbar.org](mailto: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.





## Life Is Worth Living: Help Available for Bar Members in Distress

By Ann E. Murray

I have lost a colleague to depression. Gordon Harris died Feb. 16, 2016. I wish I had known how much he was hurting, how much pain he was in. This world can be so difficult. He is not the first attorney I have known personally whose death was due to suicide. When someone dies in that manner, it impacts how everyone remembers them. I do not want that to be the case any longer. I want people to know how Gordon lived and realize that how he died does not define him. He was a good person, a kind and loving soul. Sensitive and caring. He was in charge of an office staffed entirely of women and they adored him. He was their knight in shining armor. He was not from their area and they took it upon themselves to teach him the ins and outs of small-town living.

According to his friends in the office,

He loved to learn our 'country sayings' like 'ginning around.' He loved to just gin around in that office of his. He learned the word 'flukeyjuice' from me and I teased him a lot about whether or not he had his own flukeyjuice or not ... and Brenda Kay blessed his heart daily. He loved our saying 'used to could.' I asked him if he played the drums and he laughed that laugh of his and said 'I used to could.'

Gordon loved their support and attention. He definitely "used to could" play the drums. In fact, he was quite good, winning best drummer in a statewide battle of the bands. But, the best thing of all about him was that he was a loving and proud father to two wonderful children. You could not talk to him for very long without hearing about his kids. He loved them and they loved him. His daughter shared

that "He was the best dad in the world." He was also respected and loved by his friends and colleagues.

I am writing this so that if there is anyone reading this who has reached a point in their life where life is not worth living I want them to reach out for help. If you cannot reach out to friends or family, please reach out to me or any other member of the Lawyers Helping Lawyers Assistance Committee. As an attorney, I know that we are less likely to reach out when we need help. We tend to keep things in and are sure that we can handle it on our own. Please, if you are thinking of suicide, call Lawyers Helping Lawyers. Their number is 800-364-7886. Also, please take the time to read and think about the following five things which are found on the Metanoia website.<sup>1</sup>

1) You need to hear that people *do* get through this — even people who feel as

badly as you are feeling now. Statistically, there is a very good chance that you are going to live. I hope that this information gives you some sense of hope.

- 2) Give yourself some distance. Say to yourself, "I will wait 24 hours before I do anything." Or a week. Remember that feelings and actions are two different things — just because you *feel* like killing yourself, doesn't mean that you have to actually *do* it right this minute. Put some distance between your suicidal feelings and suicidal action. Even if it's just 24 hours. You have already done it for five minutes, just by reading this page. You can do it for another five minutes by continuing to read this page. Keep going, and realize that while you still feel suicidal, you are not, at this moment, acting on it. That is very encouraging to me, and I hope it is to you.
- 3) People often turn to suicide because they are seeking relief from pain. Remember that relief is a *feeling*, and you have to be alive to feel it. You will not feel the relief you so desperately seek if you are dead.
- 4) Some people *will* react badly to your suicidal feelings, either because they are frightened or angry; they may actually increase your pain instead of helping you, despite their intentions, by saying or doing thoughtless things. You have to understand that their bad reactions are about *their* fears, not about you.

There *are* people out there who can be with you in this horrible time and will not judge you, or argue with you, or send you to a hospital or try to talk you out of how badly you feel. They will simply care for you. Find one of them. Now. Use your 24 hours, or your week, and tell someone

what's going on with you. It is okay to ask for help.

- Call Lawyers Helping Lawyers at 800-364-7886
- Send an anonymous email to The Samaritans at [www.metanoia.org/suicide/samaritans.htm](http://www.metanoia.org/suicide/samaritans.htm)
- Call the National Suicide Prevention Lifeline at 800-273-8255 (TTY: 800-799-4TTY)
- Call the statewide Suicide Hotline at 800-784-2433

But don't give yourself the additional burden of trying to deal with this alone. Just talking about how you got to where you are releases an awful lot of the pressure, and it might be just the additional coping resource you need to regain your balance.

- 5) Suicidal feelings are, in and of themselves, traumatic. After they subside, you need to continue caring for yourself. Therapy is a really good idea. So are the various self-help groups available both in your community and on the internet.

1. [www.metanoia.org/suicide](http://www.metanoia.org/suicide)

#### ABOUT THE AUTHOR



Ann E. Murray is a state's attorney for the Chickasha Child Support Office, Department of Human Services. She has been an attorney for the state for 18 years and is the past president of the Grady County Bar Association. She has been involved with the Lawyers Helping Lawyers program for the last 10 years and, having been personally affected by suicide and depression, is an advocate for recovery.

# CONQUER YOUR MOUNTAIN



**BURNOUT**

**DEPRESSION**

**ANXIETY**

**SUBSTANCE ABUSE**

**RELATIONSHIP  
CHALLENGES**

**LAWYERS HELPING LAWYERS  
ASSISTANCE PROGRAM**

**NO COST • 24-HOUR  
CONFIDENTIAL ASSISTANCE  
800.364.7886**

**[WWW.OKBAR.ORG/MEMBERS/LAWYERSHELPINGLAWYERS](http://WWW.OKBAR.ORG/MEMBERS/LAWYERSHELPINGLAWYERS)**



## Stress and Substance Use – How Are You Coping?

By Deanna L. Harris

**I**f you are alive, you are encountering stress. It is an inevitable part of being. It is our perception of an event that dictates how we will respond physically, mentally and emotionally.

One person may be invigorated by the idea of public speaking while another person is paralyzed by the thought. How our minds interpret the situation will dictate how our body reacts. If the situation is perceived as a threat, the body automatically shifts into a survival mode — fight, flight or freeze. This can be useful in situations that require a physical response, like running from a sabretooth. However, in today's society the threats are more often in our mind.

In modern times, this stress response is happening multiple times throughout the day at home, work, school or even in traffic. Getting up to the alarm, getting kids ready for school, returning emails and voicemails, meeting with clients, writing briefs, long hours, listening to angry clients, caring for aging parents; it all has an effect. This leaves one with feelings of needing to decompress, relax, disconnect, chill out or escape.

### ALCOHOL AND STRESS

Many choose to do that by having a drink or using other substances. This type of coping may have started in college or law school. To prep for a big exam, you took something to help you stay up and pull an all-nighter. After the big exam you met up with classmates to blow off steam and celebrate or commiserate over drinks. As your law career started, the need to entertain clients and network with other professionals found you having drinks more often.

Soon, between the demands of your career and family life, you may have found yourself in a state of chronic stress, using alcohol or other substances in order to cope. The danger in this manner of coping is the risk of developing an addiction.

Many studies have linked stress to addiction; in fact chronic stress is a well-known substance abuse risk factor. In addition to that, a recently released study conducted by the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs reports 21 percent of employed lawyers qualify as problem drinkers; for lawyers under age 30, it's 31.9 percent. Participants in the study also answered questions about their use of licit and illicit drugs, including sedatives, marijuana, stimulants and opioids: Seventy-four percent of those who used stimulants took them weekly.

### SMALL CHANGES AND COPING TECHNIQUES

All of this is to say, take a look around and evaluate how you cope with stress. What path are you on? Could you benefit from changes in how you cope? If so, start with small manageable changes that might include:

- Paying attention to negative internal messages or self-talk, that's where most stress originates. Being logical, using reason and analyzing information is what lawyers do. While this is great for the client, it can leave

you so disconnected from what is going on inside, you are unaware of the negative stream of thoughts scrolling through your head.

- Cultivate your social/support network. Find colleagues and friends that are supportive and distance yourself from the ones that seem to add to your stress. Having a truly supportive network can make all the difference when managing stress and making changes.
- Get a hobby. Having a healthy outlet away from work can give you the mental and physical break needed to disconnect and recharge.
- Call Lawyers Helping Lawyers at 800-364-7886 and request peer support with one of the committee members or take advantage of the six free counseling sessions to set some goals, get guidance or discuss concerns.

In conclusion, the demands of practicing law can become extremely stressful on a lawyer. Too often this stress can lead to substance abuse and other problems that affect a lawyer's professional and personal life. Follow these tips to recognize the stress in your life and learn to deal with it in a manner that is both healthy and productive.

#### ABOUT THE AUTHOR



Deanna Harris is a licensed clinical social worker and certified employee assistance professional. She is the executive director of Employee Assistance Services at One Life EAP in Oklahoma City. She has served as the contracted coordinator of services for the OBA's Lawyers Helping Lawyers Assistance Program for the past three years.

## OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

### 2017 Issues

- 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

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

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

**EideBailly**  
CPAs & BUSINESS ADVISORS

405.478.3334 | [forensics.eidebailly.com](http://forensics.eidebailly.com)

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

# Different can be good.





The **ABA Retirement Funds Program** is different from other providers. It was established to meet the unique needs of the legal community.



- As a not-for-profit corporation led by volunteer lawyers, we ensure decisions are made in the best interest of law professionals who are saving for retirement.
- We leverage the size and scale of the legal community and our member clients to make retirement plans affordable for firms of all sizes, even solos.
- We provide law firms with the most comprehensive protection from fiduciary liability under ERISA.

Contact an **ABA Retirement Funds Program Regional Representative** today.

-  866.812.1510
-  [www.abaretirement.com](http://www.abaretirement.com)
-  [joinus@abaretirement.com](mailto:joinus@abaretirement.com)

Find out what many law firms like yours already know.  
Different can be good.



*The ABA Retirement Funds Program is available through the Oklahoma Bar Association as a member benefit.*

*Please read the Program Annual Disclosure Document (April 2016) carefully before investing. This Disclosure Document contains important information about the Program and investment options. For email inquiries, contact us at: [joinus@abaretirement.com](mailto:joinus@abaretirement.com).*

*Securities offered through Voya Financial Partners, LLC (Member SIPC).*

*Voya Financial Partners is a member of the Voya family of companies ("Voya"). Voya and the ABA Retirement Funds are separate, unaffiliated entities, and not responsible for one another's products and services.*

CN1029-19104-1117 - 2015





## Dealing With Anger

By Peggy Stockwell

**A**t one time or another, everyone feels anger bubbling up. There *is* nothing wrong with experiencing anger. It *is* a normal response when a person senses a threat or a social or professional slight. We all get angry at our spouses, our kids, other lawyers, judges, the traffic and any number of things. Anger can be caused by external events, such as being angry at a specific person, or internal events, such as worrying about your personal problems.

Anger is a natural emotion. When you sense a threat, your mind generates fear and anger. According to Mitch Abrams, Ph.D., an anger management expert and psychiatry professional at the Robert Wood Johnson Medical School at Rutgers University, “Anger itself is neither good nor bad.”<sup>1</sup>

There are different forms of anger:

**Passive anger.** People with passive anger act like martyrs and do not admit to their anger.

**Aggressive anger.** This type of anger can be physical — throwing things or verbal — yelling, cursing, etc.

**Passive-aggressive anger.** This type of anger looks passive but is really aggressive. Chronic lateness and intentional unsafe driving are examples of passive-aggressive anger.

**Indirect anger.** In this type of anger, the person does not talk to the person she is angry at — she talks to a third party instead.

There are different levels of anger as well. According to Melissa Bienvenu, “Low to moderate anger can even work for good, prompting you to right wrongs and make improvement. But it also kicks your body’s natural defenses

into overdrive. When you sense a threat, your nervous system releases powerful chemicals that prepare you to fight, run and stay alive.”<sup>2</sup>

Anger is a subset of stress.<sup>3</sup> Anger is usually a healthy human emotion. It is an emotional state that varies in intensity from mild irritation to intense fury and rage according to Charles Spielberger, Ph.D., a psychologist who specializes in the study of anger.

Anger is also accompanied by physiological and biological changes. When you get angry, your heart rate goes up, your blood pressure goes up and the levels of your hormones and adrenaline go up.<sup>4</sup> Additionally, a rapid response to anger tends to amp up one’s brain. It can quickly help you to know there is a potential threat, but it can also push you to make rash decisions in the heat of the moment. Anger has been linked to accidents and risky behavior such as gambling, drinking and overeating. It can also play a role in depression. Studies have suggested that holding your anger in may be just as unhealthy as blowing up.

According to Mitch Abrams, Ph.D., the problem is that chronically angry people spend too much time in this hyped-up state. Over time that puts too much wear and tear on your body, making you more likely to get heart dis-

ease, high blood pressure, diabetes, high cholesterol and other problems.<sup>5</sup> Medical literature now says that stress can make us more vulnerable to diseases including psychological impairment. Medical research has shown that chronic stress is linked to six leading causes of death — heart disease, cancer, lung ailments, serious accident, liver disease and suicide.

At the least, unchecked anger can push away the people you need the most. Worse, it can turn into aggression or violence.

Some of the warning signs of an anger issue are:

- when it occurs too frequently
- when the intensity is too strong or
- when it endures too long.

Occasionally feeling annoyed or even angry is nothing to worry about, but getting angry at least once a day, holding on to anger for long periods of time or holding on to anger toward or at someone who died years ago are signs of anger issues. Anger doesn't come by itself. There is always another emotion attached. Anger is often triggered by fear, powerlessness, frustration, pain from the past, feeling overwhelmed or exhausted, jealousy, seeking approval, hurt and manipulation and health.

An attorney's stress begins in law school where they are taught to think like a lawyer and to be competitive for grades. Law students may become alcoholics or depressed and take that with them into their practice of law. This stress can lead to anger, anger at the profession, anger at ourselves and anger at other lawyers who sometimes feed further stress and negativity. We also deal with clients, and they are often angry.

Nearly 30 percent of the calls received by the OBA's Lawyers Helping Lawyers program are due to substance abuse.<sup>6</sup> This often represents an attempt to self-medicate stress, anger and depression. A number of studies indicate that lawyers suffer from substance abuse, mental disorders and mental issues at a higher rate than the general population.<sup>7</sup>

## WAYS TO DEAL WITH ANGER

So, we need to learn ways to deal with our anger and our underlying stress and to stay healthy and maintain healthy relationships both socially and professionally.

The best way to deal with anger is to control it before it controls you. The Florida Bar recently devoted a special issue to mindfulness in its bar journal. In "The Art of Being Mindful in the Legal World: A Challenge for Our Times,"<sup>8</sup> Judge Alan S. Gold states that "Put simply, excess stress can make us sick or sicker." According to *Time* magazine, "Scientists have been able to prove that *meditation* and *rigorous* mindfulness training can lower cortisol levels in blood pressure, increase immune response and possibly even affect gene expression."<sup>9</sup>

According to Wikipedia, mindfulness is the psychological process of bringing one's attention to the internal and external experiences occurring in the present moment, which can be developed through the practice of meditation and other training.

A more simplistic definition of mindfulness is being present in the moment. It is about obtaining a mind of calmness and clarity. It is also about silencing that voice in your head that is negative and distracting.

Mindfulness is an element of some Buddhist traditions. It is generally considered to have been initiated in the West by Jon

Kabat-Zinn, a teacher of mindfulness meditation and the founder of the Mindfulness-Based Stress Program at the University of Massachusetts Medical Center. He defines mindfulness as, "Mindfulness means paying attention in a particular way: on purpose, in the present moment, and nonjudgmentally."

Some studies have shown that mindfulness is correlated with well-being. Clinical physiologists and psychiatrists have developed a number of therapeutic applications using mindfulness for helping people who have a variety of psychological conditions. Many large corporations are using mindfulness training. Google has a mindfulness program. Even

**“...getting angry at least once a day, holding on to anger for long periods of time or holding on to anger toward or at someone who died years ago are signs of anger issues.”**

Justice Stephen Breyer of the U.S. Supreme Court finds it helpful to practice mindfulness. He states, "For 10 or 15 minutes twice a day I sit peacefully. I relax and think about nothing or as little as possible."<sup>10</sup>

For people interested in mindfulness, I recommend Jon Kabat-Zinn's books — particularly *Wherever You Go, There You Are* and *The Mindful Way Through Depression*.<sup>11</sup>

If you think yoga might be helpful to you, I recommend *Yoga for Lawyers: Mind-Body Techniques to Feel Better All The Time*.<sup>12</sup> In *Yoga for Lawyers*, mindfulness has been associated with the following traits: leadership skills, attuned communications, emotional balance fear modulation, flexibility and response tactics, empathy, insight, heightened sense of morality and better interpersonal skills.<sup>13</sup> In this book, lawyers can find tips about yoga, ways to de-stress and recharge, information about practicing mindfulness and the role of stress.

So how do we do it? We breathe. That sounds easy; we do it every day, all the time. We need to refocus our breathing to be mindful. Judge Gold, in his article, suggests the following:

- Sit with good posture and close your eyes.
- Notice your breathing; focus on the air moving in and out of your lungs.
- As thoughts come into your mind and distract you from your breathing, acknowledge those thoughts and then return to focusing on your breathing.
- If your mind wanders, simply bring your attention back to your breathing.

Another mindful exercise is called STOP; it stands for Stop. Take a Breath. Observe. Proceed.

It is recommended that one start by doing this mindfulness meditation for five minutes a day for a week and then try to add more time. This can be done everywhere and anywhere. You can sit at your desk and practice mindfulness or you can do it at the courthouse or at home. It is a matter of taking a few minutes to focus on your breathing and clear your mind of negative thoughts.

The following may be helpful to beginners:

- Pick a time each day to make it a habit.
- Close your door.

- Just do it. You don't have to be perfect; you just have to do it regularly.

## STRATEGIES TO KEEP ANGER AT BAY

In addition to the mindfulness techniques outlined, the American Psychological Association<sup>14</sup> suggests the following strategies to keep anger at bay:

### *Cognitive Restructuring*

Simply put, this means changing the way you think. Angry people tend to curse, swear or speak in highly colorful terms that reflect their inner thoughts. When you're angry, your thinking can get very exaggerated and overly dramatic. Try replacing these thoughts with more rational ones.

### *Problem Solving*

Sometimes, our anger and frustration are caused by real problems in our lives. Not all anger is misplaced, and often it's a healthy, natural response to these difficulties. The best thing to do in such a situation is to focus on how you handle and face the problem. Resolve not to get angry. Rather, approach the problem as calmly and rationally as possible.

### *Better Communication*

Angry people tend to jump to conclusions, and some of those conclusions can be very inaccurate. If you're in a heated discussion, slow down and think through your responses. The best way to express anger is assertively, using "I" rather than "you" statements. So, we should say, "I am angry because you didn't return my call" instead of "You really make me mad." Assertive anger is the method that communicates our feelings without violating the integrity of others.<sup>15</sup>

### *Change Your Environment*

Sometimes our immediate surroundings can cause us anger. Give yourself a break. Take a walk around the block. Take a walk around the office.

In conclusion, anger is a natural response to stress, but a person must learn to handle anger and stress in healthy ways. Failure to learn healthy techniques for managing anger and stress constitutes a very serious threat to physical and psychological health. There are many techniques for handling anger and stress. One such technique involves the process of implementing the process of mindfulness and medi-

tation to obtain a calm mind. Other helpful techniques include cognitive restructuring, problem solving, better communication and changing of environment.

1. Melissa Bienvenu, *WebMD*, "Why Am I So Angry?" 2009 WebMD LLC.
2. *Id.*
3. "Stress and Your Heart," A.D.A.M. Inc., Feb. 14, 2016.
4. Kate Pickert, "The Mindful Revolution: The Science of Finding Focus in a Stressed Out, Multitasking Culture," *Time* (Feb. 3, 2014).
5. Bienvenu, *WebMD*.
6. *Oklahoma Bar Association Utilization Report*, OneLife Employee Assistance Program, Jan. 1 - Nov. 18, 2016.
7. Butler Center for Research, Research Update, Hazelden Foundation, Attorneys and Substance Abuse (September 2012).
8. *The Florida Bar Journal*, Vol 90, No. 4 (April 2016).
9. Pickert, "The Mindful Revolution," *Time* (Feb. 3, 2014).
10. CNN Interview with Amanda Enayati, "Seeking Serenity: When Lawyers Go Zen," May 11, 2011.
11. Jon Kabat-Zinn, [www.mindfulnesscds.com/pages/books-by-jon-kabat-zinn](http://www.mindfulnesscds.com/pages/books-by-jon-kabat-zinn).
12. Hallie Neuman Love and Nathalie Martin, *Yoga for Lawyers: Mind-Body Techniques to Feel Better All the Time*, Chicago: ABA Publishing, 2014.
13. *Id.*

14. Controlling Anger Before It Controls You, American Psychological Association, [www.apa.org/topics/anger/control.aspx](http://www.apa.org/topics/anger/control.aspx).
15. Louisa Rogers in her pamphlet "Dealing with Anger."

#### ABOUT THE AUTHOR



Peggy Stockwell practices in Norman, focusing on family law. She is a certified mediator, arbitrator and guardian *ad litem* in family law cases. She has served on the OBA Board of Governors and many OBA committees including the Lawyers Helping Lawyers Assistance Program, Awards Committee and Disaster Relief Committee. She is an active Cleveland County Bar Association member, serving on the Executive Committee for many years and as president in 2000. She gets mad a lot, so she understands anger.

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

*presented by*

### **JOHN J. MCDONALD**

Partner: Troutman Sanders (New York City Office)

*Sponsor:*

Business and Corporate Law Section of the Oklahoma Bar Association

► **WHEN:** Friday, April 28, 2017  
8:30 am – 12 noon

► **WHERE:** 21C Museum Hotel  
900 W. Main Street  
Oklahoma City, Oklahoma 73106

*This program has been approved for 3 hours of MCLE Credit*

*The seminar is free for members of the  
Business and Corporate Law Section of the OBA*

*All other attendees: \$100*

**Please RSVP to Mary Houston • [mhouston@hartzoglaw.com](mailto:mhouston@hartzoglaw.com) • (405) 235-7000**

# When government, public perception and law intersect

GableGotwals is pleased to announce the addition of **Robert G. McCampbell** and **Travis V. Jett** as shareholders in the Oklahoma City Office. A former United States Attorney, Robert G. McCampbell brings to the firm more than 30 years of diverse trial experience. Jett's practice includes representing clients in litigation, internal investigations, and appellate proceedings.



Robert G. McCampbell



Travis Jett

McCampbell and Jett have handled many government related matters including acting as special counsel for the Executive Branch, the Legislative Branch, and various state agencies of Oklahoma. They regularly represent private companies and individuals in high profile matters in civil litigation, regulatory matters, defending government investigations, and public policy disputes.



*Solving Problems & Managing Opportunities.*

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



## The Benefits of Yoga to Enhance Your Law Practice

By Katy Jones

**J**ust exercise more. Eat right. Meditate. Make sure you're getting enough sleep. Stop worrying so much.

Yeah.

Right.

Being told how to have less stress in your life causes even more stress. Just sitting there ... thinking about everything you're supposed to be doing to be a better you. Then some friend who smells like patchouli and never seems to have a job tells you to come to yoga with them. Humans really are the worst.

Yoga gets an interesting rap. It's one of those things we are either wholly against for no real reason at all or something we treat like it's our religion. It doesn't have to be either of those. It can just be something you do when you need it, however often that may be.

I'm here to help you with that. I'm a lawyer. I teach yoga. I've been impassioned about and disillusioned with both vocations, but I do know for certain that each helps the other.

### HOW TO DO IT

When we think of yoga, we either get a picture in our mind of a bendy, lululemon-clad, upper middle-class woman or a skinny East Indian dude with dreads and one foot propped over his shoulder. Yoga is actually an all-encompassing name for the "8-limbed path," which is a guide to living your best life. One limb is the physical movements, but another is the more important aspect of a yoga practice — your breath. How you breathe can change your life. Combine that intentional breath with movement and getting your mind right, and well, now you're onto something.

So, let's do it. You've got this magazine in front of you at your desk. Go ahead and stop slouching over it and sit up straight. Lift up through the crown of your head, plant your feet solid and elevate your heart (literally). Get as long as you can from belly button to sternum and keep the front of your throat open. Stay seated tall, and exhale through your nose (or mouth if the nose doesn't feel right), fully emptying your lungs. Hold for just a second at the bottom of that exhale. Then, inhale through your nose from the bottom of your belly, expanding your ribs out like gills, then up into your chest. Hold at the top of that inhale. Maybe a slow count to four for each inhale and exhale works better for you. Do what feels easiest. Repeat this cycle at least four more times or as needed. If it feels good to do so, close your eyes. Note how you feel after each breath.

You just did yoga. Hippie.

We usually think of yoga as the asanas (physical movements) combined with that pranayama (breath). The majority of yoga studios teach asana classes, but those worth their salt will always guide you through a pranayama practice first.

### WHERE DO I GO FROM HERE

Attending a yoga class will be different everywhere you go. Those of you in Oklahoma City and Tulsa are lucky because of the abundant amount of studios to check out. Many offer a free first class or introductory deals. Take advantage. If you don't like one, don't

decide then and there that yoga is not for you. You're a lawyer. You know to exhaust all options. Go try out another place with an open mind.

If you're not keen on the group class settings, you have other choices. My personal favorite is [www.yogaglo.com](http://www.yogaglo.com). This site is full of qualified teachers, and you can customize what you want. You can pick meditation, intense physical classes, pranayama-focused classes, restorative classes, 10-minute classes, 90-minute classes, etc. It's cheap, has a free 15-day trial and offers unlimited options to do anytime convenient for you. Unlike YouTube, YogaGlo has professional instructors, and you don't have to sift through the unsavories to find the prize like you're at a garage sale. YogaGlo doesn't pay me, by the way. Maybe they should.

### **I'VE READ THIS FAR, BUT I STILL DON'T KNOW WHY I SHOULD DO THIS. I'M A BUSY PERSON...**

My friend, as far as we know, you've got this one body and this one life. You obviously work incredibly hard to be successful. You're bright as can be. Don't ever lose an opportunity to feel better and do better. That's where this practice can help you. You're probably not going to lose 40 pounds in a month just by starting yoga and becoming more mindful. You're probably not going to immediately make more money or win more cases. This is not a quick fix, but, eventually, just as any practice tends to work, you will become better at your job.

I'm serious.

Here's how...

### **THE SCIENCE**

We come equipped with this cool component called the vagus nerve, the longest cranial nerve with the widest distribution in the body. This guy is a real workhorse; it regulates major body functions, including breathing, heart rate, digestion and how we "take in" and process our experiences. You know that gut feeling you get? That's your trusty vagus nerve.

Vagus nerve functioning is critical to optimal physiological health. If your brain and body are more resilient under stress, you have an easier time moving from an excited state to a relaxed one. You can quickly bring yourself down from "fight or flight."

Here's the good news — if you have low vagal tone and are more sensitive to stress and disease, you can train your body to improve. You do this through a yoga practice. This is where all the statistics about yoga helping those with depression, diabetes, chronic pain and anxiety come from — increased vagal stimulation. Resistance breathing (such as we did at the beginning of this article) increases parasympathetic activity, resulting in increased vagal tone.

So, if you actively start and make time for a practice, could you have a cooler mindset in trial, more patience with your spouse and make wiser decisions?

Yep. Promise.

### **I STILL DON'T KNOW...**

The ABA has put out a book on yoga for lawyers, yoga festivals have classes specifically for lawyers and some state bars have even approved CLE credit for yoga courses. Medical schools from Harvard to Stanford have researched the effects of yoga on mental and physical health with overwhelmingly positive results.

We see the statistics on poor health in attorneys constantly. This is not a field for the faint of heart. Google "physical health and lawyers," and you'll see a plethora of self-care tips combined with reasons why we're all drunk and depressed.

Time spent improving yourself is never wasted. Yoga is one of those rare, completely safe bets. Don't overthink it. Give it a try, and get ready to grow.

### **ABOUT THE AUTHOR**



Katy Jones is an OBA member who resides in Tulsa and teaches yoga at Cherry Street Yoga and the Tulsa County Public Defenders' Office. She runs a nonprofit, Root to Rise Inc., that provides yoga and meditation classes for those who have been through traumatic experiences with a focus on incarcerated men and women. She prides herself in the ability to teach to all walks of life and abilities, and she believes in you. She graduated from the OCU School of Law in 2011.



YOU'RE INVITED

# OPENING YOUR LAW PRACTICE

PRESENTED BY THE OKLAHOMA BAR ASSOCIATION



## MAY 2, 2017

OKLAHOMA BAR CENTER  
1901 N. LINCOLN BLVD.  
OKLAHOMA CITY, OK



### CLE Credit

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

### Tuition

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

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

### Schedule

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

sponsored by  OKLAHOMA ATTORNEYS  
MUTUAL INSURANCE COMPANY



## Life Is a Zero-Sum Game – Have You Solved Your Save-Spend Balance?

By Christine Hotwagner

A zero-sum game is a situation in which one person's gain is equivalent to another's loss, so the net change in wealth or benefit is zero. For example, let's look at your typical poker game. The first round of poker begins with each player placing a specific amount of money into the center of the table (the pot) based on how competitive they think their hand is compared with the other players. The game continues around the table until all players have either placed money into the center or folded. Once all money is placed, the players' hands are revealed and the player with the winning hand takes the pot. That player's gain is therefore equivalent to all other contributing players' losses and the net gain for the group is zero.

Unlike the name would suggest, zero-sum games are actually very real. As human beings, there are limitations on our time, money and energy. We do not get an endless supply of these things every day. When deciding how much of something — your time, your money, your energy — to use or give out, you are making the decision to take from one area of your life and give to another. You are continually evaluating how compromises may play out, hoping the ultimate outcome will strike a balance that gives you comfort and reward.

When we think about the term “work-life balance,” aren't we basically talking about a zero-sum game? Every day we have to make the decision between how much time and energy we put toward our work and our careers and how much time and energy we dedicate to our “life” — whether that be our health, our families, our homes, our pets or our sports and hobbies. When we make that decision in favor of our career, we are essentially

taking away from our personal life, and vice versa. It's a delicate balance and one that is different for everyone, depending on careers, ambitions, expectations, characters, stages of life, etc.

This search for balance is no different for lawyers and legal professionals, and in fact some may argue that achieving this balance is even more difficult for these professionals. Traditionally, legal professionals tend to be very committed to their careers. They spend long hours in the office during the week and often work nights and weekends as well. Since they can essentially do their work anywhere and at any time, traditional office hours don't apply. The essence of the zero-sum game for lawyers likely manifests itself in the number and complexity of work and life obligations while bound by the irrevocable fact there are only 24 hours in each day. Since the speed of the earth's rotation onto its axis isn't likely to change anytime soon, the work and life trade-off becomes

more difficult to manage when there is more work to get done and just as many personal matters to attend to.

We can draw many parallels between achieving work-life balance and achieving financial balance, where saving and spending are at odds. In each case, there is a finite amount available — time in the case of work-life balance and money in the case of save-spend balance.

### HYPERBOLIC DISCOUNTING AND OTHER CHALLENGES

In effect, saving for retirement is also a zero-sum game. Every dollar we choose to save now is a dollar we choose not to spend on the latest cellphone, a new outfit or a night out on the town. The save-spend balance is further complicated by the fact that the rewards are not necessarily delivered under the same time table. Typically, spending comes with instant gratification. In the case of saving however, the reward is typically delivered at some point later. And when saving for retirement, the reward may not come for several decades.

It's no secret that we humans have a tendency to value short-term rewards over longer-term rewards, even when mathematically they are worth the same. The further away the reward, the more we tend to discount it. This is the concept of hyperbolic discounting.

How does it work? Assume someone has the choice between \$20 now and \$100 tomorrow. Most will wait a day and collect the \$100 reward. But what if I were to offer you \$20 now or \$100 a year from now? Turns out many people will opt for the \$20 now, discounting the value of a larger reward because it is so far into the future. Expressed another way, hyperbolic discounting is a person's desire for an immediate reward rather than a higher-value reward at some point later.

You don't have to be a lawyer to understand this concept, because it affects everyone the same. That's why legal professionals, just like the rest of us living in today's society, struggle to plan ahead and save adequately for retire-

ment. So what can you do now to help ensure you'll have what you need tomorrow? The short answer is take action today!

Planning for retirement also falls into the zero-sum game concept. What can you do to help plan for your retirement? Consider establishing a retirement plan. As a solo practitioner or small firm owner, you need to understand your responsibilities as the plan sponsor if you establish a retirement plan for your firm. There are eligible employees you need to factor into the equation, as well as saving for your own retirement.

The "spend now or save now" decision is not the only challenge we face when it comes to planning and saving for retirement. One of the

**“ In effect, saving for retirement is also a zero-sum game. Every dollar we choose to save now is a dollar we choose not to spend on the latest cellphone, a new outfit or a night out on the town. ”**

biggest challenges is whether or not we have access to a retirement savings plan to begin with. Statistics have shown that people are much more likely to save for retirement if a 401(k) plan is available to them through the workplace. However, access to such plans has been a difficult hurdle to overcome when it comes to smaller employers, who typically choose not to sponsor a plan. Of all small employers — those with 10 or fewer workers — only 16.5 percent sponsor a retirement plan, according to an Employee Benefit Research Institute estimate. This is especially noteworthy in light of the fact that, according to the latest statistical report by the American Bar Foundation, nine in 10 lawyers work for

firms that have fewer than 10 attorneys. The propensity for law firms to be small means most law professionals do not have access to a workplace retirement plan.

### BE READY TO RETIRE, WHETHER YOU PLAN TO OR NOT

If you're like most working Americans, you see your 401(k) plan as the cornerstone to your retirement savings. But if you're not, and you believe you'll never retire from practicing law, consider this: one in five retirees does not retire on the planned-for date because of illness or health issues. One of life's realities is that with old age comes a variety of health concerns which may impact your ability and willingness

to practice law. Often law professionals are forced into retirement owing to ailments or health conditions. The uncertainty about what your health has in store for you down the road is cause for planning. So, whether you plan to retire or not, consider just a few simple tips that can help you be ready to retire with the dignity and financial security you expect and deserve.

*Tip #1: Participate in Your Retirement Plan*

If you haven't yet enrolled in your 401(k) plan, make it a point to do so now. People are living longer now than ever before. According to a report by the U.S. Census Bureau, the United States is projected to have 9 million people above the age of 90 by 2050 – up from 1.9 million in 2010 and only 720,000 in 1980. These statistics illustrate that our nation's 90-and-older population has nearly tripled over the past three decades ... and is projected to quadruple over the next four decades. These longer life spans coupled with rocketing health care costs, the uncertain future of Social Security and the decline of public pensions means individuals are increasingly responsible for finding their own path to retirement income adequacy.

Contributing to a 401(k) plan can put you on the right track to be able to fund your retirement years. The money you contribute is tax-deferred from both federal and state income taxes, which means you don't pay taxes on the contributions until you withdraw the funds, typically at retirement age. Furthermore, contributions to the plan are deducted automatically from your paycheck, making the process seamless for you.

For law professionals, this tip is especially important. The law profession is characterized by busy, time-consuming schedules with little time for planning outside of work. As a result, law professionals compulsively push off the decision to start saving. As inertia sets in, many people are left feeling as if their bank account is a ticking clock and too few years remain until retirement.

If you're unsure about how to get started, take advantage of the many helpful online interactive experiences and resources available to you, such as Voya's myOrangeMoney retirement calculator available at [voya.com](http://voya.com). These tools offer an easy way for you to determine how much you need to save to reach your retirement goals, how different contribution

rates may impact your retirement savings and when you can afford to retire.

*Tip #2: Take Advantage of Matching Contributions*

If your retirement plan offers a company match, take advantage of it! This valuable benefit requires that your employer match your contributions – typically capped at a percentage of your pay. For example, a company may offer a dollar-for-dollar match up to 3 percent of pay or a 50 percent match up to 6 percent of pay. Find out what your employer will match and, at the very least, contribute enough to take advantage of the match.

Many law firms will offer generous matches and sometimes profit sharing plans where the employer has discretion to determine when and how much the company pays into the plan. The amount allocated to each individual account is usually based on the salary level of the employee.

*Tip #3: Make Catch-Up Contributions*

If you are age 50 or older (or will be by the end of the calendar year) and your retirement plan allows, take advantage of the "catch-up" provision. Legislation has made it easier for you to save more for your retirement with the "catch-up" provision outlined in the Pension Protection Act of 2006. In addition to the general deferral limit of \$18,000 for 2016, you can contribute an additional \$6,000 for a total of \$24,000. This means if you are 50 years old this year and haven't started saving for retirement, you can contribute nearly as much as \$250,000 over the next 10 years — tax-deferred — to your 401(k) plan. When you consider the potential of compound earnings, this can add up to significant savings.

*Tip #4: Keep Your Savings Working for You*

Even if the plan allows you to borrow from your plan, think twice before doing so. Although it may sound appealing, borrowing from your 401(k) reduces the benefit of tax-free compounding that is the key to building up savings. Before you make the decision to take a loan, there are a few considerations to take into account:

- You will pay interest on the loan with after-tax dollars, thereby losing the tax advantage.

- You will pay taxes a second time when you eventually withdraw the money in retirement.
- Interest on the loan is not tax-deductible, even if funds are used for a home purchase.
- Most loans must be paid back within five years, but if you leave your job, the loan must be paid back in full immediately or the amount becomes a taxable withdrawal.

*Tip #5: Invest for the Long Term*

Once you set your investment allocations, be patient. Predicting the market is not like predicting the weather. There are no high-tech gadgets or radar systems to predict the highs and lows that may lie ahead. It's critical to remember that what is important is time in the market, not timing the market. Discipline yourself to maintain your allocation through down markets as well as up markets. Having a properly diversified portfolio will help make any market swing easier to digest. Conduct an annual review of your plan to confirm your allocations still align with your life stage and economic circumstances.

*Tip #6: Spend Time With a Financial Professional*

According to Voya research, those who spend time with a financial professional save more than their peers and have greater investment knowledge and confidence in their ability to enjoy retirement. If you have never received help from a financial professional before, this assistance is something to consider pursuing.

## CONCLUSION

We've discussed two of life's zero-sum games — work-life balance and save-spend balance. Both are similar in that they require you to make compromises. To what degree you are willing to compromise is up to you. When it comes to saving for retirement it's important to understand how spending today may negatively impact your ability to retire comfortably in the future. You don't have to put away half of your income every month, but you do have to make sure that what you are putting away will adequately cover your needs once you reach retirement age. Do you want to live in financial security in retirement? Travel? Live in the home you want? Have enough to pay for health expenses? If so, then you need to value your save-spend balance as much as you do your work-life balance.

### ABOUT THE AUTHOR



Christine Hotwagner is program operations director for ABA Retirement Funds, an affiliate of the ABA, dedicated to helping lawyers with their retirement by providing fully bundled retirement solutions for law firms of all sizes. Established in 1963, the organization has more than 3,800 law firm retirement plans, 38,000 participants and over \$5 billion in assets in the ABA Retirement Funds Program.

**the  
MEDIATION  
INSTITUTE**



Call or Register Online Today!

[www.mediationinstitute.net](http://www.mediationinstitute.net)  
(888) 607-8914 (toll free)  
(405) 607-8914

**Offering Two Mediation Courses  
In Your Area!**

**40 Hour Family & Divorce Mediation Training**  
Tulsa, OK - May 17-20, 2017; August 2-5, 2017  
Oklahoma City, OK - July 5-8, 2017; September 20-23, 2017

**24 Hour Civil, Commercial, & Employment Training**  
Oklahoma City, OK - May 24-27, 2017; August 16-19, 2017

**Tuition:**  
Family & Divorce Training \$975  
Civil, Commercial & Employment Training \$875  
(Early Registration, Group & Multiple Course Discounts Available)

**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.

*ensure*  
**JUSTICE**  
*for all*

★ ★ ★ ★ ★  
**A little bit of your time  
can make a big difference**

**by answering a pro bono legal question  
online for a low-income Oklahoman.**

★ ★ ★ ★ ★  
*Visit [www.okbar.org](http://www.okbar.org) to learn more!*



**OKLAHOMA FREE LEGAL ANSWERS  
IS A PROJECT OF:  
Oklahoma Bar Association  
Oklahoma Access to Justice Commission  
American Bar Association**





# Making the Case for Reflective Practitioner Groups for Mediators

By *Andrea Treiber Cutter*

**T**he life of an attorney mediator can be somewhat lonely. Although co-mediation is occasionally used in domestic cases, most cases are mediated by one mediator. Many attorney mediators have a solo practice or practice in a small group setting. Even if an attorney mediator practices in a larger firm, the mediation practice is typically effectively segregated from the rest of the firm for practical and ethical reasons. Although some mediators ask participants to fill out an evaluation at the conclusion of the mediation, most mediators are left to wonder how the participants perceived them and whether their methods and techniques were effective. There is a trend in the United States to form “reflective practitioner groups” of mediators to help address these issues that can create a professional and emotional strain on mediators.

## WHAT ARE REFLECTIVE PRACTITIONER GROUPS?

A reflective practitioner group is a small group of mediators who come together on a regular basis to discuss issues they have encountered in recent mediations. They may discuss ethical questions that arise during mediation, a particularly difficult party or advocate, how the matter was dealt with and share ideas for how the situation could have been dealt with better. Reflective practitioner groups are similar to the “reflective learning” process many experience during their mediation training. Although there are seminars, training sessions and bar meetings geared toward mediators that may partly fill in these gaps, the reflective practitioner group meets more frequently to provide support on an

ongoing basis. The purpose of the groups is professional growth and improvement of its membership. A likely benefit may be reduction and/or management of the stress that often comes with a solitary practice.

The adjective “reflective” appears to be the result of the acceptance within the profession of the need for mediators to reflect on their own practice and techniques in order to continue to develop professionally. To accomplish this, mediators should “develop the discipline and practices of reflection. The ability to learn from each experience; to refine, adjust, and enhance one’s skills; and to respond thoughtfully to the unique and surprising events in professional practice can be achieved through the consistent, thoughtful, and intentional application of the methods and principles of

reflective practice.”<sup>1</sup> There are questions mediators can ask themselves soon after the conclusion of the mediation to facilitate self-reflection. The objective is that self-reflection becomes a habit, which ideally will help the mediator grow professionally. A few such questions include:

- Was my theoretical approach helpful in dealing with the parties and the conflict?
- How was this conflict different from other conflicts?
- Were there surprises, unexpected responses, unanticipated issues or curious or novel events?
- How did I respond to those unexpected events?
- Was I able to reflect in action? If yes, when, with what result and to what effect? If no, why not?
- What do I like about the way I handled the session or particular interventions? What seemed artful, responsive and effective? Why?
- What additional information or skill do I wish I had? How and where can I learn that?<sup>2</sup>

One of the purposes of reflective practitioner groups is to put similar practices into action in a group setting. Generally, there are three types of reflective practice groups forming around the country. The first is a formal group, wherein mediators meet in person with a facilitator who leads the discussion or moderates the discussion among the members. This type can be found in California.<sup>3</sup> The second type is informal wherein there isn't a specific leader or facilitator, and the topics therefore tend to be less planned and more free flowing. Examples of these groups can be found in Washington, D.C.<sup>4</sup> The third type is telephonic wherein the members meet over conference call or via a web-based conference service. A benefit of this type of group is it is not constrained to a particular geographic region.<sup>5</sup> There are also peer groups that are less intentional than reflective practice groups that can be found on social media platforms such as LinkedIn. These groups tend to be much larger and do not have defined meetings but may provide much need-

ed support benefits for mediators that reflective practitioner groups do not provide.

## ETHICAL CONCERNS

Reflective practitioner groups can focus on a variety of issues including ethical issues that have or may arise during mediation, strategies regarding how much or how little to allow parties to vent and the advisability of holding a joint session among many other possible topics. In the context of these group reflections, it is important to share problems, solutions and/or advice while being mindful that the information gleaned during mediation is privileged and confidential.<sup>6</sup> Furthermore, while online social platforms are a normal way for many folks to communicate and share ideas, it is very important that mediators, and attorneys, not “overshare” because to do so risks violating their duty to maintain privileged and confidential information. On social media especially, it is also very important for mediators to preserve impartiality. A mediator should not give an appearance of slipping into the role of an advocate for one side or another.

## POTENTIAL BENEFITS FOR OKLAHOMA PRACTITIONERS

Based on an unscientific poll conducted of attorney mediators, it appears this trend has not yet made its way to Oklahoma. Although there are available training programs that focus on reflective learning exercises, programs through the Oklahoma Bar Association that provide support to attorneys generally,<sup>7</sup> continuing legal education and other seminars and professional development opportunities, these do not meet on a frequent basis and are typically not intentional in assisting practicing mediators in a reflective learning process.

There are numerous potential benefits of forming these groups in Oklahoma, not the least of which would be to promote the mental health and well-being of mediators. These groups have the potential to become like support groups for practicing mediators. There can be solace in knowing you are not alone and that other seasoned professionals face hurdles and challenges similar to your own. There is

“ Reflective practitioner groups can focus on a variety of issues including ethical issues that have or may arise during mediation...” ”

also the benefit of creating a form of apprenticeship. Some seasoned attorneys who are wanting to shift their practice to mediation later in their careers do not have the same level of litigation experience or level of experience as an advocate in mediation, as many with an established mediation practice may have. The more experienced mediators can provide guidance and insight to the ones coming up. There are also obvious networking possibilities. Fellow mediators can be possible referral sources in the case of a conflict or dispute that is simply outside the others' area of expertise. There is also a benefit to mediation as its own industry to lift up all of its members. Increasing the quality of mediators generally helps everyone in the industry.

1. Lang, M.D. & Taylor, A. *The Making of a Mediator; Developing Artistry in Practice*. San Francisco: Jossey-Bass, 2000, at 47-48.

2. *Id.* at 140.

3. Ava J. Abramowitz, Laura J. Sipanowich, Alexander Gorelik. "Reflective Practitioner Groups: A New Tool for Improving Ourselves as Practitioners?" American Bar Association. www.americanbar.org. Sept. 20, 2016.

4. *Id.*

5. *Id.*

6. Okla. Stat., tit. 12 (1983) §1805.

7. Through the Lawyers Helping Lawyers program, the Oklahoma Bar Association offers its members counseling, a crisis hotline and monthly meetings on a variety of topics faced by attorneys generally during their everyday practice.

#### ABOUT THE AUTHOR



Andrea Treiber Cutter practices law at Cutter Law Firm PLC in Tulsa. She has more than 22 years of experience litigating commercial cases in Texas and Oklahoma. She also mediates business and employment disputes.

## FRY & ELDER

TRIAL LAWYERS SINCE 1932

Fry & Elder proudly welcomes **Amy Page** to the firm. Page will expand the firm's **appellate** practice. She will focus on appellate-level litigation in family law cases, as well as **child support** and **paternity/parentage** issues. Page has sixteen years of practice in child support and parentage matters at every level of state court and over ten years of practice in family law appeals litigation.

**- Now accepting appointments and referrals -**

#### Tulsa Office

1630 S. Main Street  
Tulsa, OK 74119

#### OKC Office

228 Robert S. Kerr, STE 835  
Oklahoma City, OK 73102

918.585.1107  
amy@fryelder.com

# Members Urged to Reach Out to Legislators on March 21

By Angela Ailles Bahm

As I write this article, the political machinery keeps ticking away. I hope you are using the tools and free resources on the Oklahoma Legislature's website at [www.oklegislature.gov](http://www.oklegislature.gov) to monitor bills you are interested in — and that you are providing input to your legislators.

As a reminder, March 21 is the annual OBA Day at the Capitol. I again urge everyone to attend and participate if you possibly can. The agenda has been drafted thanks to our executive director, John Morris Williams. Registration will begin at 9:30 a.m., and the program will begin promptly at 10 a.m. Presenters will include OBA President Linda Thomas, Legislative Liaison Clay Taylor, Administrative Director of the Courts Jari Askins and yours truly. Rep. Chris Kannady (House District 91), chair of the House Judiciary Committee, will speak and provide an update.

In addition, former representative and attorney Randy Grau will assist attendees with a presentation on how to approach legislators. Lunch will take place from noon to 1 p.m., and afterward all attendees who choose to will visit legislators at the Capitol. You must RSVP to attend. Call Debbie Brink at 405-416-7014, 800-522-8065 or email her at [debbieb@okbar.org](mailto:debbieb@okbar.org). Don't miss the opportunity!

For me personally, this has always been a very rewarding opportunity. One shouldn't need it,



but it gives you a reason to go to the Capitol and see exactly what is taking place. I have enjoyed seeing debate take place on the floor by sitting in the gallery of both the House and the Senate. It truly gives you an idea of the scope of the issues with which our legislators are dealing and emphasizes the need for lawyer and citizen input. Again, take advantage of this opportunity and attend with us for a Day at the Capitol.

As a reminder, there are 17 attorneys in the House and five in the Senate. When you go to the Capitol, I urge you not to just visit these fellow lawyers but also make sure to take the opportunity to

introduce yourself to your senator and representative and to give them your business card. Take the opportunity to offer your expertise as a resource to them.

In this article, I cannot possibly address all the bills that might affect your area of practice. If you have bills you think the Legislative Monitoring Committee should have an interest in and report on, please do not hesitate to let me know.

Bills that continue to be monitored include:

**HB 1570** Creating the Civil Procedure Reform Act.

**HB 1925** Creating the Court Redistricting Act of 2017.

**HB 2306** Adding some court costs and filing fees.

**SB 536** Eliminating the ability to charge a fee as a condition of licensing.

**SB 699** Creating a mandatory retirement age for appellate judges.

**SB 700** Provides for appointment by the Senate and House of attorney JNC members.

**SB 708** Adds to the qualifications to become a judge that one must have tried three jury trials.

Again, these are just a small sampling of bills still making their way through the legislative process. Bills must come out of their house of origin by March 23 for them to continue to be

viable. If they come out of their house of origin, then they move to the other house for consideration.

I look forward to seeing you March 21.

#### ABOUT THE AUTHOR



Ms. Ailles Bahm is the managing attorney of State Farm's in-house office and also serves as the Legislative Monitoring Committee chairperson. She can be contacted at [angela.ailles-bahm.ga23@statefarm.com](mailto:angela.ailles-bahm.ga23@statefarm.com).

## Attorney Legislators

### *First Session – 56th Oklahoma Legislature*

A total of 149 elected representatives and senators serve in the Oklahoma Legislature. The OBA is proud of its 22 lawyer members, who represent 17 percent of the House and Senate in Oklahoma.

Sen. Julie Daniels – District 29  
Hometown: Bartlesville

Sen. Kay Floyd – District 46  
Hometown: Ada

Sen. David Holt – District 30  
Hometown: Oklahoma City

Sen. John Sparks – District 16  
Hometown: Norman

Sen. Anthony Sykes – District 24  
Hometown: Moore

Rep. Scott Biggs – District 51  
Counties: Grady, McClain, Stephens

Rep. Kevin Calvey – District 82  
County: Oklahoma

Rep. Tim Downing – District 42  
Counties: Garvin, McClain

Rep. Jon Echols – District 90  
Counties: Cleveland, Oklahoma

Rep. Scott Inman – District 94  
County: Oklahoma

Rep. John Paul Jordan – District 43  
County: Canadian

Rep. Chris Kannady – District 91  
County: Cleveland

Rep. Ben Loring – District 7  
Counties: Delaware, Ottawa

Rep. Jason Lowe – District 97  
County: Oklahoma

Rep. Scott McEachin – District 67  
County: Tulsa

Rep. Terry O'Donnell - District 23  
Counties: Rogers, Tulsa, Wagoner

Rep. Mike Osburn – District 81  
County: Oklahoma

Rep. David Perryman – District 56  
Counties: Caddo, Grady, Kiowa

Rep. Emily Virgin – District 44  
County: Cleveland

Rep. Collin Walke – District 87  
County: Oklahoma

Rep. Cory T. Williams – District 94  
County: Payne

Rep. Rande Worthen – District 64  
County: Comanche



**Tuesday,  
March 21,  
2017**

# OBA DAY at the CAPITOL

<b>TIME</b>	<b>TOPIC/EVENT</b>	<b>SPEAKER/LOCATION</b>
<b>9:30 a.m.</b>	Registration	Emerson Hall, 1901 N. Lincoln Blvd., Oklahoma Bar Center
<b>10 a.m.</b>	Introduce OBA President Linda S. Thomas	John Morris Williams, OBA Executive Director
<b>10:05 a.m.</b>	Welcome	President Linda S. Thomas
<b>10:10 a.m.</b>	This Session from the Perspective of a Legislator	Rep. Chris Kannady, House District 91
<b>10:30 a.m.</b>	Bills of Interest to the Judiciary	Jari Askins, Administrative Director of the Courts
<b>10:50 a.m.</b>	Break	
<b>11 a.m.</b>	How to Track Bills on the Legislative Website	Angela Ailles Bahm, Legislative Monitoring Committee Chairperson
<b>11:20 a.m.</b>	Bills of Interest Relating to the Practice of Law and Their Status	Clay Taylor, Legislative Liaison
<b>11:30 a.m.</b>	How to Talk to Legislators	Randy Grau, Former Representative District 81
<b>11:50 a.m.</b>	Information and Questions	John Morris Williams
<b>12 p.m.</b>	Lunch	
<b>1-3 p.m.</b>	Visit with Legislators	State Capitol Building

**Please RSVP if attending lunch to: [debbieb@okbar.org](mailto:debbieb@okbar.org) or call 405-416-7014; 800-522-8065**

# Proposed Oklahoma District Court Rule Modification

## Member Comments Requested

*The following is a modification to the Rules for District Courts of Oklahoma as proposed by the OBA Access to Justice Committee. This proposed addition is currently under consideration by the OBA Board of Governors. The proposed new rule provides disclosures that should be used when providing limited scope representation in accordance with existing Rule 1.2 (c) of the Oklahoma Rules of Professional Conduct.*

**Members of the OBA are encouraged to review the proposed addition and submit any comments by March 28, 2017, 1) via email to [commentslimitedscope@okbar.org](mailto:commentslimitedscope@okbar.org) or 2) mail hard copy comments to LSR Comments, OBA, P.O. Box 53036, Oklahoma City, OK 73152.**

### **OBA Access to Justice Committee Proposed New Court Rule on Limited Scope Representation**

The OBA Access to Justice Committee unanimously recommended that the following new

district court rule be approved by the OBA Board of Governors and forwarded to the Oklahoma Supreme Court with a recommendation for adoption.

### **Rule 33. Limited Scope Representation**

A lawyer providing limited scope representation under Rule 1.2 (c) of the Oklahoma Rules of Professional Conduct may draft pleadings for a pro se litigant to file with or present to a district court without the lawyer entering an appearance in the matter. A lawyer shall disclose such assistance by indicating their name, address, bar number, telephone number, other contact information and, optionally, a signature on said pleading with the phrase "No appearance is entered as counsel of record."



OKLAHOMA BAR ASSOCIATION  
**SOLO**  
& SMALL FIRM CONFERENCE  
AND YLD MIDYEAR MEETING  
JUNE 22-24, 2017 | CHOCTAW CASINO RESORT | DURANT





# The Future, the Past, Some Fundamentals and Technology Tips Galore

By Jim Calloway

The future and the past will be highlighted at the 2017 OBA Solo & Small Firm Conference. The conference, which will be held June 22-24 at the Choctaw Casino Resort in Durant, devotes an entire track on Friday to Oklahoma's Trial of the Century — the Alfred P. Murrah Federal Building bombing trial. This track will focus on the lessons lawyers can learn from the trial of Terry Nichols, focusing on the massive investigation undertaken by the FBI, the evidence as chronicled by Oklahoma's own historian/lawyer/author Bob Burke, prosecution and defense strategies and comments from recently retired Oklahoma Supreme Court Justice Steven Taylor, who was the trial judge on the case.

For a look at the future, we will host a demonstration "Immersive Evidence: Virtual Reality in the Courtroom and Boardroom" by OU College of Law Professors Darin Fox and Kenton S. Brice. The day is coming, sooner than you think, when investigators at a crime scene will create virtual reality recordings that will allow jurors to don headsets and virtually "walk around the crime scene."

We are shaking things up this year. Children's activities with supervision are being planned. Our ever-popular



"60 Tech Tips in 60 Minutes" will kick off Saturday morning instead of Friday morning. We are asking the presenters on our substantive law sessions to include more forms with their materials. We are going to have both musical and magical entertainment. The conference registration fee includes meals and evening events.

As always, the conference offers 12 hours of MCLE credit, including one hour of ethics credit. Our ethics program this year is "The Ethics of Attorney-Client Contracts and Engagement Letters" with OBA General Counsel Gina Hendryx joining me. We know, from conversations with our members, this will be a subject of great interest.

A special returning guest this year will be Catherine Reach, director of Law Practice

Management & Technology of The Chicago Bar Association. She is going to enlighten us about Microsoft Office 365 and team with OBA Practice Management Advisor Darla Jackson for a program called "Extreme Makeover: Law Firm Website Edition." Ms. Reach and I will kick off Friday morning with "Critical Technology Tools for the Solo and Small Firm Practice."

Many solo and small firm lawyers are looking for areas in which to expand their practice. If you are not yet practicing in tribal courts, you may want to attend Shannon Prescott's program, "Navigating Tribal Court Practice." Many say this is a growing area of their practice.

Other substantive law programs include "Estate Planning for Mom and Pop," "Relocation – When Harry Left Sally," "Civil Discovery: Forms and Procedures," "Basics of a DPS Revocation Hearing," "Hot Areas of Oklahoma Oil and Gas Legal Work in 2017" and "How to Read an Abstract for Marketable Title."

Would your clients hire you if they thought you didn't intend to keep their confidences? The growing risk of online intrusions to law firm networks and client data is an important consideration for

OKLAHOMA BAR ASSOCIATION



SOLO

## CONFERENCE SPONSORS

### CO-PRODUCER

- Oklahoma Attorneys Mutual Insurance Company

### GOLD

- LEAP

### SILVER

- 3000 Insurance Group
- Eide Bailly
- OBA Family Law Section
- OBA General Practice — Solo and Small Firm Section
- OBA Law Office Management and Technology Section
- Thomson Reuters

### BRONZE

- ARAG Legal
- Beyond Square One
- Cosmolex
- FindLaw
- LawPay
- MyCase
- Rocket Matter
- Tabs3 Software

law firms of all sizes. We are pleased to welcome Heidi Shadid for her presentation, "Mitigating Cyber Risk for Law Firms."

One program was so good at the OBA Annual Meeting last fall we had to bring it to this year's Solo & Small Firm Conference. Attorney and CPA Ted Blodgett will discuss "Financial Literacy for Lawyers." Most law students graduate law school without ever looking at a tax return other than their own. Mr. Blodgett will give us an overview of the items you need to examine in tax returns to get the true story whether it is the health of an ongoing business, someone trying to minimize income in a contested family law matter or whether someone is trying to be tricky in another way. This is an extremely informative presentation.

The OBA Solo & Small Firm Conference is held in conjunction with the Young Lawyers Division Midyear Meeting. There will be networking opportunities for young lawyers. Many of our educational sessions are designed with value to young lawyers in mind. We know that all of our young lawyers will appreciate the forms provided with many of the substantive law programs.

This conference has always been about more than just the CLE. It's a chance to relax and get away. It's an opportunity to meet with other lawyers from all across Oklahoma. There's a lot of time for fun and a great resort setting at the Choctaw Casino Resort in Durant. The registration form accompanies this article for those who like paper, and you can register online at [www.okbar.net/solo](http://www.okbar.net/solo). Why not go

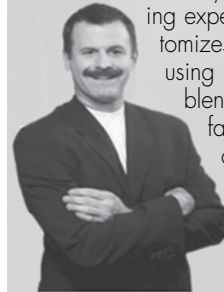
ahead and register now? We hope to see you at the 2017 OBA Solo & Small Firm Conference.

*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, 800-522-8065 or [jimc@okbar.org](mailto:jimc@okbar.org). It's a free member benefit!*

## ENTERTAINMENT

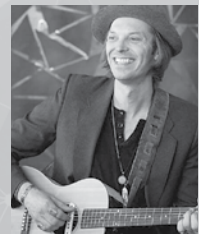
### Thursday Night: Magical Illusionist 'Bradini'

Brad "Bradini" Evans is an award-winning professional magician, illusionist, entertainer and speaker with more than 35 years of performing experience. He customizes his programs using his unique blend of magic and family-friendly comedy to make events memorable, entertaining and fun!



### Friday Night: Live Music with Levi Parham

Levi Parham is an Americana musician, singer and songwriter from southeast Oklahoma. The *Kansas City Star* called him "An Okie version of Ray Lammagne..." while *The Bluegrass Situation* said, "Perhaps it's something in the water — that same iron-heavy tap drink that Woody Guthrie sipped on as a young man... Whatever it is. Levi Parham has it."



# 2017 SOLO & SMALL FIRM CONFERENCE

## Thursday, June 22

3 – 6:30 p.m.	<b>Registration</b>
6:30 p.m.	<b>Reception; 7 p.m. Dinner and Entertainment</b> <i>(Included in Seminar Registration Fee)</i>

## Friday, June 23

7 a.m.	<b>BREAKFAST</b> <i>(Included in Seminar Registration Fee)</i>		
8:30 a.m.	<b>Critical Technology Tools for the Solo and Small Firm Practice</b> Jim Calloway & Catherine Reach	<b>Estate Planning for Mom and Pop</b> Emily Crain	<b>Oklahoma's Trial of the Century – The Crime</b> John Hersley
9:30 a.m.	<b>Break</b>		
9:40 a.m.	<b>Microsoft Office 365: Improve Your Firm's Collaboration and Productivity</b> Catherine Reach	<b>Relocation – When Harry Left Sally</b> Ginny Henson	<b>Oklahoma's Trial of the Century – The Evidence</b> Bob Burke
10:40 a.m.	<b>Break</b>		
10:55 a.m.	<b>Social Media – Do I Really Have To?</b> Darla Jackson	<b>Civil Discovery: Forms and Procedures</b> Cheryl Clayton	<b>Oklahoma's Trial of the Century</b> TBA
12 p.m.	<b>LUNCH</b> <i>(Included in Seminar Registration Fee)</i>		
1 p.m.	<b>The Flexible Law Firm</b> Jim Calloway & Catherine Reach	<b>Navigating Tribal Court Practice</b> Shannon Prescott	<b>Oklahoma's Trial of the Century – The Prosecution</b> TBA <b>Oklahoma's Trial of the Century – The Defense</b> Brian Hermanson
2 p.m.	<b>Break</b>		
2:10 – 3 p.m.	<b>Extreme Makeover: Law Firm Website Edition</b> Catherine Reach & Darla Jackson	<b>Basics of a DPS Revocation Hearing (and Update on Recent Rulings)</b> Brian Morton	<b>Oklahoma's Trial of the Century – Reflections</b> Retired Oklahoma Supreme Court Justice Steven W. Taylor
6:30 p.m.	<b>Reception; 7 p.m. Dinner and Entertainment</b> <i>(Included in Seminar Registration Fee)</i>		

# Saturday, June 24

8:25 a.m.	<b>Remarks</b> OBA President Linda Thomas		
8:30 a.m.	<b>60 Tech Tips in 60 Minutes</b> Catherine Reach, Jim Calloway & Darla Jackson		
9:20 a.m.	<b>Break</b>		
9:30 a.m.	<b>The Ethics of Attorney-Client Contracts and Engagement Letters (ethics)</b> Giny Hendryx & Jim Calloway	<b>Trust Accounting (ethics)</b> Darla Jackson	
10:20 a.m.	<b>Break (Hotel check out)</b>		
10:55 a.m.	<b>Solo Quick Takes</b> TBA	<b>Mitigating Cyber Risk for Law Firms</b> Heidi Shadid	<b>The Hot Areas of Oklahoma Oil and Gas Legal Work in 2017 – including a Discussion of Current Cases</b> Mark Christiansen
11:45 a.m.	<b>LUNCH</b> <i>(Included in Seminar Registration Fee)</i> <b>50 Years of the Oklahoma Judicial Nominating Commission (.5 hours MCLE)</b> Bob Burke		
12:45 p.m.	<b>Financial Literacy for Lawyers</b> Ted Blodgett	<b>How to Read an Abstract for Marketable Title</b> Kraettli Epperson	
1:35 p.m.	<b>Break</b>		
1:40 p.m.	<b>Immersive Evidence: Virtual Reality in the Courtroom and Boardroom</b> Darin Fox & Kenton S. Brice		
2:05 – 2:30 p.m.	<b>What’s Hot &amp; What’s Not in Law Office Management and Technology</b> Jim Calloway & Darla Jackson		
<b>Approved for 12 Hours MCLE / 1 Hour Ethics</b>			



OKLAHOMA BAR ASSOCIATION

# SOLO

& SMALL FIRM CONFERENCE  
AND YLD MIDYEAR MEETING

JUNE 22-24, 2017

CHOCTAW CASINO RESORT | DURANT



## ONLINE REGISTRATION

[www.okbar.net/solo](http://www.okbar.net/solo)



## MAIL FORM

CLE Registrar,  
P.O. Box 53036  
Oklahoma City, OK 73152



## FAX FORM

405-416-7092

## REGISTRATION AND POLICIES

### CANCELLATION POLICY

Cancellations will be accepted at any time on or before June 8 for a full refund; a \$50 fee will be charged for cancellations made on or after June 9.

**No refunds after June 14.**

### HOTEL RESERVATIONS

Call 800-788-2464 for hotel reservations. Refer to Oklahoma Bar Association when reserving room and/or block code 1706OBAOKL.

### REGISTRATION, ETC.

Registration fee includes 12 hours CLE credit, including one hour of ethics. Includes all meals: evening buffet Thursday and Friday, breakfast buffet Friday and Saturday, lunch buffet Friday and Saturday.

## REGISTRANT INFORMATION

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

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Name and city as it should appear on badge if different from above:

\_\_\_\_\_

## GUEST INFORMATION

**children participating in children's activities must be 5 years of age or older**  
**members must register by June 8 for children's activities**

Adult guest name: \_\_\_\_\_

### PARTICIPATING IN CHILDREN'S ACTIVITIES

Child guest name : \_\_\_\_\_ Age: \_\_\_\_\_ YES / NO

Child guest name : \_\_\_\_\_ Age: \_\_\_\_\_ YES / NO

Child guest name : \_\_\_\_\_ Age: \_\_\_\_\_ YES / NO

Child guest name : \_\_\_\_\_ Age: \_\_\_\_\_ YES / NO

## STANDARD RATES FOR OBA MEMBERS

admitted before Jan. 1, 2015

	CIRCLE ONE
Early Attorney Only Registration (on or before June 8)	\$200
Late Attorney Only Registration (June 9 or after)	\$250
Early Attorney and One Guest Registration (on or before June 8)	\$300
Late Attorney and One Guest Registration (June 9 or after)	\$350
Early Family Registration (on or before June 8)	\$350
Late Family Registration (June 9 or after)	\$400

## SPECIAL RATES FOR OBA MEMBERS OF TWO YEARS OR LESS

admitted on or after Jan. 1, 2015

	CIRCLE ONE
Early Attorney Only Registration (on or before June 8)	\$125
Late Attorney Only Registration (June 9 or after)	\$150
Early Attorney and One Guest Registration (on or before June 8)	\$225
Late Attorney and One Guest Registration (June 9 or after)	\$250
Early Family Registration (on or before June 8)	\$275
Late Family Registration (June 9 or after)	\$300

## CHILDREN'S ACTIVITIES

supervision provided – must be 5 years of age or older

*Must complete registration by June 8 for children's activities*

Friday Morning		
Unlimited game play, laser tag and bowling	\$15 X (number of children)	_____ = \$_____
Friday Afternoon		
Swimming at the Family Zone Cabanas (child must be able to swim)	\$15 X (number of children)	_____ = \$_____
Friday Evening		
Movie (refreshments provided)	\$8.50 X (number of children)	_____ = \$_____
	\$10.50 X (number of adults 13+ yrs old)	_____ = \$_____
Saturday Morning		
Choctaw elders craft class of beading and storytelling	\$10 X (number of children)	_____ = \$_____
<b>TOTAL FOR CHILDREN'S ACTIVITIES</b>		<b>\$_____</b>

## PAYMENT INFORMATION

Make check payable to the Oklahoma Bar Association and mail registration form to CLE REGISTRAR, P.O. Box 53036, Oklahoma City, OK 73152. Fax registration form to 405-416-7092.

For payment using:  VISA  Mastercard  Discover  American Express

Total to be charged: \$\_\_\_\_\_ Credit Card Number: \_\_\_\_\_

# Grow your network.



# Grow your law practice.

**Connect** with the OBA through social media.



**Like** us on Facebook

[www.facebook.com/oklahomabarassociation](http://www.facebook.com/oklahomabarassociation)

[www.facebook.com/obacle](http://www.facebook.com/obacle)

[www.facebook.com/obalre](http://www.facebook.com/obalre)

[www.facebook.com/obayld](http://www.facebook.com/obayld)



**Follow** us on Twitter

[www.twitter.com/oklahomabar](http://www.twitter.com/oklahomabar)

[www.twitter.com/obacle](http://www.twitter.com/obacle)



# Annual Report of the Professional Responsibility Commission

as Compiled by the  
Office of the General Counsel of the  
Oklahoma Bar Association

January 1, 2016 – December 31, 2016

SCBD No. 6489

## INTRODUCTION

Pursuant to the provisions of Rule 14.1, Rules Governing Disciplinary Proceedings (RGDP), 5 O.S. 2011, ch. 1, app. 1-A, the following is the Annual Report of grievances and complaints received and processed for 2016 by the Professional Responsibility Commission and the Office of the General Counsel of the Oklahoma Bar Association.

## THE PROFESSIONAL RESPONSIBILITY COMMISSION

The Commission is composed of seven persons — five lawyer and two non-lawyer members. The attorney members are nominated for rotating three-year terms by the President of the Association subject to the approval of the Board of Governors. The two non-lawyer members are appointed by the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma Senate, respectively. Terms expire on December 31st at the conclusion of the three-year term.

Lawyer members serving on the Professional Responsibility Commission during 2016 were Angela Ailles Bahm, Oklahoma City; William R. Grimm, Tulsa; R. Richard Sitzman, Oklahoma City; Richard Stevens, Norman; and David Swank, Norman. Non-lawyer members were Tony R. Blasier, Oklahoma City, and Burt

Holmes, Tulsa. Angela Ailles Bahm served as Chairperson and Tony R. Blasier served as Vice-Chairperson. Commission members serve without compensation but are reimbursed for actual travel expenses.

## RESPONSIBILITIES

The Professional Responsibility Commission considers and investigates any alleged ground for discipline, or alleged incapacity, of any lawyer called to its attention, or upon its own motion, and takes such action as deemed appropriate to effectuate the purposes of the Rules Governing Disciplinary Proceedings. Under the supervision of the Professional Responsibility Commission, the Office of the General Counsel investigates all matters involving alleged misconduct or incapacity of any lawyer called to the attention of the General Counsel by grievance or otherwise, and reports to the Professional Responsibility Commission the results of investigations made by or at the direction of the General Counsel. The Professional Responsibility Commission then determines the disposition of grievances or directs the instituting of a formal complaint for alleged misconduct or personal incapacity of an attorney. The attorneys in the Office of the General Counsel prosecute all proceedings under the Rules Governing Disciplinary Proceedings, supervise the investigative process,



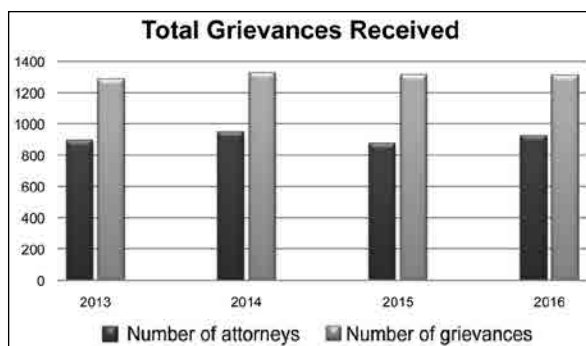
and represent the Oklahoma Bar Association at all reinstatement proceedings.

### VOLUME OF GRIEVANCES

During 2016, the Office of the General Counsel received 255 formal grievances involving 181 attorneys and 1,051 informal grievances involving 742 attorneys. In total, 1,309 grievances were received against 923 attorneys. The total number of attorneys differs because some attorneys received both formal and informal grievances. In addition, the Office handled 275 items of general correspondence, which is mail not considered to be a grievance against an attorney.<sup>1</sup>

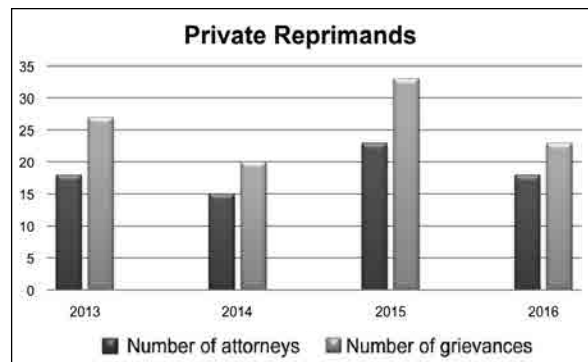
On January 1, 2016, 217 formal grievances were carried over from the previous year. During 2016, 255 new formal grievances were opened for investigation. The carryover accounted for a total caseload of 472 formal investigations pending throughout 2016. Of those grievances, 233 investigations were completed by the Office of the General Counsel and presented for review to the Professional Responsibility Commission. Therefore, 239 investigations were pending on December 31, 2016.

The time required for investigating and concluding each grievance varies depending on the seriousness and complexity of the allegations and the availability of witnesses and documents. The Professional Responsibility Commission requires the Office of the General Counsel to report monthly on all informal and formal grievances received and all investigations completed and ready for disposition by the Commission. In addition, the Commission receives a monthly statistical report on the pending caseload. The Board of Governors is advised statistically each month of the actions taken by the Professional Responsibility Commission.

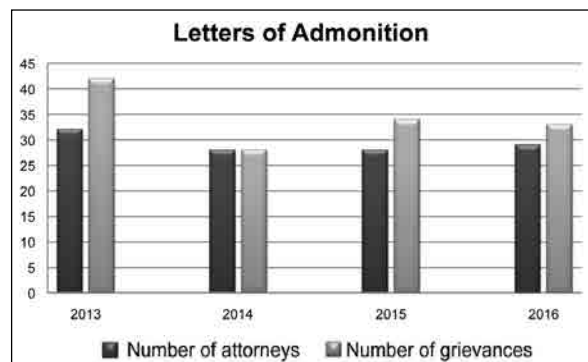


### DISCIPLINE IMPOSED BY THE PROFESSIONAL RESPONSIBILITY COMMISSION

- 1) Formal Charges.** During 2016, the Commission voted the filing of formal disciplinary charges against 6 lawyers involving 10 grievances. In addition, the Commission also oversaw the investigation of 17 Rule 7, RGDP matters filed with the Chief Justice of the Oklahoma Supreme Court.
- 2) Private Reprimands.** Pursuant to Rule 5.3(c), RGDP, the Professional Responsibility Commission has the authority to impose private reprimands, with the consent of the attorney, in matters of less serious misconduct or if mitigating factors reduce the sanction to be imposed. During 2016, the Commission issued private reprimands to 18 attorneys involving 23 grievances.



- 3) Letters of Admonition.** During 2016, the Commission issued letters of admonition to 29 attorneys involving 33 grievances cautioning that the conduct of the attorney was dangerously close to a violation of a disciplinary rule which the Commission believed warranted a warning rather than discipline.



4) **Dismissals.** The Commission dismissed 42 grievances due to the resignation of the attorney pending disciplinary proceedings, a continuing lengthy suspension or disbarment of the respondent attorney, or due to the attorney being stricken from membership for non-compliance with MCLE requirements or non-payment of membership dues. Furthermore, the Commission dismissed one grievance due to the death of an attorney and one grievance upon successful completion of a diversion program by the attorney. The remainder were dismissed where the investigation did not substantiate the allegations by clear and convincing evidence.

5) **Diversion Program.** The Commission may also refer respondent attorneys to the Discipline Diversion Program where remedial measures are taken to ensure that any deficiency in the representation of a client does not occur in the future. During 2016, the Commission referred 38 attorneys to be admitted into the Diversion Program for conduct involving 57 grievances.

The Discipline Diversion Program is tailored to the individual circumstances of the participating attorney and the misconduct alleged. Oversight of the program is by the OBA Ethics Counsel with the OBA Management Assistance Program Director involved in programming. Program options include: Trust Account School, Professional Responsibility/Ethics School, Law Office Management Training, Communication and Client Relationship Skills, and Professionalism in the Practice of Law class. In 2016, instructional courses were taught by OBA Ethics Counsel Joe Balkenbush and OBA Management Assistance Program Director Jim Calloway.

As a result of the Trust Account Overdraft Reporting Notifications, the Office of the General Counsel is now able to monitor when attorneys encounter difficulty with management of their IOLTA accounts. Upon recommendation of the Office of the General Counsel, the Professional Responsibility Commission may place those individuals in a tailored program designed to instruct on basic trust accounting procedures. In 2016, the OBA Management Assistance Program expanded its trust account diversion classes to include instruction and demonstration of basic trust accounting software.

Law Office Management Training	8 Attorneys
Communication and Client Relationship Skills	24 Attorneys
Professionalism in the Practice of Law	16 Attorneys
Professional Responsibility / Ethics School	21 Attorneys
Client Trust Account School	18 Attorneys
Law Office Consultations	11 Attorneys

## SURVEY OF GRIEVANCES

In order to better inform the Oklahoma Supreme Court, the bar, and the public of the nature of the grievances received, the numbers of attorneys complained against, and the areas of attorney misconduct involved, the following information is presented.

Total membership of the Oklahoma Bar Association as of December 31, 2016 was 17,738 attorneys. The total number of members includes 11,957 males and 5,781 females. Formal and informal grievances were submitted against 923 attorneys. Therefore, approximately five percent of the attorneys licensed to practice law in Oklahoma received a grievance in 2016.

A breakdown of the type of attorney misconduct alleged in the 255 formal grievances opened by the Office of the General Counsel in 2016 is as follows:

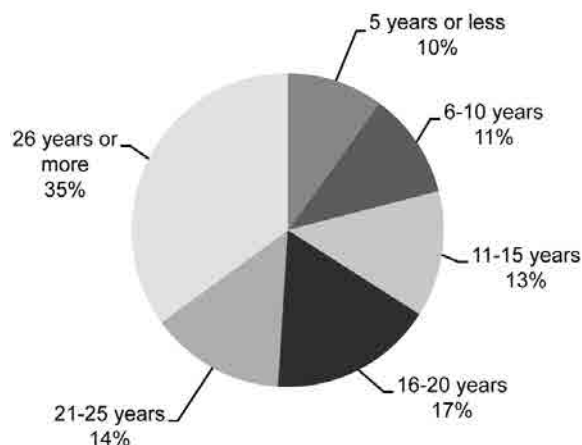
Neglect	45%
Misrepresentation	17%
Personal Behavior	10%
Trust Account Overdraft	6%
Trust Violations	6%
Incompetence	5%
Conflict	4%
Excessive Fee	3%
Client's Property	2%
Unauthorized Practice of Law	1%
Other	1%

Of the 255 formal grievances, the area of practice is as follows:

Criminal	27%
Family	18%
Litigation	16%
Other	13%
Estate/Probate	8%

Personal Injury	5%
Bankruptcy	4%
Commercial	4%
Real Property	2%
Administrative	1%
Immigration	1%
Workers' Comp	1%

The number of years in practice of the 181 attorneys receiving formal grievances is as follows:



The largest number of grievances received were against attorneys who have been in practice for 26 years or more. The age of attorneys involved in the disciplinary system is depicted below.

**Type of Complaint Filed**

	Rule 6 RGDP	Rule 7 RGDP	Rule 10 RGDP	Rule 8 RGDP
Number of Attorneys Involved	6	19	4	9
Age of Attorney				
21-29 years old	0	1	0	0
30-49 years old	2	7	0	1
50-74 years old	4	10	3	8
75 or more years old	0	1	1	0

**Type of Discipline Imposed**

	Dismissals	Public Censure	Disciplinary Suspension
Number of Attorneys Involved	12	1	3
Age of Attorney			
21-29 years old	1	0	0
30-49 years old	3	0	1
50-74 years old	8	0	2
75 or more years old	0	1	0

**Type of Discipline Imposed**

	Resignation Pending Disciplinary Proceedings	Non-Public Disciplinary Suspension	Disbarment
Number of Attorneys Involved	9	4	9
Age of Attorney			
21-29 years old	0	0	0
30-49 years old	1	0	5
50-74 years old	8	3	4
75 or more years old	0	1	0

**DISCIPLINE IMPOSED BY THE OKLAHOMA SUPREME COURT**

In 2016, 38 disciplinary cases were acted upon by the Oklahoma Supreme Court. The Court consolidated one case and the public sanctions are as follows:

Disbarment: Respondent	Order Date
Trenary, Jay Eric (Rules 6 and 7, RGDP)	1/26/16
Leonard, Mitchell Kevin	2/2/16
Smith, Derek Brion	3/1/16

Sullivan, John Bernard (2 Rule 7, RGDP Matters)	3/1/16
O'Laughlin, Frederick J.	5/24/16
Auer, David Bruce	6/28/16
Friesen, Larry Douglas	12/28/16

Knight, David W.	Rule 7, RGDP	9/12/16
Powell, Jace Hill	Rule 7, RGDP	9/12/16

**Resignations Pending  
Disciplinary Proceedings  
Proceedings Approved  
by Court:**

<b>Respondent</b>	<b>Order Date</b>
Mansfield, Christopher Ivor	1/26/16
Farber, S. Richard	2/2/16
Callicoat, Fred Bennett	3/9/16
Goerke, Kyle Edward	4/26/16
Lewis, George Michael	5/3/16
Redd, Michael K.	5/9/16
Dickson, Kathryn	6/28/16
Morgan, Michael Steven	8/2/16
Boone, Ronald Ray	10/10/16

Hampton, Brent James	Rule 7, RGDP	9/19/16
Hutter, Andrew Edward	Rule 7, RGDP	9/19/16
Kelly, Ronald	Rule 7, RGDP	10/3/16
Friesen, Larry Douglas	Rule 7, RGDP	12/6/16 <sup>3</sup>

In addition to the public discipline imposed in 2016, the Court also issued the following non-public sanctions:

**Disciplinary Suspensions:**

<b>Respondent</b>	<b>Length</b>	<b>Order Date</b>
Boone, Ronald Ray	6 months + 12 month supervision	2/9/16
Mirando, Glenn Martin	2 years + 1 day	6/21/16
Gaines, Shanita D.	2 years + 1 day	9/12/16

<b>Respondent</b>	<b>Length</b>	<b>S. Ct. Order Date</b>
Rule 10 Confidential	Indefinite	10/31/16
Rule 10 Confidential	Indefinite	11/21/16

**Dismissals:**

<b>Respondent</b>	<b>Order Date</b>
Rule 10 Confidential	3/29/16
Rule 10 Confidential	11/19/16

**Public Censure:**

<b>Respondent</b>	<b>Order Date</b>
Oliver, J. Edward	3/29/16

There were 20 discipline cases filed with the Supreme Court on January 1, 2016. During 2016, 7 new formal complaints, 17 Rule 7 Convictions, and 6 Resignations Pending Disciplinary Proceedings were filed for a total of 50 cases pending with the Supreme Court during 2016. On December 31, 2016, 12 cases<sup>4</sup> remain filed and pending before the Oklahoma Supreme Court.

**Dismissals:**

<b>Respondent</b>	<b>Order Date</b>
Arnold, Shawn E.	Rule 7, RGDP 1/11/16
Ivy, Joel Paul	Rule 7, RGDP 1/26/16
Siegrist, Kent Leroy	Rule 7, RGDP 4/4/16
Russell, David Alan	Rule 7, RGDP 5/24/16
Bernhardt, William G.	Rule 7, RGDP 6/9/16 <sup>2</sup>
Smith, David Douglas	Rule 7, RGDP 6/27/16

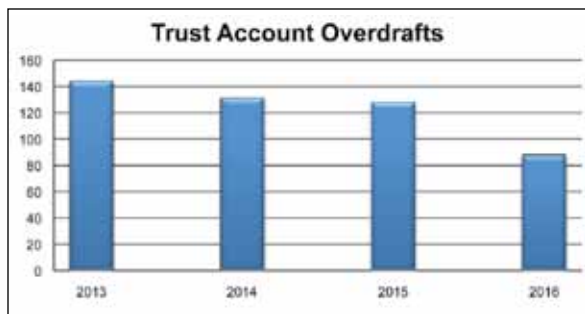
**REINSTATEMENTS**

There were three petitions for reinstatement pending before the Professional Responsibility Tribunal and five petitions for reinstatement pending with the Supreme Court as of January 1, 2016. There were four new petitions for reinstatement filed in 2016. In 2016, the Supreme Court granted eight reinstatements,<sup>5</sup> one was denied by the Court and two were withdrawn by the Petitioner. On December 31, 2016, there were two petitions for reinstatement pending before the Professional Responsibility Tribunal

and one petition for reinstatement pending before the Oklahoma Supreme Court.

## TRUST ACCOUNT OVERDRAFT REPORTING

The Office of the General Counsel, under the supervision of the Professional Responsibility Commission, has implemented the Trust Account Overdraft Reporting requirements of Rule 1.15(j), Oklahoma Rules of Professional Conduct, 5 O.S. 2011, ch. 1, app. 3-A. Trust Account Overdraft Reporting Agreements are submitted by depository institutions. In 2016, 88 notices of overdraft of a client trust account were received by the Office of the General Counsel. Notification triggers a general inquiry to the attorney requesting an explanation and supporting bank documents for the deficient account. Based upon the response, an investigation may be commenced. Repeated overdrafts due to negligent accounting practices have resulted in referral to the Discipline Diversion Program for instruction in proper trust accounting procedures.



## UNAUTHORIZED PRACTICE OF LAW

Rule 5.1(b), RGDP, authorizes the Office of the General Counsel to investigate allegations of the unauthorized practice of law (UPL) by non-lawyers, suspended lawyers and disbarred lawyers. Rule 5.5, ORPC, regulates the unauthorized practice of law by lawyers and prohibits lawyers from assisting others in doing so.

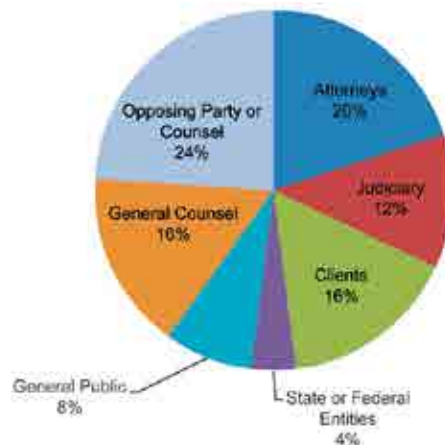
**1) Requests for Investigation.** In 2016, the Office of the General Counsel received 25 complaints for investigation of the unauthorized practice of law. The Office of the General Counsel fielded many additional inquiries regarding the unauthorized practice of law that are not reflected in this summary.

**2) Practice Areas.** Allegations of the unauthorized practice of law encompass various areas of law. In previous years, most unauthorized practice of law complaints involved non-lawyers or paralegals handling divorce matters but that trend had declined over the last few years. However, in 2016, a significant number of UPL complaints again involved family law.



**3) Referral Sources.** Requests for investigations of the unauthorized practice of law stem from multiple sources. In 2016, the Office of the General Counsel again received the most complaints from the opposing party or opposing counsel to the action in which the respondent was participating.

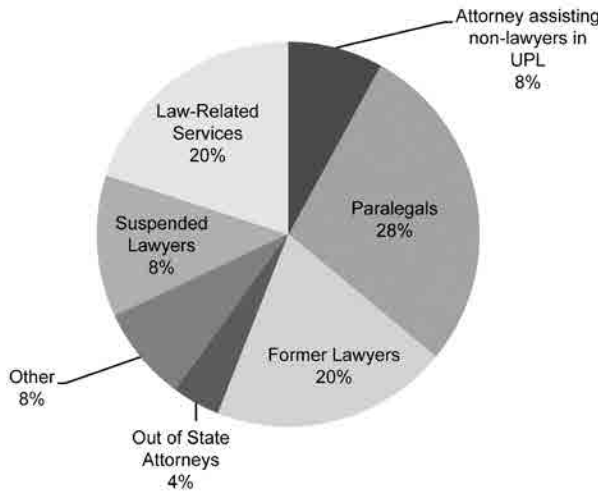
### REQUESTS TO INVESTIGATE: REFERRAL SOURCES



**4) Respondents.** For 2016, most requests for investigation into allegations of the unauthorized practice of law concern paralegals. A new category added this year is attorneys assisting non-lawyers in the unauthorized practice of law.

For purposes of this summary, the category “paralegal” refers to an individual who advertises as a paralegal and performs various legal tasks for their customers, including legal document preparation. The “former lawyers” category includes lawyers who have been disbarred, stricken, resigned their law license pending disciplinary proceedings, or otherwise voluntarily surrendered their license to practice law in the State of Oklahoma. The “suspended lawyers” category includes lawyers who have been suspended but not disbarred or stricken.

**RESPONDENTS ALLEGEDLY PARTICIPATING IN UPL**



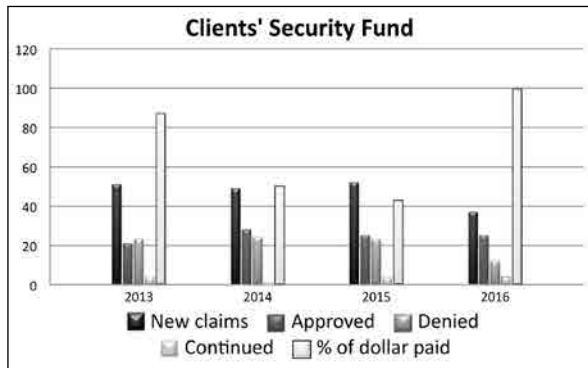
**5) Enforcement.** In 2016, of the 25 cases opened, the Office of the General Counsel took formal action in nine matters. Formal action includes issuing cease and desist letters, initiating formal investigations through the attorney discipline process, referring a case to an appropriate state and/or federal enforcement agency, or filing the appropriate district court action. Eight cases were closed for no finding of unauthorized practice of law. The remainder of the cases is still pending.

**CLIENTS’ SECURITY FUND**

The Clients’ Security Fund was established in 1965 by Court Rules of the Oklahoma Supreme Court. The Fund is administered by the Clients’ Security Fund Committee which is comprised of 17 members, 14 lawyer members and 3 non-lawyers, who are appointed in staggered three-year terms by the OBA President with approval from the Board of Governors. In 2016, the Committee was chaired by lawyer

member Micheal Salem, Norman. Chairman Salem has served as Chair for the Clients’ Security Fund Committee since 2006. The Fund furnishes a means of reimbursement to clients for financial losses occasioned by dishonest acts of lawyers. It is also intended to protect the reputation of lawyers in general from the consequences of dishonest acts of a very few. The Board of Governors budgets and appropriates \$175,000 each year to the Clients’ Security Fund for payment of approved claims.

In years when the approved amount exceeds the amount available, the amount approved for each claimant will be reduced in proportion on a *prorata* basis until the total amount paid for all claims in that year is \$175,000. In 2016, the Clients’ Security Fund was able to pay 99.5% of the approved claim amount. The Office of the General Counsel provides staff services for the Committee. In 2016, the Office of the General Counsel investigated and presented to the Committee 37 new claims. The Committee approved 25 claims, denied 12 claims, and continued 4 claims into the following year for further investigation.



**CIVIL ACTIONS (NON-DISCIPLINE) INVOLVING THE OBA**

The Office of the General Counsel represented the Oklahoma Bar Association in several civil (non-discipline) matters during 2016. All matters were disposed of and no cases carried forward into 2017. The following is a summary of all 2016 civil actions against the Oklahoma Bar Association:

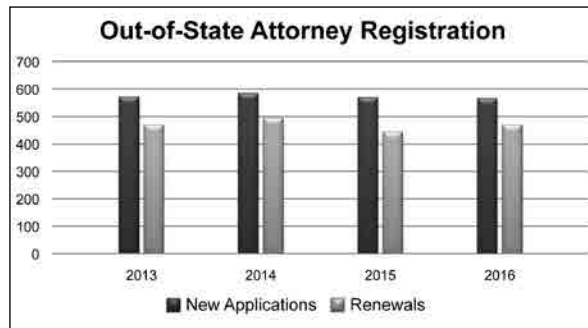
- 1) *Raemona Sue Perry, individually and as a Personal Representative of the Estate of Louis G. Perry v. Bebe Bridges*, Carter County District Court Case No. CJ-2013-164. The OBA was served with a subpoena commanding the appearance of its First Assistant Gen-

eral Counsel to appear and give testimony regarding a confidential attorney discipline investigation. The former OBA Ethics Counsel<sup>6</sup> was also subpoenaed to appear and give testimony regarding his conversations with the defendant in the pending action. The OBA filed a special appearance and motion to quash on May 3, 2016 on behalf of its First Assistant General Counsel. A response was filed and Judge Balkman summarily denied the OBA's motion. The OBA General Counsel appeared at trial and re-urged the motion. Ultimately, the issue was rendered moot as neither party called the subpoenaed witnesses to testify.

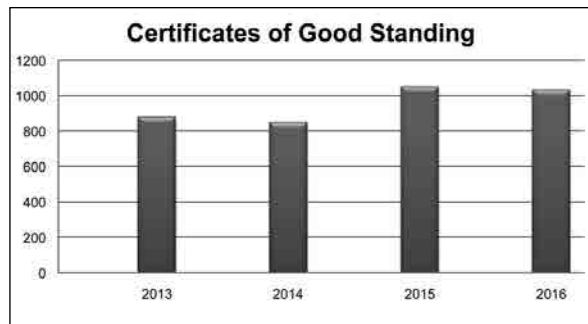
- 2) *Sara-Elizabeth Ybarra-Johnson [Hernandez] v. State of Arizona, et al.*, United States District Court for the District of Arizona., Case No. 16-CV-332. On June 7, 2016, the Plaintiff filed an action against 43 defendants, including the Oklahoma Bar Association and "All Licensed Bar Attorneys & Assistants." The OBA was not served with process. On August 10, 2016, the court dismissed the complaint with prejudice for, among other things, failure to comply with Rule 8, Federal Rules of Civil Procedure.
- 3) *Bird v. Property Management Service, Inc.*, Oklahoma County Case No. CJ-2010-10551. The OBA General Counsel was served a subpoena duces tecum commanding the production of all records, documents and complaints relating to an attorney. Through discussions with counsel, the OBA was able to resolve this request without judicial intervention.
- 4) *Chandler v. Hendryx*, Oklahoma Supreme Court Case No. O-115328. The Plaintiff filed an initial complaint on September 8, 2016. The OBA was not served with process; however, the Oklahoma Supreme Court Clerk forwarded copies of the filings to the OBA. On October 4, 2016, the Oklahoma Supreme Court treated the Plaintiff's filing as an application to assume original jurisdiction and denied his request per *Tweedy v. Oklahoma Bar Association*, 1981 OK 12, 624 P.2d 1049.

## ATTORNEY SUPPORT SERVICES

**Out-of-State Attorney Registration.** In 2016, the Office of the General Counsel processed 565 new applications, 468 renewal applications and \$900 in renewal late fees submitted by out-of-state attorneys registering to participate in a proceeding before an Oklahoma Court or 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 Corporation due to their incomes, may request a waiver of the application fee from the Oklahoma Bar Association. Certificates of Compliance are issued after confirmation of the application information, the applicant's good standing in his/her licensing jurisdiction and payment of applicable fees. All obtained and verified information is submitted to the Oklahoma Court or Tribunal as an exhibit to a "Motion to Admit *Pro Hac Vice*."



**Certificates of Good Standing.** In 2016, the Office of the General Counsel prepared 1,032 Certificates of Good Standing/Disciplinary History at the request of Oklahoma Bar Association members. There is no fee to the attorney for preparation of same.



## ETHICS AND EDUCATION

During 2016, the General Counsel, Assistant General Counsels and the Professional Responsibility Commission members presented more than 50 hours of continuing legal education programs to county bar association meetings, attorney practice groups, OBA programs, law school classes, and various legal organizations. In these sessions, disciplinary and investigative procedures, case law, and ethical standards within the profession were discussed. These efforts direct lawyers to a better understanding of their ethical requirements and the disciplinary process, and informs the public of the efforts of the Oklahoma Bar Association to regulate the conduct of its members. In addition, the General Counsel was a regular contributor to *The Oklahoma Bar Journal*.

The attorneys, investigators, and support staff for the General Counsel's office also attended continuing education programs in an effort to increase their own skills and training in attorney discipline. These included trainings by the Oklahoma Bar Association (OBA), National Organization of Bar Counsel (NOBC),

Organization of Bar Investigators (OBI), and the America Bar Association (ABA.)

RESPECTFULLY SUBMITTED this 1st day of February, 2017, on behalf of the Professional Responsibility Commission and the Office of the General Counsel of the Oklahoma Bar Association.



Gina Hendryx, General Counsel  
Oklahoma Bar Association

1. The initial submission of a trust account overdraft notification is classified as general correspondence. The classification may change to a formal grievance after investigation.
2. Dismissed after Respondent's completion of the ordered probationary period
3. Dismissed as moot due to Respondent's disbarment in SCBD 6333
4. Three cases were stayed by the court and are still considered pending by the Office of the General Counsel: SCBD 6354, Rule 7, RGDP; SCBD 6365, Rule 7, RGDP; and one Rule 10 Confidential matter
5. Two of the granted eight reinstatements were conditioned upon the taking and successful completion of the Oklahoma Bar Examination
6. Travis Pickens, former OBA Ethics Counsel, retained private counsel for representation in this matter.

## Oklahoma Legal Directory "The Blue Book"

Official directory of the Oklahoma Bar Association



2016 version now available

# \$61

plus tax and shipping

As an OBA member,  
you automatically  
get a free listing in  
the Blue Book! It's a  
member benefit!

Order your electronic or hard copy

Legal Directories Publishing Co.

PO Box 189000 • Dallas, TX 75218-9000

1.800.447.5375 • [www.legaldirectories.com](http://www.legaldirectories.com)

[sales@legaldirectories.com](mailto:sales@legaldirectories.com)

For more member perks, visit [www.okbar.org/members/members/benefits](http://www.okbar.org/members/members/benefits)





# Professional Responsibility Tribunal Annual Report

January 1, 2016 – December 31, 2016  
SCBD No. 6490

The Professional Responsibility Tribunal (PRT) was established by order of the Supreme Court of Oklahoma in 1981, under the Rules Governing Disciplinary Proceedings, 5O.S. 2011, ch. 1, app. 1-A (RGDP). The primary function of the PRT is to conduct hearings on complaints filed against lawyers in formal disciplinary and personal incapacity proceedings, and on petitions for reinstatement to the practice of law. A formal disciplinary proceeding is initiated by written complaint filed with the Chief Justice of the Supreme Court. Petitions for reinstatement are filed with the Clerk of the Supreme Court.

## COMPOSITION AND APPOINTMENT

The PRT is a 21-member panel of Masters, 14 of whom are lawyers and 7 whom are non-lawyers. The lawyers on the PRT are active members in good standing of the OBA. Lawyer members are appointed by the OBA President, with the approval of the Board of Governors. Non-lawyer members are appointed by the Governor of the State of Oklahoma. Each member is appointed to serve a three-year term, and limited to two terms. Terms end on June 30th of the last year of a member's service.

Pursuant to Rule 4.2, RGDP, members are required to meet annually to address organizational and other matters touching upon the PRT's purpose and objective. They also elect a Chief Master and Vice-Chief Master, both of whom serve for a one-year term. PRT members receive no compensation for their services, but they are entitled to be reimbursed for travel

and other reasonable expenses incidental to the performance of their duties.

The lawyer members of the PRT who served during all or part of 2016 were: Murray E. Abowitz, Oklahoma City; Jeremy J. Beaver, McAlester; M. Joe Crosthwait, Jr., Midwest City; Tom Gruber, Oklahoma City; John B. Heatly, Oklahoma City; Gerald L. Hilsher, Tulsa; Charles Laster, Shawnee; Susan B. Loving, Edmond; Kelli M. Masters, Oklahoma City; Mary Quinn-Cooper, Tulsa; Rodney D. Ring, Norman; Theodore P. Roberts, Norman; Michael E. Smith, Oklahoma City; Louis Don Smitherman, Oklahoma City; Neal E. Stauffer, Tulsa; Noel K. Tucker, Edmond; and Ken Williams, Jr., Tulsa.

The non-lawyer members who served during all or part of 2016 were: Steven W. Beebe, Duncan; Curtis Calvin, Oklahoma City; James W. Chappel, Norman; Christian C. Crawford, Stillwater; Linda C. Haneborg, Oklahoma City; Donald Lehman, Tulsa; and Kirk V. Pittman, Seiling.

The annual meeting was held on June 29, 2016, at the Oklahoma Bar Association offices. Agenda items included a presentation by Gina Hendryx, General Counsel<sup>1</sup> of the Oklahoma Bar Association, recognition of new members and members whose terms had ended, and discussions concerning the work of the PRT. Neal E. Stauffer was elected Chief Master and M. Joe Crosthwait, Jr. was elected Vice-Chief Master, each to serve a one-year term.

## GOVERNANCE

All proceedings that come before the PRT are governed by the RGDP. However, proceedings and the reception of evidence are, by reference, governed generally by the rules in civil proceedings, except as otherwise provided by the RGDP.

The PRT is authorized to adopt appropriate procedural rules which govern the conduct of the proceedings before it. Such rules include, but are not limited to, provisions for requests for disqualification of members of the PRT assigned to hear a particular proceeding.

### ACTION TAKEN AFTER NOTICE RECEIVED

After notice of the filing of a disciplinary complaint or reinstatement petition is received, the Chief Master (or Vice-Chief Master if the Chief Master is unavailable) selects three (3) PRT members (two lawyers and one non-lawyer) to serve as a Trial Panel. The Chief Master designates one of the two lawyer-members to serve as Presiding Master. Two of the three Masters constitute a quorum for purposes of conducting hearings, ruling on and receiving evidence, and rendering findings of fact and conclusions of law.

In disciplinary proceedings, after the respondent's time to answer expires, the complaint and the answer, if any, are then lodged with the Clerk of the Supreme Court. The complaint and all further filings and proceedings with respect to the case then become a matter of public record.

The Chief Master notifies the respondent or petitioner, as the case may be, and General Counsel of the appointment and membership of a Trial Panel and the time and place for hearing. In disciplinary proceedings, a hearing is to be held not less than 30 days nor more than 60 days from date of appointment of the Trial Panel. Hearings on reinstatement petitions are to be held not less than 60 days nor more than 90 days after the petition has been filed. Extensions of these periods, however, may be granted by the Presiding Master for good cause shown.

After a proceeding is placed in the hands of a Trial Panel, it exercises general supervisory control over all pre-hearing and hearing issues. Members of a Trial Panel function in the same manner as a court by maintaining their independence and impartiality in all proceedings.

Except in purely ministerial, scheduling, or procedural matters, Trial Panel members do not engage in *ex parte* communications with the parties. Depending on the complexity of the proceeding, the Presiding Master may hold status conferences and issue scheduling orders as a means of narrowing the issues and streamlining the case for trial. Parties may conduct discovery in the same manner as in civil cases.

Hearings are open to the public and all proceedings before a Trial Panel are stenographically recorded and transcribed. Oaths or affirmations may be administered, and subpoenas may be issued, by the Presiding Master, or by any officer authorized by law to administer an oath or issue subpoenas. Hearings, which resemble bench trials, are directed by the Presiding Master.

### TRIAL PANEL REPORTS

After the conclusion of a hearing, the Trial Panel prepares a written report to the Oklahoma Supreme Court. The report includes findings of facts on all pertinent issues, conclusions of law, and a recommendation as to the appropriate measure of discipline to be imposed or, in the case of a reinstatement petitioner, whether it should be granted. In all proceedings, any recommendation is based on a finding that the complainant or petitioner, as the case may be, has or has not satisfied the "clear and convincing" standard of proof. The Trial Panel report further includes a recommendation as to whether costs of investigation, the record, and proceedings should be imposed on the respondent or petitioner. Also filed in the case are all pleadings, transcript of proceeding, and exhibits offered at the hearing.

Trial Panel reports and recommendations are advisory. The Oklahoma Supreme Court has exclusive jurisdiction over all disciplinary and reinstatement matters. It has the constitutional and non-delegable power to regulate both the practice of law and legal practitioners. Accordingly, the Oklahoma Supreme Court is bound by neither the findings nor the recommendation of action, as its review of each proceeding is *de novo*.

### ANNUAL REPORTS

Rule 14.1, RGDP, requires the PRT to report annually on its activities for the preceding year. As a function of its organization, the PRT operates from July 1 through June 30. However, annual reports are based on the calendar year.

Therefore, this Annual Report covers the activities of the PRT for the preceding year, 2016.

**ACTIVITY IN 2016**

At the beginning of the calendar year, five disciplinary and six reinstatement proceedings were pending before the PRT as carry-over matters from a previous year. Generally, a matter is considered “pending” from the time the PRT receives notice of its filing until the Trial Panel report is filed. Certain events reduce or extend the pending status of a proceeding, such as the resignation of a respondent or the remand of a matter for additional hearing. In matters involving alleged personal incapacity, orders by the Supreme Court of interim suspension, or suspension until reinstated, operate to either postpone a hearing on discipline or remove the matter from the PRT docket.

In regard to new matters, the PRT received notice of the following: Two (2) Rule 10, RGDP matters; Five (5) Rule 6, RGDP matters; Seventeen (17) Rule 7, RGDP matters; Six (6) Rule 8, RGDP matters; and Four (4) Rule 11, RGDP reinstatement petitions. Trial Panels conducted a total of Twelve (12) hearings; Ten (10) in disciplinary proceedings and Two (2) in reinstatement proceedings.

On December 31, 2016, a total of 7 matters, five (5) disciplinary and two (2) reinstatement proceedings, were pending before the PRT.

**CONCLUSION**

Members of the PRT demonstrated continued service to the Bar and the public of this State, as shown by the substantial time dedicated to each assigned proceeding, The members’ commitment to the purpose and responsibilities of the PRT is deserving of the appreciation of the Bar and all its members, and certainly is appreciated by this writer.

Dated this 1st day of February, 2017.

PROFESSIONAL  
RESPONSIBILITY TRIBUNAL

M. Joe Crosthwait, Jr.,  
Vice-Chief Master

1. The General Counsel of the Oklahoma Bar Association customarily makes an appearance at the annual meeting for the purpose of welcoming members and to answer any questions of PRT members. Given the independent nature of the PRT, all other business is conducted in the absence of the General Counsel.

Proceeding Type	Pending Jan. 1, 2016	New Matters In 2016	Hearings Held 2016	Trial Panel Reports Filed	Pending Dec. 31, 2016
Disciplinary	5	30**	10*	9	6
Reinstatement	3	4	2	1	2

\* In 2016, ten (10) disciplinary hearings were held over for a total of eighteen (18) days

\*\*Includes cases filed but dismissed by Supreme Court prior to PRT involvement

# If You Are Not Scared, You Should Be

By John Morris Williams

A friend recently suggested that I read *Thank You for Being Late* by Thomas L. Friedman. Friedman, a three-time Pulitzer Prize winner who has written previous works on globalization, terrorism and a number of other world events, takes on the subject of acceleration of technology and change in our world. If his sources are correct and his conclusions anywhere near accurate, if you are not scared, you should be.

Friedman, both in word and graph, demonstrates that we have reached a point where the amount of new knowledge has surpassed the ability of the average person to adjust and adapt. That is, the acceleration of knowledge and technology is moving faster than the human capacity to keep up.

Lots of things we may not contemplate are happening. For instance, the patent process is affected in a big way. With this amount of new methods and technologies expanding rapidly, the patent process had to change and will continue to change. At this point we actually have the potential for a new product becoming obsolete before the patent process is completed.

Friedman even suggests that the last presidential election

may have been influenced by this phenomenon. This age of rapid development and acceleration of knowledge requires everyone to experience large amounts of change in the way they do work. Friedman suggests that a number of voters who for various reasons did

“Currently,  
(artificial  
intelligence)  
models have been  
built that predict  
legal outcomes  
with amazing  
accuracy.”

not accept or adjust to the concept of “lifelong learners,” may have voted their frustration at a world accelerating beyond their capacity to adapt.

I have written before on how our organization and profession is changing. I once heard a speaker say, “Lawyers are 100 percent for progress and 1,000 percent against change.” I am not sure those percentages are exact. However, I

believe that change will eliminate some of the work we now do, and if we do not engage and oversee see that change, someone else will do it for us.

AI, or artificial intelligence, is making advancements in the legal world that are more than interesting. Currently, models have been built that predict legal outcomes with amazing accuracy. Yes, that is right — machines can predict outcomes. That concept is not so foreign if you remember life before everyone had a calculator on their phone. You give a computer enough data and it can give you a result. That is a given. Now, you give a computer data and it can then begin to build its own logic models with greater accuracy than humans. If you are not scared, you should be.

Successful lawyers of today and tomorrow have huge challenges in keeping up. They have even bigger challenges in surviving in a world that not only requires very specific skill sets in substantive areas, but also in technological areas to market, communicate and provide value. In short, if you are not utilizing technology in every area of your practice from research to billing and marketing, you very well may have some real challenges in meeting success.

Lastly, third-party online marketing people are way past the average lawyer in knowing how to sell legal products to the public. There is so much information that is tracked off your phone and internet data that billboards will be designed to change as you approach to display something of interest to you.

When I now get in my car, my phone tells me where I am going and how long to get there based on the time of day. And it is more than likely right. Imagine that if a member of the public looks up self-help relationship books, the ads for divorce services will soon follow. If you aren't scared, you should be. If you aren't struggling to keep up,

you are not human and if you are not trying to keep up, I am scared for you.



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

MEMBER BENEFIT

# Go.



Travel discounts for OBA members

## Car Rental

### Avis

Reference code **A674000**  
Toll-free **800-831-8000**  
**www.avis.com**

### Hertz

Discount number  
**CDP 0164851**  
Toll-free **800-654-3131**  
**www.hertz.com**



## Colcord Hotel

Downtown Oklahoma City

**\$160/night** Deluxe King,  
Deluxe Double  
**\$179/night** Superior Corner  
King  
**\$279/night** Colcord Suite

**866-781-3800**

Mention that you are an  
OBA member

**www.colcordhotel.com**  
access code **OKBR**

## Go Next

International Travel

Group rates available  
Airfare from either  
Oklahoma City or Tulsa,  
accommodations,  
transfers, breakfast buffet  
and other amenities  
included.

**800-842-9023**

**www.GoNext.com**

For more member perks, visit [www.okbar.org/members/members/benefits](http://www.okbar.org/members/members/benefits)

# Complaint and Disciplinary Numbers Similar to Previous Years

By Gina Hendryx

In this issue of the *Oklahoma Bar Journal*, you will find the 2016 Annual Reports of the Professional Responsibility Tribunal (PRT) and the Professional Responsibility Commission (PRC). These reports reflect the grievances and complaints received and processed in 2016 by the Office of the General Counsel.

In 2016, the Office of the General Counsel received 255 formal grievances involving 181 attorneys and 1,051 informal grievances involving 742 attorneys. In total, 1,309 grievances were received against 923 attorneys. These numbers were comparable to the number of grievances received and processed in 2015.

At the end of 2016, the OBA membership was 17,738. The total number of members included 11,947 men and 5,781 women. Considering the total membership, less than 6 percent of the licensed attorneys in the state of Oklahoma received a complaint in 2016.

It is always instructive to review which practice areas of law receive the most grievances and what types of complaints are routinely lodged against attorneys. It was not surprising to learn that 45 percent of the grievances received in 2016 were in matters relating to criminal law and family law representations. And, this was not an aberration. Year after

year, these two areas of practice consistently receive the most complaints. While still disconcerting especially if these are your two primary areas of practice, it is understandable given the nature of the legal needs facing a criminal defendant or family law litigant. There are arguably no other areas of law

gorized as “neglect” complaints followed by 17 percent based upon the misrepresentation or fraud of the attorney and 10 percent based upon the personal behavior of an attorney.

In 2016, the Oklahoma Supreme Court issued opinions in 38 attorney discipline cases. A listing of those matters can be found in the report of the PRC. Furthermore, the PRC issued private reprimands to 18 attorneys involving 23 grievances and authorized letters of admonition be sent to 29 attorneys involving 33 grievances. During 2016, the PRC referred 38 attorneys to the Discipline Diversion Program for conduct involving 57 grievances.

The Office of the General Counsel continues to devote personnel and resources to the prosecution of the unauthorized practice of law. The PRC report outlines the number of investigations conducted in 2016 and the areas of alleged unauthorized practice most commonly reviewed.

If you have any questions or comments about the report, please feel free to contact me. Also, if you would like a paper copy of either of the reports, we will gladly provide you with copies.

*Ms. Hendryx is OBA general counsel. Contact Ms. Hendryx at [ginah@okbar.org](mailto:ginah@okbar.org) or 405-416-7007.*



wherein the parties find themselves with more at risk albeit either loss of liberty or risks to their family.

The primary complaint lodged against Oklahoma attorneys continues to be client/file neglect. Nearly one out of every two grievances filed with the Office of the General Counsel alleges dissatisfaction due to the attorney’s failure to respond to client inquiries or the delay in moving the matter to conclusion. In 2016, 45 percent of the grievances received were cate-

# Meeting Summary

*The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, Jan. 20.*

## REPORT OF THE PRESIDENT

President Thomas reported she met with President-Elect Hays and Executive Director Williams regarding strategic planning issues that will be addressed by the committee to be chaired by Hays, met with Vice President Castillo regarding plans for the 2017 Annual Meeting, presented CLE to the Garfield County Bar Association, conferenced with the Women in Law Committee co-chair regarding plans for the Women in Law Conference, sent numerous invitations to appellate judges, past OBA presidents and state Capitol leaders to attend the OBA swearing-in ceremony and luncheon and submitted the January president's letter to the Board of Editors for pre-publication review. She also submitted the names of five nominees for the Securities Commission and the names of three nominees for the Board of Mental Health and Substance Abuse Services to the board for approval and subsequent appointment of one to each by Gov. Fallin. She submitted the names of two OBA members to serve on the Court on the Judiciary to be submitted to the board for approval. She attended the Oklahoma Attorneys Mutual Insurance Co. quarterly meeting, swearing-in ceremony for Chief Jus-

tice Douglas Combs and Vice Chief Justice Noma Gurich, swearing-in ceremony for Washington County Special Judge Jared Sigler and Board of Governors has been party.

## REPORT OF THE VICE PRESIDENT

Vice President Castillo reported she attended the OBA Board of Governors Christmas party, has been party and swearing in.

## REPORT OF THE PRESIDENT-ELECT

President-Elect Hays reported she attended the OBA budget presentation to the Oklahoma Supreme Court, strategic planning session with President Thomas and Executive Director Williams, Tulsa County Bar Association Christmas party and December OBA Family Law Section monthly meeting/CLE at which she presented the budget report. She researched issues for 2017 and 2018 planning and consulted with OBA Family Law Section leadership regarding 2017 planning.

## REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended a strategic planning session with the president and president-elect, swearing in of Chief Justice Combs, staff holiday lunch, conference with an association management vendor, conference with an online CLE vendor, Legislative Monitoring Committee meetings and a

meeting with Legislative Liaison Clay Taylor regarding various legislative topics. He also interviewed web design companies.

## REPORT OF THE PAST PRESIDENT

Past President Isaacs reported he presented juror appreciation plaques, posters and certificates at courthouses in Cleveland, Canadian, Marshall, Bryan and Pittsburg counties. He also attended the Legislative Monitoring Committee meeting.

## BOARD MEMBER REPORTS

**Governor Coyle** reported he attended the Oklahoma County Bar Association meeting and Christmas party, Oklahoma County Criminal Defense Lawyers Association Christmas party and Board of Governors swearing in. He also participated in teaching an OBA seminar in December. **Governor Gotwals** reported he attended a Tulsa County Bar Foundation meeting, TCBF Golf Committee January meeting, Quality Assurance Panel January meeting, Board of Governors has been dinner and swearing in. **Governor Hicks** reported he attended the OBA Access to Justice Committee meeting, Tulsa County Bar Foundation meeting and TCBF Golf Committee meeting. **Governor Hutter** reported she attended the Cleveland County Courthouse holiday lunch, county bar association executive meeting, monthly county bar meeting

and CLE, swearing-in ceremony for Cleveland County Court Clerk Marilyn Williams, Cleveland County Bench and Bar meeting, OBA Diversity Committee meeting by phone and Board of Governors has been party and swearing in. She organized a reception for Cleveland County Special District Judge Lori Spencer Puckett and attended her swearing-in ceremony and also hosted an officer training meeting for the new Cleveland County Bar Association website. **Governor Kee** reported he attended the Civil Procedure and Evidence Code Committee meeting and Board of Governors swearing in. **Governor Porter** reported she attended the funeral for Judge John Jacobsen, Board of Governors has been dinner and swearing in. **Governor Tucker** reported he attended the board's Christmas party, Muskogee County Bar Association Christmas party, Law Day Committee meeting, 2017 legislative session discussion with House Speaker McCall and Board of Governors swearing in. **Governor Weedn** attended the Board of Governors swearing in. **Governor Will** attended the Board of Governors Christmas party and swearing in.

#### **REPORT OF THE YOUNG LAWYERS DIVISION**

Governor Neal reported the YLD orientation, first meeting of the year and roast for past YLD Chair Bryon Will were all planned, but had to be rescheduled due to inclement weather and the safety of board members who travel from across the state.

#### **BOARD LIAISON REPORT**

Governor Kee reported at the Law Schools Committee visit to the TU College of Law it was reported the college lowered its debt. He also said the Military Assistance Committee reported the OBA Oklahoma Lawyers for America's Heroes program at the end of its sixth year has had 712 lawyers volunteer to help 4,122 heroes by donating \$2.8 million in billable hours. Governor Hutter reported the Diversity Committee is working on its plans for the year that will include a survey, scholarship and law school entrance preparation event at the three law schools. Governor Tucker reported the Law Day Committee will soon be judging its contest entries and is continuing to develop TV show segments. The date for the statewide Law Day Ask A Lawyer free legal advice and TV show will be confirmed soon. Governor Hutter mentioned the Legislative Monitoring Committee will be changing up its format for OBA Legislative Reading Day to be held Jan. 28.

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

General Counsel Hendryx reported the OBA is not involved in any litigation, and the office is in the process of preparing its annual report. A written report of Professional Responsibility Commission actions and OBA disciplinary matters for December was submitted to the board for its review.

#### **PROPOSED RULE ON LIMITED SCOPE REPRESENTATION**

Management Assistance Program Director Calloway reviewed the recommendation for a new court rule on limited

scope representation made by the Access to Justice Committee. Discussion followed. The board approved publication of the proposed rule change in the *Oklahoma Bar Journal* requesting member comment before taking any action.

#### **APPOINTMENTS TO COURT ON JUDICIARY**

The board approved President Thomas' Court on Judiciary appointments of O. Chris Meyers of Lawton to the Appellate Division and Wm. Brad Heckenemper of Tulsa to the Trial Division. Both terms will end March 1, 2019.

#### **BOARD OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES NOMINEES**

President Thomas reported she has submitted the names of Jeanne Meacham Snider, Norman; Joel L. Carson, Oklahoma City; and O. Clifton Gooding, Oklahoma City, to Gov. Mary Fallin for her selection of one appointment to the Board of Mental Health and Substance Abuse Services. The term will end Dec. 31, 2024.

#### **UNIFORM LAW COMMISSION NOMINEES**

Action was tabled on the submission of nominees to the Uniform Law Commission for appointment by Gov. Fallin until a third candidate is recruited.

#### **SECURITIES COMMITTEE NOMINEES**

President Thomas reported she has submitted the names of Robert W. Dace, Oklahoma City; William R. Grimm, Tulsa; Jim Roth, Oklahoma City; Paul Foster, Norman; and P. David Newsome Jr., Tulsa, to Gov. Fallin for her selection of one appointment to the Securities



Committee. The term will end July 1, 2023.

### STRATEGIC PLANNING COMMITTEE MEETING

President-Elect Hays reported the first Strategic Planning Committee meeting is tentatively set for Feb. 16. She plans to appoint subcommittees on 1) *Oklahoma Bar Journal* court issues, 2) membership catego-

ries and 3) issues of an aging profession.

### LEGISLATIVE MONITORING COMMITTEE

Executive Director Williams reviewed the activities planned and the new, improved format for OBA Legislative Reading Day to be held on Saturday, Jan. 28.

### NEXT MEETING

The Board of Governors met Feb. 17 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 5 p.m. Monday, March 20, at the Oklahoma Bar Center in Oklahoma City.

**FREE MEMBER BENEFIT**



eBooks | webinars | legal research | blog

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

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](http://www.okbar.org/members/members/benefits)

# Grantee Spotlight: Oklahoma County Juvenile Bureau's Literacy Initiative

By Candice Jones

Imagine for just a moment that you cannot read or write. At this very instant you would not be able to comprehend the words in this article. Think about how it would change your life, your opportunities for higher education, your career, your goals, your well-being, your sense of accomplishment and even your self-esteem!

For many juveniles across our country and in our state, illiteracy is a common problem. They go to school every day unable to read and the problem does not stop there. Illiteracy and crime are closely related. In fact, the Department of Justice reports, "The link expands past incarceration rates, finding that illiteracy contributes to academic failure, delinquency, violence, and overall crime."

At the Oklahoma County Juvenile Bureau (OCJB), Probation Officer Jason Thomas and Chief of Court Services J'me Overstreet said the organization began to see the link between illiteracy and the juveniles they work with. Officer Thomas, who was instrumental in getting the literacy program off the ground, said illiteracy is one of the main reasons these youth get in trouble at school. They act out in class to get suspended thus saving them the embarrassment of their peers realizing the truth.

"I have been in probation and parole for 10 years," said Officer Thomas. "I have seen the repercussions our youth face when they have a lack of an education. I felt we could do more for our youth by becoming a resource for their educational growth. This is a way for us to rebrand the way the community views the bureau. Instead of them seeing us as

According to the National Assessment of Adult Literacy, a survey conducted in 2003 by the National Center for Education Statistics found that 85 percent of youth who interface with the juvenile court system are functionally illiterate. This means they cannot read at more than a basic level. The survey also indicated that 14 percent of Americans age 16 or older



Volunteer tutors from UCO, from left, Rajiv Arumai Thurai, Juri Williams, Natalie Durao, Dr. Burle Steelman and Donna Powell

people who only incarcerate their kids or take their kids, it is my hope that there will be families who see us as the ones who gave their children the help they needed to become stronger readers and more confident students. The gift of reading can be given to generation after generation. One of my favorite quotes is from Fredrick Douglass, 'It is easier to raise strong children than to repair broken men.' To me that sums it all up. Let's do this on the front end rather than on the back!"

could not comprehend a newspaper article, read a prescription label or complete a job application.

The mission of the OCJB is to implement and maintain a seamless system that provides accountability and responsibility for its clients and their families while protecting the public. They launched the literacy initiative in July of 2016. At that time, it was determined that at least 68 percent of youth on probation were reading two or more reading levels below their current grade level.

OCJB began with a pilot program which consisted of a 10-week session, three students and two volunteer tutors. The results confirmed the hopes of the organization. One student increased his reading from a first-grade level to a fourth-grade level in 10 sessions held once a week with tutors. The second session began in October 2016 with sessions held twice a week. This group included 15 youth and seven volunteer tutors from the University of Central Oklahoma. All students in this group have made improvements in their reading, spelling and comprehension according to the OCJB's end-of-year literacy initiative results. The third session began in January.



*Dr. Steelman tutoring a student*

Ms. Overstreet said, the kids they work with have many problems and the bureau knew they couldn't address all the issues, so they sat down to discuss options and focused on providing the best solution to yield the best results. The gift of literacy was the most promising for future success.

"Literacy turns the light on in a dark room, and the youth can see hope for a future they never thought was possible for someone like themselves," said Ms. Overstreet. "Providing these youth an opportunity to read and write at a literate level is

the single most important thing we can do. It literally can change their life."

The Oklahoma Bar Foundation (OBF) funded the OCJB's grant request for \$3,000 in full last year. The funds pay for materials and workbooks the students use in tutored sessions. The OBF is excited to fund the literacy initiative as it is a much needed program to help our youth.

## HOW TO GET INVOLVED

### *Tutor*

OCJB needs volunteer tutors and has a partnership with the Opportunities Industrialization Center of Oklahoma County that provides the training for volunteer tutors. An online course for professionals wishing to volunteer their time is now available. Please contact Erin McConnell at 405-713-6423 for more information on tutoring.

### *Donate Clothes*

Donate professional clothing to the OCJB. The goal of the Clothing Closet is to provide assistance to youth who face barriers because they lack clean and presentable attire. The Clothing Closet empowers these youth by teaching them acceptable ways to dress and enables them to go to school, interview for a job or attend a court hearing with confidence. The following items are accepted at the Clothing Closet:

For males: pants, slacks, belts, collared shirts, ties and dress shoes.

For females: pants, slacks, dresses, skirts, blouses and dress shoes.

### *Donate Ties*

Donate a tie to the Charles Thomas Tie Project named in honor of Officer Jason Thomas' father, a well-known coach, mentor and community figure. When Mr. Thomas Sr. passed away, Officer Thomas made use of the ties he inherited from his dad by teaching a group of his clients how to tie them, speaking to them about professional image and gifting them with ties. The concept was so well received that even a few years later, Officer Thomas continues to conduct the program using donated ties.



*Officer Thomas holds a donated tie*

## Donations

Drop off at the Oklahoma County Juvenile Bureau  
5905 N. Classen Court  
Monday – Friday  
8 a.m. – 5 p.m.

To arrange a pick up,  
call J'me Overstreet at  
405-713-6400

## ABOUT THE AUTHOR



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



# 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.  
Send form to P.O. Box 53036, Oklahoma City, OK 73152*

# February Activities a Great Success

By Lane R. Neal

February was a busy month for the YLD!

In early February, the YLD sent a delegation to the ABA YLD Midyear Meeting in Miami. The meeting provided a great opportunity to learn what other young lawyers divisions are up to in other states and cultivate new relationships with young lawyers across the country. Oklahoma was well represented at the meeting. We were also active participants in helping shape several of the agenda items for the ABA YLD.

On Feb. 18, the YLD held its orientation and first board meeting of the year. Both were well attended. It was great to see some of our “old” young lawyers along with the fresh faces of our new board members. Following the meeting, the YLD assembled the Bar Exam Survival Kits (BESKs). This has been a project of the YLD for many years and one we will continue well into the future. We had great participation by the board in getting the BESKs assembled and boxed up for the exam takers in Oklahoma City and Tulsa. Once all of the work was done, the board held an informal membership event in midtown Oklahoma City for our returning board members and new board members to get better acquainted.



From left: Brad Brown, YLD Past Chair Bryon Will, Brandi Nowakowski and YLD Chair Lane Neal attend the ABA YLD Midyear Meeting in Miami.

“ One thing I really appreciate about the YLD and its members is their flexibility to go where they are needed. ”

On Feb. 21, YLD board members were at the bar exam test sites in both Oklahoma City and Tulsa to welcome the exam takers to the first morning of the test. Board members

gave words of encouragement to the test takers in addition to providing everyone with a BESK. A special thanks to our New Attorney Orientation Committee Co-Chairs Brittany Byers and Melanie Christians. This is the first year as committee chair for both of them and they did a great job.

One thing I really appreciate about the YLD and its members is their flexibility to go where they are needed. April Moaning, board member and Diversity Committee chair, was recently contacted by Carl Albert High School about participating in a career fair for students. Of course, she agreed to participate. She was also

able to recruit the assistance of another board member, Dylan Erwin, to help represent the YLD at the career fair. They took copies of the U.S. Constitution and the OBA Young Adult Guide to hand out to students. They reported the career fair was a great success, and they answered numerous questions from students about the practice of law. The students seemed to appreciate the approachability of young lawyers in an informal setting. I am so glad the YLD was able to participate. As we have board members across the state, I am hopeful our participation in high school career programs can increase over the next year.

#### YLD MIDYEAR MEETING

On a totally different subject, the OBA is finalizing plans for the Solo & Small Firm Conference that will take place June 22-24 at the Choctaw Casino Resort in Durant. The conference also serves as the YLD Midyear Meeting. There will



*April Moaning and Dylan Erwin volunteer at the Carl Albert High School career fair.*

be programs and networking opportunities specifically designed for young lawyers. It is a great way to improve your practice, network and relax a little. I hope to see you there!

#### ABOUT THE AUTHOR



Lane R. Neal practices in Oklahoma City and serves as the YLD chairperson. He may be contacted at [LNeal@dlb.net](mailto:LNeal@dlb.net). Keep up with the YLD at [www.facebook.com/obayld](http://www.facebook.com/obayld).

March

**15 OBA Family Law Section meeting;** 11:30 a.m.; Oklahoma Bar Center, Oklahoma City with BlueJeans; Contact Allyson Dow 405-496-5768

**OBA Indian Law Section meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Chris Tytanic 405-406-1394

**16 OBA Diversity Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Tiece Imani Dempsey 405-609-5406



**20 OBA Board of Governors meeting;** 5 p.m.; Oklahoma City; Contact John Morris Williams 405-416-7000

**21 OBA Day at the Capitol;** 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; RSVP to Debbie Brink; 405-416-7014

**OBA Bench and Bar Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact David Swank 405-325-5254 or Judge David B. Lewis 405-556-9611

**OBA Work/Life Balance Committee meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City with BlueJeans; Contact John W. Kinslow 580-353-8308

**OBA Solo and Small Firm Conference Planning Committee meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Melissa DeLacerda 405-624-8383 or Stephen D. Beam 580-772-2900

**22 OBA Financial Institutions and Commercial Law Section meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with BlueJeans; Contact Miles T. Pringle 405-848-4810

**23 OBA Professionalism Committee meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Patricia Podolec 405-760-3358

**24 OBA Professional Responsibility Commission meeting;** 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Gina Hendryx 405-416-7007

**OBA Awards Committee meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City with BlueJeans; Contact Jennifer Castillo 405-553-3103

April

**27 OBA Appellate Practice Section meeting;** 11 a.m.; Oklahoma Bar Center, Oklahoma City with videoconference; Contact Michael L. Brooks 405-840-1066

**4 OBA Government and Administrative Law Section meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact David A. Miley 405-521-2639

**6 OBA Bar Association Technology Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with BlueJeans; Contact Aaron M. Arnall 405-733-1683

**OBA Lawyers Helping Lawyers Discussion Group;** Office of Tom Cummings, 701 NW 13th St., Oklahoma City, OK 73012; RSVP to Lori King 405-840-3033

**7 OBA Environmental Law Section meeting;** 11 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Robert D. Singletary 405-530-8803

**OBA Alternative Dispute Resolution Section meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with videoconference; Contact Larry B. Lipe 918-586-8512

**12 OBA Women in Law Committee meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City with videoconference; Contact Deb Reheard 918-689-9281 or Cathy Christensen 405-752-5565

**William G. Paul Awarded American Bar Association Lifetime Achievement Award**

William G. Paul was honored with the Pace/Alexander Award for Lifetime Achievement Feb. 3 during the ABA Midyear Meeting in Miami. This award is presented annually by the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline and recognizes an outstanding legal professional who has championed significant work to increase the number of racial and ethnic minority students entering a track to become members of the legal profession.



*From left: Kim Hays, William Paul and Linda Thomas*

While serving as the ABA president in 1999-2000, Mr. Paul founded the ABA Legal Opportunity Scholarship. He and his wife, Barbara, made an initial contribution of \$50,000 to launch the scholarships and his firm, Crowe & Dunlevy, matched the \$50,000 contribution. To date, 340 racial and ethnic minority ABA scholars have benefited from the financial assistance afforded them by the ABA to further their legal careers.

In addition to serving as the ABA president, Mr. Paul has also served as the president of the American Bar Endowment, Oklahoma and Oklahoma County bar associations and the National Conference of Bar Presidents. He was inducted into the Oklahoma Hall of Fame in 2003.

**Judge Terence C. Kern Inducted Into the OSU Hall of Fame**

Federal Judge Terence C. Kern was inducted into the OSU Hall of Fame Feb. 10 at the ConocoPhillips OSU Alumni Center in Stillwater. He was inducted along with Rhonda Hooper, Dr. Barry Pollard and James "Jim" Vallion.



*From left: OSU Alumni Association President and CEO Chris Batchelder, OSU Alumni Association Board of Directors President Phil Kennedy, Judge Terrence C. Kern and OSU President Burns Hargis.*

*Photo courtesy of George Bulard.*

Judge Kern graduated from OSU in 1966 with a degree in business. He went on to earn his J.D. from the OU College of Law in 1969 and later received a LL.M. from the University of Virginia School of Law.

He began his career as a general attorney with the Federal Trade Commission in Washington, D.C. He later returned to Oklahoma and entered into private practice and eventually started his own firm. In 1994, he was appointed to the federal bench and served as chief judge of the Northern District of Oklahoma from 1996-2003. He has served as a member of the Judicial Conference of the U.S. Committee on Security and Facilities, the Judicial Conference of the U.S. Committee on Space and Facilities and the 10th Circuit Judicial Council.

Judge Kern continues to serve as a senior judge and has conducted more than 200 civil and criminal trials. He is the first OSU graduate to serve as a United States District Judge.



## OBA Member Resignations

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

Jason Edward Barnes  
OBA No. 22483  
118 N. Water Street  
Liberty, MO 64068

Suzanne Bass  
OBA No. 10274  
3100 Monticello Ave.,  
Suite 550  
Dallas, TX 75205

Caroline B. Benediktson  
OBA No. 695  
636 Daley Street, No. 8  
Edmonds, WA 98020

Ryan Andrew Botkin  
OBA No. 20433  
1803 West Avenue  
Austin, TX 78701

Susan Dickerson Cox  
OBA No. 2346  
3963 Peregrine Point  
Celina, TX 75009

Jane Engel Gallagher  
OBA No. 3211  
P.O. Box 10310  
Rockville, MD 20849

J. Fred Gist  
OBA No. 3390  
3644 Infinity Run  
The Villages, FL 32163

Gregory S. Herzog  
OBA No. 4149  
922 Gardenia Drive  
Houston, TX 77018

Gregory N. Hope  
OBA No. 22415  
299 Herrick Road  
Riverside, IL 60546

Ronald Dean Mosburg  
OBA No. 17108  
15814 S. 273rd East Ave.  
Coweta, OK 74429

Eric Lam Nguyen  
OBA No. 31671  
8614 Sunset Pond Dr.  
Tomball, TX 77375

Richard A. Paschal  
OBA No. 6927  
7416 E. 68th Place  
Tulsa, OK 74133

Marjorie Ann Revah  
OBA No. 11972  
1530 Kennabrooke Ct.  
St. Louis, MO 63146

James Steven Rogers  
OBA No. 7720  
6233 162nd Place, S.E.  
Bellevue, WA 98006

Jeffrey Pat Rossander  
OBA No. 10120  
P.O. Box 794  
Stillwater, OK 74076

David Michael Shear  
OBA No. 14168  
31 Ocean View Rd.  
Swampscott, MA 01907

Alison Elizabeth Spurlock  
OBA No. 31272  
642 S. Columbus St.  
Alexandria, VA 22314

## LHL Discussion Group Hosts April Meeting



“Dealing With Problem Clients” will be the topic of the Lawyers Helping Lawyers monthly discussion group on April 6. 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](mailto:loriking@cabainc.com), are encouraged to ensure there is food for all.

## Connect With the OBA Through Social Media

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



## Aspiring Writers Take Note

We want to feature your work on “The Back Page.” Submit articles related to the practice of law, or send us something humorous, transforming or intriguing. Poetry is an option too. Send submissions of about 500 words to OBA Communications Director Carol Manning, [carolm@okbar.org](mailto:carolm@okbar.org).

# Kudos

**Jeremy Mouton** has been appointed to serve as the new property and finance practice group leader of the Houston-based firm Porter Hedges. He is a partner in the energy section and focuses on advising oil and gas companies.

**Shannon Edwards**, 10th Circuit representative on the American Bar Association's Standing Committee on the Federal Judiciary, will be the lead member evaluator of Supreme Court nominee Judge Neil Gorsuch. Ms. Edwards was appointed to the standing committee in October 2015.

**Henry Hoss** of Oklahoma City was elected as the newest member of the McAfee & Taft Board of Directors. He practices construction and commercial litigation.

**Mike Voorhees** has been confirmed for a second consecutive term as vice chair of the Board of Directors for the Oklahoma Foundation for Medical Quality. He is a member of the Oklahoma City law firm Voorhees Voorhees & Byers.

**GableGotwals** has announced the firm's 2017 officers and directors. **David Keglovits**, chair and CEO; **Sid Swinson**, president; **Amy Stipe**, vice president finance; **John Dale**, vice president talent; **Terry Ragsdale**,

vice president growth; **Dale Cottingham**, secretary; **Scott Rowland**, member; and **Rob Robertson**, member.

# On The Move

**Andrew M. Bowman** has been named shareholder of the Oklahoma City law firm Foliart, Huff, Ottaway & Bottom. He practices commercial litigation, insurance law and general civil litigation.

**Jordan Jackson** has joined the Oklahoma City offices of Spencer Fane. He will join the firm's litigation team.

**Phillip McCallum** has been named as the Alabama State Bar's executive director. He is a past president of the Alabama State Bar.

**Ben Wheatley** has been named managing shareholder of Munsch Hardt Kopf & Harr in the firm's Austin, Texas, office. In this role, he will also serve as a member of the firm's Management Committee.

**Ogletree, Deakins, Nash, Smoak & Stewart PC** has opened an office in Oklahoma City. The firm's shareholders are **Sam Fulkerson** and **Vic Albert**. Mr. Fulkerson practices employment law. Mr. Albert practices labor and employment litigation.

# At The Podium

**Trae Gray** of Coalgate will be a speaker at the Realtors Land Institute National Land Conference in Charlotte, North Carolina. He is the founder of LandownerFirm.com and NaturalResourcesMediator.com.

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

Submit news items via email to:  
Lacey Plaudis  
Communications Dept.  
Oklahoma Bar Association  
405-416-7017  
barbriefs@okbar.org

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

**Lewis Bebout Ambler** of Bartlesville died Nov. 5, 2016. He was born Oct. 31, 1935, in Kansas City, Missouri. He received his undergraduate degree in 1956 from Washington University in St. Louis and his J.D. from the Washington University School of Law in 1959. Upon graduation, he joined The Missouri Bar and accepted a position with Phillips Petroleum Co. The next spring he took and passed the Oklahoma bar exam. In December 1960, he accepted a position as assistant district attorney in Washington County. After serving in that position for two years, he was elected as county attorney. He later served several years in a part-time capacity as first assistant district attorney. Mr. Ambler also developed and maintained a private law practice with James L. Sontag. He coached many of his children's little league teams and was instrumental in forming Blazer Sports.

**Walter D. Felzke** of Tulsa died Jan. 26. He was born in Leavenworth, Kansas. After his graduation from Leavenworth High School, **he served in the U.S. Air Force for three years during World War II in First Radio Squadron, Mobile, a part of the Fifth Air Force.** After WWII, he graduated with his bachelor's degree from Kansas State University and earned his J.D. from the TU College of Law. He was baptized on Jan. 26, 1964, at Southminster Presbyterian Church. He became a member of John Calvin Presbyterian Church and served in many capacities, including

deacon, elder, Sunday school teacher and legal adviser. Memorial donations may be made to the Alzheimer's Association.

**Jack Hugh Herndon** of Midwest City died Jan. 27. He was born Aug. 10, 1926, in Little Rock, Arkansas. He attended OU in 1943 before **enlisting in the U.S. Army to serve in Europe with the 95th Infantry during World War II.** In 1957, after graduating from the OU College of Law he passed the bar and started his law practice on Air Depot Blvd., where he remained in practice for 60 years. During his early years in Midwest City, he was appointed justice of the peace and happily presided over hundreds of wedding ceremonies until the end of his commission in 1968. He also served as city attorney. He was an avid fisherman, bowler, pilot, card shark, hunter and outdoorsman. Mr. Herndon was also a passionate OU football fan.

**John McClellan Jacobsen** of Vernal, Utah, died Dec. 25, 2016, in Edmond. He attended Uintah High and graduated from Brigham Young University. In 1986, he received his J.D. from the OCU School of Law. In 1988, he was hired by the Oklahoma County District Attorney's Office as an assistant district attorney to work in the civil division. He was later promoted to first assistant district attorney. From 2001 to 2006, Mr. Jacobsen was first assistant for former Oklahoma County District Attorney Wes Lane. He was an assistant county attorney at his passing. He held posi-

tions in the Church of Jesus Christ of Latter-day Saints.

**Val Ray Miller** of Oklahoma City died Jan. 16. He was born Sept. 9, 1922, in Duncan and graduated from Duncan High School in 1940. **Mr. Miller enlisted in the Army Air Corps and was assigned to the 765 Bomb Squadron of the 461st Bomber Group.** Upon his return, he earned his J.D. from the OU College of Law. He started a law practice in Duncan and served two terms in the House of Representatives for Stephens County. He then moved to Oklahoma City to work for Crowe & Dunlevy. He loved OU football and wrestling.

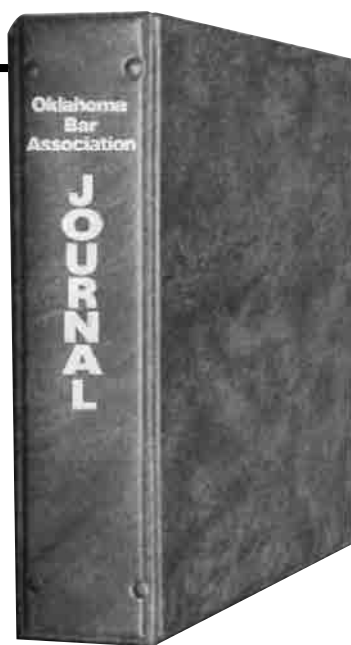
**Billy Ray Perceful** of Poteau died Jan. 17 in Fort Smith, Arkansas. He was born March 8, 1956, in Troy, Ohio. He graduated from Carl Albert State College in 1976 with an Associate of Science degree, OCU in 1979 with a Bachelor of Arts and in 1982 he received his J.D. from the University of Arkansas School of Law. He was licensed to practice law in all Oklahoma state courts and administrative agencies, Oklahoma Federal Court, Arkansas Federal Court and the U.S. 10th Circuit Court of Appeals. He was president of Port City Optometrist Club in 1997.

**Matthew Wofford** died Nov. 7, 2016. He was born Nov. 12, 1960, in St. Louis. He is a 1985 graduate of the Northeastern State University College of Optometry and a 1995 graduate of the TU College of Law. In 1985, he entered into private practice

in Broken Arrow. Shortly thereafter he joined the Triad Eye Institute as head of the Optometry Department from 1986 to 1995. During those years, he attended night class-

es at the TU College of Law. In 1995, he entered back into private practice and joined the Eye Mart of Tulsa group. He maintained his Oklahoma Bar Association membership until

his death. He enjoyed baseball and coached his sons' teams taking them to the Little League World Series playoffs in New Mexico and Colorado.



Mail to:  
Communications Dept.  
Oklahoma Bar Association  
P.O. Box 53036  
Oklahoma City, OK 73152

## Custom Designed Binders for your *Oklahoma Bar Journal*

**Attractive, durable binder will keep your Bar Journals accessible and provide easy storage for 12 issues. They cost \$15.95 each prepaid.**

Please send: \_\_\_\_\_ binders for the *Oklahoma Bar Journal* at \$15.95. Make check payable to Oklahoma Bar Association.

TOTAL ENCLOSED \$ \_\_\_\_\_

\_\_\_\_\_  
NAME (PRINT)

\_\_\_\_\_  
STREET ADDRESS

\_\_\_\_\_  
CITY

\_\_\_\_\_  
ZIP

\_\_\_\_\_  
PHONE



**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](mailto: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](mailto: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](mailto: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](mailto: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@northfloridaped.com](mailto:wsimmons@northfloridaped.com).

**ROUND-TRIP LONG-DISTANCE RIDES**

Reliable driver with a business-friendly vehicle. Travel all over in Oklahoma and other cities, like Dallas and Wichita. First Five Round-Trips to Dallas - \$250. Taylor Jackson, 405-570-1200, [andbackrides.com](http://andbackrides.com), [andbackrides@gmail.com](mailto:andbackrides@gmail.com).

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

**OFFICE SPACE**

NW OKC OFFICE SPACE AVAILABLE ON N. CLASSEN BLVD. Ideal location for sole practitioner. Two offices available, one with secretarial area. Furnished reception area, conference room and kitchenette. Contact Stacy at 405-528-0047.

MIDTOWN TULSA LAW OFFICE – 1861 E. 15th. Utica Square district. Receptionist, copier, phone, fax, wireless internet, alarm system, conference room, signage, kitchen. Ample parking. Virtual office leases also available. Contact Terrie at 918-747-4600.

MIDTOWN/UPTOWN OFFICE WITH PARKING LOT. Approximately 1,000 sf. Separate entrance includes two offices, waiting area and bathroom. Shared kitchen with other building tenant. Option for signage on door. \$1500 per month. 405-204-3273 or [heritageofficespace@gmail.com](mailto:heritageofficespace@gmail.com).

OFFICE SPACE FOR LEASE: Space located at 222 NW 13th Street, OKC (NW 13th & N. Harvey), just one (1) mile from Oklahoma County Courthouse. Includes kitchen, conference room and free parking. For additional information, please contact Robert Goldman 405-524-3403.

**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](mailto:heroes@okbar.org).

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

DOWNTOWN TULSA FIRM SEEKS ASSOCIATE. AV-rated downtown Tulsa law firm seeks associate with 0-3 years' experience. The firm has an established civil rights practice. In addition, the firm also has a diverse plaintiff practice. Ideal candidates will thrive in a fast-paced office environment and be prepared to hit the ground running. Experience in litigation as well as research and writing is preferred. Compensation is commensurate with experience. Submit cover letter and resume to [bryanterrillfirm@gmail.com](mailto:bryanterrillfirm@gmail.com).

## POSITIONS AVAILABLE

HARRISON & MECKLENBURG INC., A WELL-ESTABLISHED AV RATED FIRM, IS LOOKING FOR AN ASSOCIATE with a strong academic background and preferably 2-5 years' experience in real estate and title examinations for its Kingfisher office. Please visit [www.hmlawoffice.com](http://www.hmlawoffice.com) for additional information about the firm. For more information or to submit a resume and law school transcript, please email [austin@hmlawoffice.com](mailto:austin@hmlawoffice.com).

OKLAHOMA COUNTY – ASSISTANT DISTRICT ATTORNEY: Are you an experienced attorney who finds your current practice unfulfilling? Do you want to join a team of quality people who dedicate themselves to serving others every day? Do you want to fight for those who can't fight for themselves? Does injustice anger you? Are you willing to serve in a highly demanding and highly stressful environment with disproportionate compensation? If you answered, "Yes" to all of the questions above, we have the perfect opportunity for you! A few good men and women are needed to step up and dedicate their professional lives to serving the citizens of Oklahoma County and the state of Oklahoma as an assistant district attorney. Do you have what it takes? Send your resume to: District Attorney David Prater, 320 Robert S. Kerr Avenue, Suite 505, Oklahoma City, Oklahoma 73102.

MCAFEЕ & TAFT IS SEEKING AN ASSOCIATE ATTORNEY WITH 1-3 YEARS' EXPERIENCE to join its growing Employee Benefits Practice Group in its Oklahoma City office. Ideal candidates will have experience in tax, transactional work and/or employee benefits. Top academic performance along with excellent writing, analytical and interpersonal skills are required. Please direct all inquiries to Brandon Long at [brandon.long@mcafeetaft.com](mailto:brandon.long@mcafeetaft.com).

DOWNTOWN OKC LAW FIRM SEEKS OIL AND GAS TITLE ATTORNEY. Two to five years of experience preferred. Pay is commensurate with experience. Excellent benefits package. Please send cover letter and resume to "Box FF," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

THE TULSA FIRM RICHARDS & CONNOR IS SEEKING AN ATTORNEY with a minimum of 3 years' experience in civil litigation. Please submit a resume, cover letter and writing sample to Administrator, 525 S. Main St., 12th Fl., Tulsa, Oklahoma 74103, or via email to [info@richardsconnor.com](mailto:info@richardsconnor.com).

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

## 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](mailto:jeri.howard@taylorlucas.com).

DOWNTOWN OKC LAW FIRM SEEKS ASSOCIATE ATTORNEY. Primary duties include legal research and writing for civil litigation. One to three years of experience preferred. Pay is commensurate with experience. Excellent benefits package. Please send cover letter, resume and writing sample to "Box EE," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

NW OKC LAW FIRM SEEKING OIL AND GAS TITLE ATTORNEY. One to five years' experience rendering Oklahoma Title Opinions. Please email your resume to [okctitlefirm@gmail.com](mailto:okctitlefirm@gmail.com).

PHILLIPS MURRAH PC is looking for a registered patent attorney with at least 5 years of practice and an established client base to help expand our IP Practice. We have a very competitive salary and benefit package to offer. If you want to work in a progressive and fast growing law firm with a quality work environment, please submit your resume in confidence to [resume@phillipsmurrah.com](mailto:resume@phillipsmurrah.com).

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

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

THE DEPARTMENT OF HUMAN SERVICES, Legal Services, is seeking an experienced (5 yrs preferred) assistant general counsel to office in Oklahoma City and to assist with child welfare matters. This position needs effective writing, communication and advocacy skills. A familiarity with the Oklahoma Children's Code and litigation experience are strongly preferred. The chosen candidate must be highly organized and ready to start. Salary is based on qualifications and experience. Excellent state benefits. Send resume, references and a recent writing sample (less than 1 year old) to JudithJudi.Abrams@okdhs.org or mailed to Judi Abrams, Operations Manager, Office of General Counsel, Dept. of Human Services, P.O. Box 25352, Oklahoma City, OK 73125-0352.

## POSITIONS AVAILABLE

THIS POSITION WILL REPORT TO THE SENIOR EXECUTIVE OFFICER OF THE LEGAL AND COMPLIANCE DIVISION. The executive director is responsible for the management of the CNO In-House Legal Department in its entirety. This position will coordinate with the senior executive officer and outside counsel on all legal matters, will manage internal case management and the delegation of assignments to in-house associate counsel and personnel. Primary tasks include rendering legal advice and services to all branches, entities, departments and senior executive officers of the Choctaw Nation with respect to legislation, regulatory practices, gaming operations, alcohol licensing, commercial ventures or other matters falling within the purview of all branches of the Choctaw Nation of Oklahoma; providing legal representation to the nation in all requested and/or required legal and liability areas; overall supervision and management of the Legal Department of CNOK; all final personnel decision-making for the Legal Department of CNOK; case management and assignment of all in-house matters and projects delegated to the specialized assigned attorney and/or legal team subordinates; the submission and final approval of all budget proposals to the legislative branch on behalf of the In-house Legal Department, upon final approval of the senior executive officer of legal and compliance; final approvals for all Legal Department's account receivables and legal vendor billings; working with the Department of Risk Management on the development and strategic planning from the legal and liability perspective to reduce risk; will be the legal supervisor/advisor for the preparation, negotiation, review and advisory work pertaining to contracts, agreements, and other legal instruments of commercial ventures on behalf of the CNOK; and perform other duties as may be assigned. Applicants must have a J.D. and be admitted to the bar to practice in Oklahoma; be familiar with local, state and federal laws and regulations, legislative processes and regulatory agencies; have a sound grasp of the legal issues and requirements of the tribe's commercial ventures, such as licensing, acquisition and divestiture; have a broad understanding of tribal law, sovereignty and tribal court proceedings; excellent communication skills; effective presence to represent the tribe in all legal matters dealing effectively with attorneys, elected officials, regulators and other executives; and ten or more years of experience in law. Please apply at [careers.choctawnation.com](http://careers.choctawnation.com).

**ASSISTANT ATTORNEY GENERAL** - The Oklahoma Office of the Attorney General is seeking an assistant attorney general for the Medicaid Fraud Control Unit. The applicant should be knowledgeable in the area of criminal law with preference to experience in criminal prosecution. Experience with healthcare fraud or medical issues is preferred. Strong emphasis will be placed on oral and jury trial advocacy skills. Applicants must be a licensed attorney in the state of Oklahoma. Position requires some knowledge and use of Word and/or WordPerfect and Excel spreadsheets. Resumes for this position should be sent to [resumes@oag.ok.gov](mailto:resumes@oag.ok.gov) and should include the position being applied for in the subject line of the email. EOE.

## POSITIONS AVAILABLE

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

THE SECRETARY FOR THE COMMISSIONERS OF THE LAND OFFICE (CLO) SEEKS APPLICANTS FOR THE POSITION OF ASSISTANT GENERAL COUNSEL. The position reports directly to the general counsel. The successful candidate must be licensed to practice law in the state of Oklahoma and have a minimum of three years of experience in civil litigation or as a government attorney. Candidates with mineral or real estate law experience will be given priority consideration. The successful applicant will typically work from a standard office setting five days per week. The CLO provides the state employee benefit package, offering excellent benefits and a salary range of \$40,000-\$80,000 depending on experience and qualifications. To apply, send an application, cover letter, resume and writing sample to Debra Sprehe, Human Resources Manager, Commissioners of the Land Office, 204 N. Robinson, Suite 900, Oklahoma City, OK 73102; [debbie.sprehe@clo.ok.gov](mailto:debbie.sprehe@clo.ok.gov); 405-521-4012. To be considered, the CLO employment application, resume and writing sample must be received by 5 p.m. on Friday, March 17, 2017. The CLO employment application can be found at [www.clo.ok.gov/agency/careers](http://www.clo.ok.gov/agency/careers). The Commissioners of the Land Office is an Equal Opportunity Employer.

THE MUSCOGEE (CREEK) NATION IS SEEKING AN ASSISTANT ATTORNEY GENERAL/PROSECUTOR IN OKMULGEE. The assistant attorney general/prosecutor will assist in the prosecution of criminal, juvenile and elder cases and matters on behalf of the Muscogee (Creek) Nation (MCN); provide legal advice and counsel to various departments and agencies of the MCN and tribal communities and committees; negotiate, review and draft contracts; negotiate and purchase commercial and individual property for MCN; and draft tribal legislation. Applicants must have graduated from an accredited law school, be knowledgeable and/or have experience in federal Indian law, must communicate effectively with the public, handle workload under pressure situations, must be able to work with confidential materials, must be willing to become licensed to practice law in Oklahoma and must be a member of the Muscogee (Creek) Nation Bar Association or eligible to become a member. Visit [www.muscogeenation-nsn.gov](http://www.muscogeenation-nsn.gov) for more information.



## FOR SALE

CLOSING SOLO PRACTICE MARCH 31ST AFTER 35 YEARS. Substantial law library, professional quality furnishings (Sligh/Ethan Allen) and more. Call 918-664-7780 and leave name, email address and telephone number to receive list of particulars and arrange for viewing.

ALL NEW. 1ST EDITION, 2016-17. *SENTENCING IN OKLAHOMA* BY BRYAN DUPLER. The practical guide for judges and attorneys. \$25+shipping. Email orders to oksentencinglaw@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](http://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](mailto: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.**

# LEND A HAND *to a hero*

OKLAHOMA  
LAWYERS FOR  
AMERICA'S  
HEROES IS  
CURRENTLY  
LOOKING FOR  
VOLUNTEERS

THE NEED FOR FAMILY LAW  
VOLUNTEERS IS CRITICAL,  
BUT ATTORNEYS FROM ALL  
PRACTICE AREAS ARE NEEDED.  
**TO VOLUNTEER**  
CONTACT GISELE K. PERRYMAN  
405-416-7086  
[HEROES@OKBAR.ORG](mailto:HEROES@OKBAR.ORG)  
OR SIGN IN TO MYOKBAR



# My Tip for Finding Balance

By Jennifer Castillo

I came to the practice of law a roundabout way via three-plus years as a musical theater student at OCU and an undergraduate degree in theater. My love of theater and music is woven into my genetic fabric much like my small feet and green eyes. Although I gave up the smell of the grease paint and the hours in a practice room over a decade ago, I can still come up with a title or a line from a song or play for almost any situation.

For example, when thinking about my own journey to achieve work/life balance, I automatically think of a Stephen Sondheim musical, *A Funny Thing Happened on the Way to the Forum*. The title of *Forum* is derived from the clichéd first line of a stand-up comedian's joke (usually his first of the performance): "A funny thing happened to me on my way to the theatre tonight ..." Because the musical is set in ancient Rome, the line was adapted using "forum" instead of "theatre."

In *Forum*,<sup>1</sup> inspired by the farces of the ancient Roman playwright Plautus (251–183 BC), a slave named Pseudolus schemes his way to freedom. *Forum* is full of plot twists, mistaken identities and sight gags. At the end of the show, not a single

character makes it to the forum, but the laughs leading to the stereotypical happy ending make it a worthwhile journey.

Much like Pseudolus' journey to freedom, my journey to achieve work/life balance has been anything but straight and smooth. I started practicing law 15 years, two kids and a slew of life experiences ago. My view of how to define an acceptable bal-



Jennifer and her family

ance between my home life and my professional life — and how to achieve it — is vastly different now. I've learned that work/life balance doesn't just happen. Time and experience have taught me what ratio of professional and personal life works best for me.

My optimal balance has changed in response to the varying demands of my professional

life and the evolving needs of my family. While I am currently experiencing the best work/life balance of my career, my path here is littered with mistaken identities and multiple plot twists. But here's the thing — in spite of the bad, there is also overwhelming amount of good, happy, momentous, beautiful and downright funny moments.

Choosing to see the comedy instead of the plot twists that may have moved me farther away from a particular goal, keeps me balanced. The memories of those moments sustain me when the stress and busyness of my life threaten to overcome the calm, content and happiness of my life. The desire to have more calm, content and happiness in my life also fuels my efforts to achieve balance through a dedication to those things that are most important to me.

So, don't be surprised to hear me singing the opening number of *Forum* to myself:

Tragedy tomorrow,  
Comedy tonight!

*Ms. Castillo is an attorney with OG&E in Oklahoma City.*

1. Music and lyrics by Stephen Sondheim and book by Burt Shevelove and Larry Gelbart.



Featured Speaker:  
Steven J. Oshins, Esq.,  
AEP (Distinguished)  
Oshins & Associates, LLC,  
Las Vegas, NV

**THE HYBRID DOMESTIC ASSET PROTECTION TRUST: A THIRD-PARTY TRUST THAT CAN TURN INTO A SELF-SETTLED TRUST**  
There are now 16 states that have statutes allowing a person to set up an asset protection trust for themselves. It is impossible to be an estate planner without also being an asset protection planner since asset protection planning is a necessary part of estate planning. Steve Oshins will describe Domestic Asset Protection Trusts, but will also discuss the risks involved and how those risks can easily be avoided using a version of this trust called a Hybrid Domestic Asset Protection Trust.

**HOW DO WE PLAN AFTER THE VALUATION DISCOUNT RULES ARE OFFICIALLY CHANGED?**  
The Treasury released Temporary Treasury Regulations last year that would substantially curb the ability to obtain valuation discounts for interfamily transfers. This has been one of the most heavily-discussed topics since those Temporary Regulations were released. Does this mean the end for advanced estate planning? The answer is no. Steve will spend time during the session describing many advanced estate tax reduction techniques that would still be allowable even if the Final Treasury Regulations are drafted as they read in the Temporary Treasury Regulations.

Cosponsored by the OBA Estate Planning Section

# ADVANCED Estate Planning

Featuring Steve Oshins

**MARCH 24**

Oklahoma Bar Center, OKC - **WEBCAST AVAILABLE**

\$200 for early-bird registrations with payment received by March 17th; \$225 for registrations with payment received between March 20th – March 23rd. Walk-ins \$275. Registration includes continental breakfast and lunch. To receive a \$10 discount for the in-person program, register online at [www.okbar.org/members/CLE](http://www.okbar.org/members/CLE). Registration for the live webcast is \$250. Seniors may register for \$50 on in-person programs (late fees apply) and \$75 for webcasts, and members licensed 2 years or less may register for \$75 for in-person programs (late fees apply) and \$100 for webcasts.

oba • cle  
continuing legal education

**For details and to register go to: [www.okbar.org/members/CLE](http://www.okbar.org/members/CLE)**



**THIS PROGRAM  
WILL NOT BE  
REBROADCAST  
AT A LATER DATE.**

oba  cle  
continuing legal education

**Program Presenters:**

Rena Cook, Professor Emeritus,  
University of Oklahoma

Henry McDaniel, Professor of Voice  
and Speech, Royal Central School of  
Speech

*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.

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 - "Live" Webcast Available**

Expressivity, confidence in front of judge and jury, the ability to build suspense and to hold an audience are all skills that can be learned. 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 comprehensive pathway to real and lasting results.



**Each attendant is encouraged** to bring a copy of an opening, closing or other argument you are currently working on so the work can be more immediately applicable and useful.

\$150 for early-bird registrations with payment received before March 27th; \$175 for registrations with payment received March 27th – March 30th . Walk-ins \$200. 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 (late fees apply) and \$75 for webcasts, and members licensed 2 years or less may register for \$75 for in-person programs (late fees apply) and \$100 for webcasts.

**For details and to register go to: [www.okbar.org/members/CLE](http://www.okbar.org/members/CLE)**