

ALSO INSIDE: Revolutionize Your Marketing Strategy
Notice for Surface and Mineral Titles • New OBA Member Classification

THE OKLAHOMA BAR Journal

Volume 89 — No. 2 — January 2018

Meet Your Bar Association

OKLAHOMA BAR CENTER

**Get to Know
2018 President Kimberly Hays
and Other Bar Leaders**



**AUDIO
WEBCASTS**

**WEBCAST
ENCORES**

WEBCASTS

ON-DEMAND

YOU HAVE CHOICES

All your required 12 hours of MCLE credit can be received by viewing "Webcast", "Webcast Encore" or "Audio Webcast", these programs are being "live-streamed" at certain dates and times and **MUST** be viewed on those scheduled dates and times.

Members are only permitted to earn up to 6 MCLE credit hours per year from "On-demand" programs, these programs can be viewed at any day or time, and they can be stopped and resumed at a later time or day.

oba ♦ cle
continuing legal education

To view our complete list of programs, go to: www.okbar.org/members/CLE

Success is making
it to the game on time...and
getting paid while you're there.



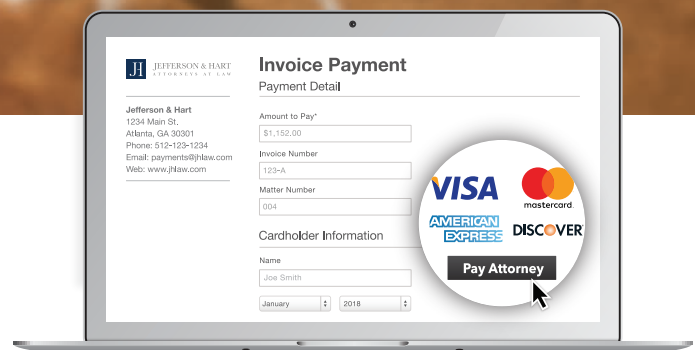
**PAYMENT
RECEIVED**

Client: Joe Smith
Amount: \$1,152.00



Have the best of both worlds

LawPay was developed to simplify the way attorneys get paid, allowing you to run a more efficient practice and spend more time doing what you love. Our proven solution adheres to ABA rules for professional conduct and IOLTA guidelines. Because of this, LawPay is recommended by 47 of the 50 state bars and trusted by more than 45,000 lawyers.



LAWPAY[®]
AN AFFINIPAY SOLUTION



**OKLAHOMA BAR
ASSOCIATION** SINCE 1904

LawPay.com/OBA | 866-275-2206

The experts in legal payments

CONQUER YOUR MOUNTAIN



FREE 24-HOUR CONFIDENTIAL ASSISTANCE
800-364-7886 | www.okbar.org/LHL

Get help addressing stress, depression, anxiety, substance abuse, relationship challenges, burnout and other personal issues through counseling, monthly support groups and mentoring or peer support.



Oklahoma Bar Association
Lawyers Helping Lawyers
Assistance Committee

contents

January 2018 • Vol. 89 • No. 2

THEME: **MEET YOUR BAR ASSOCIATION**

Editor: Carol Manning

FEATURES

- 6 | MEET 2018 PRESIDENT KIMBERLY HAYS
By Lacey Plaudis
- 12 | OBA OFFICERS AND BOARD OF GOVERNORS
- 20 | OBA DEPARTMENTS AND SERVICES
- 26 | MEMBER BENEFITS
By Laura Stone
- 30 | STAY CONNECTED WITH YOUR ASSOCIATION
- 32 | OBA SECTIONS

DEPARTMENTS

- 4 | FROM THE PRESIDENT
- 48 | FROM THE EXECUTIVE DIRECTOR
- 50 | LAW PRACTICE TIPS
- 54 | ETHICS & PROFESSIONAL RESPONSIBILITY
- 56 | BOARD OF GOVERNORS ACTIONS
- 58 | OKLAHOMA BAR FOUNDATION NEWS
- 60 | YOUNG LAWYERS DIVISION
- 62 | FOR YOUR INFORMATION
- 63 | BENCH AND BAR BRIEFS
- 63 | EDITORIAL CALENDAR
- 64 | IN MEMORIAM
- 66 | IN MEMORIAM: MICHAEL D. EVANS
- 67 | WHAT'S ONLINE
- 72 | THE BACK PAGE



OBA President Kimberly Hays

—PAGE 4—

PLUS

- 38 | USING COST-PER-CASE TO REVOLUTIONIZE YOUR
FIRM'S MARKETING STRATEGY
By Deanna Power
- 40 | CONSTRUCTIVE NOTICE: OKLAHOMA'S HYBRID SYSTEM
AFFECTING SURFACE AND MINERAL INTERESTS
By Kraettli Q. Epperson
- 46 | SUPREME COURT APPROVES NEW 'RETIRED MEMBER'
CLASSIFICATION AS A MEMBERSHIP OPTION
By Carol Manning

BACK TO THE FUTURE

By Kimberly Hays

As I look for inspiration to write my first president's message, many thoughts race through my head. What does 2018 have in store for the OBA and our legal profession? What opportunities do we have to improve the practice of law for our members? Will anyone even read this? Does Amazon sell a crystal ball to tell me the future for my year as president, and is it eligible for Amazon Prime delivery? Could I find a DeLorean time machine from Back to the Future to help me answer these questions?

Sadly, the answer to the last two questions appears to be "no." Because I was really looking forward to the DeLorean option, I have decided my first president's message will be a *Back to the Future* experience. With the hard work of our Board of Governors, OBA staff and amazing OBA members, I am hopeful these predictions will be true when I write my last president's message. (Cue Huey Lewis and the News' Back in Time.)

PRESIDENT'S MESSAGE, DECEMBER 2018

Many past presidents told me the 12 months of my presidency would go by much faster than I expect. They were correct. As 2018 ends, I find it a challenge to describe, in this limited space, all our accomplishments.

The future of our profession is rapidly changing. Your association is dedicated to identifying those opportunities and offering our members the tools and resources to successfully navigate the challenges our profession is experiencing. I am thankful to everyone who dedicated their time and creative thoughts to the task force established this year to examine and make recommendations for future programs to address the challenges presented by the changing demographics of our membership.

The Solo & Small Firm Conference took place June 21-23, 2018, in a new venue – the River Spirit Casino in Tulsa. The attendees and their families enjoyed the new facility and many family-oriented activities, and lawyers were offered multiple diverse CLE topics.

Our OBA 114th Annual Meeting was held Nov. 7-9, 2018, at the Hyatt Regency hotel in Tulsa, and was a huge success. Special thanks to ALL my fellow Tulsa lawyers who attended. Your support of my year as president and of the OBA Annual Meeting was the highlight of my year. The tradition of coming together, in person, as professionals and colleagues is an invaluable resource.

During 2018, our members continued the important work of educating the public about our selection of appellate judges, the retention election and the importance of a fair and impartial judiciary. We must continue to educate our citizens.

Carol Manning and her department deserve high praises for the improvements to our Oklahoma Bar Journal. The new theme issues are beautiful, and our members easily transitioned to receiving the court issues electronically, and the cost savings to your association is substantial.

In January 2018, I encouraged everyone to become engaged in YOUR bar association, and I am pleased to report that you accepted the challenge. Thanks to the BlueJeans video-conferencing service, lawyers around the state participated in committee and section meetings without having to leave their offices. Our volunteers for Oklahoma Lawyers for America's Heroes and the Free Legal Answers programs dedicated hundreds of hours to these important OBA programs.

Thank you again for allowing me the privilege of serving as your president. It has been an honor! I am so proud of the strength and unity of our bar association and its 17,800 members.

Now, where are Einstein the dog and that DeLorean?



President Hays practices in Tulsa.
kimberlyhayslaw@aol.com
918-592-2800

THE OKLAHOMA BAR JOURNAL is a publication of the Oklahoma Bar Association. All rights reserved. Copyright© 2018 Oklahoma Bar Association. Statements or opinions expressed herein are those of the authors and do not necessarily reflect those of the Oklahoma Bar Association, its officers, Board of Governors, Board of Editors or staff. Although advertising copy is reviewed, no endorsement of any product or service offered by any advertisement is intended or implied by publication. Advertisers are solely responsible for the content of their ads, and the OBA reserves the right to edit or reject any advertising copy for any reason. Legal articles carried in THE OKLAHOMA BAR JOURNAL are selected by the Board of Editors. Information about submissions can be found at www.okbar.org.

BAR CENTER STAFF

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

Les Arnold, Gary Berger, Debbie Brink, Melody Claridge, Cheryl Corey, Nickie Day, Ben Douglas, Dieadra Florence, Johnny Marie Floyd, Matt Gayle, Suzi Hendrix, Darla Jackson, Debra Jenkins, Rhonda Langley, Jamie Lane, Durrel Lattimore, Renee Montgomery, Whitney Mosby, Lacey Plaudis, Tracy Sanders, Mackenzie Scheer, Mark Schneidewent, Laura Stone, Margaret Travis, Krystal Willis, Laura Willis, Jennifer Wynne & Roberta Yarbrough

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

www.okbar.org

THE OKLAHOMA BAR Journal

Volume 89 — No. 2 — January 2018

JOURNAL STAFF

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

CAROL A. MANNING, Editor
carolm@okbar.org

MACKENZIE SCHEER
Advertising Manager
advertising@okbar.org

LACEY PLAUDIS
Communications Specialist
lanceyp@okbar.org

LAURA STONE
Communications Specialist
lauras@okbar.org

BOARD OF EDITORS

MELISSA DELACERDA
Stillwater, Chair

LUKE ADAMS, Clinton

AARON BUNDY, Tulsa

PATRICIA A. FLANAGAN
Yukon

AMANDA GRANT, Spiro

C. SCOTT JONES,
Oklahoma City

ERIN MEANS, Moore

SHANNON L. PRESCOTT Okmulgee

LESLIE TAYLOR, Ada



OFFICERS & BOARD OF GOVERNORS

KIMBERLY HAYS, President, Tulsa; RICHARD STEVENS, Vice President, Norman; CHARLES W. CHESNUT, President-Elect, Miami; LINDA S. THOMAS, Immediate Past President, Bartlesville; MATTHEW C. BEESE, Muskogee; JOHN W. COYLE III, Oklahoma City; MARK E. FIELDS, McAlester; KALEB K. HENNIGH, Enid; BRIAN T. HERMANSON, Ponca City; JAMES R. HICKS, Tulsa; ALISSA HUTTER, Norman; JAMES L. KEE, Duncan; BRIAN K. MORTON, Oklahoma City; JIMMY D. OLIVER, Stillwater; BRYON J. WILL, Yukon; D. KENYON WILLIAMS JR., Tulsa; NATHAN D. RICHTER, Mustang, 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. and at additional mailing offices.

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.

MEET 2018 OBA PRESIDENT KIMBERLY HAYS

By Lacey Plaudis



Kim, 4 years old

Kimberly Hays was born Aug. 18 in a year we're not going to mention. She was born and raised in Tulsa with her brother Craig. She grew up the daughter of a school teacher and an attorney. "My mom was an elementary school teacher while I was growing up. She retired when my daughter was born. Then, she opened up a reading clinic that she still has today. My dad was a special judge when

I was little. I used to sit on the bench in my little pig tales."

Kim's core personality hasn't changed from when she was a kid. "As a kid, my mom called me her social butterfly. She still does. I just love to be with a group of my friends and be out doing things." In the summers, you would have found Kim at the neighborhood pool from morning to night playing with a large group of kids. You would also find her playing with Barbie dolls with her girlfriends. "Growing up I lived for Barbies, dress up costumes, anything dance related or cheerleading."

Always the expressive and friendly social butterfly, Kim was very involved in dance. "I did ballet and cheer. I cheered all through middle school and high school. I danced with a studio in town. I was either dancing or cheering all the time. I used to dance ballet on pointe."



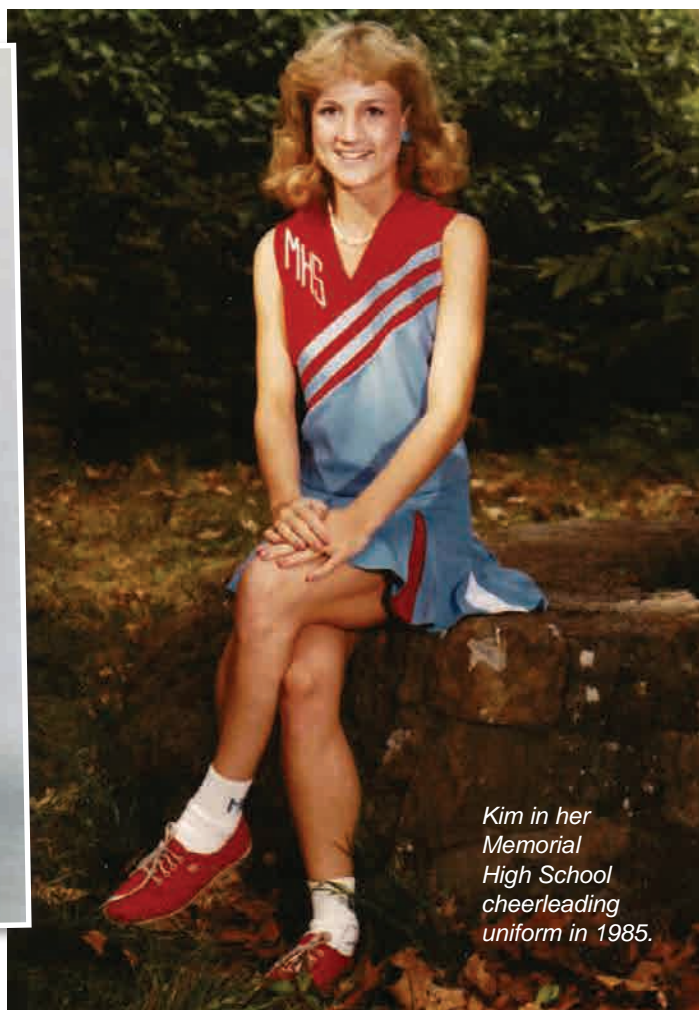
Kim with her father in 1971



Kim and her father, James, with her first puppy Candy in 1971.



Kim in 1982



*Kim in her
Memorial
High School
cheerleading
uniform in 1985.*

EARLY BEGINNING OF A LAW CAREER

Growing up the daughter of an attorney, Kim was around the practice of law often. "In high school and in college, I worked in and around law because my dad would come home at night and work. I grew up seeing the coffee table with all his law files."

In the summers, Kim would help around her father's law office filing papers, answering phones and even sat in on the occasional deposition. "I remember when I was in junior high school, I got to sit in on a deposition. I thought it was the coolest thing, my dad got to ask these people questions and they had to answer. I thought, 'This is amazing, I want to do that.'"

POKES AND JAYHAWKS

A true Tulsan, Kim only left briefly to attend OSU and the University of Kansas. "My undergraduate degree was in philosophy. I knew I was going to law school, so I chose the program that would give me the most experience in writing and reasoning. I had taken philosophy courses before and liked it. Since I was a philosophy major, it's a good thing the lawyer thing worked out."

During her time at OSU, she was active in her sorority Pi Beta Phi. The sorority kept her busy volunteering in the community and participating in campus events. "Homecoming was several months long and my favorite college event." Kim also served as president of Pi Beta Phi her junior year.

Kim left the Pokes to join the Jayhawks at the KU School of Law in Lawrence. Both Kim's mom and dad went to TU for their undergraduate degrees. Her dad went to TU for law school, and her mom went to OSU for her masters. "I wanted to get out and do something different so I went to KU. It was a good law school and a fun city."

However, law school was a very different experience for Kim. Homecoming was replaced with studying, community service with study group sessions and sorority events with even more studying. However, she did find some time for basketball. "The law school is right across from the basketball arena, Allen Fieldhouse. We'd study, run over and watch a basketball game, come back and study some more."

Kim met her husband, Alan Souter, while the two were attending OSU. They enjoyed attending OSU

football games and grabbing cheese fries at Eskimo Joe's. "We dated from '89 to '93. We dated through the end of OSU and all through law school." While the two made good study buddies, they also competed with each other to get better grades.



PI BETA PHI
Angels, Arrows And Aloha
April 20, 1990

Kim and Alan at the
Pi Beta Phi Senior Party in 1990.

NEW BEGINNINGS

Kim and Alan had a busy year in 1993. Alan's father died in March, they both graduated in May, took the bar exam in June and were married and sworn in in September. "We found out we passed the bar the night before we got married."

"It was the night of the rehearsal dinner, we knew they were posting the results on the window of TU law school at 11 p.m. I told my dad we weren't going to look and that we'd wait until after our honeymoon." Kim's dad couldn't wait that long, however. "After we did the whole rehearsal dinner my dad said he was going to put gas in the car. This was at around 11 p.m. I didn't clue in. Next thing, I know he comes running back in, 'You both passed!'"

MENTOR AND COLLEAGUE

After her swearing-in ceremony, Kim went to work for her father. He was a general practice attorney but practiced quite a bit of family law. "It was amazing to practice with him. The plan was to practice together longer."

Just seven months after being sworn in her father passed away. "He was second chairing me in my first trial. I was doing the cross examination in my first divorce trial when he had a heart attack there at the courthouse. He was 54."

Kim's dad passed down his love of the law and a piece of valuable advice for any young professional. "He used to say, 'Your word is your bond. You only get one reputation, and you have to guard that. You have to make your reputation what you want it to be.'" He made sure that Kim knew the secret to being a good lawyer was to be a good person.



ABOVE: Alan and Kim at their May 1993, KU School of Law graduation ceremony.

LEFT: Kim's father, James, Kim and her mother, Judy, at Kim and Alan's wedding Sept. 18, 1993.



Kim's mom, Judy, joined the family for a 2006 trip to Disney World.

A NEW START

After wrapping up some of her father's cases, Kim went to work at the same firm as Alan. She worked at the firm for some time before making another switch. "I went out on my own when I was six months pregnant with my daughter. Although difficult, it seemed like a good idea at the time so I could raise my kids at the office."

Kim opened a family law practice in a little house off of Denver Street in Tulsa. The quaint setting allowed her to raise her kids in a comfortable environment. Her golden retriever puppy, Chloe, is able to go to work with her every day and play in the kitchen. Kim's legal assistant, Stephanie, has been with her for over 20 years. "We are a great team – I am lucky to have Stephanie."

AT HOME

Kim and Alan have two children. "Our daughter, Noelle, is a freshman at Drury University. Our son, Parker, is a freshman at Bishop Kelly High School." Most family events revolve around Parker's baseball games and Noelle's dance team and college life.

When the family does get a chance to get away, they usually choose one of two places. "We are beach people. Anytime we can get to the beach, we do." The family also loves Disney World. "My family grew up going to Disney World. We go every year."

When Kim isn't working, she enjoys running half marathons. "I just finished the Route-66 half marathon. That was my 31st half marathon. I've only done one full marathon. That one was enough." Kim, the social butterfly, started running with the running club Fleet Feet nine years ago. "I met this group of amazing women. We all still run together. We travel as a group and have fun. We have girls' weekends, and in the middle, we run 13.1 miles."

Alan is general counsel for a construction company in Tulsa, and he also represents clients in real estate development projects. He enjoys watching OSU football and KU basketball with the family. Alan is the 2018 Oklahoma Bar Foundation president.



Kim and her Fleet Feet running group at the 2010 Williams Route 66 Marathon.

PLANS FOR 2018

As president of the OBA, Kim's major initiatives will be addressing the aging of membership and examining new technology. With help from the Board of Governors, she aims to tackle issues such as training senior members on new technologies and improving resources for aging members.

Kim's ability to work hard in any capacity will help in the OBA's mission to constantly improve the practice of law in Oklahoma. Her friendly and social nature will surely brighten any bar event.

Ms. Plaudis is an OBA communications specialist.

Alan, Kim, Parker and Noelle on a beach vacation in Anna Maria Island, Florida.



Presidential Trivia

Why did you become a lawyer?

My inspiration was my father, James R. Hays. He was an attorney in Tulsa and a special judge when I was young. I grew up watching him practice law, and I worked in his law office.

Strangest food you've ever eaten?

When I was seven-months pregnant with our daughter, I ate a Sonic chili cheese hotdog because I was craving it – that was strange because I have been a vegetarian since I was a toddler.

If you won the lottery, what would your first purchase be?

Beach house on St. John, US Virgin Islands

Where would you most like to live?

Either St. John, US Virgin Islands or in the suite at the top of Cinderella's Castle in Walt Disney World

What do you consider your greatest achievement?

The birth of our two kids, Parker and Noelle, and finishing my first marathon

Favorite type of food?

Anything chocolate

What's one thing you wish you could change?

Eliminate daylight saving time

How do you relieve stress?

Training for and running half marathons with my running girlfriends, playing with our 1-year-old golden retriever and sitting on our deck with family on a nice evening

What was your first job?

Selling shoes for Trippets Shoes in Tulsa (I blame this job for my love of shoes.)

What's a skill you would like to master?

Photography – I love to take pictures, but I don't have a good eye for creative shots.

What three modern conveniences could you not live without?

Air conditioning, camera and Google Maps

What is the best advice you ever received?

"There is a gift in every problem" (one of my mom's favorite sayings)

What is the worst purchase you ever made?

Food dehydrator – the kids thought it sounded like fun to use it for fruit. Only used it once and the kids were not impressed.

What is the best gift you've ever been given?

Wedding ring – belonged to Alan's grandmother from Austria

What is your favorite knock knock joke?

Knock knock!

Who's there?

Tinker Bell!

Tinker Bell who?

Tinker Bell is out of order!

What is your favorite holiday tradition?

"Lights On" Utica Square in Tulsa. After Thanksgiving dinner every year, we go to Utica Square and watch them turn on the lights, see Santa and drink hot chocolate. When I was growing up, we did this as a family every year and the tradition continues now.

What fashion trend do you wish would just go away?

Yoga pants – unfortunately, we are seeing way too many of these in the courthouse.



Kim's golden retriever Chloe

VOLUNTEERS WHO GUIDE YOUR ASSOCIATION



Charles W. "Chuck" Chesnut
President-Elect
Miami

Background: I was born and raised in Miami where I am now sole practitioner focusing on real estate, probate and estate planning. I have served as a U.S. magistrate judge for the U.S. District Court, Northern District of Oklahoma and as a temporary panel judge for the Oklahoma Court of Appeals. I'm married to Shirley Murphy Chesnut and have four children and one grandson.

Education: Graduated from OU with a bachelor's degree in 1974 and from the OU College of Law in 1977

What is the greatest adventure you've been on? Living life every day

Why did you become a lawyer? I'm a third-generation Oklahoma lawyer. It seemed the natural thing to do.

If you won the lottery, what would your first purchase be?
A horse farm for my wife

Where would you most like to live? Right where I am

What do you consider your greatest achievement? Raising four great children and staying married

Favorite type of food? A really good steak

What's one thing you wish you could change? Being late for meetings

How do you relieve stress? Playing golf, swimming and meditating

What was your first job? Working as an aide in maximum security at a mental hospital

What's a skill you would like to master? Playing the piano



Richard Stevens
Vice President
Norman

Background: I was born at Altus AFB and spent my formative years in Sulphur. I live and practice law in Norman.

Education: B.A. from OU, 1978; J.D. from the OU College of Law, 1982

What is the greatest adventure you've been on? Navigating the Moscow metro

Why did you become a lawyer? Because I didn't think I could make money in show business

If you won the lottery, what would your first purchase be?
A dental floss ranch

Where would you most like to live? Montana

What do you consider your greatest achievement? TBD

Favorite type of food? Fried

What's one thing you wish you could change? I'd have been born rich instead of so damn good looking.

How do you relieve stress? Roasting coffee

What was your first job? Swinging a yo-yo for Murray County

What's a skill you would like to master? Fly fishing



Linda S. Thomas
Past President
Bartlesville

Background: I was born at Lackland Air Force Base in San Antonio. I grew up in Tulsa until my family moved to Ashdown, Arkansas, in 1970. After graduating from college, I moved to DeQueen, Arkansas, where I was hired as their first public school speech pathologist. I lived and raised my children there until we moved to Bartlesville in 1990. I continued teaching school during the day while attending evening classes at the TU College of Law. Upon becoming licensed to practice law, I worked a short time for a local law firm, then started my practice as a sole practitioner, focusing primarily in the area of family law. I have a son, two daughters, two sons-in-law and five grandchildren.

Education: Graduated from Ashdown High School in 1974; received a B.A. in speech pathology from Ouachita Baptist University in Arkadelphia, Arkansas, in 1977 (*cum laude*); J.D. from the TU College of Law, 1994

What is the greatest adventure you've been on? Skydiving

Why did you become a lawyer? My dad suggested it, and he always gave me great advice.

If you won the lottery, what would your first purchase be?

A long vacation for my whole family

Where would you most like to live? Austin, Texas (where my grandchildren live)

What do you consider your greatest achievement? Professionally, my term as OBA president

Favorite type of food? Seafood

What's one thing you wish you could change? I would have learned to play a musical instrument

How do you relieve stress? A long walk

What was your first job? Wrapping Christmas gifts at a Ben Franklin general store

What's a skill you would like to master? The computer



Brian T. Hermanson
Governor - District No. One
Ponca City

Background: Born in Milwaukee, Wisconsin; had a private practice for 32 years before being elected district attorney for the 8th District of Oklahoma in 2010. Married to the former Ruslyn Evans, and the father of two daughters, Brianna, who is an illustrator in Northampton, Massachusetts, and Charley, who is a church music director and lives in Stillwater.

Education: Went to high school at Green Bay East High School, college at Carroll College in Waukesha, Wisconsin, and law school at the OU College of Law

What is the greatest adventure you've been on? Still waiting for it

Why did you become a lawyer? I first developed an interest in law when I was 9 years old. From that point on I have wanted to help people and felt I could best do that as an attorney.

If you won the lottery, what would your first purchase be? No idea. Probably start with a nice vacation with my entire family

Where would you most like to live? I would still live in the area I currently live.

What do you consider your greatest achievement? My wife and I raising our children

Favorite type of food? Anything with chocolate

What's one thing you wish you could change? It would be two things – violence and poverty. What a wonderful world this would become if they were eliminated.

How do you relieve stress? When things are most stressful I usually use humor to deal with it.

What was your first job? Of any type, I was a bus boy in a supper club in Fish Creek, Wisconsin, one summer. In law, I was an intern at the Cleveland County District Attorney's Office while in law school.

What's a skill you would like to master? For most of my life I have been trying to understand people and figure out why they do what they do. That would be a great skill to master.



Mark E. Fields

Governor - District No. Two
McAlester

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

Education: OU, B.A., 1997 and OU College of Law, J.D., 2001

What is the greatest adventure you've been on? Taking a trip to Italy and Germany with my wife and our two 5 year olds. Luckily my parents went with us to help chase the kids around.

Why did you become a lawyer? After college, I determined I could put off joining the real world for three more years.

If you won the lottery, what would your first purchase be?
A jet

Where would you most like to live? Dublin

What do you consider your greatest achievement? Getting my wife to put up with me

Favorite type of food? There are so many – I'll go with free

What's one thing you wish you could change? The amount of violence in the world

How do you relieve stress? Reading

What was your first job? Grocery sacker

What's a skill you would like to master? Golf



John W. Coyle III

Governor - District No. Three
Oklahoma City

Background: I grew up in Oklahoma City. My father, Bill Coyle, was in the real estate and oil business and my mother, Katie, was a housewife and life master bridge player. I had two brothers who passed away and a sister, Shannon, who is a restaurant manager. I have been married to my wife, Julee, for more than 30 years and have four children. My oldest son, Billy, is a lawyer, Bob is a cell phone tower developer, Park is in the oil business, and my daughter, Ruby, teaches special needs children. While attending law school, I worked as a bailiff for Judge Paul Dudley, who conducted preliminary hearings on the 5th floor of the Oklahoma County Courthouse. After a year and a half, I went to work for Clyde Watts, a civil defense trial lawyer. I learned every day in these jobs how to conduct myself as a lawyer – it was invaluable!

I was employed by James W. "Bill" Berry, a former district attorney, who practiced criminal defense and domestic relations law in the old Cravens Building. I worked for Bill for several years and learned every day. I have been practicing criminal defense law now for 41 years.

Education: I graduated from Harding High School in Oklahoma City in 1966 and attended OU and OCU, graduating in 1971 with a degree in political science and history. I attended the OCU School of Law and graduated in 1974.

What is the greatest adventure you've been on? Army Boot Camp at Ft. Campbell, Kentucky, in April 1967

Why did you become a lawyer? It was natural! I like to read, argue and dress up.

If you won the lottery, what would your first purchase be?
A jet

Where would you most like to live? Tied between Oklahoma City (because I don't know any better) and New York City

What do you consider your greatest achievement? My children

Favorite type of food? Barbecue bologna and hotlinks

What's one thing you wish you could change? My freshman year of college

How do you relieve stress? Walk and play golf

What was your first job? At age 14 I worked in the summer cleaning up construction sites. Every day I got to eat bologna sandwiches for lunch with lots of tomatoes and pepper.

What's a skill you would like to master? Poker



Kaleb K. Hennigh
Governor - District No. Four
Enid

Background: I was born and raised in northwest Oklahoma, graduating from Laverne High School in 1996 with strong rural and agricultural roots and interests. I returned to Enid in 2007, where I have been practicing ever since. I have two sons, Karsen (8) and Jase (6).

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

What is the greatest adventure you've been on? Any camping experience or other outdoor activity while serving as a scout leader for my two sons generally turns into a greater adventure than originally planned – every time guaranteed.

Why did you become a lawyer? To stay connected with my local community and have an opportunity to always be in a position to assist

If you won the lottery, what would your first purchase be?
A Gulfstream G650 and some golf lessons

Where would you most like to live? There's no place like home in northwest Oklahoma; although I heard T. Boone Pickens is selling a ranch in the Texas panhandle...

What do you consider your greatest achievement?
Establishing and managing a successful law business with partners, who I consider some of my best friends, while serving our community

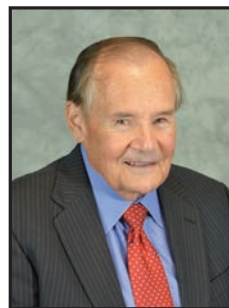
Favorite type of food? Whatever leftovers I can scavenge from the office fridge

What's one thing you wish you could change? Observation of daylight saving time

How do you relieve stress? Getting in a game of basketball at my local YMCA whenever I get the chance

What was your first job? If I recall correctly, serving as a vet assistant to my father (who is not a vet) delivering pigs on the family swine operation at the ripe age of 5. I was the only one with arms small enough to assist sows and gilts while having problems pigging. That is my first recollection of a working experience...

What's a skill you would like to master? Golf and time management



James L. Kee
Governor - District No. Five
Duncan

Background: Born in Drumright, raised in Bartlesville; paratrooper 101st ABN Div.; father of two, grandfather of seven and great grandfather of two with another on the way; practiced law 49+ years; traveled to 60 countries and territories on five continents; took a sabbatical in 1986-87 during which I lived in London working for a Korean company negotiating OPEC contracts in the Middle East and West Africa; very familiar with politics in the Middle East; have won trials in every decade from the 1960s to present

Education: B.S. degree East Central University; J.D., OCU School of Law, 1966

What is the greatest adventure you've been on? 48 hours in Lebanon

Why did you become a lawyer? The challenge

If you won the lottery, what would your first purchase be?
It would not be a purchase – it would be a donation

Where would you most like to live? Right where I live

What do you consider your greatest achievement? There are many I can think of, but the most satisfying was graduating jump school to be a paratrooper.

Favorite type of food? American

What's one thing you wish you could change? I would like a mulligan on my life.

How do you relieve stress? Read

What was your first job? Paperboy in Bartlesville

What's a skill you would like to master? Russian language



D. Kenyon Williams Jr.
Governor - District No. Six
Tulsa

Background: I was born in Tulsa and raised in Skiatook. My wife Teresa and I have three children and six grandchildren with one more to arrive next month.

Education: B.S. in petroleum engineering, TU, 1974; J.D., TU College of Law, 1977

What is the greatest adventure you've been on? I was one of two adult leaders who took my son and other Boy Scouts on a 123-mile, 10-day backpacking trek through the Philmont Ranch in New Mexico. Wonderful experience for all of us!

Why did you become a lawyer? I enjoy much more interaction with people than it seemed I would have as a petroleum engineer. Also, in school I operated a lawn care company and was constantly frustrated by all the laws, rules and regulations and decided being a lawyer would help. That decision has driven my career as a lawyer, where I have tried to help my clients through the ever-increasing morass of laws, rules and regulations they continue to face.

If you won the lottery, what would your first purchase be? A beachfront residence for my beloved wife, who I am sure would let me come visit her from time to time.

Where would you most like to live? I love the four seasons and scenery of eastern Oklahoma and am happy here. I must admit that there are parts of Italy that call to me – the Lake Como area and the Adriatic coast of Italy come to mind.

What do you consider your greatest achievement? Finding and marrying my best friend

Favorite type of food? Just about any slow-moving protein

What's one thing you wish you could change? I wish that I had listened to my father when he advised me not to play football. Almost all of the physical pain in my life has come from football injuries.

How do you relieve stress? Teresa and I love to travel and find it wonderfully relaxing. When not traveling, I try to exercise and read.

What was your first job? My paternal grandparents owned a greenhouse next door to my parents. I started washing small clay pots for a penny a pot when I was about 4 years old.

What's a skill you would like to master? Teresa and I have long "talked" about learning to ballroom dance but have never gotten further than that.



Matthew C. Beese
Governor - District No. Seven
Muskogee

Background: I was raised in Miami where, prior to attending law school, I spent three years as a high school teacher. In 1999, I moved to Illinois to attend law school. Following law school, my law practice focused on family law where I was frequently appointed to represent the interests of children in high-conflict custody matters. In 2009, I returned to Oklahoma and serve as the deputy city attorney for the City of Muskogee and have been in that position since 2011.

Education: Associate of Arts from Northeastern Oklahoma A&M, Bachelor of Science in education from Missouri Southern State College and a J.D. from Northern Illinois University College of Law

What is the greatest adventure you've been on? Studying abroad in France during law school

Why did you become a lawyer? Since my time in high school debate, I have loved being given a proposition and crafting an argument. Law has allowed me to make that my career.

If you won the lottery, what would your first purchase be? A house in the south of France

Where would you most like to live? In my house in the south of France after winning the lottery

What do you consider your greatest achievement? Seeing former students and hearing how they still use the skills learned in my classes

Favorite type of food? Steak

What's one thing you wish you could change? I would change our society to be more civil – somewhere we have forgotten to just be nice.

How do you relieve stress? Spending time with my family

What was your first job? Working at a Radio Shack

What's a skill you would like to master? Speaking foreign languages



Jimmy D. Oliver
Governor - District No. Eight
Stillwater

Background: I was born at Camp Pendleton Military Base in California, where my father was stationed. My family moved to Stillwater when I was 8 years old. After I graduated from college, I moved to Portland, Oregon, until deciding to return to Oklahoma to obtain my legal education.

Education: I graduated from OSU with a journalism degree in 2004 and received my law degree from the OCU School of Law in 2010.

What is the greatest adventure you've been on? Trip to a megalithic passage tomb in Newgrange, Ireland

Why did you become a lawyer? The clients. As a small firm practitioner, I get to work every day with real people who have made a mess of something and are looking to me for a solution.

If you won the lottery, what would your first purchase be?
A high-end African safari

Where would you most like to live? The coast of Maine or Oregon

What do you consider your greatest achievement? After a seven-day trial, I succeeded in having a juvenile petition dismissed and a child placed back with her father.

Favorite type of food? Italian

What's one thing you wish you could change? Our current political climate

How do you relieve stress? I take my nieces and nephews to Orange Leaf

What was your first job? Waiting tables

What's a skill you would like to master? I would like to learn to read and write Japanese.



Bryon J. Will
Governor - District No. Nine
Yukon

Background: Born and raised in Morrison. My father (Eldon) was a dairy farmer and my mother (Nedra) was a homemaker. The farm my family lives on has been in my family since the 1893 Cherokee Strip Land Run. My wife and I and our children live in Yukon.

Education: OSU, B.S. in animal science; University of Central Oklahoma, MBA; OCU School of Law, J.D.

What is the greatest adventure you've been on? Living life to its fullest with my family, and with kids there is always something around the corner

Why did you become a lawyer? I read a John Grisham novel, *The Testament*, and even though the plot is not likely to happen, the book inspired me.

If you won the lottery, what would your first purchase be?
Take the kids to Disney World

Where would you most like to live? Cabin in the woods next to a trout river

What do you consider your greatest achievement? My family

Favorite type of food? Anything I can put on the grill

What's one thing you wish you could change? Daylight saving time year-round

How do you relieve stress? Fish when it's warm, hunt when it's cold

What was your first job? Right out of college I moved trailer houses

What's a skill you would like to master? Carpentry



James R. Hicks
Governor - At Large
Tulsa

Background: Born in Blackwell and raised in Denton, Texas; married 34 years to Nancy Baker with twin children, Stan and Hannah, aged 25

Education: Graduate of OU in 1982 and TU College of Law in 1985

What is the greatest adventure you've been on? Golf trip to Ireland – I played seven amazing courses in southern Ireland.

Why did you become a lawyer? It seemed the direction to head at the time

If you won the lottery, what would your first purchase be? Beach house in Destin, Florida

Where would you most like to live? Destin, Florida, or Buena Vista, Colorado

What do you consider your greatest achievement? Marriage of 34 years and raising two children who are now married themselves

Favorite type of food? Steak – medium rare

What's one thing you wish you could change? Spent more time developing friendships over the years

How do you relieve stress? Round of golf

What was your first job? Landscape company laborer

What's a skill you would like to master? Foreign language



Alissa Hutter
Governor - At Large
Norman

Background: Born and raised in Norman (Sooner born and Sooner bred)

Education: Bachelor's in business administration from OU; J.D. from the OCU School of Law in 2005

What is the greatest adventure you've been on? I once went scuba diving with Caribbean reef sharks and was terrified the whole dive.

Why did you become a lawyer? To help people

If you won the lottery, what would your first purchase be? I'm boring – I'd pay off my house first.

Where would you most like to live? Hawaii would be beautiful

What do you consider your greatest achievement? I am so proud of my three beautiful children. They are by far my greatest achievement. I would not change them a bit.

Favorite type of food? Mexican food

What's one thing you wish you could change? That's a tough one ... let's start with world peace.

How do you relieve stress? Hot bath with lights out, candles and peppermint bath salt

What was your first job? My first job was waiting tables at the Border Crossing in Norman. It eventually got shut down by the health department, but the food was really good.

What's a skill you would like to master? I'd like to master the art of being as efficient with my time as possible.



Brian K. Morton
Governor - At Large
Oklahoma City

Background: Was born and raised in Ada. Joined the Coast Guard out of high school and spent tours in Ketchikan, Mobile and Anchorage, Alaska. Graduated from UCO then from the OU College of Law. Worked as an assistant district attorney in Sequoyah County, then went into private practice. Took some time away from law and taught high school social studies courses. Moved to the Oklahoma City area in 2008 and resumed a career in law.

Education: B.S., University of Central Oklahoma, 1997; J.D., OU College of Law, 2000

What is the greatest adventure you've been on? The adventure of parenthood. Living in a house with my wife and two daughters brings something new every day.

Why did you become a lawyer? Originally, it was to become a prosecutor. Over time, I determined the real reason deep down was basically just to try to help people.

If you won the lottery, what would your first purchase be?
A nice home for my mom

Where would you most like to live? Oahu, Hawaii

What do you consider your greatest achievement? Having the opportunity to present oral argument before the Oklahoma Supreme Court

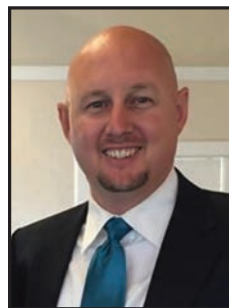
Favorite type of food? Mexican

What's one thing you wish you could change? The Commerce Clause

How do you relieve stress? Weightlifting

What was your first job? Mowing neighborhood lawns when I was 10

What's a skill you would like to master? Playing guitar



Nathan D. Richter
Governor - YLD Chair
Mustang

Background: Born and raised in Canadian County. I attended Mustang Schools and graduated in 1996. I'm married with two kids and attend LifeChurch of Mustang. I served in the Oklahoma Army National Guard from 2000-2010 and was honorably discharged as a captain (O-3), 13A – Field Artillery.

Education: OU, B.S., 2000; OCU School of Law, J.D., 2007

What is the greatest adventure you've been on? Operation Enduring Freedom, Afghanistan 2003-2004

Why did you become a lawyer? To help others solve problems

If you won the lottery, what would your first purchase be?
Nothing. I would start planning on how to use the money for benevolent purposes.

Where would you most like to live? On the beach somewhere

What do you consider your greatest achievement? My children, Harrison and Kailyn!

Favorite type of food? I love tacos.

What's one thing you wish you could change? If I had the power to change, I would empower people to love one another and show each other mutual respect. One of the greatest attributes of life is that life is so diverse. If all of humanity could learn from each other's perspectives and find common ground, the world would be a better place to live and raise a family.

How do you relieve stress? Working out at the gym and golfing

What was your first job? Lifeguard

What's a skill you would like to master? As I type this, it's Sunday morning before church and I find myself working. Thus, I would love to master the skill of work-life balance so I can find a way to spend time doing more of the things I love.

ASSOCIATION STAFF AND SERVICES

Member services are an essential part of the Oklahoma Bar Association, and staff are responsible for ensuring those services are expertly delivered to every member. Staff not only maintain daily business operations of the bar center, but also help move leadership's projects and initiatives forward to propel your association well into the future.

Office of the Executive Director

Phone: 405-416-7014



Executive Director John Morris Williams and Executive Assistant Debbie Brink

OBA Bylaws, Article IV, Section 4:

- (a) The Executive Director shall keep the roster of the members of the Association and of the House of Delegates entitled to vote therein. He or she shall record and be the custodian of the minutes, journal and records of the Association and of the House of Delegates and of the Board of Governors.
- (b) The Executive Director shall act as Treasurer, and be the custodian of the funds of the Association. No funds shall be withdrawn except in the manner approved by the Board of Governors.
 - (1) The expenditures of the Association shall be in accordance with the

provisions of the Rules Creating and Controlling the Oklahoma Bar Association as promulgated by the Oklahoma Supreme Court.

- (2) The Executive Director shall maintain at all times a fidelity bond executed by a surety company as surety, the amount thereof and the surety to be approved by the Board of Governors.
- (c) He shall supervise the office of the Association and its personnel and shall see that the work of the Association is properly performed. He or she shall also perform such other duties as the House of Delegates, the Board of Governors or the President of the Association may direct.

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

The Executive Director shall perform such duties and services as may be required by these Rules or the Bylaws and as may be directed by the Board of Governors or the President of the Association. He shall also keep a complete and accurate list of the members of the Association; notify delinquent members and certify the names of delinquent members to the Supreme Court as required by these Rules; certify to the Supreme Court records and other matters as provided by these rules.

Administration and Membership Departments

Administration Department Phone: 405-416-7000

Membership Department Phone: 405-416-7080

Membership Department Email: membership@okbar.org



(Seated) Tracy Sanders, Roberta Yarbrough, Debra Jenkins;
(Standing) Director Craig Combs, Suzi Hendrix and Durrel Lattimore

The responsibilities of the Administration and Membership departments are multifaceted, including:

- Maintaining and updating the member roster
- Invoicing for senior and nonmember *Oklahoma Bar Journal* subscriptions
- Processing requests for certificates of good standing
- Assisting committees and sections with member communications
- Maintaining reports for all committees and sections
- Scheduling meetings, both at the bar center and via BlueJeans
- Planning and coordination of the Annual Meeting
- Managing the Legal Intern Program
- Finances and human resources
- Maintaining bar center facilities

Communications Department

The Communications Department has responsibility for member communications and public relations, including:

- Publishing the *Oklahoma Bar Journal*, including working with the Board of Editors, editing and proofreading articles approved for publishing, managing all advertisements with design support for sections and committees, as well as



(Seated) Director Carol Manning, Mackenzie Scheer;
(Standing) Lacey Plaudis and Laura Stone

copywriting and editing information for news stories and the FYI and Bench & Bar Briefs sections

- Managing and monitoring social media
- Issuing news releases and expediting information requests from the news media
- Contributing design work, photos, videos, stories and information for www.okbar.org
- Designing and compiling the Annual Meeting program and House of Delegates book, as well as providing marketing and design support for the website and all marketing materials
- Publishing the semimonthly eNews member newsletters, as well as special email messaging for projects and events
- Working with sections to publish short law articles related to the section's focus
- Working with the Law Day Committee to conduct statewide contests for Oklahoma students, support county Law Day chairpersons, coordinate and promote the statewide Ask A Lawyer day of free legal advice, produce the *Ask A Lawyer* TV program with OETA (Oklahoma's PBS affiliate) and implement marketing strategies to ensure the public can take full advantage of the Law Day activities and resources
- Assisting the Communications Committee in its projects, including the publication of 15 legal-topic brochures distributed free as a community service to individuals, libraries and nonprofits
- Assisting additional committees, including Awards, Disaster Response and Relief, Diversity, Lawyers Helping Lawyers Assistance Program and Law-Related Education, and the Young Lawyers Division

Continuing Legal Education Department

Phone: 405-416-7029

Email: clestaff@okbar.org



Jennifer Wynne, Renee Montgomery, Director Susan Damron, Mark Schneidewent and Gary Berger

The CLE Department is the state's leading continuing legal education provider. The staff works to provide relevant programs to meet members' needs. To suggest programs, contact Director of Educational Programs Susan Damron at 405-416-7028. Department services include:

- Developing and producing in-person seminars and live webcasts and offering on-demand webcasts, encores and audio seminars
- Offering recent seminar publications in print or electronic format and creating electronic forms to assist members in various practice areas
- Developing and producing CLE at the Annual Meeting and Solo & Small Firm Conference
- Assisting the Women in Law, Diversity and Professionalism committees with conferences, as well as coordinating with sections in the planning of section co-sponsored seminars
- Planning and coordination of the OBA Leadership Academy
- Producing MYOBACLE print and digital catalog of programs
- Providing online CLE registration and access to materials through MyOKBar, and timely application of attendance MCLE credit for OBA/CLE programs

Office of the Ethics Counsel

Phone: 405-416-7055

Email: ethics@okbar.org



Ethics Council Joe Balkenbush

The Office of the Ethics Counsel was created to assist members with conflict dilemmas, confidentiality questions, communication concerns and other ethical inquiries unique to the profession. Through the Office of the Ethics Counsel, members can obtain informal guidance and advisory interpretations

of the Rules of Professional Conduct. The Office of the Ethics Counsel is autonomous from and independent of the Office of the General Counsel. Members seeking assistance with ethical questions are afforded an attorney-client relationship with the full expectation of confidentiality.

Responsibilities include:

- Answering ethics questions from members
- Researching and writing ethics materials for the website, seminars and the *Oklahoma Bar Journal*, as well as presenting OBA/CLE programs on the topics of ethics and professionalism
- Acting as a liaison to the Bench and Bar, Professionalism and Lawyers Helping Lawyers Assistance Program committees and the Legal Ethics Advisory Panel
- Monitoring the Diversion Program and teaching related classes

Office of the General Counsel

Phone: 405-416-7007

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

- Reviewing and investigating allegations of lawyer misconduct or incapacity
- Reviewing and investigating allegations of the unauthorized practice of law
- Prosecuting violations of the Oklahoma Rules of Professional Conduct
- Administering the Clients' Security Fund
- Reviewing and investigating petitions for reinstatement



Attorneys (seated) Katherine Ogden, General Counsel Gina Hendryx, Loraine Dillinder Farabow; (back row) Peter Haddock, Steve Sullins and Tracy Nester



Support Staff Whitney Mosby, Ben Douglas, Deadra Florence and Melody Claridge



Investigators (seated) Rhonda Langley, Bill Thames; (back row) Jamie Lane, Les Arnold and Krystal Willis

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

- Serves as liaison to the Board of Governors advising the governing group on legal matters
- Processes and approves the registration for attorneys from other jurisdictions
- Administers the trust account overdraft notification program
- Processes requests for certificates of good standing

Information Technology Department

Phone: 405-416-7045

Email: web@okbar.org



Cheryl Corey, Matt Gayle and Director Robbin Watson

The Information Technology Department's functions are mostly of an internal nature; however, services directly benefiting members include:

- Web application development and maintenance
- Providing technology, computer and audio / visual support to staff and for events, including CLE programming, Annual Meeting and Solo & Small Firm Conference
- Supporting and troubleshooting CLE and event registration solutions
- Updating and maintaining website information
- Development of association management system and database
- Network security and management of internal and externally accessible servers
- Monitoring of evolving technologies for both member services and staff departments
- Upkeep and maintenance of MyOKBar member services and directory website
- Maintaining the *Oklahoma Find A Lawyer* website referral service

Management Assistance Program

Phone: 405-416-7008

Toll-free: 800-522-8065

The Management Assistance Program helps members with the business side of practice.

Department duties include:

- Providing free over-the-phone information about management and technology issues, free 45-minute consultations at the bar center



Darla Jackson, Director Jim Calloway and Nickie Day

for those setting up a new practice or who have an issue not comfortably handled over the telephone and onsite law office “Health Checks”

- Maintaining the lending library, making law practice management and technology books available to borrow
- Updating the Practice Management Advice MyOKBar Community with law practice management and technology posts
- Writing *Jim Calloway's Law Practice Tips Blog* at www.lawpracticetipsblog.com and “Law Practice Tips” *Oklahoma Bar Journal* column featuring regular tips and advice
- Presenting OBA / CLE and assisting with Diversion Program presentations, and making presentations to local bars or other organized lawyer groups
- Providing office “health check” consultations in the lawyer’s office addressing a wide range of management issues
- Producing the *Opening Your Law Practice* program, a free one-day program to assist attorneys setting up new solo practices; “Starting a Law Practice Web Directory” is also available at www.okbar.org/members/map/StartingALawPractice
- Working with the Solo & Small Firm Planning Committee to coordinate the Solo & Small Firm Conference

Mandatory Continuing Legal Education Department

Phone: 405-416-7009

Email: mcle@okbar.org



Administrator Beverly Petry Lewis, Laura Brown and Johnny Floyd

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

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

- Reviewing more than 10,000 seminars for accreditation
- Maintaining a record of the Oklahoma-approved seminars attended by members
- Processing annual reports of compliance
- Responding to requests for clarification of the Rules of the Oklahoma Supreme Court for Mandatory Continuing Legal Education

Don't know whom to contact?

If you need more information about which employees in a department to contact, call the bar center at 405-416-7000 or check the staff list at www.okbar.org/members/OBAstaff. There you will find a list of staff members, a summary of their responsibilities and contact information.

HEY!

**Checked
out your OBA member
benefits lately?**

See them at [www.okbar.org/
members/members
/benefits](http://www.okbar.org/members/members/benefits).



MEMBER BENEFITS & DISCOUNTED SERVICES

By Laura Stone

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

ONLINE MEMBER SERVICES

OKBAR.org – The OBA provides the latest bar news, updates on special projects, information on upcoming CLE and more. You can also find a list of staff and department contact information at www.okbar.org/members/OBAstaff.

MyOKBar – Members can update roster information, pay dues, access the member directory and much more on MyOKBar. Plus, links to free benefits like HeinOnline, single-login access for Fastcase and quick links to committees, sections and other important membership needs are available on your front page. To log in, click the MyOKBar link on www.okbar.org.

MyOKBar Communities – MyOKBar Communities is the message board and file-sharing service allowing members to communicate and network online. It also serves as the main communication tool for committees and sections. MyOKBar Communities automatically links with your MyOKBar account, so your information is synced. Access MyOKBar Communities through your main MyOKBar account page.

OKMCLE.org – On the MCLE Department website, www.OKMCLE.com (also available through the link on your MyOKBar main page), members can check MCLE requirements, get program approval applications and other forms, as well as get answers to frequently asked questions. Members can also view their transcript of CLE credits and review a list of all upcoming approved programs. If you have not already, you will need to create an account on this website.

Oklahoma Find A Lawyer – The public can find lawyers by practice and geographical area through the OBA-maintained website www.oklahomafindalawyer.com. The website is going through a massive update to make it easier for the public to find the right attorney. To be included in the free public directory, click the pen icon next to “Edit My Information” under your profile photo on your MyOKBar account, then scroll down to edit your contact and practice area preferences.

PRACTICE MANAGEMENT AND PROFESSIONAL DEVELOPMENT

Professionalism Services

OBA/CLE – The CLE Department provides hundreds of in-person seminars, webcasts and audio programs, as well as webcast encores and on-demand programs available 24 hours a day. Members can also watch a seminar video at the bar center. To schedule a video viewing, call Renee Montgomery at 405-416-7029. See all available programs at www.okbar.org/members/cle.

Ethics counsel – The ethics counsel is available to assist members with ethical questions and inquiries on subjects such as conflicts, confidentiality and client concerns. All contact with ethics counsel is confidential per Oklahoma

law. The ethics counsel also presents CLE programs on ethics and professionalism. Call 405-416-7055 or email ethics@okbar.org. Find ethics tips and more information online at www.okbar.org/members/ethicscounsel.

Counseling services – The OBA offers all bar members up to six hours of free counseling. Need help with stress, burnout, depression or addiction? Call the Lawyers Helping Lawyers Assistance Program toll-free at 800-364-7886. It's strictly confidential and available 24 hours a day.



Plus, members can take advantage of free monthly lawyer discussion groups in Oklahoma City. See program details and group discussion topics at www.okbar.org/LHL.

OBA sections – Twenty-eight substantive law sections are available and each offers tailored professional development and networking. Learn from colleagues in your practice area and develop new contacts. Benefits vary by section, with many offering free or discounted CLE to section members. Find a list of sections, their annual dues and a membership registration form in this issue or online at www.okbar.org/members/sections.

Speakers for county bar associations and civic groups – OBA officers, Board of Governors members and staff are available to speak at luncheons and banquets on a variety of topics including legislative issues, ethics, law office management and law practice tips. Call 405-416-7000 or 800-522-8065 to schedule.

Practice Management Services

Office “health check” consultations – Consultations in the lawyer's office can cover a wide range of office management issues like technology, procedures or other areas, and typically involve group and individual interviews with staff and lawyers with the goal of outlining a series of recommendations and setting priorities. The fee is \$500 per day for firms of five or less lawyers, or \$750 per day for firms of more than five lawyers. Call 405-416-7008 to schedule.

Opening Your Law Practice program – A free one-day seminar to assist attorneys setting up new solo practices is held in both Oklahoma City and Tulsa. “Starting a Law Practice Web Directory” is also available at www.okbar.org/members/map/StartingALawPractice.

Practice management / technology hotline and consultations – Members may call 405-416-7008 to connected with OBA staff who can provide brief answers about practical management and technology issues, such as law office software, understanding computer jargon, staff and personnel problems, software training opportunities, time management and trust account management. Free 45-minute consultations at the bar center are also available

for those setting up a new practice or who have an issue not comfortably handled over the telephone.

Lending library and discount book purchasing – Law practice management books and videos are available to borrow. There is no fee for checking out materials, but there is a \$5 charge to mail the materials. See the complete list of materials at www.okbar.org/members/map. For members who prefer owning books to borrowing, use the discount code PAB9EOKB to purchase practice management and other books from the ABA.

Networking

Leadership and volunteering opportunities – Boards, committees, sections and commissions offer leadership, volunteer, career development and statewide networking opportunities. Members may volunteer to serve on a committee online at any time during the year either through the front page of your MyOKBar account or by clicking the Join a Committee link on www.okbar.org.

Annual Meeting – Attend CLE programs and participate in section and committee meetings, plus take advantage of networking opportunities with attorneys and judges from across the state at the OBA Annual Meeting. You can also have a voice in bar business and electing future state bar leaders. The 2018 Annual Meeting will be Nov. 7-9 at the Hyatt Regency Tulsa.

Solo & Small Firm Conference – The Solo & Small Firm Conference provides CLE programs, statewide networking and small firm-friendly vendors, all in a relaxed family setting. Mark your calendar for June 21-23 at River Spirit Casino Resort in Tulsa.

Young Lawyers Division – The YLD is a professional service network offering opportunities to participate in community and bar-related projects. Lawyers of any age who have been in practice less than 10 years are automatically members. Visit www.okbar.org/members/YLD or find the YLD on Facebook at www.facebook.com/OBAYLD.

Other Services

BlueJeans virtual meeting platform – BlueJeans is a distance meeting and videoconferencing service that allows members to join a section or committee meeting from anywhere, moderate a meeting from anywhere and even share documents with everyone across all platforms, just like a face-to-face meeting. To start using this for your committee or section meetings, contact Debra Jenkins at debraj@okbar.org or call 405-416-7042.

Legislative services – The executive director works to support adoption of legislative issues approved by the OBA House of Delegates. Additionally, the Legislative Monitoring Committee publishes a legislative report on

the status of select bills while the Legislature is in session, both in the *Oklahoma Bar Journal* and online at www.okbar.org/members/legislative.

Meeting rooms – The Oklahoma Bar Center has several room sizes to accommodate small and large group meetings, client conferences and depositions. Free to members during weekday business hours, nominal fee for evenings. To schedule, call 405-416-7000.

PUBLICATIONS

OBA eNews – The semimonthly member e-newsletter, sent to members with an email address as part of their official roster information provides the latest association news and law-related information.

Oklahoma Bar Journal – Thirty-four issues of the *Oklahoma Bar Journal* are published annually. Issues are divided between the newly redesigned magazine-style theme issues – which include scholarly articles, member news and bar updates – and semimonthly electronic issues containing court material and opinions. Access current and archived issues from 2005 to present and see advertising information and submission deadlines at www.okbar.org/members/barjournal. Additional archived issues are available through HeinOnline (see information below).

Continuing legal education materials – Seminar materials are available for purchase and are an affordable way to get quality, state-specific practice aids on a variety of legal topics. A complete list of topics is available online in the Publications tab at www.okbar.org/members/cle, or at the Oklahoma Bar Center Monday through Friday, 8:30 a.m.-5 p.m. Electronic practice forms are also available by topic at www.okbar.org/members/cle/cleforms.



Legal information brochures – Pamphlets to give clients covering commonly asked questions relating to 15 legal topics are available to members at just \$4 per bundle of 25. Brochure topics are: wills, probate, joint tenancy, home buying, tenant rights and duties, landlord rights, divorce, small claims court, employee rights, bankruptcy, trial juror information, lawyers and legal fees, advanced directive, criminal law and resolving conflicts and disputes. An online order form is available at www.okbar.org/public/brochures.

Oklahoma Legal Directory – This official directory of OBA members provides addresses and phone numbers, alphabetically and by county, includes guide to county, state and federal offices plus departments of the U.S. and Oklahoma government, complete digest of courts, professional associations including OBA


officers, committees and sections. It is published by Legal Directories Publishing Co. in both print (\$61 + shipping and sales tax) or electronic versions. Call 800-447-5375 ext. 2 to request an order form or visit their website at www.legaldirectories.com.

Title Examination Standards – Produced by the Real Property Law Section, this publication contains all the presently effective Oklahoma Title Examination Standards and reflects all revisions. Free to Real Property Section members, or only \$8 per copy to nonmembers.

ENDORSED FINANCIAL SERVICES

ABA Retirement Funds – The ABA Retirement Funds Program offers no out-of-pocket expenses, professional fiduciary services, a broad range of investment options and full-service administration and has been providing affordable 401(k) plans exclusively to the legal community for more than 50 years. The program's bundled approach allows firms to stay focused on the success of the practice, and provides trustee, record keeping, tax reporting, compliance testing, investment management and participant communication services – all from a single source – at no additional cost to the firm. Call 866-812-3580 for a free consultation or visit www.abaretirement.com for more information.

3000 Insurance Group programs – Keep rates low through group buying power. For information about OBA programs as well as standard market plans for life, health (employer-group, individual and Medicare supplement), individual disability, personal umbrella liability, long-term care and other insurance plans, contact 3000 Insurance Group (previously known as Beale Professional Services) at 405-521-1600 or 800-530-4863, or visit www.3000iG.com.

**OAMIC programs** – For professional liability, Oklahoma Attorneys Mutual Insurance Co. is the only insurer owned by OBA members. OAMIC can be reached at 405-471-5380 or 800-318-7505 or visit www.oamic.com. They also offer a broad range of court bonds with more information at www.oklahoma.onlinecourtbonds.com.

DISCOUNTS AND BENEFITS

Travel and Office Services

Hertz Car Rental – Members receive discounted Hertz car rental with the code CDP 0164851. Call 800-654-3131 or visit www.hertz.com for reservations.

Ruby Receptionists – Ruby Receptionists provides a team of customer experience experts in Portland, Oregon.



Friendly, professional live receptionists create great impressions with your English and Spanish-speaking callers and help set your firm apart by answering with your custom greeting, transferring calls, taking messages, collecting intake, making follow-up calls and more. The mobile app allows users to manage service from anywhere, and Ruby integrates seamlessly with law practice management tools such as Clio and Rocket Matter. Call 866-611-7829, email hello@callruby.com or visit www.callruby.com/okbar. Members receive special pricing on monthly plans and a 21-day money-back guarantee.



UPS – OBA members can use the UPS Savings Program and take advantage of some of the most competitive rates available on shipping services with UPS. UPS understands the importance of reliability, speed and cost. Discounts include:

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

Discounts for new and existing UPS account holders. Plus, savings increase with use. To enroll, visit savewithups.com/oba.

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

Technology and Law Office Management

FREE! Fastcase – The OBA has contracted with Fastcase online legal research software to provide national coverage with unlimited usage, customer service and printing at no cost to bar members as a part of their existing bar membership. Plus, Fastcase MobileSync allows members to link their account to a smartphone or tablet and automatically sync activity history and saved favorites



on any of the Fastcase applications, so no work is ever lost. To use Fastcase, go to www.okbar.org and click the link to sign into your MyOKBar account.

FREE! HeinOnline – HeinOnline access to archived *Oklahoma Bar Journal* issues is free to OBA members and allows users to research archived issues dating back to 1930. You can view, print or save as a PDF any article or an entire issue, as well as use the easy search tools to find the article, topic or author you need. Access it by clicking the red HeinOnline link on your main MyOKBar page.

LawPay – The OBA-endorsed LawPay credit card processing service is designed for attorneys. Funds from each client credit card transaction may be either deposited into client trust or operating account as the lawyer designates. All transaction fees are deducted from the law firm operating account to simplify the trust account record-keeping. Credit cards attract clients, win business, improve cash flow and reduce collections. To learn more call 866-376-0950 or visit www.lawpay.com/oba.



TrustBooks – Trustbooks is a cloud-based service that makes trust accounting simple and is specifically designed for attorneys. With TrustBooks, common mistakes – like those made when filling out checks and deposit slips or reconciling bank statements – are caught and the important trust account ledgers of all client balances are automatically generated. Sign up at www.trustbooks.com and use the discount code OBAannual to get the OBA member annual price of only \$299, more than a 30 percent discount off monthly pricing.

WordPerfect – Members can purchase the latest WordPerfect Office suite for legal professionals at a reduced price. Visit tinyurl.com/obawordperfect for pricing.

WordRake – Developed for lawyers, WordRake provides editing suggestions for clarity and brevity, and instantly edits documents in Microsoft Word with the easy-to-install add-in, suggesting changes that eliminate unnecessary words and phrases. A free seven-day trial is available, and annual licensing plans offer increased savings based on subscription duration. See more at www.wordrake.com; members receive a 10 percent discount with coupon code OKBAR.



Ms. Stone is an OBA communications specialist.

Stay in Touch!

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



okbarassociation

The OBA's official Facebook page



okbarassociation

The OBA's official Instagram handle



obacle

See upcoming CLEs and deadlines



oklahomabar

The OBA's official Twitter handle



obalre

Learn about the OBA law-related education programs



obacle

See upcoming CLEs and deadlines



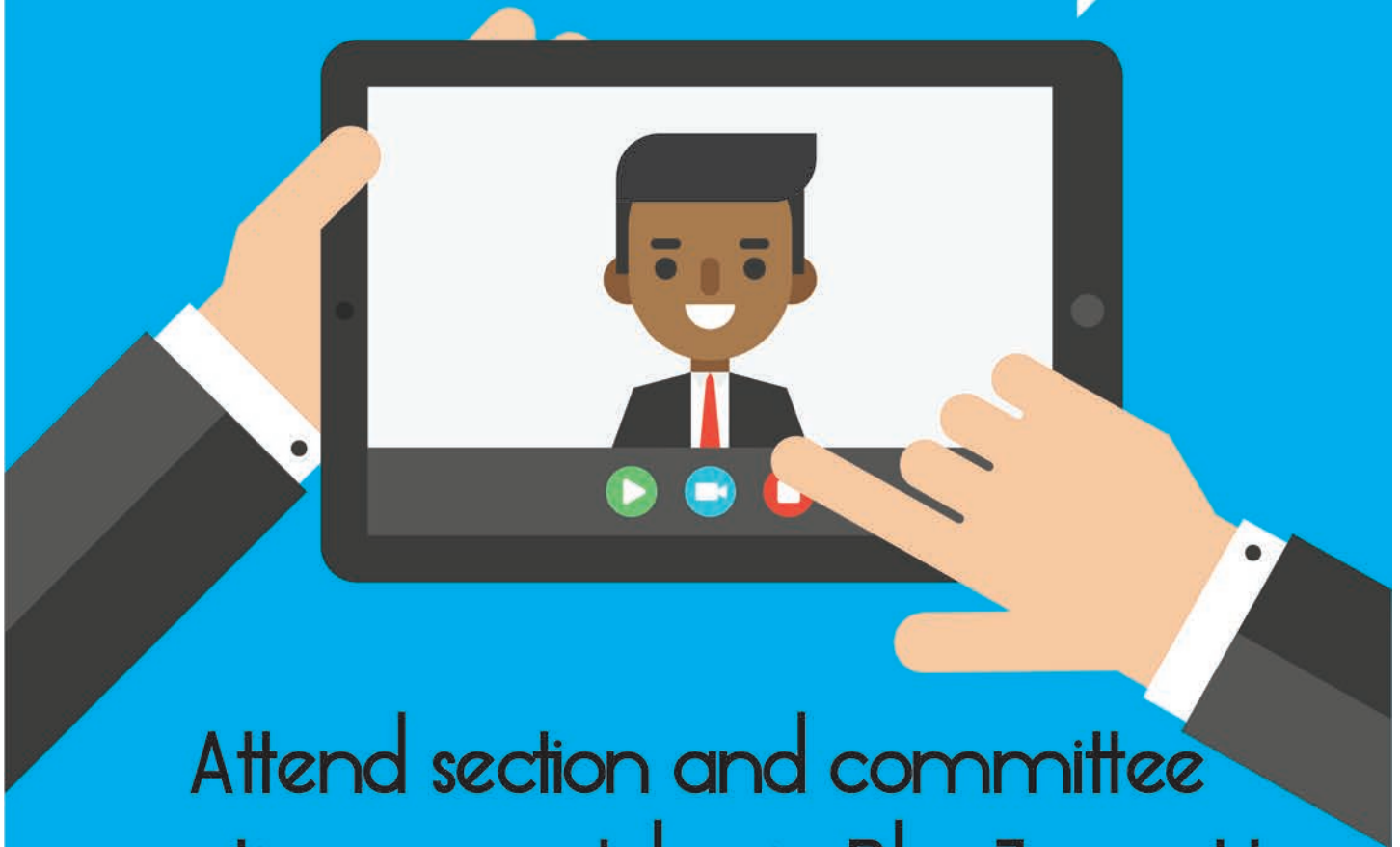
obayld

Keep up with the the OBA Young Lawyers Division

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

Don't let distance
keep you from getting
involved

It's easy!



Attend section and committee
meetings remotely via BlueJeans. Use
a mobile device, phone or computer.
Visit tinyurl.com/obabluejeans.

OBA SECTIONS

Joining an OBA section provides a great opportunity to collaborate and connect with lawyers who share a common practice area. The investment in annual dues is minimal, and the benefits are huge. The perks of membership vary by section – including free or discounted CLE, and some sections publish member newsletters. The OBA supports 28 substantive law sections that offer professional development and interaction. The following list of lawyers will serve in 2018 as section leaders.

ALTERNATIVE DISPUTE RESOLUTION

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

Michael E. Mayberry, Vice Chairperson
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105
405-521-3927

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

A. Dan Woska, ADR Week
2409 Brookhaven Drive
Edmond, OK 73034
405-657-2271

Larry B. Lipe, Immediate Past Chairperson
4000 One Williams Center
Tulsa, OK 74172
918-586-8512

APPELLATE PRACTICE

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

Cullen D. Sweeney, Chairperson-Elect
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102
405-235-7721

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

Virginia D. Sanders, Secretary
P.O. Box 926
Norman, OK 73070
405-801-2770

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

BANKRUPTCY AND REORGANIZATION

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

Judge Janice D. Loyd, Chairperson-Elect
215 Dean A. McGee, 2nd Floor
Oklahoma City, OK 73102
405-609-5678

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

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

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

Andrew R. Turner, Immediate Past
Chairperson
4000 One Williams Center
Tulsa, OK 74172
918-586-8972

BUSINESS AND CORPORATE LAW

Armand Paliotta, Chairperson
201 Robert S. Kerr Ave., # 1600
Oklahoma City, OK 73102
405-235-7000

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

H. Wayne Cooper, Immediate Past
Chairperson
Two W. Second Street, Suite 700
Tulsa, OK 74103
918-591-5228

CRIMINAL LAW

Robert Don Gifford, Chairperson
101 Park Avenue, Suite 1400
Oklahoma City, OK 73102
405-778-4647

Judge Douglas E. Drummond,
Chairperson-Elect
Tulsa County Courthouse
500 S. Denver Avenue, #401
Tulsa, OK 74105
918-596-5360

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

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

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

Benjamin C. Brown, Seminar Committee
Chairperson
P.O. Box 926
Norman, OK 73070
405-801-2694

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

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

DISABILITY LAW

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

Roger B. Hale, Chairperson-Elect
P.O. Box 333
Ada, OK 74821
800-522-4595

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

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

Gary W. Jones, Social Chairperson
414 N.W. 4th Street, Suite 140
Oklahoma City, OK 73102
405-236-1416

ENERGY AND NATURAL RESOURCES LAW

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

Valery Giebel, Chairperson-Elect
100 W. 5th Street, Suite 900
Tulsa, OK 74103
918-581-5500

Dawson Brotemarkle, Secretary/
Treasurer
8422 S. 111th E. Avenue
Tulsa, OK 74133
918-899-9480

G. Patrick O'Hara Jr., Budget Director
13808 Wireless Way
Oklahoma City, OK 73134
405-471-5226

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

ENVIRONMENTAL LAW

Teena G. Gunter, Chairperson
P.O. Box 528804
Oklahoma City, OK 73152
405-522-4576

Lee E. Dooley, Chairperson-Elect
707 N. Robinson Avenue
Oklahoma City, OK 73102
405-702-7179

Kaylee P. Davis-Maddy, Treasurer
105 N. Hudson Avenue, Suite 500
Oklahoma City, OK 73102
405-319-3500

Erin Potter-Sullenger, Secretary
324 N. Robinson, Suite 100
Oklahoma City, OK 73102
405-239-6616

Robert D. Singletary, Immediate Past
Chairperson
707 N. Robinson
Oklahoma City, OK 73102
405-702-7184

ESTATE PLANNING, PROBATE AND TRUST

Emily E. Crain, Chairperson
6120 S. Yale Avenue, Suite 1900
Tulsa, OK 74136
918-744-0553

A. Daniel Woska, Chairperson-Elect
2409 Brookhaven Dr.
Edmond, OK 73034
405-657-2271

H. Terrell Monks, Assistant to the Chair
1840 S. Douglas Blvd.
Midwest City, OK 73130
405-733-8686

James C. Shaw, Budget Chair/
Treasurer
100 N. Broadway Ave., Ste. 2900
Oklahoma City, OK 73102
405-553-2809

Joanna K. Murphy, Secretary
1444 E. 33rd Street
Tulsa, OK 74105
918-845-5593

James "Jim" C. Milton, Co-Legislative
Liaison
320 S. Boston Ave., Ste. 200
Tulsa, OK 74103
918-594-0523

Clint T. Swanson, Co-Legislative
Liaison
200 Reunion Center
Nine East 4th Street
Tulsa, OK 74103
918-856-3934

Sara K. Hawkins, Bylaws, Policies and
Procedures Chairperson
1900 N.W. Expressway, Suite 1400
Oklahoma City, OK 73118
405-848-9100

Jennifer L. Wright, Membership
Chairperson
3201 S. Berry Road
Norman, OK 73072
405-701-6968

Samantha W. Davis, Practice Manual
Chairperson
320 S. Boston Ave., Suite 200
Tulsa, OK 74103
918-594-0638

Kim R. Schutz, Web Chairperson
4329 S. Jamestown Ave.
Tulsa, OK 74135
918-406-7415

E. Kathleen Pence, Awards and
Nominations Chairperson
320 S. Boston Avenue, Suite 1026
Tulsa, OK 74103
918-367-8505

Judge Linda G. Morrissey, Judicial Liaison
Chairperson (Tulsa)
500 S. Denver Avenue
Tulsa, OK 74103
918-596-5370

Judge Richard W. Kirby, Judicial Liaison
Co-Chairperson (OKC)
13544 Cobblestone Curve Road
Oklahoma City, OK 73142
405-713-1433

Judge Allen J. Welch, Judicial Liaison
Co-Chairperson (OKC)
321 Park Avenue, Room 217
Oklahoma City, OK 73102
405-713-1441

Melissa S. Taylor, Historian
6120 S. Yale Avenue, Suite 1900
Tulsa, OK 74136
918-744-0553

Jim Milton, Social Chairperson
320 S. Boston Ave., Ste. 200
Tulsa, OK 74103
918-594-0523

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

FAMILY LAW

Jeffrey H. Crites, Chairperson
201 N. Grand Street, Suite 400
Enid, OK 73701
580-242-4444

Amy E. Page, Chairperson-Elect and
Co-CLE Chairperson
1616 S. Main Street
Tulsa, OK 74119
918-585-1107

Amber M. Godfrey, Secretary
Victoria Building, Suite 222
1901 N. Classen Blvd.
Oklahoma City, OK 73106
405-525-6671

T. Luke Barteaux, Treasurer and
Membership Chairperson
1616 S. Main Street
Tulsa, OK 74119
918-585-1107

Amy Page, Co-CLE Chairperson
1616 S. Main Street
Tulsa, OK 74119
918-585-1107

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

T. Luke Barteaux, Section Leaders
Council
1616 S. Main Street
Tulsa, OK 74119
918-585-1107

Phillip J. Tucker, Trial Advocacy Institute
Co-Chairperson
P.O. Box 601
Edmond, OK 73083
405-348-1789

Jon R. Ford, Trial Advocacy Institute
Co-Chairperson
One Grand Center
201 N. Grand, Suite 400
Enid, OK 73701
580-234-0253

M. Shane Henry, Trial Advocacy Institute
Co-Chairperson
1616 S. Main
Tulsa, OK 74119
918-585-1107

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

Keith Jones, Practice Manual
Co-Chairperson
5801 E. 41st Street, Suite 300
Tulsa, OK 74135
918-770-4890

Phillip J. Tucker, Practice Manual
Co-Chairperson
P.O. Box 601
Edmond, OK 73083
405-348-1789

Stacy L. Acord, Adoption Committee
Chairperson
9343 E. 95th Court
Tulsa, OK 7133
918-382-9200

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

Stacy L. Acord, Historian
9343 E. 95th Court
Tulsa, OK 7133
918-382-9200

Brian R. Swenson, Social Committee
Chairperson (Tulsa)
1719 E. 71st Street
Tulsa, OK 74136
918-481-5898

Amber M. Godfrey, Social Committee
Chairperson (OKC)
Victoria Building, Suite 222
1901 N. Classen Blvd.
Oklahoma City, OK 73106
405-525-6671

Amy Page, Suites Chairperson
1616 S. Main Street
Tulsa, OK 74119
918-585-1107

Doug Loudonback, Past Chairperson
Emeritus
525 N.W. 19th Street
Oklahoma City, OK 73103
405-830-1467

Gary J. Dean, Past Chairperson Emeritus
208 S. Vann Street
Pryor, OK 74361
918-373-4055

Allyson E. Dow, Immediate Past
Chairperson
228 Robert S. Kerr, Suite 835
Oklahoma City, OK 73102
405-605-0681

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

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

Jesse Sumner Jr., Vice Chairperson
P.O. Box 4999
Tulsa, OK 74159

David Burge, Secretary/Treasurer
426 Bozeman Trail
Edmond, OK 73003
405-535-6427

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

Robert "Bob" T. Luttrell, Listserv Liaison
211 N. Robinson Avenue, 10th Floor
Oklahoma City, OK 73102
405-552-2291

Roy John Martin, Chair of Legislative Subcommittee
2401 N.W. 23rd Street, Suite 42
Oklahoma City, OK 73107
405-650-8847

GENERAL PRACTICE – SOLO AND SMALL FIRM

Ashley B. Forrester, Chairperson
625 N.W. 13th St., Suite A
Oklahoma City, OK 73103
405-974-1625

Frank A. Urbanic, Chairperson-Elect
1141 N. Robinson Ave, #101
Oklahoma City, OK 73103
405-633-3420

David Aaron Bruner, Secretary
6440 S. Lewis Ave., Suite 100
Tulsa, OK 74136
918-488-8000

Michael A. Whiting, Treasurer
Victoria Building, Suite 222
1901 N. Classen Blvd.
Oklahoma City, OK 73106
636-248-0965

GOVERNMENT AND ADMINISTRATIVE LAW PRACTICE

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

Richard Mildren, Chairperson-Elect
6325 N. Villa #142
Oklahoma City, OK 73112
405-650-5100

David A. Miley, Treasurer
200 N.E. 21st Street
Oklahoma City, OK 73105
405-521-2639

Tamar G. Scott, Secretary
200 N.E. 21st Street
Oklahoma City, OK 73105
405-521-2635

HEALTH LAW

Stacy Brklacich, Chairperson
Davis Tower, 2nd Floor
1924 S. Utica Ave.
Tulsa, OK 74104
918-744-2480

Elizabeth Ann Scott, Chairperson-Elect/
Secretary
Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102
405-234-3248

Larry Harden, Budget Officer
3030 N.W. Expressway, Suite 1700
Oklahoma City, OK 73112
405-951-4791

Susan Walker, Immediate Past
Chairperson
1400 S. Boston
Tulsa, OK 74119
918-551-3831

IMMIGRATION LAW

Melissa R. Lujan, Chairperson
7204 S. Pennsylvania Ave.
Oklahoma City, OK 73159
405-600-7272

M. Catherine "Catie" Coulter,
Chairperson-Elect
714 S. Quebec Avenue
Tulsa, OK 74112
918-859-6727

Lambert D. Dunn, Budget Officer
2548 N.W. Expressway, Suite 102
Oklahoma City, OK 73112
405-609-6601

Allison P. Roso, Secretary
2915 N. Classen Blvd., Suite 500
Oklahoma City, OK 73106
405-488-6807

Melinda L. Alizadeh-Fard, CLE
Chairperson
P.O. Box 5232
Edmond, OK 73083
405-341-9200

INDIAN LAW

Valery Giebel, Chairperson
100 West 5th Street, Suite 900
Tulsa, OK 74103
918-581-5500

Wilda Wahpepah, Chairperson-Elect
4312 Whitmere Lane
Norman, OK 73072
405-321-2027

Jennifer N. Lamirand, Secretary
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102
405-235-7700

Jacintha Webster, Budget Director
4200 Perimeter Center Dr., Suite 222
Oklahoma City, OK 73112
405-802-7542

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

INSURANCE LAW

Matthew B. Wade, Chairperson
900 Northeast 63rd
Oklahoma City, OK 73105
405-239-7046

Michael L. Chitwood, Vice Chairperson
One Benham Place
9400 N. Broadway Ext., Suite 500
Oklahoma City, OK 73114
405-475-9707

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

Jeffery Curran, Secretary
1 Leadership Square
211 N. Robinson Avenue, Suite N1500
Oklahoma City, OK 73102
405-235-5500

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

INTELLECTUAL PROPERTY

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

Shawn M. Dellegar, Vice President
500 Kennedy Building
321 S. Boston Avenue
Tulsa, OK 74103
918-592-9807

Zachary Oubre, Secretary/Treasurer
10th Floor, Two Leadership Sq.
211 N. Robinson Avenue
Oklahoma City, OK 73102
405-235-9621

Paul E. Rossler, Director-at-Large/
Immediate Past President
1100 OneOK Plaza
100 W. 5th Street, Floor 10
Tulsa, OK 74103
918-595-4872

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

Ross Chaffin, Director
17240 Ladbrooke Place
Edmond, OK 73012
405-606-3350

INTERNATIONAL LAW

Katherine J. Trent, Chairperson
2301 96th Avenue N.E.
Norman, OK 73026
405-615-1925

Rebeca West, Chairperson-Elect
11001 Massey Terrace
Oklahoma City, OK 73150
210-862-6350

Brook E. Hamilton, Secretary
1605 Greenbriar Drive
Norman, OK 73072
405-371-2532

Ashley Edwards Quinn, Treasurer
116 N.W. 29th Street
Oklahoma City, OK 73103
405-816-9062

JUVENILE LAW

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

Christina Billington, Vice Chairperson/
Treasurer
2964 Via Esperanza
Edmond, OK 73013
405-340-8530

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

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

LABOR AND EMPLOYMENT LAW

Paige H. Good, Chairperson
211 N. Robinson, 10th Floor
Oklahoma City, OK 73102
405-552-2340

Jeff Hendrickson, Vice Chairperson
125 N.W. 15th Street
Oklahoma City, OK 73103
405-620-6913

Lauren Short Lambright, Treasurer
701 S. Cincinnati Avenue
Tulsa, OK 74119
918-585-2667

Kristin Richards, Secretary
325 Dean A. McGee Ave.
Oklahoma City, OK 73102
405-235-6100

LAW OFFICE MANAGEMENT AND TECHNOLOGY

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

Dale Rex, Chairperson-Elect
P.O. Box 190
Ada, OK 74821
580-332-7200

Cheryl Clayton, Treasurer
P.O. Box 88
Noble, OK 73068
405-872-9216

LITIGATION

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

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

John M. "Jake" Krattiger, Treasurer
1 Leadership Square
211 N. Robinson Avenue, Suite N1500
Oklahoma City, OK 73102
405-235-5500

MASTER LAWYERS

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

Yasodhara M. Means, Secretary
2300 N. Lincoln Blvd., Suite 212
Oklahoma City, OK 73105
405-522-8853

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

MILITARY AND VETERANS LAW

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

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

Kathryn R. McClure, Secretary
P.O. Box 561
Lawton, OK 73502
580-442-8618

TBD, Budget Officer

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

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

REAL PROPERTY LAW

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

Zachary T. Ball, Chairperson-Elect
111 N. Peters Avenue, Suite 440
Norman, OK 73069
405-701-5355

J. Brandon Harvey, Treasurer
106 W. Randolph Ave.
Enid, OK 73701
580-233-4625

Deborah A. Reed, Secretary
3101 N. Hemlock Circle, Suite 112
Broken Arrow, OK 74012
918-728-1604

Roberto Seda, Member-at-Large
111 N. Peters Avenue, Suite 440
Norman, OK 73069
405-701-5355

Jennifer S. Jones, Member-at-Large
133 NW 8th Street,
Oklahoma City, OK 73102
405-552-7717

TAXATION LAW

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

Rachel Pappy, Vice Chairperson
2424 Springer Drive, Suite 100
Norman, OK 73069
405-801-2146

Peter T. Woodson, Secretary
525 S. Main, Suite 800
Tulsa, OK 74103
918-599-7755

Ryan J. Duffy, Treasurer
100 N. Broadway Avenue, Ste. 3300
Oklahoma City, OK 73102
405-272-9241

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

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

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

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

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

WORKERS' COMPENSATION

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

Nichole Bryant Stanton,
Chairperson-Elect
2347 S. Delaware Avenue
Tulsa, OK 74114
918-938-1103

Raegan D. Sifferman, Treasurer
3033 N.W. 63rd, Suite E105
Oklahoma City, OK 73116
405-778-3345

Zachary H. Walls, Secretary
2601 N.W. Expressway, Suite 1120W
Oklahoma City, OK 73112
405-235-7641

Jennifer E. Jackson, Immediate Past
Chairperson
100 E. California Avenue, Suite 200
Oklahoma City, OK 73104
405-235-6500

Tess Bullard, Member-at-Large
312 N.W. 13th Street
Oklahoma City, OK 73103
405-604-5000

Jace Powell, Member-at-Large
907 S. Detroit Avenue, Suite 815
Tulsa, OK 74120
918-583-8100

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

To join a section, visit tinyurl.com/joinasection
and complete the section membership registration form.

Using Cost Per Case to Revolutionize Your Firm's Marketing Strategy

By Deanna Power

Are you having difficulty figuring out how to market your firm? Between TV and radio commercials, print and internet ads, billboards and blogs, it can be overwhelming to determine what avenue will best reach your target clients.

Many firms take a blanket approach to marketing, choosing to invest a bit in whatever advertising methods they have access to in order to appeal to as many people as possible. However, this marketing ideology can waste money by investing in advertising styles that aren't sufficiently attracting new clients. So how can you tell which ad styles work and which don't?

Using the cost per case method, you can throw guesswork to the wind and determine what traditional advertising methods work best for you and your firm to save effort, money and time.

THE SIMPLICITY OF COST PER CASE

Cost per case refers to the amount of money you spend on one ad to sign a single client. The equation is cost of ad campaign / number of new clients = cost per case (CPC).

Most modern forms of advertising (blogs, internet ads, etc.) do this work for you. However, traditional forms of advertising like TV commercials, print ads or billboards have no way of tracking clientele. This equation helps you figure out the effectiveness of traditional advertising. Then, based on the number of clients each marketing method attracts and how much you spent to sign a single client, you can redistribute ad funds into the avenues that work best for your firm.

While the equation works best with real numbers, let's take a look at a hypothetical example with a billboard ad to see CPC in action and help understand what makes a good or bad CPC.

SAMPLE BILLBOARD AD

Billboards are a popular marketing option for thousands of firms across the country. Let's say your firm is looking to attract clients living in Oklahoma City. You find a billboard in Oklahoma City along I-44 beside the fairgrounds, a common through area for commuters and truckers. For a four-week ad campaign in this location, you would need to pay \$5,425.

After your four-week ad period, it would not be unreasonable to attract 7 new clients looking for representation. If we plug these numbers into the CPC equations, we'd see $\$5,425$ (cost of ad campaign) / 7 (new clients) = $\$775$ (CPC).

In this scenario, your firm would have paid around \$775 per new client during that month period, but is \$775 a "good" CPC? It would completely depend on your area of law.

A CPC is desirable if it is profitable for your firm. There is no right and wrong answer here, and firms with the exact same CPC can have wildly different revenue. For example, criminal defense lawyers who can make \$10,000 or more per case can afford a CPC of \$775 because their clients are few, but lucrative. For Social Security attorneys who make around \$3,000 per case, with a maximum of \$6,000, \$775 would be far too much to spend on just one new client. If a CPC costs around 15 percent of your expected settlement, you're likely profitable.

BEFORE YOU GET STARTED

The following tips are important to remember when using the CPC method for your firm:

- Real numbers get real results. While hypothetical situations such as the one above can help you figure out where to start, you should never assume the success of an ad campaign and location without using real data. You can evaluate the past 12 months of marketing data to begin utilizing CPC.
- Always ask clients how they heard about your firm. If you assume your clients found you from a TV commercial when they actually found your firm through word of mouth, you may incorrectly believe your firm's commercial is more successful than in actuality. This can lead to wasted money and false assumptions, which will hurt your firm in the long run. CPC is useless without accurate client attribution
- Always have a large sample size. You may sign 10 clients from an inexpensive CPC campaign one week, and sign zero clients from the same campaign the following week. Neither result is likely to accurately reflect your firm's profitability with the ad. The larger the sample size you have, the more accurate your CPC will be.

If your firm is able to calculate which marketing channels signed clients at a lower cost, you can focus your efforts on whatever ads are most profitable for your firm.

About the Author

Deanna Power is a marketer specializing in search engine optimization and content creation. She lives in Boston and is a graduate of Emerson College. She works for eGenerationMarketing, a digital legal lead provider. She can be reached at deanna@egenerationinc.net.

Constructive Notice: Oklahoma's Hybrid System Affecting Surface and Mineral Titles

By Kraettli Q. Epperson

The process in Oklahoma to give constructive notice of instruments relating to real property, or an interest therein (*e.g.*, conveyances and encumbrances, and judgments – instruments), might appear to be uniform and easy to understand, but is it?

The purpose of this paper is 1) to point out the diversity and inconsistencies in our sets of notice statutes, and 2) to suggest that an effort be made to either be sensitive to such diversity or to make some of the statutes uniform.

The two areas where this paper will focus are 1) on the 30-year Marketable Record Title Act (MRTA)¹ and the Abstractors Act,² and 2) on Oklahoma Corporation Commission (OCC) orders (including drilling and spacing orders and forced pooling orders).³

GENERAL DISCUSSION

"The general rule is that the record of an instrument entitled to be recorded will give constructive notice to persons bound to search for it. But constructive notice being a creature of statute, no record will give constructive notice unless such effect has been given to it by some statutory provision."⁴

"Everyone knows" that, in Oklahoma, the principal of "first in time is first in right" concerning rights in real property, or an interest therein, is implemented through the notice statutes, right?⁵ And "everyone knows" that, in Oklahoma, if you want

to give subsequent purchasers or encumbrancers constructive notice of an instrument affecting real property, or an interest therein, you must file the instrument in the county land records where the land is located, right? These notice and recording statutes are referred to herein collectively as the "core statutes."⁶

While these core statutes appear to clearly lay out a unified system, a closer analysis discloses substantial inconsistencies in these and related filing statutes, due in part to later adopted and amended statutes. For instance, while the entry of judgments in the county court clerks' files were immediately considered to give constructive notice of the imposition of such liens on the debtor's lands since 1910, the filing of such judgments was moved to the county land records in 1978 in order for them to give constructive notice.⁷ In a similar manner, the filing of mechanics and materialmen's liens was moved from the county court clerks' files to the county land records in 1977 in order to become liens and to give constructive notice.⁸ In addition, a later legislative effort was made to require all zoning ordinances be filed in the county land records, but it failed.

The MRTA, which is based on the Uniform MRTA and was adopted in Oklahoma in 1963, defines the "records," which form the 30-year chain of title under examination, as follows: "'Records' includes probate and other official public records, as well as records in

the county clerk's office."⁹ However, as held in 1943, "But constructive notice being a creature of statute, no record will give constructive notice unless such effect has been given to it by some statutory provision".

¹⁰ Therefore, any instrument filed in such "records" (e.g., probate files) which does not have statutory support to deem such filing as constructive notice, is *not* in fact included in the part of the 30-year chain of title needed to have "marketable record title."

At the time this MRTA was adopted there was already an extensive statutory framework in place to control the process of recording instruments in the county land records to achieve marketable record title, adopted beginning in 1910. This "records" language of the MRTA, when initially adopted, may have reflected such existing recording statutes, but, in the later decades – as statutory changes were made to such recording framework – that language in the MRTA became outdated. In order for such "probate and other official public records" to give constructive notice, the core statutes, and other related statutes, make it clear that, by 1977, not only conveyances and encumbrances, but also judgments, must be filed in the county land records.¹¹

To add to this diversity, it should be noted that railroad- and utility-related mortgages are not required to be filed in the county clerk's local land records. They constitute constructive notice when recorded simply with the Oklahoma secretary of state.¹²

However, there is another large set of records affecting interests in real property, which apparently constitute constructive notice *without* being filed in the county land records. This is the set of records relating to oil and gas interests when the OCC enters orders (e.g., for drilling and spacing units, and forced pooling) impacting interests in real property.¹³

CONSTRUCTIVE NOTICE VS. THE MRTA, AND THE ABSTRACTING ACT

Determination of the owner of real property or an interest therein is based on a review of the "record title."¹⁴

No one seriously questions the need to file in the county land records any conveyances and encumbrances (e.g., deeds, mortgages, leases, restrictions and liens) and any judgments affecting real property or an interest therein.¹⁵

However, while all district court judgments relating to real property, including probate decrees, must – under the core statutes – be filed in the county land records to constitute constructive notice of their contents, there are two sets of specific statutes that

imply that filings made in records *outside* the core statutes scheme are somehow part of the "marketable record title" that surface and oil/gas title examiners must review.¹⁶

The MRTA was adopted in 1963 and amended in 1972. It provides what is probably the "strongest" curative act because it is not based on a statute of limitations concept which extinguishes the remedy after a certain period of time, but is a statute of repose which – after 30 years – extinguishes the right itself (in real property or an interest therein) after the lapse of the specified time.¹⁷

The compilation of conveyances and encumbrances, and judgments, which is organized and reviewed in chronological order, is called an "abstract of title." It consists of either a) all instruments filed from sovereignty (patent from government) up to the present, or b) i) all instruments filed over the last 30 years, plus ii) a selected group of instruments filed before that 30-year period began all the way back to sovereignty (patent from government).¹⁸

The title examiner reviews a) a formal or informal printed (or digital) compilation of the relevant instruments (abstract of title or abstract), or b) the records themselves (the county land index and relevant instruments), depending on the purpose for the examination.¹⁹

The instruments which are to be reviewed will only give the necessary constructive notice, so that they can be relied upon, if they are filed in the proper "records." As noted above, the MRTA defines "records" as not just the county land records, but also "probate and other official public records."²⁰ Consequently, the MRTA allows the review of probate court records, *even if* such probate decrees never find their way into the county land records. Therefore, there is an apparent inconsistency between the "core statutes" and the MRTA. This inconsistency may have been caused by the amendment of 12 O.S. §181 in 1977, which made it clear that judgments must be filed in the county land records to be constructive notice instead of being constructive notice upon the simple filing of the judgment in the county court clerk file. Until 1977, such judgments were arguably constructive notice without being filed in the county land records, but not after that date. However, the MRTA was not amended to reflect this change, thereby creating such inconsistency.

The Oklahoma Abstractors Act dictates what land related records a) must be maintained by the licensed abstract companies, including being indexed and copied, and b) must be included in a formal abstract prepared for a title examination, but it was not

amended to be corrected in 1977 either. Apparently the abstract companies maintain indexes to and copies of various pleadings from court clerk files in their collection (abstract plant) and then include them in the formal abstract, even though such instruments do not constitute constructive notice.²¹

The unintended consequences of this failure of the Abstractors Act being amended to clearly reflect the new (1977) constructive notice statute relating to judgments is that judgments which are not filed in the county land records are still being included in the title plant and in the abstract, at least by some abstractors. This results in a) some titles being treated as valid which really contain “gaps” and as having defects in title or encumbrances to be cured, although such judgments do not officially impact title, b) an increased cost to prepare the abstract, if the charges are based on pages included, rather than timeframe covered, and c) giving the title examiner, title company and beneficiary of the title insurance policy “actual notice” of such instruments.²² The official Uniform Abstractors Certificate is ambiguous as to whether post-1977 judgments should be, and whether they are, included in such abstracts. So long as this Uniform Abstractor’s Certificate follows the unamended Abstractors Act, it continues to perpetuate these inconsistencies.²³

An effort should be made to analyze these inconsistencies between the post-1977 recording statutes, the MRTA and the Abstractors Act, in order to reconcile and correct them.

OKLAHOMA CORPORATION COMMISSION ORDERS AS CONSTRUCTIVE NOTICE

The orders issued by the OCC – such as drilling and spacing unit orders, and forced pooling orders – are not usually filed in the county land records where the land is located. Are they constructive notice²⁴ of such changes in title to subsequent purchasers and encumbrancers?²⁵ If so, we have what appears to be a hybrid or dual constructive notice system where you must look in two databases, meaning the OCC records and the county land records. The risk is that, when conflicts in claims of ownership arise, third parties might raise arguments claiming they did not have “constructive notice” of the orders which are only filed with the OCC. A 2010 bankruptcy case that reached that conclusion is discussed below.²⁶

However, it should be noted that there is a 1982 Oklahoma Supreme Court case which held that once an OCC proceeding is filed with the OCC, such proceeding is notice to subsequent purchasers

acquiring an interest *during* the proceeding.²⁷ By extension, it might be argued that any order resulting from such proceeding is also notice to subsequent third-party purchasers and encumbrancers.

However, it would create a more uniform procedure, if such OCC judgments were filed in the county land records. However, before such practice was adopted, all of the following questions would have to be answered in the affirmative:

- 1) Is the commission acting as a court when issuing such spacing and pooling orders?²⁸
- 2) Do such orders affect real property or an interest in real property?
- 3) Would such orders give constructive notice, if such orders were filed of record in the county land records?

Is the OCC a ‘Court of Record?’

The Oklahoma Supreme Court has held:

While Art.7§1, Okl. Const., creates courts and invests them with judicial power, the Corporation Commission stands established and governed by the provisions of Art. 9 §§15-34, Okl. Const. Within the limits of authority conferred on it by constitutional provisions as well as by statutory enactments, the Commission may exercise legislative, judicial and executive power. There can be absolutely no doubt of the Commission’s legitimate claim to adjudicative authority. When in individual proceedings it sits to hear and decide the issues before it, it acts, pursuant to Art. 9, §19, Okl. Const., in the exercise of ‘powers and authority of a court of record’. ²⁹

The Commission’s dispute-settling power clearly stands reposed in it by virtue of a direct constitutional mandate. Our fundamental law explicitly charges that body with the responsibility of a ‘court of record’. In short, the Constitution’s command is that, when acting in an adjudicative capacity, the Commission is to be treated as the functional analogue of a court of record.³⁰

It is generally thought that the OCC is not bound by Title 12 which “governs the procedure in the district courts of Oklahoma in all suits of a civil nature.”³¹ However, it should be noted that at least one of the rules for district courts has been found to be binding on the OCC. This was in a case where the OCC had given only publication notice in a drilling and spacing proceeding and took a default judgment, with no attempt at personal or mailed service. Such publication notice was allowed to be used and relied

on under the existing applicable OCC statute without first attempting personal service.³² However, the Oklahoma Supreme Court ruled that, based on both Oklahoma and U.S. Supreme Court cases dealing with due process, such publication notice could not be used as the sole means of notice. The court confirmed that (prospectively) the constitutional concept of due process must be followed by the OCC – meaning giving personal or mailed service. The case went further and held that the OCC must follow Rule 16, Oklahoma Rules for District Courts, because such rule “provides the procedural measures that must be followed before a judgment may be taken against a defendant served solely by publication.”³³ So, it appears that such OCC order is a “judgment.”

The first question could be answered in the affirmative: *Yes, the commission is acting as a “court of record” when issuing “judgments,” such as drilling and spacing orders or forced pooling orders.*

Do Such Orders Impact Real Property or Real Property Interests?

There is no dispute that an owner of an oil and gas leasehold holds “an interest in real property.”³⁴

Also, it is clear that a spacing order “affects the proprietary incidents of the mineral estate of every owner sought to be brought within the new unit...” and it “creates the unit, pools royalty interests within the unit, directs that only one well be drilled in the unit within a specific location and prohibits the drilling of a well at another location or operating a well in violation of the spacing order.”³⁵

Similarly, the applicant for a forced pooling order must hold a divided or undivided interest in the right to drill in an existing unit, and he can join in such proceeding the owners of the right to drill who have not agreed through a lease or other agreement to allow such drilling. Such proceeding before the OCC is intended to result in an order authorizing the applicant to drill and to specify the “lease” terms granted to the owners. Such terms include the alternative to either participate in the costs and revenues of drilling or to accept a court-determined reasonable lease bonus and royalty share.³⁶

The second question could be answered in the affirmative: *Yes, such orders (judgments) affect real property or an interest in real property.*

Do Such Orders Give Constructive Notice, if Filed?

It is mandatory for any instrument affecting real property or an interest therein to be filed of record in the county land records to give constructive notice.

This includes mineral deeds and oil and gas leases.³⁷

Constructive notice statutes are in one sense “permissive.” The instrument is binding between the parties without being filed. However, “permission” is granted to file it and, thereby, give notice, and, therefore, it is “mandatory” only if you desire to give constructive notice.³⁸

The parties to an OCC proceeding would certainly want the terms of such orders to be notice to and to be legally binding on not just the persons directly joined in the proceeding, but on subsequent purchasers and encumbrancers.

However, no instrument, as previously noted, even if it is inadvertently accepted and filed in the county land records, constitutes constructive notice unless there is a statute 1) allowing the specified document to be filed, and 2) once filed, making such filing constructive notice.³⁹

There are currently statutes which permit judgments affecting real property or an interest therein to be filed in the county land records and, once filed, to constitute constructive notice to subsequent purchasers and encumbrancers.⁴⁰ However, the primary statute, 12 O.S. §181, explains how constructive notice is given of a district court judgment affecting real property, and, from 1910 up until 1977, provided, “It [the judgment] shall operate as such [constructive] notice, without record, in the county where it is rendered.” In 1977, §181 was changed and thereafter provided: “It [the judgment] shall operate as such [constructive] notice, when recorded in the office of the county clerk, in the county where it is rendered.” Consequently, as of 1977, filing in the county land records became necessary to give constructive notice, and failure to file the judgment in the county land records, where the land is located, means there is no constructive notice thereof.

In addition, there is a statute, which is located in Title 58, which is the probate code (which is not a civil action, but is a special proceeding), that contains mandatory language about recording a broad range of probate decrees affecting real property (§711):

When a judgment or decree is made, setting apart and defining the homestead, confirming a sale, making distribution of real property, or determining any other matter affecting the title to real property, a certified copy of the same must be recorded in the office of the county clerk of the county in which the real property is situated...⁴¹

Therefore, this statute makes it clear that failure to file such probate judgment or decree in the county

land records means such instrument does not give constructive notice.

In 1979, Charles Nesbitt (then recent Oklahoma attorney general and then current member of the OCC) encouraged the filing of OCC forced pooling orders in the county land records.

Strangely enough, a forced pooling order of the Corporation Commission is the only judgment directly affecting real estate which is not recorded in the county where the land is located. There is authority for such recordation, but the practice is otherwise. [16 O.S. §31] Literally thousands of pooling orders remain technically effective, with the working interest rights thereunder in limbo.

The solution would appear to be a statute, or a provision in the order itself, that a forced pooling order is not effective until recorded in the county where the unit is located. Thereby, previous pooling orders, like unreleased oil and gas leases, would come to the attention of the title examiner.⁴²

The forced pooling orders entered by the OCC contain a list of the alternative “lease terms” available to unleased owners of the drilling rights, including either participating, or accepting specified bonuses and royalties. However, such orders do not contain the parties’ actual elections or defaults; such written elections are received by and kept by the operator/applicant. Apparently to address this deficiency in the content of the OCC records, the legislature adopted a statute in 1993 1) allowing the filing of an affidavit in the county land records containing information concerning the elections made (or default terms deemed selected) under such forced pooling order, and 2) declaring that such filing of an affidavit gives constructive notice.⁴³ While the filing of a judgment in the county land records has always given constructive notice, in the absence of such enabling legislation, the recording of an affidavit would not give constructive notice.⁴⁴

The implication of the adoption of this remedial legislation could be that in the absence of such filing there is no constructive notice of the elections made.⁴⁵

The weight to be given to a decision from a bankruptcy court sitting in another state, but expressly declaring it is applying Oklahoma law, is unclear. However, there is such a case which holds that filing of these OCC orders in the county land records is mandatory in order to give constructive notice. The bankruptcy court for the Northern District of Texas held that Oklahoma law requires that both a drilling and spacing order, and a forced pooling

order (presumably through an affidavit disclosing the results of the elections),⁴⁶ must be filed in the county land records before such order constitutes constructive notice. This case held:

Further,..., no spacing or pooling orders were filed in the Hughes County records to put the Plaintiffs on constructive notice of the existence or extent of any of the units where the wells that the Plaintiffs worked on were located.

*Accordingly, the Court must conclude, based on the lack of any demonstrated link between the Exhibit A leases and the wells the Plaintiffs worked on, that the Plaintiffs are not charged with constructive knowledge of the contents of Union Bank’s mortgage, including the blanket grant of security interests, simply because of the appearance of the Oklahoma Mortgage in the chain of title for the Exhibit A leases.*⁴⁷ (Emphasis added)

The third question could be answered in the affirmative: *Yes, such orders (judgments) would probably give constructive notice, if such orders (judgments) were filed of record in the county land records.*

CONCLUSION

There appears to be a hybrid and possibly inconsistent system for giving constructive notice of instruments affecting real property or an interest therein, including both surface and mineral titles.

An effort should be made to analyze the existing statutes on constructive notice, the recording acts, the MRTA, the Abstractors Act and the OCC statutes to determine 1) are there inconsistencies, 2) should such inconsistencies be corrected and 3) should such hybrid dual system be continued for railroad and utility mortgages, and OCC spacing and pooling orders?

Author’s Note: This article was inspired in part by a paper titled “The Poofing Doctrine: The Impact of the Transfer of Working Interests on the Oklahoma Corporation Commission’s Jurisdiction to Pool”, [yes, “poofing”, not “pooling”] presented to the Oklahoma City Mineral Lawyers Society, on Sept. 15, 2016, by Matthew J. Allen of Conner & Winters, of Oklahoma City; see also “An Analysis of the Evolution of Oklahoma Real Property Law Relating to Lis Pendens and Judgment Liens,” Dale L. Astle, 32 Oklahoma Law Review 812 (1979).

ABOUT THE AUTHOR

Kraettli Q. Epperson is a partner with Mee Hoge in Oklahoma City. He focuses on oil and gas and real property matters (expert, mediation, title exam and lawsuits). He chairs the OBA Real Property Law Section’s Title Examination Standards Committee, teaches Oklahoma land titles at the OCU School of Law and edits West’s Oklahoma Real Estate Forms.

ENDNOTES

- ¹16 O.S. §§71 *et seq.*
- ²1 O.S. §§20-43.
- ³52 O.S. §§87.1 and 87.4.
- ⁴*Crater v. Wallace*, 1943 OK 250, ¶11, 140 P.2d 1018, 1020.
- ⁵25 O.S. §§10-13; *In Re N-Ren Corp.*, 1989 OK 79, ¶8, 773 P.2d 1269, 1271.
- ⁶16 O.S. §§15-16; 46 O.S. §7; 12 O.S. §§181, 706 and 2004.2; 16 O.S. §S31, 43, 62, 66, and 82-84; 19 O.S. §§263, 287, 291, 298(A), and 298.1; 43 O.S. §134; and 58 O.S. §§428, and 703.
- ⁷12 O.S. §706 (Supp. 1978).
- ⁸42 O.S. §141.1.
- ⁹16 O.S. §78(b) Records.
- ¹⁰*Crater v. Wallace*, 1943 OK 250, ¶11, 140 P.2d 1018, 1020.
- ¹¹16 O.S. §§31, 43, and 181; 58 O.S. §§428 and 703.
- ¹²46 O.S. §17.
- ¹³52 O.S. §§87.1 and 87.4.
- ¹⁴Oklahoma Title Examination Standard 1.1 provides:
- "A marketable title is one free from apparent defects, grave doubts and litigious uncertainty, and consists of both legal and equitable title fairly deducible of record."; and 52 O.S. §570.10 (D)(2)(a) regarding the Production Revenue Standards Act relating to oil and gas, provides: "Marketability of title shall be determined in accordance with the then current title examination standards of the Oklahoma Bar Association."
- ¹⁵See footnote 34.
- ¹⁶The MRTA and the OCC statutes, discussed herein.
- ¹⁷*Mobb v. City of Lehigh*, 1982 OK 149, ¶12, 655 P.2d 547, 551.
- ¹⁸16 O.S. §71 and 76(A).
- ¹⁹If the title examination is conducted in order to issue a title insurance policy there must be a formal abstract prepared and certified by a licensed abstractor (or a prior title policy plus a supplemental formal abstract) and, the examination must be made by a licensed Oklahoma attorney. (36 O.S. §5001(C)). Otherwise, the party requesting the title examination can specify the record review process to be used.
- ²⁰16 O.S. §78(b).
- ²¹1 O.S. §20 *et seq.*; 1 O.S. §21 provides, in pertinent part:
- As used in the Oklahoma Abstractors Act:
1. "Abstract of title" is a compilation in orderly arrangement of the materials and facts of record, in the office of the county clerk and court clerk, affecting the title to a specific tract of land issued pursuant to a certificate certifying to the matters therein contained;
2. "Abstract plant" shall consist of a set of records in which an entry has been made of all documents or matters which legally impart constructive notice of matters affecting title to real property, any interest therein or encumbrances thereon, which are filed, recorded and currently available for reproduction in the offices of the county clerk and the court clerk in the county for which such abstract plant is maintained.
- ²²*Benefiel v. Boulton*, 2015 OK 32, ¶4, 350 P.3d 138, 141: "Specifically, COCA found that notwithstanding Plaintiff's failure to file the divorce decree with the Seminole County Clerk, inclusion of the judgment in the abstract of title provided Boulton [the innocent buyer] with actual notice of the lien."
- ²³Form 17 of the Oklahoma Abstractors Board provides:
2. The records of the Court Clerk and the County Clerk of said County disclose that there are no executions, court proceedings, suits pending in any of the Courts of Record in said County, or liens of any kind affecting the title to said real estate, and there are no judgments or transcripts of judgments indexed and docketed on the judgment docket against any of the following named parties affecting the title to said real estate, except as shown in the Abstract: [NAMES CERTIFIED TO / NOTATION AS TO OUTSTANDING PROCEEDINGS / OR "NONE FOUND"].
- ²⁴25 O.S. §12: "Constructive notice is notice imputed by the law to a person not having actual notice."
- ²⁵16 O.S. §15: "Except as hereinafter provided, no acknowledgment or recording shall be necessary to the validity of any deed, mortgage, or contract relating to real estate as between the parties thereto; but no deed, mortgage, contract, bond, lease, or other instrument relating to real estate other than a lease for a period not exceeding one (1) year and accompanied by actual possession, shall be valid as against third persons unless acknowledged and recorded as herein provided. No judgment lien shall be binding against third persons unless the judgment lienholder has filed his judgment in the office of the county clerk as provided by and in accordance with Section 706 of Title 12 [12-706] of the Oklahoma Statutes"; and 16 O.S. §16: "Every conveyance of real property acknowledged or approved, certified and recorded as prescribed by law from the time it is filed with the register of deeds for record is constructive notice of the contents thereof to subsequent purchasers, mortgagees, encumbrancers or creditors."
- ²⁶*In re Cornerstone E & P Company*. See footnote 47
- ²⁷*Chancellor v. Tenneco Oil Co.*, 1982 OK 122, ¶17, 653 P.2d 204, 206.

- ²⁸52 O.S. § 87.1(a): Well Spacing and Drilling Units; 52 O.S. §87.1(e) Forced Pooling.
- ²⁹*Monson v. State ex rel. Oklahoma Corp. Com'n*, 1983 OK 115, ¶4, 673 P.2d 839, 841-842.
- ³⁰*Id.* ¶5; see also: "The Oklahoma Corporation Commission (OCC), when exercising its adjudicatory authority to enter a forced pooling order, is the functional analogue of a court of record with dispute resolution authority conferred by Constitutional grant. 52 O.S. Section 86.1", *NBI Services, Inc. v. Corporation Commission of State*, 2010 OK CIV APP 86, ¶¶19-20, 241 P.3d 685, 690 (dealing with forced pooling). See also *PSO v Norris Sucker Rods*, 1995 OK CIV APP 101, ¶13, 917 P.2d 992, 998 (dealing with utility rates and refunds); *Leck v. Continental Oil Co.*, 1989 OK 173, ¶22, 800 P.2d 224, 230 (dealing with fraud in restricting allowables); *New Dominion, LLC v. Parks Family*, 2008 OK CIV APP 112, ¶14, 216 P.3d 292, 296 (clarifying forced pooling order).
- ³¹12 O.S. §2001; according to the official committee comment to 12 O.S. §2001 of the Oklahoma Pleading Code: "The Oklahoma Pleading Code does not apply to proceedings held before a body (such as an administrative agency) other than a district court, unless that body adopts the Oklahoma Pleading Code to govern its procedure." The OCC has not adopted the Pleading Code and has established its own procedures and rules.
- ³²52 O.S. §87.1(a)
- ³³*Carille Trust v. Cotton Petroleum Corp.*, 1986 OK 16, footnote 26, 732 P.2d 438, 443.
- ³⁴*Hinds v. Phillips Petroleum Company*, 79 OK 22, ¶5, 591 P.2d 697, 698-699; *Cornelius v. Jackson*, 1948 OK 61, ¶20, 209 P.2d 166, 170.
- ³⁵*Carille Trust v. Cotton Petroleum Corp.*, 1986 OK 16, ¶¶9 & 11, and footnote 19, 732 P.2d 438, 442 and 443; 52 O.S. §87.1(a).
- ³⁶52 O.S. §87.1(e); *Tenneco Oil Company V. El Paso Natural Gas Company*, 1984 OK 52, ¶9, 687 P.2d 1049, 1051
- ³⁷"Recording is not necessary to the validity of any deed, mortgage, or contract relating to real estate to establish validity between the parties. 16 O.S. 1910, §15. However, no deed, mortgage, contract, bond, lease, or other instrument relating to real estate shall be valid against third persons unless acknowledged and recorded. *Id.* An oil and gas lease is not, per se, real property, but it does create an interest in real property *Amarex v. El Paso Natural Gas Co.*, 772 P.2d 905, 908 (Okla.1987) and many of the laws of real property apply. Third persons traditionally rely upon land records for information regarding interests in land. *Id.*" *Anson Corporation v. Corp. Commission of Oklahoma, et al*, 1992 OK CIV APP 37, ¶9, 839 P.2d 676, 679.
- ³⁸See footnotes 4 and 5 above.
- ³⁹*Crater v. Wallace*, 1943 OK 250, ¶15-16, 140 P.2d 1018, 1020 (holding that an affidavit filed without statutory authority making its contents constructive notice is not constructive notice); other existing statutes have, since 1985, allowed the filing of informational affidavits to give constructive notice of certain matters, but such permitted content does not include these kinds of changes in mineral title, 16 O.S. §§82-83; Oklahoma Examination Title Standard 3.2: Affidavits and Recitals.
- ⁴⁰12 O.S. §181: "When any part of real property, the subject matter of an action, is situated in any other county or counties than the one in which the action is brought, a certified copy of the judgment in such action must be recorded in the office of the county clerk of such other county or counties, before it shall operate therein as notice. It shall operate as such notice, when recorded in the office of the county clerk, in the county where it is rendered."; and 16 O.S. §31: "Any judgment or decree of a court of competent jurisdiction finding and adjudging the rights of any party to real estate or any interest therein, duly certified, may be filed for record and recorded in the office of the register of deeds, with like effect as a deed duly executed and acknowledged."
- ⁴¹58 O.S. §703 provides "When it is provided in this chapter that any order or decree of a district court or judge, or a copy thereof, must be recorded in the office of the county register of deeds, notice is imparted to all persons of the contents thereof, from the time of filing the same for record."
- ⁴²Oklahoma Attorney General from 1963 to 1967, and a member of the OCC from 1969 to 1975: "A Primer on Forced Pooling of Oil and Gas Interests in Oklahoma", 50 OBJ 648 (1979); 16 O.S. §31.
- ⁴³52 O.S. §87.4.
- ⁴⁴*Crater v. Wallace*, 1943 OK 250, ¶15-16, 140 P.2d 1018, 1020 (holding that an affidavit filed without statutory authority making its contents constructive notice is not constructive notice); other existing statutes have, since 1985, allowed the filing of informational affidavits to give constructive notice of certain matters, but such permitted content does not include these kinds of changes in mineral title, 16 O.S. §§82-83; Oklahoma Examination Title Standard 3.2: Affidavits and Recitals.
- ⁴⁵*Curtis v. Bd. of Education of Sayre Public Schools*, 1995 OK 119, ¶9, 914 P.2d 656, 659.
- ⁴⁶52 O.S. §87.
- ⁴⁷*In re Cornerstone E & P Company*, 436 B.R. 830, 852 (2010), N.D. Texas, Dallas Division.

Supreme Court Approves New 'Retired Member' Classification as a Membership Option

By Carol Manning

The greying of the legal profession has been forecast for many years, and the reality has arrived -- fewer new lawyers entering the profession and the majority of OBA members over the age of 50. On Dec. 5 the Oklahoma Supreme Court approved the creation of a new Retired Member classification, which was overwhelming approved by the OBA House of Delegates at the November OBA Annual Meeting.

Effective Jan. 1, 2018, an Active Member in good standing who reaches the age 70 and is no longer engaged in the practice of law may notify the OBA executive director to request Retired Member classification. Retired Members will be relieved from paying dues and may purchase a subscription to the *Oklahoma Bar Journal* at a reduced price. Members who were previously classified as Senior Members may change their classification to Retired Member by submitting a written request to the OBA executive director with a statement that he or she is no longer practicing law. Both Retired and Associate Members shall not be voting members. A form requesting the classification change can be found at www.okbar.org.

Also effective after Jan. 1, 2018, all members 70 years of age or older, who are actively engaged in the practice of law, and who are not Senior Members,

Associate Members or Retired Members shall pay dues in the amount specified for those in practice for more than three years. Currently, that amount is \$275.

OBA Executive Director John Morris Williams said, "OBA membership dues are among the least expensive of state bar associations in the U.S. with no increase since 2004. In researching the OBA's long-term financial stability, the Strategic Planning Committee found that 12.8 percent of members (1 in 10) had opted to take senior status -- enjoying all the benefits of membership without paying dues. The number of new admittees has decreased and will continue to remain down, so the "reloading" effect of new admittees replacing senior members is no longer the case. This change was needed to keep the OBA fiscally healthy and to avoid a dues increase."

Current senior members will retain that classification unless they request a change; however, no new members will be added.

If you have questions, contact OBA Executive Director Williams at johnw@okbar.org, 405-416-7000 or 800-522-8065.

Ms. Manning is OBA communications director.

Rules Creating and Controlling the Oklahoma Bar Association

Article II, Section 2

Members of the Association shall be divided into four classes, namely, (a) Active Member, (b) Senior Member, (c) Associate Member and (d) Retired Member. No other categories of membership may be allowed. The annual dues shall be paid according to Art. VIII, § 1. *Tweedy v. Oklahoma Bar Assoc.*, 624 P.2d 1049, 1052 (Okla. 1981); *R.J. Edwards, Inc. v. Hert*, 504 P.2d 407, 415 (Okla. 1972); *In re Integration of State Bar*, 185 Okla. 505, 95 P.2d 113 (1939).

(a) Active Members. Active Members shall be all members not enrolled as Senior Members, Retired, or Associate Members.

(b) Senior Member. An Active Member in good standing who was seventy years of age as of the first day of January 2018, and previously became a Senior Member by filing with the Executive Director his or her statement, setting forth the month, day and year of birth and requesting Senior Member classification. Thereafter, he or she shall be entitled to all the privileges and advantages of an Active Member in the Association without payment of further dues, with the exception that he or she shall not receive the Bar Journal free of charge. If a Senior Member desires to receive the Bar Journal, he or she shall pay for an annual subscription, the cost of which shall be based upon production and mailing costs. No additional members shall be added to this classification after January 1, 2018. After January 1, 2018, all members who are seventy (70) years of age or older, who are actively engaged in the practice of law, and who are not Senior Members, Associate Members or Retired Members shall pay dues in the amount specified for those in practice for more than three (3) years.

(c) Associate Member. A member in good standing who files, or on whose behalf there is filed, with the Executive Director, a statement that, by reason of illness, infirmity, or other disability, he or she is unable to engage in the practice of law shall become an Associate Member of the Association for the duration of such illness, infirmity or other disability until restored to the former classification. An Associate Member shall not engage in the practice of law or be required to pay dues during such period. He or she may, on annual request, receive the Bar Journal during his or her disability. The member, on causing an appropriate showing thereof to be made to the Executive Director, shall be reclassified to be an Active Member and shall be required to pay the dues applicable thereto beginning January 2nd next following such reclassification and to pay the cost of the Bar Journal during such disability if he or she has elected to receive it.

(d) Retired Member. An Active Member in good standing who reaches age seventy (70) on, or after January 2nd, 2018 and is no longer engaged in the practice of law may notify the Executive Director, in writing, that he or she wishes to be designated as a "Retired Member." Such request shall include a statement that the member is not engaged in the practice of law in any jurisdiction. Members who request Retired Member classification shall be relieved from paying dues and may purchase the Bar Journal and other member benefits that might be made available at a price equal to the cost to the Oklahoma Bar Association in providing the member benefit. An Active Member requesting Retired Member classification must have reached age seventy (70) prior to January 2nd of the year he or she is requesting to be reclassified to Retired Status and relieved from paying dues. Those members who were previously classified as Senior Members prior to the adoption of this subsection may change their classification to Retired Member if a request in writing is submitted to the Executive Director with a request for the reclassification and a statement that the requesting member is no longer engaged in the practice of law.

(e) Reclassification to Active Membership – Showing Competence. Whenever a member seeks restoration to Active Member classification after the lapse of two (2) years or less, he or she may be reinstated as provided in Rule 11.8 of the Rules Governing Disciplinary Proceedings. After the lapse of more than two (2) years, an Associate Member may be restored to Active Member classification upon compliance with Rule 11.1 through Rule 11.7 of the Rules Governing Disciplinary Proceedings.

(f) Voting Members Defined. Active and Senior Members shall constitute the voting members of the Association. Associate and Retired Members shall not be Voting Members.

They Ruined a Good Country Song

By John Morris Williams

Recently, in a meeting with staff to discuss a news story on limited scope legal services, we were discussing that the most likely clients of limited scope services would be “divorce” clients. I was quickly reminded that Oklahoma no longer has “divorce,” but instead “dissolution of marriage.” I responded, “Now that just would not work with the Tammy Wynette 1968 hit.” Then I had to explain to the city slickers and millennials in the room about the song and the artist. Oh well, probably not a subject I should have attempted humor to begin with.

The point I was trying to make is that the terms the Legislature and lawyers use often do not align with public parlance. As an aside, most of those terms will not make good country songs. Terms like “limited scope legal services” won’t rhyme and will never have a good beat. So, when you add “dissolution of marriage” to “limited scope legal services,” not only will it not make the top 40 country hit list, no one absent a few lawyers will ever even understand what it means.

In my continuing quest to communicate the big changes coming to the practice of law, I suggest that those who market best in understandable terms will do best. I can’t believe we are in a time when we talk about marketing, but that is clearly where we are. Those of us who are old school and built our practices solely on peer and client referrals

tend to find this new world of marketing a bit offensive to our concept of professionalism. That is unfortunate because like “dissolution of marriage” ruined a good country song, the internet has greatly eroded a time-honored way of doing business.

Not everyone will go to the internet to look for legal services. Most will. Millennials buy online. According to a Jan. 20, 2015, article in *Forbes Magazine*, millennials like to engage with brands on social networks and favor brands that give back to the community. So not only do you need an internet presence, you must have a social network brand and advertise your community involvement. None of that is worth singing about, but it is important to maintaining the law office of today.

The time was that voluntary pro bono hours were encouraged to make one “professional.” Today giving away services is not near as popular as giving away tangibles, like food and clothing. You can’t do a photo opp with pro bono like you can with free hams and turkeys. This is not to be critical of such efforts, it is just to point out what was successful or contemplated in 1968 is no longer germane.

I believe keeping lawyers involved in the practice of law at all levels best serves the public. The time is now to start thinking in terms of what services traditionally underserved client populations want, how they want them delivered and how we can make

them faster and more affordable. We need to talk about issues and services in terms the public can understand and appreciate.

The untold numbers of street corner signs advertising “Divorce \$99” don’t say a thing about “dissolution of marriage.” Nor do they mention they are unregulated and primarily selling forms one can get from copying a file at the courthouse for a whole lot less. Yet, there they are marketing in plain terms for a price that seems more affordable. We need to get to the point where the signs say “Divorce \$____ Real Lawyer” and get creative about ensuring lawyers are well-versed and capable in providing relatively inexpensive limited scope services.

Successful lawyers of the future have to be about something different than the time when the end of a marriage was called “divorce.” We have to communicate better, project our competence and community involvement in almost egotistical ways, and we have to find ways to deliver low-cost, high-quality legal services to ensure everyone has access to justice. If we do not ensure that ALL the public has access to justice by competent lawyers, I fear more than a good county and western song may be in peril.

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

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 oklahoma.freelegalanswers.org
for information or to sign up!**



**OKLAHOMA FREE LEGAL ANSWERS
IS A PROJECT OF:**

Oklahoma Bar Association
Oklahoma Access to Justice Commission
American Bar Association

The Future of Law

By Jim Calloway

There has been a lot written and said about the future of law. It is very interesting to observe how many of those future trend predictions are now coming to fruition. So, despite the danger of possible embarrassment risked with predictions and prognostications, let's talk about the future of law.

One prediction I can make without concern that it might not occur is most lawyers will be operating from digital client files in the very near future, if they are not already. The time-saving efficiencies and business continuity benefits from using practice management software tools and digital client files are too compelling to ignore. Most large law firms have already made this adjustment and, if the number of inquiries we receive are any indication, many smaller law firms are now doing so as well.

Another safe prediction is that cybersecurity concerns will be an increasingly serious matter for both law firms and businesses of all kinds. There are many resources for lawyers to obtain information on good cybersecurity practices.

BLOCKCHAIN, BITCOIN AND CRYPTOCURRENCIES

I do recall that day years ago when I seriously considered

whether I should buy a few bitcoin just to see how it worked. The price was well under \$100. I had occasion to think about that last year when the price of bitcoin rose to \$5,000 and then \$10,000. The value of bitcoin is so volatile that it may still not be considered a "safe" investment.

Bitcoin is the most well-known cryptocurrency. Cryptocurrencies are implemented by a technology called blockchain. Mention blockchain and many people have the same response, "what's that?"

A blockchain ... is a continuously growing list of records, called blocks, which are linked and secured using cryptography. Each block typically contains a hash pointer as a link to a previous block, a timestamp and transaction data. By design, blockchains are inherently resistant to modification of the data. *Harvard Business Review* defines it as "an open, distributed ledger that can record transactions between two parties efficiently and in a verifiable and permanent way." For use as a distributed ledger, a blockchain is typically managed by a peer-to-peer network collectively adhering

to a protocol for validating new blocks. Once recorded, the data in any given block cannot be altered retroactively without the alteration of all subsequent blocks, which requires collusion of the network majority.¹

Bitcoin is a digital currency that does not depend on banks or any government. That concept will sound scary to some individuals and very comforting to others, but blockchain powers and will power much more than "just" digital currency.

SMART CONTRACTS

Blockchain and the Law: The Rule of Code is a book to be published in April. The authors are Primavera De Filippi, a researcher based in Paris and a faculty associate at the Berkman Center for Internet & Society at Harvard Law School, and professor Aaron Wright, director of Cardozo Blockchain Project and Tech Startup Clinic at Cardozo School of Law. The authors note that disintermediation – a blockchain's greatest asset – avoids critical regulation, potentially undermining the capacity of governmental authorities to supervise activities in banking, commerce, law and other vital areas.

Contracts are typically, as we lawyers say, “reduced to writing” on paper, but society is becoming more accepting of contractual agreements that are not printed on paper (e.g. every Amazon transaction). Smart contracts are coming to the business community and therefore into the lives of lawyers who advise businesses.

A smart contract is a contract that will be written in computer code rather than on paper. These contracts will be self-executing. A contract may be self-executing by combining it with various blockchain tools including payment avenues through bitcoin or another cryptocurrency.

One blockchain tool would verify shipment and receipt. A

be executed in a manner that would be impossible to contest since the blockchain-linked provisions.

Lawyers will have a lot of questions and concerns about smart contracts, but lawyers and coders will be the ones who develop smart contracts. Corporate clients will pay a lot of attention when they learn there cannot be any post-contract litigation with smart contracts. Development of these tools is not mature yet, but there is a huge potential demand and many smart people are working on this.

LIMITED SCOPE LEGAL SERVICES

With the July 19 adoption of District Court Rule 33 Limited

though many observers see it as an area where services should, and will be, provided by form-fillable commercial websites and others without a law license.

Lawyers have traditionally been “full-service” providers, and the idea of providing limited scope services takes a bit of contemplation. My view is simple. Lawyers are the best and most qualified individuals to do legal work, so why should they avoid helping those who cannot afford or do not wish to have full scope legal services with their legal problems? This is an evolving area. The OBA/CLE program “Delivering Limited Scope Services Effectively and Safely” is available on-demand at www.bit.ly/LimitedScope.

“no appearance is entered as counsel of record”

different tool might provide for random selection and testing for quality control.

When the contract is executed, funds are immediately escrowed, and the contract process will be underway. Funds would only be dispersed as the terms of the contract are verified by interlocking blockchain connections. Breach of the contract would still be possible. Deadlines might not be met or the quality control testing could reject nonconforming merchandise, but that breach would be handled under the contract’s self-executing provisions relating to cure or default. A successfully completed smart contract would

Scope Representation, lawyers now have clear guidance that they should disclose to the court any time they are helping self-represented parties prepare pleadings or other documents for filing or presentation to the court. Other documents might include helping a small claims plaintiff prepare a summary of damages with attached receipts to expedite their small claims hearing. Lawyers should also include the phrase “no appearance is entered as counsel of record” on a document filed with the court if they do not wish to enter an appearance.

Helping the self-represented will be an area of future growth for lawyers in my view, even

DIFFERENT TYPES OF DISPUTES AND DIFFERENT WAYS TO RESOLVE THEM

An Oklahoma lawyer recently encountered a novel situation. A potential client had sold a big-ticket item to someone via eBay. Payment was by credit card, and the item was shipped and received. Subsequently, something happened that severely damaged the item. The buyer complained to eBay, and the transaction was reversed. This would appear to be a very unjust result.

When I first started practicing law, this would have been a straightforward legal representation. If the seller received payment by check and

the check had cleared, then it would've been up to the buyer to take the next step by filing a court action. If the buyer successfully stopped payment on the check, then the seller would either sue to collect on the check or consult with the district attorney's office to see if this was a criminal violation they would be interested in pursuing.

Today this particular situation is more complex. eBay has a dispute resolution center and both sellers and buyers have agreed to some clickwrap terms of service that may impact their rights. Timely notice to a credit card processor about a chargeback to preserve one's rights is very important. If the payment had been made via PayPal, then PayPal has its own resolution center.

In this situation, the lawyer will be best served to initially use internet searching rather than traditional legal research. A search will return many results, and the lawyer will then have to review online posts and consumer guides. The lawyer may have no idea of the credentials of those who wrote these guides, and we are trained not to rely on sources we do not know to be authoritative, but reading various items gives one a good idea of how to proceed and also reveals that there are many, many eBay disputes. eBay is said to resolve around 60 million disputes per year globally.² After some research for this column, I now wonder how many lawyers currently advise clients about eBay and other e-commerce disputes as a significant part of their practices.

SELF-DRIVING CARS

General Motors announced at the end of November 2017 it

will begin mass-producing fully autonomous electric cars by the end of 2019. A GM official stated that a new GM ridesharing service competing with Uber and Lyft could ultimately be bigger than its current business of simply selling cars.³

My personal opinion is that retirees will be early adopters of ditching car ownership in favor of autonomous ride hailing services. Someone who has to commute to work every day may be reluctant to depend on a ride hailing service for some time, but as autonomous vehicles prove dependable and start replacing traditional automobiles, the idea of paying a purchase price, maintenance, insurance, tags and repairs as opposed to using an app on your phone to cause a vehicle to appear in your driveway will become very inviting to many. I also believe that older citizens will soon prefer the idea of boarding an autonomous vehicle instead of getting in a taxi with a stranger.

Consider for a moment the infrastructure that has been created about automobile liability insurance and automobile negligence cases. There are many who still recoil at the idea of self-driving vehicles, but on-the-road experience so far indicates that automobile accidents and particularly fatalities will be enormously reduced with a driverless fleet of cars.

A significant amount of spending on legal services today is related to accidents and injuries related to automobiles. This change in society will change the career path of many lawyers and that is without even considering other consequences such as impaired and intoxicated drivers being removed from behind the wheel.

CONCLUSION

There are a lot more trends to discuss. There have been many articles written on whether artificial intelligence will replace attorneys. My opinion is there will be many attorneys using artificial intelligence tools to work more efficiently, but, for most lawyers, the label "artificial intelligence" is not as useful as appreciating that increasingly smart machines will do more of our routine and repetitive tasks in the very near future, but lawyers have to appreciate and install these tools. E-discovery is now done through predictive coding tools. Analytics of judicial rulings will emerge as one tool to assist in predicting how the judge might rule.

The world keeps changing. Our tools will evolve, but lawyers' commitments to represent their clients to the best of their ability and assist their clients with solving their pressing problems will be unchanging.

ABOUT THE AUTHOR

Mr. Calloway is OBAManagement 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. It's a free member benefit!

¹en.wikipedia.org/wiki/Blockchain [emphasis added]

²Colin Rule, "Designing a Global Online Dispute Resolution System: Lessons Learned From eBay," 13 *U. St. Thomas L.J.* 354, citing eBay-Style Online Courts Could Resolve Smaller Claims, BBC News (Feb. 16, 2015), www.bbc.com/news/uk-31483099.

³Peter Valdes-Dapena, "GM: Self-driving Cars Are Our Next Big Thing," *CNN Tech* (Nov. 30, 2017: 5:58 PM ET), money.cnn.com/2017/11/30/technology/gm-autonomous-cars-2019/index.html.



Looking for an OBJ article?

HeinOnline lets you view, print or download any article or issue going back to 1930. Access it to through MyOKBar.



It's a free member benefit!

File Retention and Destruction

By Joe Balkenbush

How long a lawyer is obligated to retain a client file and the recommended method for destroying it continues to be a regular subject of conversation here in the Office of the Ethics Counsel. The majority of lawyers believe files should be maintained for three to seven years. I have no idea how that urban myth ever came about, but the truth is that there is no “rule” as to how long client files must be retained.

The Oklahoma Rules of Professional Conduct (ORPC) do not provide specific direction or guidelines on the subject of file retention, with the exception of ORPC Rule 1.15(a), which requires that complete records of client account funds and other client property be kept for five years after termination of the representation. An attorney should keep all trust account records, including but not limited to trust account bank statements, copies of deposits, copies of checks, billing records and specific notes regarding any and all transactions concerning the trust account. It is also recommended that the client file associated with the trust account be retained for the same period of time, in case any questions arise regarding what was or was not done regarding that particular file.

Both the Office of the General Counsel and Office of the Ethics

Counsel are of the opinion that a reasonable policy for file retention would be to use the five-year rule imposed on trust account records as a starting point. One of the best rules to go by is to use your own good common sense. The length of time a file should be retained depends on the type of case and/or the contents of the file. Consider, for example:

- Cases involving a minor should be maintained until the age of majority.
- Probate, estate and guardianship matters
- Contracts or other agreements that are still in effect
- Cases in which a judgment should be renewed
- Files establishing a tax basis in property
- Criminal law files
- Child support and custody files in which the children are minors or the support obligation continues
- Corporate books and records
- Adoption files
- Intellectual property files
- Real estate title claims and title insurance work
- Files of problem clients

Ultimately, the decision should be based on factors such as statutes of limitations, other substantive law, the nature of the particular case and the client’s needs. A lawyer

should also consult his or her malpractice carrier for any specific requirements the carrier might have regarding document retention.

WHAT SHOULD I RETAIN FROM A CLIENT’S FILE?

All lawyers and law firms should implement a written file storage, management and retention policy and should follow the policy uniformly. Considerations for the retention policy include:

Files will be maintained only for a specified period of time;

Original documents will be returned to the client immediately after use or upon conclusion of the representation;

The client may have the file or a complete copy of the file, but must pay appropriate retrieval charges (if stored off-site) and copy charges;

If not retrieved by the client, the file will be destroyed once the time period passes;

Clients should be sent a closing letter notifying them of their right to take any documents not previously furnished to them and advising them of the date that the file documents will be destroyed;

The law firm’s file retention policy should be set out in the fee agreement, or as an exhibit.

When closing your file, return original documents to clients or transfer them to their

new attorneys. Be sure to get a receipt for the property and keep the receipt in your paper or electronic file.

The first step in the file retention process begins when you are retained by the client. Your fee agreement or a document retention section attached as an exhibit should notify the client that you will (unless unusual circumstances) eventually destroy the file and should specify when that will occur. The client's signature on the fee agreement will provide consent to destroy the file. Avoid holding the client's original documents and return them as soon as possible.

The second step in the file retention process is when the file is closed. When closing the file, send the client a closing letter notifying of a specific destruction date, and calendar that date, or you can make sure the client has a complete copy of the file. This includes all pleadings, correspondence, and other papers and documents necessary or useful for the client to construct a file for personal use. If you choose the latter alternative, be sure to document that the client has a complete file. This means that the paper or electronic file you have in your office is yours (and can be destroyed without permission) and the file the client has is the client's copy. File closing is also a good time to advise clients of your firm's policy on retrieving and providing file material once a matter is closed.

The final step in the file retention process involves reviewing the firm's electronic records for client-related material. Electronic data may reside on network servers, cloud-based servers, extranets, intranets, the internet, local

hard drives of firm PCs, laptops, home computers, disks, flash drives, PDAs, smartphones or other media. Examples include email communications, instant messages, electronic faxes, digitized evidence, word processing or other documents generated during the course of the case. Review these sources to ensure that the client file is complete. If these documents exist only in electronic form, you may choose to store them electronically or print them out and place them in the appropriate location in the client's file.

If you possess electronic data containing clients' personal information, you may be required by federal or state law to

destroying any client file, review it carefully. Some files need to be kept longer than others, as noted previously. Others may contain conflict information that needs to be added to your conflict database or original documents of the client, which should never be destroyed. Always retain proof of the client's knowledge and acquiescence to destruction of the file. This is easily done by including the client's consent in your fee agreement and document retention policy (which has been approved by the client) and retaining the closing letters with your inventory of destroyed files. Follow the same guidelines when evaluating whether to destroy electronic records.

A lawyer must protect a client's confidences when disposing of file contents. This generally means that the file must be shredded or

incinerated. Care should be taken if these tasks are contracted to outside companies. The lawyer should ensure that documents are disposed of without review by the contractor's employees or others. You should retain an index of destroyed files, copies of your fee agreement as well as the closing letter or other correspondence which notifies the client of your file retention policy.

Other than ORPC Rule 1.15, there is no hard and fast rule for how long client files should be retained. Should you have a question regarding specific situation, always feel free to contact the Office of the Ethics Counsel to discuss your concerns.

“make sure the client has a complete copy of the file”

develop, implement and maintain safeguards to protect the security and disposal of the data. Be certain you comply with such requirements.

MAY I STORE FILE MATERIAL ELECTRONICALLY?

There is no requirement that you must maintain a “paper” file. If you have gone to a paperless office or are just trying to cut down on paper, it is proper to store file material electronically. The key is to be sure and “back up” your files. It is best to do so offsite. In the case of a computer failure, you will be able to access all electronically stored information.

ORGANIZATION AND DESTRUCTION OF CLOSED FILES

Keep a permanent inventory of files you destroy and the destruction dates. Before

ABOUT THE AUTHOR

Mr. Balkenbush is OBA ethics counsel. Have an ethics question? It's a member benefit and all inquiries are confidential. Contact him at joeb@okbar.org or 405-416-7055; 800-522-8065.

Meeting Summary

The Oklahoma Bar Association Board of Governors met on Wednesday, Nov. 1, 2017, at the Hyatt Regency Hotel in Tulsa in conjunction with the OBA Annual Meeting.

BOARD MEMBER REPORTS

Governor Oliver reported he will attend the Law Schools Committee meeting. **Governor Porter** reported she coordinated and presented an advanced DUI program at the Oklahoma Bar Center.

REPORT OF THE GENERAL COUNSEL

A written report of Professional Responsibility Commission actions and OBA disciplinary matters for October was submitted to the board for its review.

EXECUTIVE SESSION

The board voted to go into executive session to discuss the salary schedule portion of the proposed budget. The board met and voted to come out of executive session.

2018 PROPOSED OBA BUDGET

The board voted to approve the 2018 proposed OBA budget and to send it to the Supreme Court for its consideration.

OKLAHOMA BAR FOUNDATION APPOINTMENT

The board approved President Thomas' recommendation to appoint LeAnne McGill, Edmond, to the OBF Board of Trustees with a term expiring Dec. 31, 2020.

ANNUAL MEETING NUMBERS

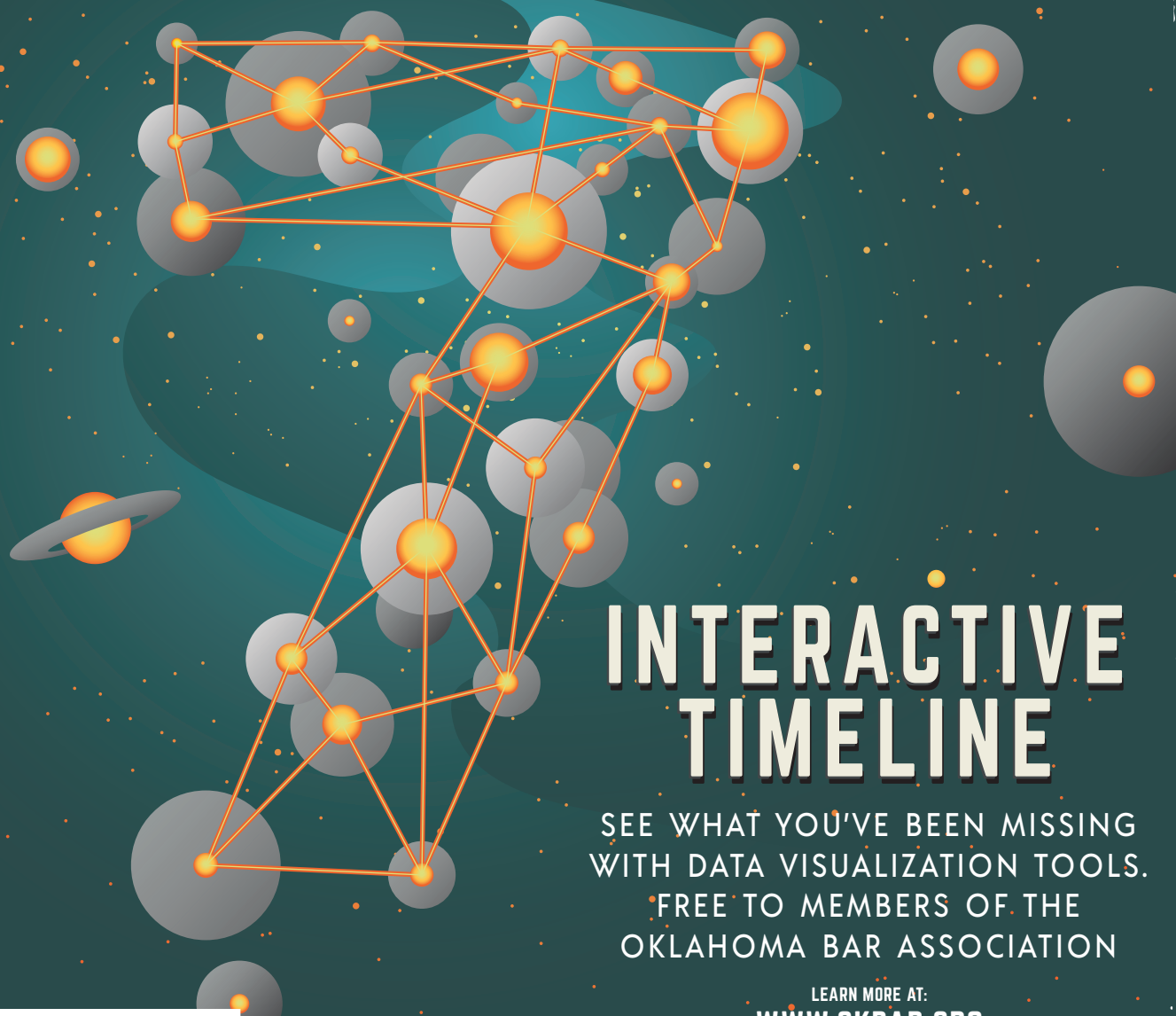
President Thomas shared details about the series of emails sent to bar members in all 77 counties giving away and discounting Annual Meeting registration. She reported the number of preregistered

attendees was about the same or a little higher than last year. She also shared how many of the limited-edition OBA Rustic Cuff bracelets were still available for purchase at the meeting. In discussing Annual Meeting attendance, it was noted many judges are open to issuing a continuance if a lawyer is attending the bar convention. Governor Kee reported that was definitely the case in Stephens County.

NEXT MEETING

The Board of Governors met in December 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 2 p.m. Thursday, Jan. 11, at the Oklahoma Bar Center in Oklahoma City.

CONNECT THE FACTS



INTERACTIVE TIMELINE

SEE WHAT YOU'VE BEEN MISSING
WITH DATA VISUALIZATION TOOLS.
FREE TO MEMBERS OF THE
OKLAHOMA BAR ASSOCIATION

LEARN MORE AT:
WWW.OKBAR.ORG



Get to Know 2018 President Alan Souter



Law School: University of Kansas

Graduation Year: 1993

Current Employer: Self – business and real estate finance, development and construction

Location: Tulsa

Why did you decide to be a lawyer?

I wanted to get a joint MBA and law degree and work in banking, but decided to work as a lawyer after taking trial advocacy my third year of law school. Now I work in business- and real estate-related areas.

Explain the leadership roles you hold in your profession or community and why these responsibilities are important to you.

I have served as secretary / treasurer, vice president, president-elect and I am currently serving as president on the OBF Executive Committee. Serving on the OBF board is important to help ensure all Oklahomans maintain access to the justice system. I also served on the OBA Board of Governors from 2007-2009 and several OBA committees, to contribute time and leadership to the OBA. I've also been involved with the American Cancer Society in leadership roles for the last five years, after losing my father and also a great friend to cancer.

What would you tell current law students and young associates about the importance of professional and civic responsibility?

Giving back to the legal profession and your community is a major factor in establishing great communities and friendships, and lawyers are uniquely qualified to really make a difference in their hometowns and states.

What is one thing you're glad you tried but would never do again?

There are two things – a two-week trial and hot pepper sauce that was not close enough to the bottom of the Scoville scale.

What is your biggest pet peeve with modern technology?

That every year I have to ask my children more and more how things work.

What is on your bucket list?

I'd like to visit several places in Europe.

What are your goals as 2018 OBF president?

In recent years the OBF has grown – in the size of our foundation, the number and amount of grants awarded and grantees, and establishing the new position and hiring a director of development and communications. My goal is to continue building on the work of recent past OBF presidents by ensuring all of our procedures, systems, bylaws and grant cycles are reviewed, revised if needed and documented for future OBF trustees.

Your support changes lives!

Fellows Programs

Fellows – for individuals

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

Community Fellows – for organizations or businesses

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

Memorials & Tributes

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

Unclaimed Trust Funds

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

Interest on Lawyer Trust Accounts (IOLTA)

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

Cy Pres Awards

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



**OKLAHOMA
BAR FOUNDATION**
Law. Education. Justice.



Give online at
www.okbarfoundation.org/donate

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

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

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



Service Is Our Profession

By Nathan D. Richter

Happy new year! I always love this time of year. The new year signals a fresh start, a renewed spirit and an opportunity to write a new chapter in the novels of our lives. It's a chance for one to set goals and objectives, which gives us purpose and direction, and another reason to get out of bed every morning. This year, the YLD's goal and objective will be a focus on service to others.

Before I begin, close your eyes, and ask yourself this question – what was the driving reason behind your choice to become a lawyer? I have a feeling most of us arrived at a similar answer. I believe if we all did some serious soul searching, we would find that the glue that binds our profession together is our common goal of serving. Whether it be service to clients, to our communities or to our government, we tirelessly labor to help those who have a need for our particular set of skills. Service is one of our core values that drives us to get involved and make a positive difference in the lives of others. We've all heard, at one point in time or another during our lives, that giving is better than receiving. In other words, we've come to understand that prioritizing giving places us in a position to receive that which will follow our giving.

I've often asked myself "why?" We all get a warm feeling when we

hear of extraordinary people going to great lengths to have a positive impact on someone's life. Why is it that we are driven to help? As a whole, serving others logically doesn't make sense. After all, you have a finite amount of energy, time and resources, and your first priority is likely yourself and your family. Your survival, after all, depends on it. Seems cold, harsh, almost offensive doesn't it?

Ralph Waldo Emerson may have said it best, "The purpose of life is not to be happy. It is to be useful, to be honorable, to be compassionate, to have it make some difference that you have lived and lived well." When I read this quote, I'm often reminded of another parable I was told growing up. It begins with a grandfather and a grandson walking along a beach, when they happen upon thousands of star fish stranded on the beach. With the tide ebbing, the grandson begins walking along, picking up star fish and throwing them back into the ocean. The grandfather quickly realizes what his grandson is doing, and seeing the magnitude of the task, says to his grandson, "What are you doing? You cannot possibly make a difference with all of these star fish." The grandson, as he throws a star fish into the ocean, responds "I did for that one!"

Enter stage right, the YLD. If there was one focus for the YLD in 2018, it's to focus on making a

positive difference in the lives of others – not just in our profession, but also in our communities. From those in their first year of practice to those in their 50th year of practice, I encourage you all to get involved in volunteerism. Be the change you wish to see in the world, which starts by devoting precious time and energy in serving others. Whether you volunteer at a legal clinic to answer questions for those who otherwise cannot afford a lawyer, devote time to stuffing food boxes for delivery to the hungry or organize a drive to collect suits and dresses so the criminally accused have proper courtroom attire for their trials, it's the little things that make the most difference in our communities and reflect positively on our profession. I encourage you to take a long, hard look into your community to see where the gaps are, where the need exists and find ways to meet that need.

HOW THE YLD PLANS TO SERVE

As for the YLD, we are committed to our traditional service projects, such as preparing and distributing bar exam survival kits and speaking to classrooms of teenagers informing them of the legal ramifications of turning 18 years old. In 2017, members of the YLD traveled to the Regional Food Bank in Oklahoma City and spent half a day filling food orders

to ship to areas where hunger has not been defeated. Remember, even with the abundant blessings of the United States, there are children in our communities that go hungry. We are also committed to new service projects, such as an app for teens to access information about their legal rights from their smartphones, as well as projects to enhance access to justice for those who are impoverished.

In addition to volunteering in your communities, I encourage all young lawyers to get active with the YLD. Attend a monthly board meeting, serve on a committee, attend the OBA's Solo & Small Firm Conference or the OBA Annual Meeting. We want to hear your thoughts, ideas or – frankly – the struggles you're experiencing as a young lawyer. Together we can work to make our communities a better place to live and raise a family, and enhance the image and reputation of our profession. To find out more, visit the YLD webpage on www.okbar.org, and be sure to like us on Facebook at www.facebook.com/obayld. You can also email me directly at nathan@dentonlawfirm.com.

Also, as you endeavor to help others, please let us know how you or your office is making a difference in your community! Please drop us an email with your story or post it on our Facebook page. We want to hear from you!

Finally, I would be remiss if I didn't take a moment and thank a few of the folks who believed in me enough to take a chance on me and help me get to where I am today. Not to overlook my family, who played an enormous part in my journey, and many other friends and mentors to whom I owe a debt of gratitude I could never repay, I specifically want to thank Jennifer Castillo, LeAnne McGill McGraw, Bryon Will and

Immediate Past Chair Lane Neal. Jennifer and LeAnne encouraged me to get involved in the YLD, and for that I have been eternally blessed. As fellow YLD members, Bryon and Lane have been with me in the trenches, doing the work, and as a result, have become endearing friends and confidants. Those relationships may not have matured to where they are today without the YLD and the

opportunity it creates to network and build relationships. Thank you, and cheers to a promising and exciting 2018!

ABOUT THE AUTHOR

Nathan Richter practices in Mustang and serves as the YLD chairperson. He may be contacted at nathan@dentonlawfirm.com. Keep up with the YLD at www.facebook.com/obayld.



At the Oklahoma Regional Food Bank are (back row) Tony Morales, YLD Chair Nathan Richter, Director Clayton Baker, Andre Farinha, Past Chair Lane Neal, Director Dylan Erwin (front row) Director Brittany Byers, Director Melanie Christians and Leslie Gile.

FOR YOUR INFORMATION

OBA Members Give Back to Their Communities

The holidays are a great time to give to those less fortunate and this year several OBA members, law firms and county bar associations are giving in a huge way.

The Payne County Bar Association raised more than \$1,800 to purchase coats and toys for 33 Salvation Army Angel Tree children.

Ritchie, Rock & McBride Law firm sponsored 10 children from an Angel Tree organized by the City of Pryor Chamber of Commerce. They bought Christmas gifts and winter clothing for each child.



A Salvation Army worker meets PCBA member Jimmy Oliver to pick up the coats and toys purchased for 33 Angel Tree children.

LHL Discussion Group Hosts February Meeting

"Practicing Forgiveness in the Practice of Law" will be the topic of the Feb. 1 meeting of the Lawyers Helping Lawyers monthly discussion group. Each meeting, always the first Thursday of the month, is facilitated by committee members and a licensed mental health professional. The group meets from 6 to 7:30 p.m. at the office of Tom Cummings, 701 N.W. 13th St., Oklahoma City. There is no cost to attend and snacks will be provided. RSVPs to onelife@plexisgroupe.com are encouraged to ensure there is food for all.

Aspiring Writers Take Note

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

OBA Member Resignations

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

Lynn Edward Frame
OBA No. 13033
2280 E. 39th
Tulsa, OK 74105

Susan Ann Knight
OBA No. 14594
3901 Brownwood Lane
Norman, OK 73072

Kathy Jo Kucharski
OBA No. 5132
1111 Race Street, Unit 6A
Denver, CO 80206

Gabriel Rivera
OBA No. 14454
P.O. Box 7837
Moore, OK 73153

Roger Duane Trana
OBA No. 10706
5515 Gladehill Dr.
Kingwood, TX 77345

James G. Warren
OBA No. 9367
20831 N. 110th Avenue
Sun City, AZ 85373



BENCH AND BAR BRIEFS

ON THE MOVE

Monica Amis Wittrock was named senior vice president and national director of underwriting for the Direct Division of First American Title Insurance Co. in Oklahoma City. She received her J.D. in 1982 from the OU College of Law.

Larry E. Finn joined the Oklahoma City-based law firm Parrish DeVaughn. He will practice as the firm's head trial attorney and lead its litigation team.

Lyman G. Lenker IV joined the Oklahoma City-based law firm Miller & Johnson PLLC as an associate. He received his J.D. from the OU College of Law in 2017.

Robert J. Barron founded the new Salt Lake City-based firm Barron, Lawrence and Lawrence with partners Steve Lawrence and Jared Lawrence. The firm will focus in the areas of immigration defense, immigration benefits and criminal defense.

Gabby Sharp joined the Edmond-based Wallis Law Group. She is a recent graduate of the OU College of Law, and her practice will focus on estate planning and probate.

KUDOS

Jessie Oakley Felmlee of Tulsa, **Jerry Brown** of Oklahoma City and **Jessica Ortiz-Sanchez** of Lawton received the Pro Bono Award from Legal Aid Services of Oklahoma Inc.

OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

2018 ISSUES

FEBRUARY

Transactional Law

Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Oct. 1, 2017

MARCH

Family Law

Editor: Patricia Flanagan
Patriciaaflanaganlawoffice@cox.net
Deadline: Oct. 1, 2017

APRIL

Law Day

Editor: Carol Manning

MAY

Science & the Law

Editor: C. Scott Jones
sjones@piercecouch.com
Deadline: Jan. 1, 2018

AUGUST

Education Law

Editor: Luke Adams
ladams@tisdalohara.com
Deadline: May 1, 2018

SEPTEMBER

Bar Convention

Editor: Carol Manning

OCTOBER

Sports Law

Editor: Shannon Prescott
shanlpres@yahoo.com
Deadline: May 1, 2018

NOVEMBER

Torts

Editor: Erin L. Means
erin.l.means@gmail.com
Deadline: Aug. 1, 2018

DECEMBER

Ethics & Professional Responsibility

Editor: Leslie Taylor
leslietaylorjd@gmail.com
Deadline: Aug. 1, 2018

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

IN MEMORIAM

William B. “Bill” Buxton of Duncan died Nov. 19. He was born Oct. 5, 1943, in Oklahoma City. He graduated from Ada High School. Following graduation, he attended TU and the TU College of Law, receiving his J.D. in 1969. After serving as chief of staff for then-candidate Gov. David Hall, he moved to Duncan, where he practiced with Leach, Sullivan, Green & Buxton. He served as first assistant district attorney for Stephens County and was a special district judge for the 6th Judicial District of Oklahoma for 14 years. During his years on the bench, he established the Stephens County Drug Court. After his retirement from the bench in 2006, he taught government classes at Cameron University and provided pro bono legal services at his law firm. He was a member of All Saints Episcopal Church, where he served on the vestry. Memorial donations can be sent to Legal Aid Services of Oklahoma, 323 SW C Ave. Lawton, 73501.

John Anthony Claro of Oklahoma City died Nov. 19. He was born Nov. 3, 1941, in Harrisburg, Illinois. He attended Corpus Christi Catholic School and Bishop McGuinness Catholic High School. After high school, he attended St. Edward’s University in Austin, Texas where he was on the boxing and tennis teams. After completing his undergraduate degree at

OU, he received his J.D. from the OU College of Law in 1965. **He served as a JAG officer for the 45th Infantry Division of the Army National Guard.** For many years, he was a partner at Barefoot, Moler & Claro. He loved to hunt with his dogs, travel, cheer on the Sooners and watch wildlife in the woods. Donations in his honor may be made to the OU College of Law, the OCU Innocence Project or Hearts for Hearing.

Gerald C. Dennis of Antlers died Nov. 27. He was born July 27, 1947, in Stockton, California. **He served in the Vietnam War as a U.S. Army officer.** After returning from active duty, he started school at the OCU School of Law and received his J.D. in 1975. After his admission to the bar, he partnered with Jim Branam to form Dennis & Branam Law Firm where they practiced for 42 years. He served in the Oklahoma Senate representing District 5 for two terms from 1980 to 1988. He was a member of the Church of Christ. Memorial donations can be sent to Disabled American Veterans of Oklahoma at 1403 S. Wighway 51 #112, Coweta 74429.

Robert L. Elston of Green Valley, Arizona, died March 11, 2016. He was born June 5, 1917. He graduated from Arkansas City High School in 1936. **He served in World War II. As a captain, he was**

awarded the Bronze Star. He was a 1950 graduate of the TU College of Law. His career led him to work for Sun Oil Co., Sinclair International Oil and Atlantic Richfield, where he attained the position of president of Sinclair International Oil Co. and later vice president of Atlantic Richfield Far East Exploration. He was a member of the American Bar Association and the American Petroleum Institute.

Joseph C. Long of Norman died November 22. He was born Sept. 26, 1939, in Aurora, Missouri. He received a Bachelor of Arts in 1961 and a J.D. in 1963 from the University of Missouri-Columbia. In 1972, he earned a LL.M. from the University of Virginia. Mr. Long began his legal education career in 1966 as an assistant professor at the University of South Dakota. He was appointed graduate fellow at the University of Virginia in 1968 and was named an assistant professor at Stetson University in 1969, finally joining the OU College of Law faculty in 1970. He taught at OU for 31 years, retiring in 2001. During his tenure at OU, Mr. Long also was special counsel for the North American Securities Administration Association Inc. Additionally, he was an associate general counsel and consultant for the Oklahoma Securities Commission and co-reporter for the Revised Uniform Securities Act, National Conference of

Commissioners of Uniform State Laws. **He served in the Judge Advocate Core of the Army.**

Clovis Alfred McKenzie of Oklahoma City died Nov. 24. He was born Jan. 19, 1921, in Coello, Illinois. Mr. McKenzie earned a Bachelor of Science and a J.D. from the University of Illinois. **His education was interrupted by World War II, when he enlisted as a private in the U.S. Army. He was honorably discharged in 1945 as a first lieutenant.** He moved to Oklahoma City in 1947, where he joined the Legal Department of Kingwood Oil Co., eventually rising to the position of vice president and general counsel. He left Kingwood to form an oil and gas law firm. He enjoyed mentoring young lawyers in the practice of oil and gas law. He played the tenor saxophone with numerous bands and orchestras for more than 75 years. He was a founding member of the First Christian Church, where he also served as deacon.

Jerry Russell Nichols of Tulsa died Nov. 22. He was born March 24, 1942, in Los Angeles. He was a graduate of Putnam City High School. In 1964, he received a Bachelor of Science in business from OSU. In 1969, he earned his J.D. from the TU College of Law. From 1976 to 2006, he served as president of Nichols, Wolfe, Stamper, Nally, Fallis & Robertson. He joined Hall Estill as of counsel in 2007. He was a co-founder and director of Fintube Limited

Partnership and numerous banks and savings and loan institutions in Oklahoma. He served on the Tulsa Foundation, the OSU Tulsa President's Cabinet, as a director of the TU College of Law Alumni Association, OSU Foundation Board of Governors and Trustees and the OSU Alumni Association Executive Committee. Mr. Nichols was involved in the Rotary Club, Boy Scouts of America, United Way and Tulsa Opera. Donations in his honor may be made to the American Heart Association.

Edwin Price Ramsey of Los Angeles died March 11, 2013. He was born May 9, 1917, in Illinois. He graduated from the Oklahoma Military Academy (Rogers State College) in 1938. **In 1941, he served in active duty with the 26th Cavalry Regiment in Campo, California. He was sent to the Philippines following the Japanese invasion of the Philippines. He was awarded the Silver Star for leading the last U.S. Army Horse Cavalry charge on the village of Morong, Bataan Peninsula, in 1942.** He is author of *Lieutenant Ramsey's War*, published in 2002. He was inducted into the Oklahoma Military Hall of Fame in 2010. After the war, he attended the OU College of Law and earned his J.D. in 1952. After law school, he represented Hughes Aircraft Co. in Japan, and later formed companies in Taiwan and the Philippines. In retirement, he moved to Los Angeles to become

a public speaker and lobbyist for veteran's affairs. He enjoyed playing polo and riding horses.

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

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

Articles for the March issue must be received by Feb. 7.

In Memoriam

2005 OBA President Michael D. “Mike” Evans



Oct. 23, 1946 - Dec. 17, 2017

A celebration of life for former Frederick attorney Michael D. Evans, age 71, of Arcadia, will be at 10 a.m. Thursday, Dec. 21, 2017, at the First Baptist Church, 201 East Grand, Frederick, with the Rev. Charles Wyatt and the Rev. Eddie Whitworth officiating. Private family burial will be in the Carney Cemetery under direction of Jackson Funeral Home of Frederick.

He was born on Oct. 23, 1946, in Columbus, Missouri, and was raised in Council Bluffs, Iowa. He attended Oklahoma State University 1965-1969 and was a member of the OSU track team. After graduating from OSU, he joined the Army National Guard. He later attended law school at the OU College of Law, graduating in

1973. He married Vonnie Evans on May 24, 1969, and after he graduated from law school, they moved to Frederick.

Mr. Evans was an active member in his community including serving as a deacon at the First Baptist Church of Frederick. Over the years, he practiced law as an assistant district attorney, as a general practitioner at the law office of Massad, Evans & Kent, as the administrator of the courts for the Supreme Court of Oklahoma, and most recently, worked with his son-in-law, Clint Whitworth, at the law office of Whitworth, Wilson & Evans in Edmond.

He was the recipient of the Oklahoma Bar Association's Award for Ethics and served as OBA president in 2005. A highlight of

his presidential year was dedication of the Jim F. Gassaway Justice House built and funded by OBA members in partnership with Central Oklahoma Habitat for Humanity.

He was known as a person who loved the Lord, loved his family and friends, loved to run, loved his work, loved his community, and certainly loved his Dr. Pepper. He will be greatly missed by all who knew and loved him. Survivors include his wife, Vonnie Evans, and his daughter, Kelly Evans Whitworth and her husband Clint, who are OBA members.

Memorial contributions may be made to the Oklahoma Medical Research Foundation - Heart Division.

Get Involved With the OBA

Did you make a resolution to become more involved with the OBA in 2018? Sign up for a committee or section and get involved in a meaningful way.



www.okbar.org/members/committees/committeesignup

33 Ways to Exercise at Work

Two of the most popular New Year's resolutions are weight loss and starting an exercise program, but sitting at work five days a week can make sticking to these resolutions difficult. Try these 33 sneaky exercises for a healthier and happier workday.



Goo.gl/Vr7Z4F

Make 2018 More Productive

In today's world, distractions are everywhere – on our cell phones, the internet, the streets outside our offices. So, how do you achieve quiet mental and physical space? Here are several suggestions to help you achieve focus and become more productive.



Goo.gl/9HzeZ3

Earn Your CLE Now!

Don't repeat last year's mistake! Avoid last-minute stress by getting a jumpstart on your CLE for 2018.



www.okbar.org/members/CLE

CLASSIFIED ADS

SERVICES

OF COUNSEL LEGAL RESOURCES – SINCE 1992 – Exclusive research and writing. Highest quality: trial and appellate, state and federal, admitted and practiced U.S. Supreme Court. Over 25 published opinions with numerous reversals on certiorari. **MaryGaye LeBoeuf 405-728-9925, marygayelaw@cox.net.**

INTERESTED IN PURCHASING PRODUCING AND NONPRODUCING MINERALS; ORRi. Please contact Greg Winneke, CSW Corporation, P.O. Box 23087, Oklahoma City, OK 73123; 210-860-5325; email gregwinne@aol.com.

BRIEF WRITING, APPEALS, RESEARCH AND DISCOVERY SUPPORT. Eighteen years' experience in civil litigation. Backed by established firm. Neil D. Van Dalsem, Taylor, Ryan, Minton, Van Dalsem & Williams PC, 918-749-5566, nvandalsem@trsvlaw.com.

HANDWRITING IDENTIFICATION POLYGRAPH EXAMINATION

Board Certified	Court Qualified
Diplomate – ABFE	Former OSBI Agent
Life Fellow – ACFE/FBI	National Academy

Arthur D. Linville 405-736-1925

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

SUPERSEDEAS/APPEAL/COURT BONDS. Quick turn-around – A+ rated companies. Contact John McClellan – MBA, Rich & Cartmill, Inc. 9401 Cedar Lake Ave., Oklahoma City, OK 73114. 405-418-8640; email jmccllellan@rcins.com.

DENTAL EXPERT WITNESS/CONSULTANT

Since 2005
(405) 823-6434
Jim E. Cox, D.D.S.
Practicing dentistry for 35 years
4400 Brookfield Dr., Norman, OK 73072
JimCoxDental.com
jcoxdds@pldi.net

SERVICES

RETIREMENT ON THE HORIZON?

If you have enjoyed developing estate plans and business transactions in your practice, are considering options for transitioning into retirement, would like to have those clients well-served into the future and have that arrangement be financially beneficial to you, please contact us at attorneyretiring@gmail.com.

OFFICE SPACE

LUXURY OFFICE SPACE – One executive corner suite with fireplace (\$1,265/month). Office has crown molding and beautiful finishes. A fully furnished reception area, conference room and complete kitchen are included, as well as a receptionist, high-speed internet, fax, cable television and free parking. Completely secure. Prestigious location at the entrance of Esperanza located at 153rd and North May, one mile north of the Kilpatrick Turnpike and one mile east of the Hefner Parkway. Contact Gregg Renegar at 405-285-8118.

OFFICE SPACE FOR LEASE IN ESTABLISHED FIRM. Space located in Boulder Towers at 1437 S. Boulder Ave., Suite 1080, Tulsa, OK. Space includes two conference rooms, kitchen, reception area, security and free parking. \$750 per month. Contact Christine Fugate at 918-749-5566 or cfugate@trsvlaw.com.

SOLO AND SMALL OFFICE PRACTITIONERS IN TULSA – Luxury office space available inside an established law practice. Perfect space for 1-3 persons. Beautifully remodeled modern space with all high-end finishes. All new amenities include a fully furnished reception area, large conference room, kitchen, fax, copy, high-speed internet, receptionist services, security cameras, free parking and onsite banking services. Completely secured and prestigious midtown location at Chase Bank at Oxford Place. Please call or text to 918-698-6910 for an appointment.

OFFICE SPACE

PREMIUM DOWNTOWN OKC OFFICE SPACE – five corporate style offices with magnificent views are available on the 27th floor in “Class-A” building (each \$1,600/month or other options will be considered). Walking distance to state and federal courthouses and other downtown amenities. Spaces also available for support staff. Access to secured furnished reception area, receptionist, two conference rooms, copier, high-speed internet and kitchen. Parking options available. Contact Elana at 405-778-8000.

POSITIONS AVAILABLE

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

RUBENSTEIN & PITTS, PLLC, EDMOND LAW FIRM SEEKS FULL-TIME LEGAL ASSISTANT to assist with 2-3 attorneys. The applicant will have experience in preparation, review and organization of pleadings, discovery and transaction documents, docketing deadlines, scheduling meetings, depositions and billing time. Must be proficient in Microsoft Office Suite. Please send cover letter, resume and references to TheEdmondlawfirm@gmail.com.

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 Margaret Travis, 405-416-7086 or heroes@okbar.org.

NW OKC AV RATED FIRM SEEKS associate attorney for research and writing, drafting pleadings and commercial transactions. All replies held in strict confidence. Please send resume with salary requirement to needokcattorney@gmail.com

POSITIONS AVAILABLE

EDMOND/OKC LAW FIRM SEEKS TITLE ATTORNEY. Experience with Oklahoma title and HBP title preferred. Please submit cover letter, resume and references to Bcato@dcslawfirm.com.

DOMESTIC AND CIVIL LITIGATION FIRM IN NW OKC SEEKING ASSOCIATION ATTORNEY with 0-5 years' experience. Must possess strong writing and verbal communication skills. Also seeking administrative assistant with strong communication skills. Please send resumes and salary preference to info@smithsimmons.com.

RUBENSTEIN & PITTS, PLLC, EDMOND LAW FIRM SEEKS FULL-TIME ASSOCIATE with 2-6 years of experience to assist with business, employment law, transactions and litigation. Excellent writing, analytical skills, interpersonal skills, motivation and strong academics are required. Full range of benefits and competitive salary. Send cover letter, resume, references and writing sample to TheEdmondlawfirm@gmail.com.

PROGRESSIVE, OUTSIDE-THE-BOX THINKING BOUTIQUE DEFENSE LITIGATION FIRM seeks a nurse/paralegal with experience in medical malpractice and nursing home litigation support. Nursing degree and practical nursing care experience a must. Please send resume and salary requirements to edmison@berryfirm.com.

ASSISTANT DISTRICT ATTORNEY needed in Atoka County, Oklahoma. District attorney Emily Redman seeks an experienced PROSECUTOR for a single attorney office. Duties include prosecuting a wide range of criminal and juvenile cases. In addition, the successful applicant will act as legal advisor to county officials. Strong research and writing skills are also required. Salaried position with full state benefits. Submit resume, writing sample, references and cover letter to Emily Redman, District Attorney, 117 N. Third, Durant, OK 74701 or email the same to emily.redman@dac.state.ok.us.

SEEKING ATTORNEY TO TAKE OVER OKLAHOMA CITY PRACTICE. Practice established in 1966. Now primarily bankruptcy, but can be expanded to general practice. Call 405-949-5544.

POSITIONS AVAILABLE

EXPERIENCED ESTATE PLANNING & BUSINESS TRANSACTION FIRM is hiring an attorney for its Edmond location. The firm is a fast-paced estate planning and business transactional firm with multiple offices across Oklahoma, Texas, Arizona and New Mexico. The firm is seeking only highly qualified candidates with experience in the following: trust administration, probate, general estate planning and corporate transactions. Must be knowledgeable in the areas of law, personable and a self-starter. No existing book of business necessary but welcomed. Salary is commensurate on experience and current client base, if applicable. The firm offers opportunities for advancement, a flexible schedule, a matching 401k plan, 100 percent of premiums for life/vision/dental insurance, and an exceptional work environment. Send your resume and cover letter to "Box EE", Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

TRINITY LEGAL CLINIC, AN OKLAHOMA NONPROFIT, IS SEEKING F/T STAFF ATTORNEY to provide legal representation to low-income individuals. Primary practice areas: family law, minor criminal law matters and poverty law civil matters. Admission to the Oklahoma bar required. Submit résumé and cover letter to P.O. Box 7868, Edmond, OK 73083.

THE CITY OF MUSKOGEE is searching for a municipal judge alternate. Previous experience as a practicing attorney in criminal law or municipal court trial practice preferred. Please visit our current opening at www.cityofmuskogee.com and submit our employment application with resume to jkennedy@muskogeeonline.org. EOE.

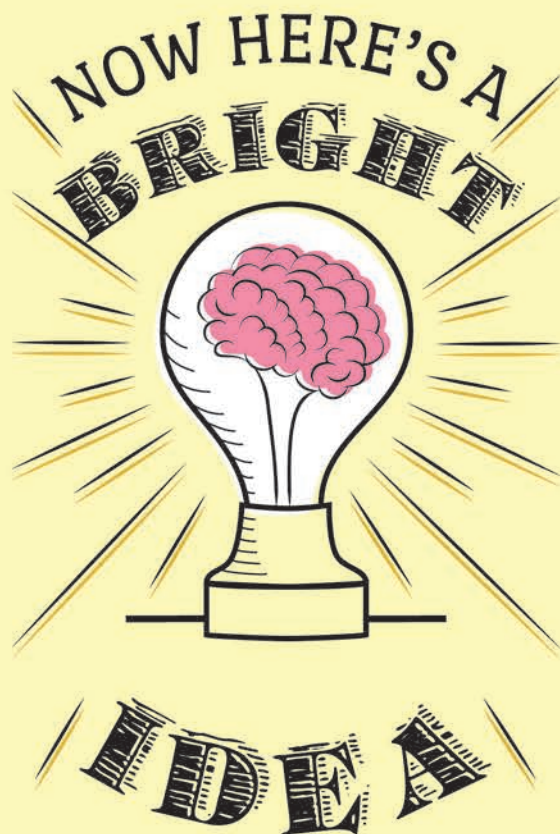
CLAREMORE FIRM SEEKING BRIGHT AND PERSONABLE ASSOCIATE ATTORNEY for civil and criminal litigation. Domestic, criminal, personal injury, general civil litigation. Regular trial work. \$45,000 to \$60,000 annual pay plus potential shareholder opportunity. Submit resume to Price & Sears, P.C., 400 S. Muskogee Ave., Claremore, OK 74017. Hiring decision will be made by Feb. 9.

ATTORNEY POSITION OPEN FOR WORK IN THE OKLAHOMA CITY metropolitan area beginning early January 2018. Moderate to heavy criminal defense caseload. Experience preferred, but not mandatory. Base pay of \$3,500 per month with opportunity for additional income available. Office space, secretary and malpractice insurance provided. Additional benefits not provided. Send a letter of interest, writing sample and resume to "Box CD," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

BARNUM & CLINTON, PLLC, in Norman, Oklahoma, is accepting applications for an associate attorney position. Workers' compensation experience is preferred but not required. 0-4 years of experience. Send resume, salary requirement, writing sample and references to cbarnum@coxinet.net, or mail to P.O. Box 720298, Norman, OK 73070. EOE.

FOR SALE

FOR SALE: Retiring attorney offers a busy and profitable solo private practice in growing Tulsa metro market community with established 26 year history. Turn-key operation with transferrable client base, marketing plan and all office furniture included. Flexible terms of sale. Contact Perry Newman at 918-272-8860 to discuss offer.



ADVERTISE IN THE BAR JOURNAL

Making a big announcement, have an open position or renting office space? Reach more than 16,000 subscribers in the bar journal! Classified ads start at just \$35. Color ads are available in 10 sizes plus premium positions. Contact advertising@okbar.org to get started.

On Becoming A ‘Real Lawyer’

By Gary W. Dart

In my senior year, I became an intern and enrolled in OU’s Legal Clinic. Of all the cases I was assigned, the one that grabbed me was defending a mother of five in a termination of parental rights case. She hadn’t harmed them, but had used poor judgement in placing them with others while she was away, and now their lives together as a family depended on me.

I dove into her case with both feet. I cut my hair, interviewed witnesses, researched the law, spent hours with my client and wrote everything up to help me guide her through her testimony and me through my argument. I thought it didn’t matter that we would be before the District Judge Elvin Brown – we were ready, and truth and justice were on our side.

When it was time to call my client to the stand, I got out my

written questions and began helping her tell her story. And then it happened. “Objection – leading the witness,” came from someone, followed by “sustained,” from Judge Brown. Hmm. I continued reading my next question. “Objection – assumes facts not in evidence.” “Sustained,” said the judge. Ok, so on to the next question. “Objection.” “Sustained,” said the judge, but this time he said something more. “What’s that you are reading from, young man?” asked Judge Brown. “These are just the questions I have worked up, your honor,” I responded.

And then he said, “I don’t mind taking up a little time helping the legal education process, but this isn’t getting us anyplace. Put those pages over there on that table and then proceed.” Horror gripped me as

I took all my preparation across the room, and then continued on my feet without a net. We did all right. Their pediatrician testified as to the good care my client gave her children, and Judge Brown decided not to terminate her rights that day.

As a young lawyer, I appeared before Judge Brown whenever I could. He was a man of good judgment who expected lawyers to be prepared, to respect the decorum of the court and to always be a credit to our profession. Learning how to practice law before Judge Elvin Brown made one able to practice before anybody. I miss him. It was judges like him who taught me how to be the best “real lawyer” that I could be.

Mr. Dart is retired and lives in Norman.



LEGAL TECHNOLOGY & LAW PRACTICE MANAGEMENT INSTITUTE

A must for attorneys, paralegals, support staff and IT professionals

FEBRUARY 2 & 3, 2018

21C MUSEUM HOTEL 900 W MAIN ST, OKC

SPECIAL ROOM RATE - \$149 BEFORE JANUARY 19, 2018

ONE OF THE BEST NEW HOTELS IN THE WORLD - TRAVEL + LEISURE, IT LIST 2017



FEATURING: BARRON HENLEY & PAUL UNGER

YOU WILL LEARN:

- Ways to improve your legal practice
- Strategies for solving your office technology problems
- How to prevent disclosure of confidential information
- And much more!

**CLE CREDITS:
9 HOURS INCLUDING
2 ETHICS FOR BOTH DAYS**



**FIRST 50 TO REGISTER
FOR BOTH DAYS**

Will be entered into a drawing for an iPad mini



oba ccle
continuing legal education

FOR DETAILS AND TO REGISTER GO TO: WWW.OKBAR.ORG/MEMBERS/CLE/LEGALTECHINSTITUTE

Stay up-to-date and follow us on



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

oba • cle
continuing legal education

UPCOMING WEBCASTS

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

Wednesday, January 17
**Discover Hidden an Undocumented
Google Search Secrets**
*Presented by CLEseminars.com
with Carole Levitt, Esq. & Mark Rosch*

Friday, January 19
Advanced Google Search for Lawyers
*Presented by CLEseminars.com
with Carole Levitt, Esq. & Mark Rosch*

Saturday, January 20
The 2018 Ethy Awards
Presented by Mesa CLE with Humorist Sean Carter

Monday, January 22
**Social Media as Investigative
Research and Evidence**
*Presented by CLEseminars.com
with Carole Levitt, Esq. & Mark Rosch*

Tuesday, January 24
Nice Lawyers Finish First
Presented by Mesa CLE with Humorist Sean Carter

Tuesday, January 30
**Don't Be an Outlaw:
The Ethical Imperative to Follow the Law**
Presented by Mesa CLE with Humorist Sean Carter

Wednesday, January 31
The Ethics of Social Media Research
*Presented by CLEseminars.com
with Carole Levitt, Esq. & Mark Rosch*

Wednesday, February 7
**If You Can't Say Something Nice, Shut Up!
The Ethical Imperative for Civility**
Presented by Mesa CLE with Humorist Sean Carter

Wednesday, February 14
**The Ties That Bind: Avoiding Inappropriate
Entanglements in the Practice of Law**
Presented by Mesa CLE with Humorist Sean Carter