

ALSO INSIDE: Integrated Estate Planning
New Judicial Leaders • Private Takings in Oklahoma

THE OKLAHOMA BAR Journal

Volume 90 — No. 1 — January 2019

A photograph of a man with short, light-colored hair, wearing a dark blue suit jacket, a white shirt, and a patterned tie. He is sitting on a wide, light-colored stone staircase. To his right, there is an ornate, dark metal railing with intricate scrollwork. The background is a warm, golden-yellow color, possibly from a light source or a wall. The man is looking towards the camera with a slight smile.

*Meet Your Bar
Association*

President Charles W.
"Chuck" Chesnut

Ma ka hana ka 'ike



— Learn and Explore —

CLE BY THE SEA 2019

HONOLULU, HAWAI'I - FEBRUARY 11-15, 2019

ALASKA BAR ASSOCIATION · COLORADO BAR ASSOCIATION CLE · FLORIDA BAR ASSOCIATION · STATE BAR OF GEORGIA
HAWAI'I STATE BAR ASSOCIATION · IDAHO BAR ASSOCIATION · INTERNET FOR LAWYERS · KANSAS BAR ASSOCIATION
MAINE STATE BAR ASSOCIATION · MARYLAND BAR ASSOCIATION · STATE BAR OF MONTANA · OKLAHOMA BAR ASSOCIATION
OREGON BAR ASSOCIATION · SOUTH CAROLINA BAR · TENNESSEE BAR ASSOCIATION · WASHINGTON BAR ASSOCIATION · WYOMING STATE BAR

**ATTENDEES WILL FIND THE CLE PROGRAMMING SCHEDULE
AND EVENTS IDEAL FOR LEARNING AND RELAXATION.**

HOTEL INFORMATION:

PRINCE WAIKIKI, 100 HOLOMOANA STREET HONOLULU, HAWAII 96815

RESERVATIONS: (800) 321-6248

Oklahoma: 14.5 hours including 10 hours of ethics (based on a 50-minute credit hour).

TUITION \$550




LAWPAY IS FIVE STAR!



LawPay has been an essential partner in our firm's growth over the past few years. I have reviewed several other merchant processors and no one comes close to the ease of use, quality customer receipts, outstanding customer service and competitive pricing like LawPay has.

— Law Office of Robert David Malove

Trusted by more than **35,000** firms and verified '**5-Star**' rating on  Trustpilot

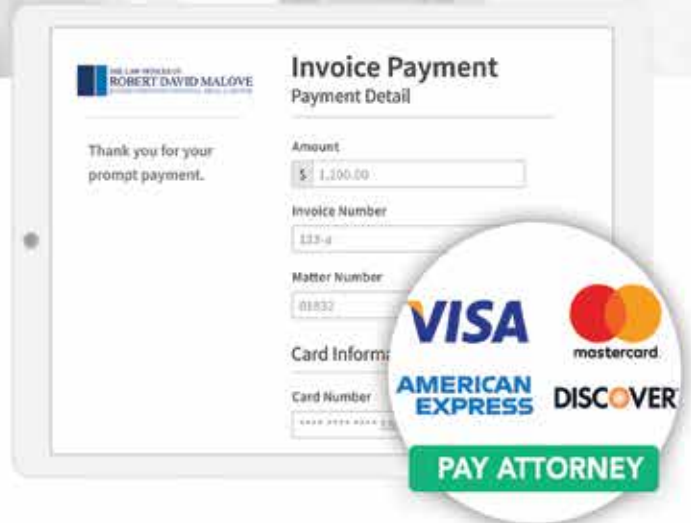
LAWPAY[®]

AN AFFINIPAY SOLUTION

THE #1 PAYMENT SOLUTION FOR LAW FIRMS

Getting paid should be the easiest part of your job, and with LawPay, it is! However you run your firm, LawPay's flexible, easy-to-use system can work for you. Designed specifically for the legal industry, your earned/unearned fees are properly separated and your IOLTA is always protected against third-party debiting. Give your firm, and your clients, the benefit of easy online payments with LawPay.

866-275-2206 or visit lawpay.com/oba



LawPay is proud to be a vetted and approved Member Benefit of the Oklahoma Bar Association.



Special offer for bar members.
Call for details

Sweet.



New frequency discounts. New bundle options.
Design services available. Pretty sweet.

Studies consistently show consumers spend more time engaging with print ads and retain more information presented in print ads versus digital ads. Reach more than 15,500 homes and offices with the *Oklahoma Bar Journal*.

www.okbar.org/ads



THE OKLAHOMA BAR Journal

contents

January 2019 • Vol. 90 • No. 1

THEME: MEET YOUR BAR ASSOCIATION

Editor: Carol Manning

FEATURES

- 6 2019 OBA PRESIDENT CHUCK CHESNUT
By LACEY PLAUDIS
- 12 OBA OFFICERS AND BOARD OF GOVERNORS
- 20 OBA DEPARTMENTS AND SERVICES
- 26 MEMBER BENEFITS AND DISCOUNTED SERVICES
- 31 STAY CONNECTED WITH YOUR ASSOCIATION
- 32 OBA SECTIONS

PLUS

- 40 NEW LEADERS TAKE HELM OF OKLAHOMA'S
TWO HIGHEST COURTS
- 42 INTEGRATED ESTATE PLANNING FOR THE
PROJECTION AND SUCCESSION OF THE
FAMILY BUSINESS
By PHILIP R. FEIST
- 50 PRIVATE TAKINGS IN OKLAHOMA UNDER
ARTICLE 11, §23 OF THE OKLAHOMA CONSTITUTION
By STEPHEN P. GRAY AND M. SCOTT MAJOR

DEPARTMENTS

- 4 FROM THE PRESIDENT
- 54 FROM THE EXECUTIVE DIRECTOR
- 56 LAW PRACTICE TIPS
- 60 ETHICS & PROFESSIONAL RESPONSIBILITY
- 63 BOARD OF GOVERNORS ACTIONS
- 65 OKLAHOMA BAR FOUNDATION NEWS
- 68 YOUNG LAWYERS DIVISION
- 70 FOR YOUR INFORMATION
- 73 BENCH AND BAR BRIEFS
- 74 IN MEMORIAM
- 76 EDITORIAL CALENDAR
- 77 WHAT'S ONLINE
- 80 THE BACK PAGE



PAGE 40 – New Judicial Leaders



PAGE 42 – Integrated Estate Planning

The Year Ahead

By Charles W. Chesnut

I LEARNED FROM MY FATHER, who was a lawyer, civic leader and public servant, that making a living as a lawyer and making a difference in the world are complementary and completely doable. It is a high honor to serve as your president in 2019. As president, I come to this position with a sense of pride in our association and true respect for the task of representing the membership of the Oklahoma Bar Association. I am not one for making lofty promises. However, the bar was set high prior to my coming to this position, and I promise I will do my best to leave things as good or better than I found them.

Serving as president of this association is a tremendous challenge personally – it pushes one outside one’s comfort zone in many ways. Yet it also presents a wonderful opportunity to continue to build on the accomplishments of former OBA leaders. When I look at the history of the OBA and those who have served in the past as OBA presidents, it makes me both proud and humble to be elected as president of this organization. I will work to steer our association in a direction that will serve our membership well, help make us better lawyers and people, and fairly and responsibly regulate our legal profession. I have always believed that is the job of a bar association.

The team guiding the OBA in 2019 is outstanding. Our President-Elect Susan Shields of Oklahoma City, and our Vice President Lane Neal, also of Oklahoma City, have both compiled outstanding records of leadership in the OBA. Susan has been very involved over the years in the OBA and has served with distinction in a number of

capacities. We will be fortunate to have her lead the association in 2020. Lane has been very involved with the OBA YLD and is a past chair of that group. He will be a leader in our association for years to come. I am grateful they have chosen to dedicate their time and talent to our organization.

My goal this year is simple – keep doing well the things we do well and work diligently on the areas that need improvement. We will continue to provide great service to our members.

I would like to recognize our Past President Kim Hays. Last year, she not only practiced law full time, but she ably filled the role of OBA president, was a wife to Alan and a mom to Noelle and Parker. That didn’t leave a lot of time for Kim. Serving as OBA president is a time-consuming venture. It makes huge demands on one personally and professionally. When you see Kim, please thank her for dedicating a year of her life to this job.

We have 17 members on our Board of Governors. They come from all parts of the state and all walks of life. They are a talented group of individuals. They come together monthly in an effort to provide positive direction to our bar association. I have been impressed when I have asked them to serve in any capacity, they have willingly accepted the charge. That kind of person is wanted everywhere. I am proud we have them leading this association.

(continued on page 55)



A handwritten signature in black ink that reads "Chuck".

President Chesnut practices in Miami.
charleschesnutlaw@gmail.com
918-542-1845

THE OKLAHOMA BAR JOURNAL is a publication of the Oklahoma Bar Association. All rights reserved. Copyright© 2019 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 Pierce Nester, Katherine Ogden, Steve Sullins, *Assistant General Counsels*

Les Arnold, Julie A. Bays, Gary Berger, Debbie Brink, Melody Claridge, Cheryl Corey, Ben Douglas, Dieadra Florence, Johnny Marie Floyd, Matt Gayle, Suzi Hendrix, 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 90 — No. 1 — January 2019

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
[laceyp@okbar.org](mailto:laceypl@okbar.org)

LAURA STONE
Communications Specialist
lauras@okbar.org

BOARD OF EDITORS

MELISSA DELACERDA, Stillwater, Chair

LUKE ADAMS, Clinton

CLAYTON BAKER, Vinita

AARON BUNDY, Tulsa

PATRICIA A. FLANAGAN, Yukon

AMANDA GRANT, Spiro

VIRGINIA D. HENSON, Norman

C. SCOTT JONES, Oklahoma City

SHANNON L. PRESCOTT, Okmulgee

LESLIE TAYLOR, Ada



OFFICERS & BOARD OF GOVERNORS

CHARLES W. CHESNUT, President, Miami;
LANE R. NEAL, Vice President, Oklahoma City; SUSAN B. SHIELDS, President-Elect, Oklahoma City; KIMBERLY HAYS, Immediate Past President, Tulsa; MATTHEW C. BEESE, Muskogee; TIM E. DECLERCK, Enid; MARK E. FIELDS, McAlester; BRIAN T. HERMANSON, Ponca City; JAMES R. HICKS, Tulsa; ANDREW E. HUTTER, Norman; DAVID T. MCKENZIE, Oklahoma City; BRIAN K. MORTON, Oklahoma City; JIMMY D. OLIVER, Stillwater; MILES T. PRINGLE, Oklahoma City; BRYON J. WILL, Yukon; D. KENYON WILLIAMS JR., Tulsa; BRANDI NOWAKOWSKI, Shawnee, Chairperson, OBA Young Lawyers Division

The Oklahoma Bar Journal (ISSN 0030-1655) is published monthly, except 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 that includes the Oklahoma Bar Journal Court Issue supplement delivered electronically semimonthly. Law students registered with the OBA and senior members 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.

2019 OBA President Chuck Chesnut

By Lacey Plaudis

CHARLES W. “CHUCK” CHESNUT WAS BORN AND RAISED in the small town of Miami, Oklahoma. “Miami was a great place to grow up. You’ve got a lot of great friends, and you never get into a lot of serious trouble, but there were always mischievous things you could get into.” Miami has a population of approximately 13,000 people and is home to Northeastern Oklahoma A&M Junior College.

Chuck’s father, a second-generation Oklahoma attorney, attended Northeastern Oklahoma A&M before attending school at George Washington University in Washington D.C. “That’s where he met my mother. My mother grew up in Washington D.C.” After Chuck’s father graduated from law school the two got married and moved to Miami to set up a law practice.

YOUNG CHUCK

Chuck was the youngest of four children, and the only boy. “My sisters, Elizabeth, 10 years older, Susan, 4 years older and Linda, two years older, thought I was a brat, probably not without reason.” Chuck’s oldest sister, Elizabeth, dealt with his brattiness in particularly ingenuous ways.

At 14, Elizabeth enjoyed reading in an atmosphere of peace and quiet. Being a rambunctious 4-year-old, Chuck’s preferences differed considerably from his eldest sister’s.

One year, Santa left me an awesome drum. I loved the drum. I went around the house beating



Chuck in 1964

the drum all day long. Finally, around 4 o’clock that Christmas afternoon, Elizabeth came to me with a pair of scissors. “Chuck,” she said, “I don’t think you understand. Your real present is inside the drum.” She handed me the scissors and of course I cut open the drum to find the real present. I looked at her because obviously there was no present inside the ruined drum. “Oh, I’m sorry” she said as she

flopped out of the room. Except for 30 minutes of my uninterrupted crying, she had obtained her objective of peace and quiet the rest of Christmas day.

SMALL TOWN GRAPE LEAVES

Miami’s small-town feel created a sheltered environment for Chuck and his friends to be kids and get into a bit of trouble.

I remember when I was probably 10 or 11 years old and this lady had some grapevine growing on her fence. One of my friends and I went by and we cut off some of the grapevine, lit it and started smoking it. I got home 15 or 20 minutes later and my mother said “so how did you like the grapevine?” I said, “what” and she replied “well you were smoking grapevine, how did you like it?” I said, “how would you know that?” She said, “the neighbor saw you cutting it and smoking it and she called me.” That’s what happens when you grow up in a small town. Everybody just looks out for everybody else’s kids.

CAREER ASPIRATIONS

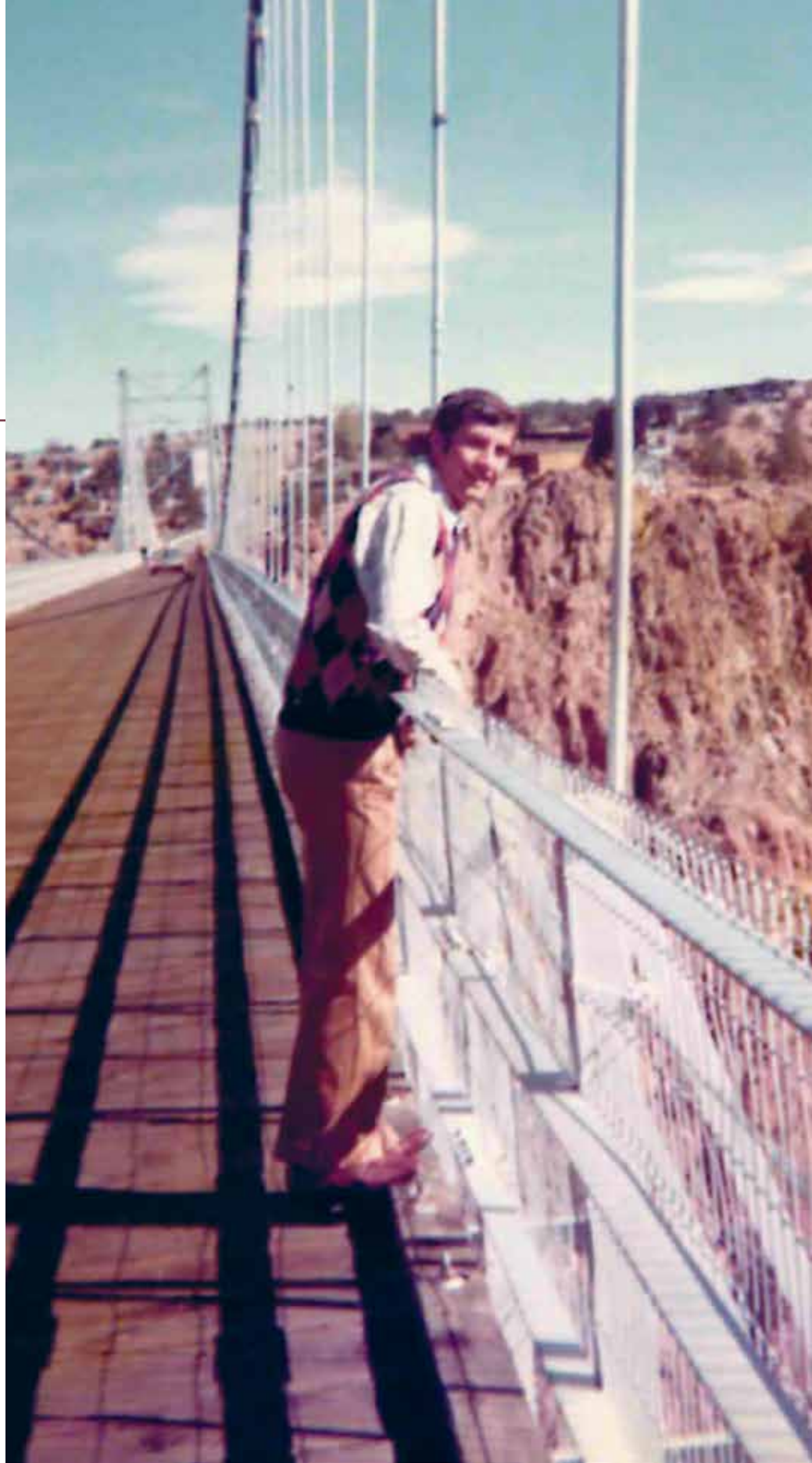
Although Chuck always knew he wanted to be an attorney, he once dreamed of different career aspirations. “When I was 4 or 5 I wanted to be a trash collector. I wanted to ride on the trash truck. I thought they had a great job.”

Like most kids, Chuck did odd jobs in the summer. “My mother asked me if I would pull weeds out of a lady’s garden. She had a lot of flowers. I worked really hard for about one day, and she payed me about a dime an hour. Sixty cents if I remember right. I decided that gardening wasn’t one of those things I wanted to do permanently.”

Though his trash collecting or weed pulling dreams didn’t come true, Chuck had an unusual job after high school working at Eastern State Hospital. “My first job out of high school was in a mental institution in Vinita.” Chuck was tall and thin at 6 feet 5 inches and 170 pounds, a prime candidate for working maximum security at the hospital. “The patients were very interesting. You could talk to them about anything except religion and politics. Those conversations tended to stimulate them in a way that wasn’t so good.”

SCHOOL

As a Miami High School Wardog, Chuck played basketball and participated in track and field. “I wouldn’t say that I ran track, but



Chuck at Royal Gorge Bridge in 1971



Top: Chuck (standing, third from left) with his teammates after an OU basketball tournament



Left: Chuck and his parents at his new lawyer swearing-in ceremony in 1977

Above: Holding his kitten Micah in 1973

I high jumped. I wasn't a particularly gifted high jumper, but I did it. I really enjoyed playing basketball. That really was my sport."

Chuck's mother, an educator, taught him to read at a young age and guided him through school. "School was never very hard for me. I don't know that I was a wonderful student but I studied and made good grades." Law school was a different story for Chuck. After high school, he studied at OU graduating with a degree in business administration. He continued his studies at the OU College of Law. "Law school was very difficult for me. I was trying to study and be prepared and still working two jobs and being married. It was a stressful time. I was glad to be done."

THE PRACTICE OF LAW

As a child, Chuck spent a lot of time around his father's law practice. "I loved the smells of the books. I loved the smells of the courthouse." When Chuck wasn't at school, playing basketball or spending time with his friends, he helped his father with small tasks at the office.

"When I was young, I used to run errands for my father. He would pay me a dime every time I'd file pleadings with the court clerk."

Chuck practices probate, real estate and estate planning as well as some business law. He also represents one of the local banks in Miami. "I practice an equal mix between real estate, probate and estate planning. I can't say I practice one more than the other."

CHUCK AND SHIRLEY CHESNUT

On Valentine's Day of 1984, Chuck married Shirley Murphy. The two met through a mutual friend. Chuck was newly single when he ran into his family practice physician who is also a close friend. "He said 'there's a doctor that's doing a rotation at the hospital, I think you ought to ask her out.'" Blind dates were not his forte, and he had never had good luck with them before. He suggested to his friend that the two meet first. "I went to the emergency room one night, and I met her. She was very beautiful.



Chuck in 1978

I called her up the next day and asked her out. She said no."

Shirley had also grown up around the practice of law. Both her father and her brother were attorneys. She joined them at the 1983 Annual Meeting held at Shangri La, a resort on Grand Lake. "She came walking across the room and introduced herself. One thing led to another and we started dating and we got married. I guess I have Annual Meeting to thank for my marriage."

The two have four kids together and two, soon-to-be three, grandchildren.



Shirley and Chuck at their wedding in 1984



Chuck and Shirley vacation in Mexico in 1985



Top left: Chuck with his parents and son Matt in his office

Top right: Having fun with his children swimming circa 1995

Left: Chuck, Laura, Shirley, (on floor) Matt, Michael and Mark in 1997



My mother taught me to read when I was 5 years old. I have always loved biographies and still enjoy reading them to this day." Currently, Chuck is most interested in books that make him ponder life's questions. "Right now, I'm reading stoic philosophers."

PLANS FOR THE OBA IN 2019

As Chuck takes his place as the 2019 OBA president, one may wonder what his plans are for the year. "The OBA is a little bit like an aircraft carrier. It's a huge boat that's very difficult to make sudden turns with but there are always issues that need to be addressed." As Chuck recognizes, change comes slowly. He hopes to make strides in CLE and making it a better value to members. "Continuing legal education is something that needs to be addressed. The OBA is the market leader right now. We need to explore how we can make it even better than it is." 2019 is sure to be a successful year under Chuck's capable leadership.

Ms. Plaudis is an OBA communications specialist.

"We have Matthew, Mark, Michael and Laura." Matthew lives in Oklahoma City working for the Chickasaw Nation. He and his wife have four foster dogs which they have now adopted. Mark is a general manager at a business in Springfield, Missouri and has two children and one on the way. "I get a kick out of being a grandpa. It's just fun. My only regret is that they are probably 100 miles away." Michael lives in Hawaii and recently got married. Laura is a third-year law student at the University of Arkansas.

When Chuck and Shirley do get to spend time with their grandchildren, they enjoy sharing meals together and watching them play. "I enjoy just hanging out, watching them play and seeing what interests them." At dinner time, Chuck

usually gets a special invitation. "Wade the 2-year-old will say 'come sit by me' and it just warms my heart. There's nothing like it."

HOBBIES

When Chuck isn't working at the office, attending bar events or spending time with his family you can find him on the greens. "I've taken up golf later in life. I'm not particularly good at it, but I love being out. I love the guys that I play with. I have a short attention span. I play nine holes and I'm done. It's just very pleasant." Chuck especially likes to be on the course in the late evenings when the sun goes down – it's quiet and he can relax and wash off the day. "It's beautiful and relaxing. It's a great stress reliever."

Chuck also enjoys reading. "I love to read. I always have.

PRESIDENTIAL TRIVIA

My favorite thing to give?

Something that someone mentioned they wanted or liked

Domestic chore I hate most?

Sorting through all the stuff on my desk at home or the office

Best advice to a new lawyer?

Have integrity with your word. Do what you say you are going to do. Don't lie to your clients. Don't lie to other attorneys. Don't lie to judges. Return your phone calls and keep track of your time daily.

What job would you be terrible at?

Being an efficiency expert

What are small things that make your day better?

When people do thoughtful little things for me

What inspires you about the legal profession?

The way we help people solve difficult problems in their life

What's the farthest you've ever been from home?

Maui

What's your dream car?

One that runs reliably and doesn't need repairs in the shop

What's worth spending more on to get the best?

My wife

Best trait for a lawyer to have?

Honesty

What's your favorite piece of clothing you own/owned?

My Davy Crockett hat (when I was 4 years old)

If you could turn any activity into an Olympic sport, what would you have a good chance at winning a medal for?

Power napping

What TV channel doesn't exist but really should?

Etiquette and Social Graces (Seriously, in this day and time?)

What is the most heartwarming thing you've ever seen?

Watching my children being born and then holding them

What is the most annoying question people ask you?

Is it ready yet? Are you busy? Can I bother you a minute?



2004 Chesnut family photo

Volunteers Who Guide Your Association

OBA Officers and Board of Governors



SUSAN B. SHIELDS
President-Elect
Oklahoma City



LANE R. NEAL
Vice President
Oklahoma City

Background: I grew up in Bartlesville and then went to college and law school in California. After law school, I worked for a large San Francisco firm for several years before moving back to Oklahoma City in 1991. I have two wonderful sons, Sam and Ethan, who are both in college.

Education: Stanford University (1986); UCLA School of Law (1989)

Your favorite thing to give? Books

Domestic chore I hate the most? Pooper-scooping for the dogs (although I love the dogs)

Best advice for a new lawyer? Be civil to other lawyers, both inside and outside your firm

What job would you be terrible at? Telemarketer

What are small things that make your day better? Coffee and music

What inspires you about the legal profession? The intelligent, creative and motivated young lawyers I get to work with at my firm and the young leaders involved in the OBA inspire me every day.

What's the farthest you've ever been from home? Gulu, Uganda, to volunteer at Sister Rosemary's Saint Monica's School

What's your dream car? Vintage convertible Mercedes

What's worth spending more on to get the best? Wine

Best trait for a lawyer to have? Ability to listen closely to the client's needs

Background: I was born and raised in Lawton with my two sisters. After law school, I worked in the Oklahoma County District Attorney's Office before moving into civil litigation. My wife, Laura, is also an attorney in Oklahoma City and practices criminal defense and personal injury. We have one son, William, and are expecting our second son in March.

Education: BBA in entrepreneurship and venture management from OU in 2004; J.D. from the OU College of Law in 2008

Your favorite thing to give? I really enjoy giving my time to serve organizations like the OBA

Domestic chore I hate the most? Folding laundry

Best advice for a new lawyer? Keep an open mind and go where your practice takes you

What job would you be terrible at? A house painter

What are small things that make your day better? Hot, freshly brewed coffee

What inspires you about the legal profession? The kindness that is regularly shown between most lawyers but often overlooked

What's the farthest you've ever been from home? Santorini, Greece, or Krakow, Poland (I am not sure which is actually farther.)

What's your dream car? I am not really a car guy, but if I had to pick, probably a new Toyota Land Cruiser

What's worth spending more on to get the best? Experiences like vacations and good meals with family and friends

Best trait for a lawyer to have? Patience



KIMBERLY K. HAYS
Past President
Tulsa



BRIAN T. HERMANSON
Governor - District No. One
Ponca City

Background: Born in Tulsa; graduated from Tulsa Memorial High School, class of 1986; attended OSU and met my husband, Alan Souter, in Eskimo Joe’s, and we married in 1993. We have two children Noelle, age 20, and Parker, age 16; began practicing law in 1993 with my father, James R. Hays, in Tulsa and after his death in 1994, I joined a firm for a short time and then opened my solo practice in Tulsa in 1998. My legal assistant/friend, Stephanie Pierce, has been with me since 1997. I practice exclusively family law.

Education: B.A., OSU, 1990; J.D., University of Kansas School of Law, 1993

Your favorite thing to give? A picture frame with a photo from a special occasion

Domestic chore I hate the most? Loading the dishwasher; Alan says I do it wrong, so this works out well for me.

Best advice for a new lawyer? Be yourself. The judge, opposing counsel and your clients will remember how you treat them. You can be a successful and zealous advocate for your client while still maintaining your own integrity and personality.

What job would you be terrible at? A butcher since I am vegetarian

What are small things that make your day better? A text from my kids or Alan with a funny meme, playing with Chloe the puppy, finding a parking spot at the courthouse that is near the front, going for a run with my friends and planning a Disney vacation

What inspires you about the legal profession? I am inspired by the attorneys who volunteer their time to help low-income clients with legal needs. We can change people’s lives for the better by using the legal skills we are blessed to have earned.

What’s the farthest you’ve ever been from home? Visit to London and Paris with my mom and brother

What’s your dream car? Fully restored red 1967 Ford Mustang convertible

What’s worth spending more on to get the best? Kenny Chesney tickets for the Sand Bar (standing room only and right next to the stage)

Best trait for a lawyer to have? Organization

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 Charlcy, 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

Your favorite thing to give? A punchline

Domestic chore I hate the most? Cleaning an oven

Best advice for a new lawyer? Be completely honest with both the court and everyone else. Once you lose your reputation for honesty, you will never get it back.

What job would you be terrible at? Organizing my desk

What are small things that make your day better?

Even though I don’t get enough of it, quiet time really makes my day come together.

What inspires you about the legal profession? To right a wrong that no one thought could be accomplished

What’s the farthest you’ve ever been from home?

Moscow. Went on a trip through the Soviet countries in 1974 by train; what a wonderful trip

What’s your dream car? A pickup

What’s worth spending more on to get the best?

Anything I buy for my wife or children

Best trait for a lawyer to have? See above – honesty



MARK E. FIELDS
Governor - District No. Two
McAlester



DAVID T. MCKENZIE
Governor - District No. Three
Oklahoma City

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

Your favorite thing to give? Unsolicited advice

Domestic chore I hate the most? Scrubbing pots and pans

Best advice for a new lawyer? Return your telephone calls

What job would you be terrible at? Astronaut

What are small things that make your day better?

Green lights

What inspires you about the legal profession? The incredible amount of pro bono work done for those less fortunate

What's the farthest you've ever been from home?

Germany

What's your dream car? Batmobile

What's worth spending more on to get the best?

Bed sheets

Best trait for a lawyer to have? Integrity

Background: I was born at Ft. Lewis, Washington, the third and youngest child of M.Sgt. Troy T. McKenzie and Laverne (Johnston) McKenzie. My father served our country for over 22 years and was a veteran of WWII, the Korean War and Vietnam War. In addition to Ft. Lewis, I also lived at Ft. Huachuca, Arizona, and Ft. Shafter, Hawaii. After my father's retirement from the U.S. Army, my family came to Oklahoma which was the home state for both my mom and dad. I am proud to say I am a 1978 graduate of Granite High School. I have three wonderful boys and the greatest life-partner ever in Pamela M. Snider.

Education: B.A. from Southwestern Oklahoma State University (1982), M.S. from Northeastern State University (1984), M.A. from NSU (1985) and J.D. from the OU College of Law (1988)

Your favorite thing to give? Music

Domestic chore I hate the most? Folding clothes

Best advice for a new lawyer? Be terrified of what you do not know and try to learn at least one new thing a day

What job would you be terrible at? Accounting

What are small things that make your day better? I work at Mulinix Goerke & Meyer, and I absolutely love everyone I work with.

What inspires you about the legal profession?

The power and ability to help people society has marginalized

What's the farthest you've ever been from home?

Moscow, Russia

What's your dream car? Cadillac limousine for nights on the town with my family and friends

What's worth spending more on to get the best?

First-class air travel and five-star hotels

Best trait for a lawyer to have? Being head over heels in love with the law



TIM E. DECLERCK
Governor - District No. Four
Enid



ANDREW E. HUTTER
Governor - District No. Five
Norman

Background: Born in Enid. Admitted to the Oklahoma bar in 1983 and started practicing law at Mitchell DeClerck in Enid with my father, Edward A. DeClerck. I continue to practice at the same firm today – a general practice with an emphasis on life and estate planning, the creation of wills, trusts and durable powers of attorney and the administration of trusts and estates. I was an active board member of the OBA Young Lawyers Division in my younger years and now am a member of the OBA Estate Planning, Probate and Trust Section and Oklahoma Association of Justice. I’m also a member of the Garfield County Bar Association and have served as its president. I’ve been a long-time member of the Tri-State Music Festival Inc. Board of Directors, active member of the American Business Club (AMBUCS) serving on its Board of Directors and board member of the Enid YMCA. I have three children, Ashley, Justin and Esther, and numerous grandchildren.

Education: Received a B.A. from OU in 1980 and a J.D. from the OU College of Law in 1983.

Your favorite thing to give? A sincere and happy smile

Domestic chore I hate the most? Folding laundry

Best advice for a new lawyer? Know when to say no

What job would you be terrible at? Mathematician

What are small things that make your day better?

Notes from clients who appreciate the work that I do

What inspires you about the legal profession? The ability to assist people with areas of life that may be frustrating or fearful for them

What’s the farthest you’ve ever been from home?

Madrid, Spain

What’s your dream car? Toyota TRD 4 Runner

What’s worth spending more on to get the best? Food!

Best trait for a lawyer to have? Patience, perseverance and compassion

Background: I was born in Illinois and raised in Broken Arrow. I moved to Norman to attend OU in 1998 and still reside there today. I met my wife Alissa in law school, and we have three children together.

Education: BBA, OU, 2001; J.D., OCU School of Law, 2005

Your favorite thing to give? Christmas gifts

Domestic chore I hate the most? That definitely would be doing dishes and emptying the dishwasher, which is unfortunate because I enjoy cooking

Best advice for a new lawyer? Do not sacrifice your integrity or reputation for any client

What job would you be terrible at? School teacher

What are small things that make your day better? It is nice to receive a sincere thank you from a client every once in a while. Either that or a hug from one of my kids.

What inspires you about the legal profession? The ability to make a positive difference in someone’s life

What’s the farthest you’ve ever been from home?

Last summer I got to spend some time in Germany traveling between Munich and Berlin.

What’s your dream car? I’m more of a truck guy, but a Porsche convertible would be fun.

What’s worth spending more on to get the best?

Bed sheets

Best trait for a lawyer to have? Perseverance



D. KENYON WILLIAMS JR.
Governor - District No. Six
Tulsa



MATTHEW C. BEESE
Governor - District No. Seven
Muskogee

Background: I was born in Tulsa but raised in what was then the town of Skiatook, graduating from Skiatook High School in 1970. My wife of 44 years, Teresa, and I live in a home we built on a rural acreage north of downtown Tulsa. We have one son and two daughters by birth and one daughter and one son by marriage, who collectively have produced eight grandchildren with the youngest arriving just after Christmas. On any given weekend, we are happily invaded by children and grandchildren and are blessed to attend Park Plaza Church of Christ with two sets of our children and grandchildren. I serve as one of 14 elders of our church.

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

Your favorite thing to give? Money – it’s always appreciated and easily returned if it is not!

Domestic chore I hate the most? Ironing clothes – my dry cleaner loves me

Best advice for a new lawyer? Always remember that we are in the customer service business

What job would you be terrible at? Selling women’s shoes

What are small things that make your day better?
Taking time to pray and gratuitous acts of kindness – both to others and to me

What inspires you about the legal profession?
Getting paid to try to be someone’s hero

What’s the farthest you’ve ever been from home? I thought it was Salvador, Brazil, on a mission trip, but it turns out that my vacation in Porec, Croatia, was even farther away. Who knew?

What’s your dream car? A completely restored 1966 Corvette convertible with a modern sound system – almost any color will do

What’s worth spending more on to get the best?
A native and knowledgeable tourist guide when exploring a new country

Best trait for a lawyer to have? Adaptability – the profession will continue to change at an even faster pace

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

Your favorite thing to give? My time; it is the most valuable thing we have

Domestic chore I hate the most? cleaning the bathroom
Best advice for a new lawyer? Get a life ... no really, work just as hard to develop your interests outside of the law as they will make all the difference in the long run.

What job would you be terrible at? Accountant

What are small things that make your day better?
My daughter’s smile

What inspires you about the legal profession? Being able to make a difference

What’s the farthest you’ve ever been from home?
4,822 miles

What’s your dream car? Jeep

What’s worth spending more on to get the best?
Vacations

Best trait for a lawyer to have? Empathy



JIMMY D. OLIVER
Governor - District No. Eight
Stillwater



BRYON J. WILL
Governor - District No. Nine
Yukon

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.

Your favorite thing to give? My opinion

Domestic chore I hate the most? Sweeping the floor

Best advice for a new lawyer? Don't take it so personally

What job would you be terrible at? Opera singer

What are small things that make your day better?

Getting a text about something cute one of my nieces or nephews has done

What inspires you about the legal profession? I am inspired by attorneys' willingness to give and help others. Last month, with not much effort, I was able to raise enough money from Payne County attorneys to buy coats and toys for more than 25 Angel Tree children.

What's the farthest you've ever been from home? Italy

What's your dream car? Mercedes Benz G class

What's worth spending more on to get the best?

Vacations and linens

Best trait for a lawyer to have? Objectivity and the ability to recognize and address the flaws in your own client/case

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.

Your favorite thing to give? Smoked hams at Thanksgiving to friends and to those needing help with Thanksgiving meal (I'm not much for turkey.)

Domestic chore I hate the most? Unloading the dishwasher

Best advice for a new lawyer? Get involved with the OBA YLD

What job would you be terrible at? A school teacher

What are small things that make your day better?

Seeing my 4-year-old when I get home from work

What inspires you about the legal profession?

Helping clients out of situations they thought they had no alternative solutions for

What's the farthest you've ever been from home? London

What's your dream car? 1977 Pontiac Trans Am, gold trim with personalized license plate "BAN ONE"

What's worth spending more on to get the best?

Power tools

Best trait for a lawyer to have? Honesty and integrity, they both fit into one



JAMES R. HICKS
Governor - At Large
Tulsa



MILES T. PRINGLE
Governor - At Large
Oklahoma City

Background: Born in Blackwell, moved to Norman in grade school and raised in Denton, Texas, for middle and high school years. Married 35 years to Nancy Baker with adopted twin children, Stan and Hannah aged 26. Both married and doing well in life. Expecting first grandchild in May 2019. Enjoy golfing and serving as senior warden of St. John’s Episcopal Church in Tulsa.

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

Your favorite thing to give? Books or articles on topics others find interesting

Domestic chore I hate the most? Raking leaves

Best advice for a new lawyer? Don’t be afraid to ask advice from others

What job would you be terrible at? Teaching grade school

What are small things that make your day better?
Talking with friends or colleagues

What inspires you about the legal profession?
Making a positive difference in peoples’ lives

What’s the farthest you’ve ever been from home?
Italy and Ireland

What’s your dream car? Bentley Continental GT convertible

What’s worth spending more on to get the best?
Comfortable shoes

Best trait for a lawyer to have? Humility

Background: I am a native Oklahoman and third generation attorney. I played basketball and ran track in high school and continue to be a big basketball fan – particularly the Thunder. I moved back to Oklahoma City after law school to practice with the firm my parents founded in 1988. Now a partner, the majority of my clients are financial institutions whom I counsel on regulatory compliance issues, mergers and acquisitions, and vendor contracting. I also represent clients in litigation matters, strategic business planning and succession and estate planning. Last spring I married the love of my life, Andrea. We’ve known each other since pre-school and even played on the same T-ball team.

Education: I graduated from Heritage Hall High School in Oklahoma City. I earned my bachelor’s degree from the University of Kansas, double majoring in political science and history. I earned my J.D. from the University of Missouri – Kansas City, where I was an emissary and member of the National Moot Court Team.

Your favorite thing to give? A good book (this year I’ve been giving *Boom Town* to people)

Domestic chore I hate the most? Cleaning dirty dog paws

Best advice for a new lawyer? Always be willing to say “I don’t know”

What job would you be terrible at? Structural engineer

What are small things that make your day better?
Short mediation, good cup of coffee and a sincere compliment

What inspires you about the legal profession?
Helping clients accomplish their goals

What’s the farthest you’ve ever been from home? Italy

What’s your dream car? Doc Brown’s DeLorean

What’s worth spending more on to get the best?
Tickets to basketball games

Best trait for a lawyer to have? Integrity



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

Your favorite thing to give? Time

Domestic chore I hate the most? Cleaning the gutters

Best advice for a new lawyer? Learn from mistakes; preferably not your own

What job would you be terrible at? Assembly line worker - the thought of doing the same task over and over I find unappealing

What are small things that make your day better? Coffee

What inspires you about the legal profession? The opportunity it presents to help people

What's the farthest you've ever been from home? Kotzebue, Alaska

What's your dream car? Ferrari 308

What's worth spending more on to get the best? Running shoes

Best trait for a lawyer to have? The ability to pick apart your own arguments to find any flaws or weaknesses



BRANDI N. NOWAKOWSKI
Governor - YLD Chair
Shawnee

Background: I was born and raised in Shawnee, where I returned after law school to enter into private practice.

Education: BBA from OU in 2006; J.D. OU College of Law 2010

Your favorite thing to give? I most enjoy giving of my time and energy to worthwhile causes in my community, specifically those that serve families and children. I also love serving those organizations, such as our own bar association, which are dear to my heart.

Domestic chore I hate the most? I hate handwashing dishes; I'd rather clean the bathrooms.

Best advice for a new lawyer? Be humble and make friends with legal assistants and court clerks. We all know that law school doesn't teach us how to actually practice. These ladies and gentlemen can offer a wealth of information and experience to help guide you through preparing pleadings, filing documents and the court process. Don't take them for granted.

What job would you be terrible at? Telemarketer

What are small things that make your day better? Iced coffee, chats with co-workers, texts from family and friends, lunches with friends and neon sticky notes

What inspires you about the legal profession? The desire and ability to help people – whether that be clients or the community at large. Also, the fact that lawyers have the ability to zealously advocate for their clients while maintaining civility, professionalism and even friendships with opposing counsel. This is possible because as a profession we maintain a mutual respect for each other and the law – and recognize that we all are working together for the greater good and to secure justice for all.

What's the farthest you've ever been from home? The summer before my 9th-grade year, I traveled to Nikaho, Japan, as part of Shawnee's Sister City delegation.

What's worth spending more on to get the best? Wrinkle cream

Best trait for a lawyer to have? Integrity. Integrity is an essential part of the practice of law and is integral to both our success on behalf of clients and our personal and professional reputation (which is the cornerstone of our careers).

Association Staff and Services

SERVING MEMBERS IS THE MOST IMPORTANT PRIORITY of the Oklahoma Bar Association, and staff are responsible for ensuring member services are expertly delivered. Staff not only maintain daily business operations of the bar center, but also support leadership's projects and initiatives to continue to improve your association.



Executive Director John Morris Williams and Executive Assistant Debbie Brink

OFFICE OF THE EXECUTIVE DIRECTOR

Phone: 405-416-7014

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.



(Back row) Director Craig Combs, Durrel Lattimore; (front row) Roberta Yarbrough, Debra Jenkins, Tracy Sanders and Suzi Hendrix



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

ADMINISTRATION AND MEMBERSHIP DEPARTMENTS

Administration Department Phone: 405-416-7000

Membership Department Phone: 405-416-7080

Membership Department Email: membership@okbar.org

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 video or phone conference
- Planning and coordinating 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 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-topical 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



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

CONTINUING LEGAL EDUCATION DEPARTMENT

Phone: 405-416-7029

Email: clestaff@okbar.org

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 as well as online, on-demand programs and audio seminars
- Offering recent seminar materials in print or electronic format and creating electronic forms published in 2012 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 coordinating 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 Pierce Nester



Support Staff Whitney Mosby, Ben Douglas, Dieadra 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



Cheryl Corey, Matt Gayle and Director Robbin Watson

INFORMATION TECHNOLOGY DEPARTMENT

Phone: 405-416-7045

Email: web@okbar.org

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

- Maintaining MyOKBar member services and directory website
- Maintaining the *Oklahoma Find A Lawyer* website referral service
- Providing technology, computer and audio/visual support to staff and for events, including CLE programming, Annual Meeting and Solo & Small Firm Conference
- Web application development and maintenance
- Updating and maintaining website information
- Maintaining the 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

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



Julie Bays and Director Jim Calloway

- 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
- Producing the "Opening Your Law Practice" program, a free one-day program to assist attorneys setting up new solo practices
- Working with the Solo & Small Conference Firm Planning and Access to Justice committees and the Law Office Management and Technology Section on various projects and events



Administrator Beverly Petry Lewis, Laura Brown and Johnny Floyd

MANDATORY CONTINUING LEGAL EDUCATION DEPARTMENT

Phone: 405-416-7009

Email: mcle@okbar.org

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.

Often confused with the CLE Department, the MCLE Department does not present CLE seminars. It is the regulatory office and 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 employee in a department to contact, call the bar center at 405-416-7000 or check the staff list at www.okbar.org/staff. There you will find a list of staff members, a summary of their responsibilities and contact information.



3000 INSURANCE GROUP



We proudly serve and support the

Oklahoma Bar Association

Plans for OBA members:

- Health
- Life
- Disability
- Business Overhead Expense
- Home & Auto
- Workers' Compensation
- Business Owner's Policy

ONE CALL. ONE AGENCY.

Contact us for your insurance needs!

405.521.1600 | 3000iG.com

HEY!

Have you checked out OBA member perks?

Every OBA member has access to a variety of free and discounted services and programs. Don't miss out!

See them all at
www.okbar.org/memberbenefits.



Member Benefits and Discounted Services

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 SERVICES

www.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/staff.


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 Login link at the top of 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.

www.okmcle.org – On the MCLE Department website, www.okmcle.org (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.

PROFESSIONALISM SERVICES

 **OBA CLE** – The CLE Department offers hundreds of in-person seminars, webcasts and audio programs, as well as online, on-demand programs available 24 hours a day. Members can also schedule group webcasts that allow five or more members to view a webcast together at their home or office. To schedule a group webcast, call Renee Montgomery at 405-416-7029. See all available programs at www.okbar.org/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/ec.

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 on page 39 or at www.okbar.org/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.

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 held twice a year to assist attorneys setting up new solo practices. Next one set for April 30 in Oklahoma City. Call 405-416-7008 for details.

Practice management/technology hotline and consultations – Members may call 405-416-7008 to connect 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/map/library or call 405-416-7051. For members who prefer owning books to borrowing, use the discount code PAB9EOKB to purchase practice management and other books from the ABA.

NETWORKING OPPORTUNITIES

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 on the committees page at www.okbar.org/committees. You can also find a list of projects on the Outreach & Public Service Programs page at www.okbar.org/outreach.

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 2019 Annual Meeting will be held Nov. 6-8 at the Renaissance Oklahoma City Convention Center Hotel.

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. The 2019 Solo & Small Firm Conference will be June 20-22 at the 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 the YLD page for more information or find the YLD on Facebook at www.facebook.com/OBAYLD.

PRACTICE MANAGEMENT & BILLING SOLUTIONS



Clio – Clio is one of the most widely used, cloud-based practice management systems in the world. Every day, tens of thousands of lawyers use Clio to schedule meetings, organize cases, track time and invoice their clients. Accessible from your Mac or PC, phone or tablet, Clio allows lawyers to take control of their practice from any device, in any location, at any time. Clio even integrates seamlessly with other popular applications like Fastcase, LawPay, Quickbooks Online, Gmail and Office 365. OBA members receive a 10 percent lifetime discount on Clio. Go to www.clio.com and join with the code OKBAR for the discount.



CosmoLex – CosmoLex combines practice management, billing and accounting all in one login. Cloud access lets you get work done in the office or on the road. CosmoLex keeps your meetings and tasks organized. The billing section captures all time and expenses in the moment – as soon as they occur. Bills go out on time for better cash flow and higher profits. The

accounting menu handles all the intricacies of business and IOLTA trust accounting right out of the box. Use CosmoLex to make your practice more compliant, efficient and profitable. Try CosmoLex Law Practice Management Software for free today and see how it streamlines your practice. OBA members receive a 10 percent lifetime discount. Visit www.cosmolex.com and use the promo code OB_10D63.



LawPay – The OBA endorses

LawPay credit card processing service which is designed for attorneys. Funds from each client credit card transaction may be either deposited into a 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.



MyCase – MyCase is an easy-

to-use web-based practice management software that helps you manage cases, track time, automate billing and communicate with your clients. MyCase can help you practice more and manage less and is priced at only \$39/month per user. OBA members receive a free trial plus a 10 percent lifetime discount. Go to tinyurl.com/obamycase to take advantage of the discount.



PracticePanther – PracticePanther provides a seven-day free trial or an unlimited free trial for your first 3 clients/cases. Thousands of lawyers use PracticePanther to automate their firms and get more done in less time. Work from

anywhere, on any device, with the iPhone, iPad and Android apps. Integrate with Gmail, Outlook, Office365, Exchange, Google Calendar, QuickBooks Online, LawPay, Box.com, Dropbox, Zapier, our API and more. Get world-class support by phone, email or live chat. It's simple, user-friendly and intuitive. OBA members get 10 percent off for the first year on PracticePanther's legal case management software. Visit tinyurl.com/obapracticepanther and use the promo code OKBAR18.



rocket matter*

Rocket Matter – Rocket Matter helps law firms offer better client service

and increase revenues by more than 20 percent. The company was the first cloud-based legal practice management software on the market, landing its first client in 2007. It has been a leader ever since – Rocket Matter has powerful, easy-to-use time and billing software. Also, when law firms want to increase profits, go paperless or improve confidence in their trust accounting, Rocket Matter helps them achieve those goals. With award-winning customer service based in the United States, it's no wonder thousands of law firms swear by Rocket Matter. OBA members receive a 15 percent discount off the regular month-to-month pricing for life. Visit www.rocketmatter.com/okbar.



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.

Zola Suite – Zola Suite cloud-based practice management software includes an encrypted client portal, Caseway, branded with your firm's logo. OBA members receive a 15 percent subscription discount on this comprehensive, cloud-based legal practice management application. Visit zolasuite.com/oklahoma-bar-association and use the promo code OKBAR18 to take advantage of the discount.

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 – Ten issues of the printed *Oklahoma Bar Journal* magazine are published annually, including practice area articles, member news and bar updates. Supplementing the magazine are semimonthly electronic issues of the *Oklahoma Bar Journal* Court Issue, which contain court material and opinions. Access current and recent archived issues at www.okbar.org/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. Call 405-416-7092 or visit www.okbar.org/cle to learn more. Electronic practice forms are also available by topic online.



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.

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/freelegalinfo.

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 and electronic versions. Call 800-447-5375 ext. 2 to request an order form or purchase at www.legaldirectories.com. For the digital version, visit tinyurl.com/2018oklegal directory.



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 \$9 per copy to nonmembers.

ENDORSED INSURANCE AND RETIREMENT 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.

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 40 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 pounds

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 OTHER SERVICES



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.

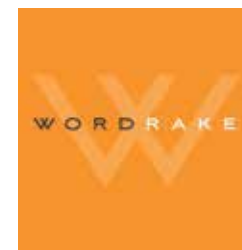
Legislative services – The executive director works to support adoption of legislative issues approved by the OBA House of Delegates. Additionally, the Legislative Monitoring Committee publishes a legislative report on the status of select bills while the Legislature is in session,

both in the *Oklahoma Bar Journal* and online at www.okbar.org/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.

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.

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



obayld

Keep up with the the OBA Young Lawyers Division



obacle

See upcoming CLEs and deadlines

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.

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 2019 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

Cullen Sweeney, Chair
2100 N. Lincoln Blvd, Suite 1
Oklahoma City, OK 73105
405-556-9385

Jana Knott, Chair-Elect
P.O. Box 157
El Reno, OK 73036
405-262-4040

Kyle Rogers, Treasurer
2100 N. Lincoln Blvd, Suite 1
Oklahoma City, OK 73105
405-556-9354

Melanie Rughani, Secretary
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102
405-235-7714

BANKRUPTCY AND REORGANIZATION

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

Brian Huckabee, Chairperson-Elect
406 S. Boulder, Suite 425
Tulsa, OK 74103
918-587-3000

Therese Buthod, Co-Treasurer
P.O. Box 1888
Muskogee, OK 74402
918-549-7221

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

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

Layla Dougherty, Co-Secretary
2500 Brookdale Avenue
Edmond, OK 73034
405-348-2445

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

BUSINESS AND CORPORATE LAW

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

Danae Grace, Chairperson-Elect
McAfee & Taft
211 N. Robinson Avenue
Oklahoma City, OK 73102
405-270-6017

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

CRIMINAL LAW

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

Melissa Blanton, Chairperson-Elect
313 NE 21st Street
Oklahoma City, OK 73105
405-522-0042

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

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

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

Marty Ludlum, Q & A Co-Editor
100 N. University Drive
Edmond, OK 73034
405-974-5341

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

Robert Don Gifford, Immediate
Past Chairperson
P.O. Box 2682
Oklahoma City, OK 73101
405-778-4647

DISABILITY LAW

Jose Blanco, Chair
Legal Aid Services of Oklahoma
2901 N. Classen Blvd, Suite 112
Oklahoma City, OK 73106
800-421-1641

Leah Kanne, Chair-Elect
Oklahoma City, OK 73112
573-999-2307

Roger B. Hale, Secretary
300 N. Walnut Avenue
Oklahoma City, OK 73104
405-235-4000

Gary Jones, Social Chair
414 NW 4th Street, Suite 140
Oklahoma City, OK 73102
405-236-1416

Roger B. Hale, Immediate Past Chairperson
300 N. Walnut Avenue
Oklahoma City, OK 73104
405-235-4000

ENERGY AND NATURAL RESOURCES LAW

Valery Giebel, Chairperson
7906 E. 33rd Street, Suite 100
Tulsa, OK 74145
918-669-7730

Dawson Brotemarkle, Chairperson-Elect
Hall Estill
320 S. Boston Avenue, Suite 200
Tulsa, OK 74103
918-899-9480

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

Michael D. May, Budget Officer
301 NW 63rd Street, Suite 600
Oklahoma City, OK 73116
405-252-5829

Rodger Curlik, Membership Director
Pray Walker
100 W. 5th Street, Suite 900
Tulsa, OK 74103
918-581-5545

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

ENVIRONMENTAL LAW

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

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

Kaylee Davis-Maddy, Secretary
105 N. Hudson Ave., Suite 500
Oklahoma City, OK 73105

Jonathan Truong, Treasurer
Oklahoma City, OK 73105-1717
918-629-0556

Teena Gunter, Past Chairperson
Oklahoma Dept. of Agriculture,
Food & Forestry
P.O. Box 528804
Oklahoma City, OK 73152-8804
405-522-4576

Stephen Baldrige, Scholarship
Chairperson
P.O. Box 1677
Oklahoma City, OK 73101
405-702-7189

**ESTATE PLANNING, PROBATE
AND TRUST**

A. Daniel Woska, Chairperson
10404 Vineyard Blvd., Suite E
Oklahoma City, OK 73120
405-657-2271

H. Terrell Monks, Chairperson-Elect
1840 S. Douglas Blvd.
Midwest City, OK 73130
405-733-8686

Joanna K. Murphy, Assistant to the Chair
6112 E. 480 Road
Claremore, OK 74019-0031
918-845-5593

Stephanie Alleman, Secretary
10404 Vineyard Blvd., Suite E
Oklahoma City, OK 73120
405-317-3007

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

Dawn D. Hallman, CLE Co-Chairperson
Hallman & Associates PC
2230 McKown Drive
Norman, OK 73072
405-447-9455

Donna Jackson, CLE Co-Chairperson
10404 N. Vineyard Blvd., Suite E
Oklahoma City, OK 73120
405-840-1874

Emily E. Crain, Immediate Past Chairperson
2516 NW Expressway
Oklahoma City, OK 73113
405-840-8401

James "Jim" C. Milton,
Co-Legislative Chairperson
320 S. Boston Avenue, Suite 200
Tulsa, OK 74103-3706
918-594-0523

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

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

Jennifer L. Wright, Membership Chair
531 Couch Drive, Suite 201
Oklahoma City, OK 73102
405-701-6968

Samantha W. Davis, Practice
Manual Chairperson
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
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 74103-3832
918-596-5370

Judge Richard W. Kirby, Judicial Liaison
Co-Chairperson (OKC)
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

James "Jim" C. Milton,
Social Chairperson (Tulsa)
320 S. Boston Avenue, Suite. 200
Tulsa, OK 74103-3706
918-594-0523

Emily E. Crain, Estate Planning
Week Chairperson
2516 NW Expressway
Oklahoma City, OK 73113
405-840-8401

Denis P. Rischard, Annual
Meeting Co-Chairperson
101 Park Avenue, Suite 1125
Oklahoma City, OK 73102
405-235-2393

Stephen Eck, Annual
Meeting Co-Chairperson
2801 E. Memorial Road
Edmond, OK 73013
405-425-5118

FAMILY LAW

Amy E. Page, Chairperson
1630 S. Main Street
Tulsa, OK 74119
918-585-1107

Brita Cantrell, Chairperson-Elect
and CLE Chairperson
Williams Center Tower II
2 W. 2nd Street, Suite 1100
Tulsa, OK 74103
918-574-3077

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

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

T. Luke Barteaux, Membership Chairperson
Fry & Elder
10906 S. 86th East Avenue
Tulsa, OK 74133
918-633-5615

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

Noel Tucker, Legislative Chairperson
2964 Via Esperanza
Edmond, OK 73013
405-613-8745

Kimberly Hays, Section Leaders Council
248 W. 16th Street
Tulsa, OK 74119-4212
918-592-2800

Phillip J. Tucker, Trial Advocacy
Institute Co-Chairperson
P.O. Box 601
Edmond, OK 73083-0601
405-348-1789

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

M. Shane Henry, Trial Advocacy
Institute Co-Chairperson
Henry & Dow
1616 S. Main
Tulsa, OK 74119
918-933-4333

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

Keith Jones, Practice Manual
Co-Chairperson
5801 E. 41st Street, Suite 300
Tulsa, OK 74135-5628
918-770-4890

Phillip J. Tucker, Practice Manual
Co-Chairperson
P.O. Box 601
Edmond, OK 73083-0601
405-348-1789

Monica A. Dionisio,
Communications Committee
Chairperson
16311 Sonoma Park Drive
Edmond, OK 73013
405-705-5900

Stacy L. Acord, Historian
9343 E. 95th Court
Tulsa, OK 74133
918-382-9200

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

Stacy L. Accord, Adoption Committee
Chairperson
9343 E. 95th Court
Tulsa, OK 74133
918-382-9200

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

Amy Page, Suites Chairperson
1630 S. Main Street
Tulsa, OK 74119
918-585-1107

Doug Loudenback, Past
Chairperson Emeritus
525 NW 19th Street
Oklahoma City, OK 73103
405-830-1467

Gary J. Dean, Past Chairperson Emeritus
208 S. Vann Street
Pryor, OK 74361-5216
918-373-4055

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

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

Daniel Resendez, Treasurer
P.O. Box 22222
Oklahoma City, OK 73123
405-696-8722

David Burge, Secretary
1800 S. Midwest Blvd.
Midwest City, OK 73110
405-733-1990

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

Moira Watson, Program Officer
Hall Estill
100 N. Broadway Avenue, Suite 2900
Oklahoma City, OK 73102-8614
405-553-2828

Steven McConnell, Chair of
Legislative Subcommittee
P.O. Box 26090
Oklahoma City, OK 73126-0090
405-415-9010

Alexa Mangum, Membership Liaison
Edmond, OK 73034
405-590-0164

Lori Eropkin, Scholarship Chair
100 W. 9th Street
Shawnee, OK 74801
405-395-0516

Kelsey Quillian, Listserv Liaison
4401 W. Memorial, Suite 109
Oklahoma City, OK 73134
405-235-6500

GENERAL PRACTICE – SOLO AND SMALL FIRM

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

Ashley B. Forrester, Vice Chairperson
and Social/Community Chairperson
Forrester Law Firm
625 NW 13th Street, Suite A
Oklahoma City, OK 73103
405-974-1625

Michael A. Whiting, Treasurer
Whiting and Bruner
Victoria Building, Suite 222
1901 N. Classen Blvd.
Oklahoma City, OK 73106
405-525-6671

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

Ashley B. Forrester, Immediate
Past Chairperson
Forrester Law Firm
625 NW 13th Street, Suite A
Oklahoma City, OK 73103
405-974-1625

GOVERNMENT AND ADMINISTRATIVE LAW PRACTICE

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

Stephen Cortes, Chairperson-Elect
5801 Broadway Extension, Suite 110
Oklahoma City, OK 73118
405-213-0856

David A. Miley, Treasurer
200 NE 21st Street
Oklahoma City, OK 73105-3204
405-521-2639

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

Melissa L. Blanton, Immediate
Past Chairperson
313 NE 21st Street
Oklahoma City, OK 73105
405-522-0042

HEALTH LAW

Stacy Brklacich, Chairperson
St. John Health System
Davis Tower, 2nd Floor
1924 S. Utica Avenue
Tulsa, OK 74104
918-744-2480

Melissa D. Revell, Chairperson-Elect/
Secretary
Two W. 2nd Street, Suite 1100
Tulsa, OK 74103
918-574-3017

Russell C. Ramzel, Budget Officer/Treasurer
4000 One Williams Center
Tulsa, OK 74172-0148
918-586-5680

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

IMMIGRATION LAW

Lorena Rivas, Chairperson
Fry and Elder
1616 S. Main
Tulsa, OK 74119
918-585-1107

Jesse Gordon, Chairperson-Elect
Moore, OK 73170
405-334-2286

Lambert D. Dunn, Treasurer
2548 NW Expressway, Suite 102
Oklahoma City, OK 73112
405-609-6601

Karen Kennedye Aguilar, Secretary
2525 NW Expressway, Suite 512
Oklahoma City, OK 73112
405-535-1679

Melinda L. Alizadeh-Fard,
CLE Chairperson
P.O. Box 5232
Edmond, OK 73083-5232
405-879-0800

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

INDIAN LAW

Wilda Wahpepah, Chairperson
Norman, OK 73072
405-321-2027

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

Jacintha Webster, Secretary
4200 Perimeter Center Dr., Suite 222
Oklahoma City, OK 73112-2310
405-802-7542

Austin Vance, Budget Director
1620 NW 20th St.
Oklahoma City, OK 73106-3821
405-943-6457

Valery Giebel, Immediate
Past Chairperson
7906 E. 33rd Street, Suite 100
Tulsa, OK 74145
918-669-7730

INSURANCE LAW

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

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

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

INTELLECTUAL PROPERTY

Shawn M. Dellegar, President
Crowe & Dunlevy
500 Kennedy Building
321 S. Boston Avenue
Tulsa, OK 74103-3302
918- 592-9807

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

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

Ross Chaffin, Director
2 Leadership Square
211 N. Robinson, Ste. 450
Oklahoma City, OK 73102
405-606-3350

Jessica John-Bowman, Director
Williams Center Tower II
2 W. 2nd Street, Suite 1100
Tulsa, OK 74103
918-587-0000

Michael H. Smith, Director at Large/
Immediate Past President
Hall Estill
100 N. Broadway, Suite 2900
Oklahoma City, OK 73102-8865
405-553-2828

INTERNATIONAL LAW

Katherine J. Trent, Chairperson
1818 W. Lindsey Street, Suite C160
Norman, OK 73069-4180
405-300-4784

Rebeca West, Chairperson-Elect
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 NW 29th Street
Oklahoma City, OK 73103
405-816-9062

JUVENILE LAW SECTION

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

Jennifer Douglas, Vice Chairperson
5905 N. Classen Court, Suite 204
Oklahoma City, OK 73118
405-713-6737

Christina Billington, Secretary
2964 Via Esperanza
Edmond, OK 73013
405-340-8530

Genie Baumann, Treasurer
Edmond, OK 73034
405-401-7531

LABOR AND EMPLOYMENT LAW

Kristin Richards, Chairperson
Hammons, Gowens, Hurst & Associates
325 Dean A. McGee Ave.
Oklahoma City, OK 73102
405-235-6100

Laura Talbert, Vice Chairperson
Stockton Talbert Law
1127 NW 14th Street
Oklahoma City, OK 73106
405-740-1727

Samanthia Marshall, Treasurer
McAfee Taft
William Center Tower II
Two W. Second Street, Ste. 1100
Tulsa, OK 74103
918-574-3094

Barret T. Bowers, Secretary
Ward & Glass
1601 36th Avenue NW
Norman, OK 73072
405-360-9700

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

LAW OFFICE MANAGEMENT AND TECHNOLOGY

Dale Rex, Chairperson
Sweeney, Draper & Christopher PLLC
P.O. Box 190
Ada, OK 74821
580-332-7200

Sandra L. Tolliver, Chairperson-Elect
P.O. Box 14271
Tulsa, OK 74159-1271
918-743-4400

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

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

LITIGATION

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

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

John M. "Jake" Krattiger, Treasurer
One Leadership Square
211 N. Robinson Avenue, Suite N1500
Oklahoma City, OK 73102-7144
405-235-5500

MASTER LAWYERS

Ronald Main, Chairperson
6634 S. New Haven Ave.
Tulsa, OK 74136-2842
918-742-1990

Yasodhara M. Means, Secretary
2300 N. Lincoln Blvd., Suite 212
Oklahoma City, OK 73105
405-312-0160

Charles R. Hogshead, Treasurer
4112 S. New Haven Place
Tulsa, OK 74135-2728
918-708-1746

MILITARY AND VETERANS LAW

Andi Atkinson, Chairperson
Oklahoma City, OK 73118
405-249-1659

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

Andi Atkinson, CLE Chairperson
Oklahoma City, OK 73118
405-249-1659

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

REAL PROPERTY LAW

Zachary T. Ball, Chairperson
Ball and Morse PLLC
3201 S. Berry Road
Norman, OK 73072
405-701-5355

J. Brandon Harvey, Chairperson-Elect
Field, Trojan & Harvey PLLC
P.O. Box 5676
Enid, OK 73702
580-233-4625

Deborah A. Reed, Budget Officer
Reed Legal PLLC
P.O. Box 702385
Tulsa, OK 74170
918-728-1604

Roberto Seda, Secretary
Ball and Morse PLLC
3201 S. Berry Road
Norman, OK 73072
405-701-5355

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

Rhonda McLean, Member-at-Large
Munson & McMillin
247 N. Broadway
Edmond, OK 73034
405-513-7707

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

TAXATION LAW

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

W. Todd Holman, Vice Chairperson
10902 S. Mulberry Avenue
Jenks, OK 74037
918-599-7755

Ryan J. Duffy, Secretary
Fellers Snider
100 N. Broadway Avenue, Ste. 1700
Oklahoma City, OK 73102
405-239-7225

Taylor K. Ferguson, Treasurer
100 N. Broadway Avenue, Suite 1500
Oklahoma City, OK 73102
405-522-9439

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

Sheppard F. "Mike" Miers Jr.,
Member-at-Large (East)
GableGotwals
1100 Oneok Plaza
100 W. 5th Street
Tulsa, OK 74103-4279
918-595-4834

Julie M. Holmes Chapel,
IRS Liaison Officer
55 N. Robinson Avenue, Suite 830
Oklahoma City, OK 73102-9237
405-982-6744

Marjorie L. Welch, State Liaison Officer
Norman, OK 73069
405-414-5909

Elizabeth J. Field, Immediate
Past Chairperson
100 N. Broadway Avenue, Suite 1500
Oklahoma City, OK 73102
405-522-9441

WORKERS' COMPENSATION

Nichole Bryant Stanton, Chairperson
2347 S. Delaware Avenue
Tulsa, OK 74114-3234
918-938-1103

Tess Bullard, Chairperson-Elect
P.O. Box 780
Oklahoma City, OK 73101
405-604-5000

Zachary H. Walls, Treasurer
2601 NW Expressway, Ste. 1120W
Oklahoma City, OK 73112
405-235-7641

Lacy N. Vassar, Secretary
210 W. Park Avenue, Suite 1450
Oklahoma City, OK 73102-8818
405-235-7600

Raegan Sifferman, Member-at-Large
1305 N. Shartel Avenue
Oklahoma City, OK 73103
405-778-3345

Danny Talbot, Member-at-Large
13901 Quail Pointe Dr.
Oklahoma City, OK 73134
405-602-5600

Emily Biscone, Member-at-Large
105 N. Hudson, No. 100
Oklahoma City, OK 73102
405-232-6490

William R. Emig, Immediate
Past Chairperson
7 S. Mickey Mantle, 2nd Floor
Oklahoma City, OK 73104
405-999-9000

OBA SECTION DUES

To sign up for a section online, login to MyOKBar, go to Online Store, Shop for Section Membership.

- | | | | |
|---|------|--|------|
| <input type="checkbox"/> Alternative Dispute Resolution | \$15 | <input type="checkbox"/> Immigration Law | \$20 |
| <input type="checkbox"/> Appellate Practice..... | \$25 | <input type="checkbox"/> Indian Law | \$20 |
| <input type="checkbox"/> Bankruptcy & Reorganization | \$25 | <input type="checkbox"/> Insurance Law | \$20 |
| <input type="checkbox"/> Business & Corporate Law | \$15 | <input type="checkbox"/> Intellectual Property Law..... | \$25 |
| <input type="checkbox"/> *Criminal Law..... | \$15 | <input type="checkbox"/> International Law | \$20 |
| <input type="checkbox"/> Disability Law..... | \$25 | <input type="checkbox"/> *Juvenile Law | \$15 |
| <input type="checkbox"/> Energy and Natural Resources | \$20 | <input type="checkbox"/> Labor & Employment Law | \$20 |
| <input type="checkbox"/> Environmental Law | \$25 | <input type="checkbox"/> Law Office Management & Technology | \$20 |
| <input type="checkbox"/> Estate Planning, Probate & Trust..... | \$20 | <input type="checkbox"/> Litigation..... | \$25 |
| <input type="checkbox"/> *Family Law | \$25 | <input type="checkbox"/> Master Lawyers (30yrs in practice or 60yrs old + 15yrs in practice) | \$20 |
| <input type="checkbox"/> Financial Institutions & Commercial Law..... | \$20 | <input type="checkbox"/> Military & Veterans Law (free to Active Military/Veterans)..... | \$15 |
| <input type="checkbox"/> General Practice/Solo Small Firm..... | \$15 | <input type="checkbox"/> Real Property Law | \$20 |
| <input type="checkbox"/> Government & Administrative Law Practice | \$15 | <input type="checkbox"/> Taxation Law | \$20 |
| <input type="checkbox"/> Health Law..... | \$25 | <input type="checkbox"/> Workers' Compensation | \$25 |

**Complimentary membership for judges*

Check the sections you wish to join above:

TOTAL \$ _____

Name _____ OBA # _____

Address _____ City _____ State/Zip _____

Phone _____ Email _____

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

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

Mail a check payable to the OBA for the amount of section dues to:

OBA Membership Department

P.O. Box 53036

Oklahoma City, OK 73152

Or fill in the information below:

Credit Card # _____ Expiration Date _____

Signature _____

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

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

New Leaders Take Helm of Oklahoma's Two Highest Courts

SUPREME COURT



Chief Justice
Noma D. Gurich

Noma D. Gurich is the new Oklahoma Supreme Court chief justice. She has been a member of the Oklahoma Supreme Court since her appointment by Gov. Henry in January 2011 and just completed a two-year term as vice chief justice. A native of Indiana, she received her undergraduate degree from Indiana State University and her J.D. degree from the OU College of Law.

She is only the third woman to serve on the state's highest appellate court and as chief justice. Over her years of service, she has the unique distinction of being appointed to judicial office by four different governors after recommendation from the Judicial Nominating Commission.

Chief Justice Gurich has been a judge in Oklahoma for 30 years, serving as a judge on the Oklahoma Workers' Compensation Court and as a district judge for Oklahoma County. Prior to her judicial career, she practiced law for 10 years in Oklahoma City. She is married to John E. Miley, Oklahoma Employment Security Commission general counsel.



Vice Chief Justice
Patrick R. Wyrick

Patrick R. Wyrick was elected to be the next vice chief justice. An associate justice since February 2017, he was appointed to the Oklahoma Supreme Court by Gov. Mary Fallin. He received his law degree from the OU College of Law and began his legal career as a law clerk for Federal Judge James H. Payne of the U.S. District Court for the Eastern District of Oklahoma. Following his clerkship, he was in private law practice when he was hired as the first solicitor general in the Office of the Oklahoma Attorney General.

Vice Chief Justice Wyrick, a fourth-generation native of Atoka, attended OU on a baseball scholarship. He and his wife, Jamie, have three children.

The new Oklahoma Supreme Court leaders will serve two-year terms that began Jan. 1.

COURT OF CRIMINAL APPEALS



Presiding Judge
David B. Lewis

David B. Lewis began serving his second term as Court of Criminal Appeals presiding judge on Jan. 1. He was originally appointed to the court by Gov. Henry in August 2005. Born and raised in Ardmore, Presiding Judge Lewis earned a bachelor's degree with high honors in business administration and economics from OU and went on to earn his J.D. from the OU College of Law in 1983. Following law school, he established a practice in Lawton and subsequently served as an assistant district attorney.

He held the position of special judge in Comanche County from 1991-1999 before being appointed by Gov. Keating to serve as district judge of Comanche, Stephen, Cotton and Jefferson counties. He has received numerous awards and public recognition over the years for his dedicated service to the legal community and the public. He was inducted into the Order of the Owl at the OU College of Law in 2017. He has served as Oklahoma Judicial Conference president and is co-chair of the OBA Bench and Bar Committee.



Vice Presiding Judge
Dana L. Kuehn

Vice Presiding Judge Dana Kuehn was appointed to the Court of Criminal Appeals in October 2017 by Gov. Mary Fallin. A native of Tulsa, she attended OSU, receiving a bachelor's degree in political science in 1993. She received her J.D. from the TU College of Law in 1996 and served as a felony prosecutor for almost 10 years with the Tulsa County District Attorney's Office.

In 2006, she was elected associate district judge of Tulsa County. She presided over a felony docket and from 2008-2017, presided over a civil docket. She is a Mona Salyer Lambird Spotlight Award recipient and in 2017, the American Board of Trial Advocates recognized her as Judge of the Year for the state of Oklahoma.

The new Court of Criminal Appeals leaders will serve two-year terms.

Integrated Estate Planning for the Protection and Succession of the Family Business

By Philip R. Feist

A SUCCESSFUL FAMILY business is certainly worth preserving and protecting. The primary economic driver that makes the United States the unrivaled economic powerhouse of the world is its family businesses. These account for the majority of U.S. gross domestic productivity.¹ Considering the statistics, it appears the most efficient, effective and successful vehicle for harnessing ingenuity to exploit economic opportunity and to create wealth, is the family business.

A 1987 study² suggested that two out of three family businesses fail to make it through the second generation, and 3-5 percent fail to make it to the fourth generation. However, these statistics are deceptive to the extent they leave us with the impression these family businesses failed economically, since the companies included in the study were those that ceased to exist because they were sold at a profit.³ Further, “[m]ore recent research suggests successful families often experience ‘transgenerational entrepreneurship,’ in which one generation inspires the next generation of entrepreneurs, but often in new ventures,⁴ which would rather indicate family business succession by transition into new fields of endeavor, not extinction.

PERSONAL INTERESTS ARISING FROM THE FAMILY DYNAMIC

The law of property allocates who has a right to own and enjoy what, in what amount and when. The family relationship gives rise to special legal rights in property. Spouses⁵ and minor children⁶ have a right to be supported by the family business owner (FBO) client’s property during life. At death, family owned business equity that is the separate property of an FBO may be disposed of by last will and testament or under the terms of an estate planning trust, free of the claims of a surviving spouse.⁷

When an FBO dies, the surviving spouse has rights to claim 1) ownership of an undivided share of the FBO’s property,⁸ 2) use of the marital residence,⁹ 3) possession of household tangible personal property,¹⁰ 4) exempt property¹¹ and 5) a discretionary support allowance during the pendency of the administration of the FBO’s estate.¹² An FBO’s surviving minor children have a right to be supported and continue to live in the family residence as well.¹³ Finally, unless the FBO affirmatively says otherwise in a legally effective testamentary instrument, the children will also have a right to an intestate share of the decedent’s estate.¹⁴

Rights of a surviving spouse can be altered by an artfully drafted and timely executed prenuptial agreement,¹⁵ postnuptial agreement¹⁶ or by a property agreement after marriage that transmutes joint industry property interests into the separate property of each of them.¹⁷ A surviving spouse also has no rights in a decedent’s separate property that is otherwise disposed of by will,¹⁸ deed, joint tenancy¹⁹ or beneficiary designation.

Therefore, to preserve the value and to protect ongoing enterprise operations, the FBO will want to execute legal documents that grant control authority, specifically with regard to the family owned business, and that provide for at-death allocations of interests in the family owned business to the surviving spouse and children.

BUILDING THE RING OF LEGAL STEEL AROUND THE FAMILY BUSINESS

There are compelling reasons for segregating ownership, control and management of unique assets from other assets. For instance, a “gun trust” is designed to hold title to class three firearms, such as machineguns and suppressors. Likewise, because of the special value and unique characteristics



and management requirements of a family owned business, ownership and control of this asset should also be the subject of its own estate planning documents.

The Challenge

Prudent estate planning for the FBO client will take into consideration the various, often-competing expectations of stakeholders other than the client, to legally manage some of those expectations and to erect a bulwark against others. These include the expectations of a surviving spouse and children, of family owned business co-owners (if any) and of the employees, vendors and customers of the business upon whose continued loyalty the viability and profitability of the company depends. What is needed is clear and effective control authority and prudent equity interest transfer protocols.

Another unseen potential claimant against the FBO's interest in the company also exists – the unexpected, nonconsensual judgment creditor, who will want to reach family owned business equity held in the FBO's name or in the names of the successors in interest. Particular attention should be paid to planning for those estate liabilities which, under Oklahoma law, will become the continuing obligations of the surviving spouse²⁰ after the FBO's death.

Finally, integrated estate planning for the FBO client will strategize to minimize erosion of family wealth from income and transfer taxation.

Some Suggested Essential Planning Documents

The following are some suggested essential planning documents to provide for continuity of authority for operating the family

owned business, to protect its operations from outside interference from family members in the absence of the FBO and to put the family owned business and its assets beyond the reach of creditors of the FBO and his or her spouse.

Equity Trust. Family owned business equity should be held by the trustee of a stand-alone revocable trust (equity trust) that is separate from the client's regular estate planning asset management trust. The trustee of this equity trust would usually be the client, and the authority of successor trustees should be limited in matters relating to 1) the sale or other transfer shares or units, or any interest in these, without the consent of the FBO-grantor's spouse or, if there is none, then any child of the grantor who is employed as an executive of the company

and 2) the removal without cause, or the refusal without cause, to employ in an appropriate position, a member of the principal's family. If the family owned business has multiple corporate shareholders or limited liability company members, the trustee should be authorized to enter into buy-sell and related agreements (such as liquidity funding arrangements) as an exception to the restriction on power to sell or transfer shares or units. Also, the trust agreement should include authority for the trustee to sell family owned business equity, or interests in equity, to the grantor's spouse or other family members, including, but not limited to, by contributing shares or units to qualified grantor retained annuity trusts (GRAT) and participating in the purchase of GRAT remainder interests.

The trust agreement for the FBO's regular estate planning trust should provide that its trustee shall be subject to any direction given to him or her by the trustee of the equity trust for the purpose of facilitating the financial well-being of the family owned business, including making additional capital

contributions to it and guaranteeing third-party loans made to it.

In order to maintain objective administration of family owned business equity held in an equity trust, the power to remove and replace a successor trustee upon grantor incapacity or death could be held by a trust protector, who could be an executive officer of the family owned business, instead of family member beneficiaries having this power.

For the sake of efficiency, an equity trust should provide a streamlined nonjudicial mechanism for establishing a presumption of grantor incapacity, such as a professional determination which sets out the essential findings²¹ which are the basis for concluding that the grantor is not able to make informed decisions concerning the administration of the trust. To help disincentivize a palace coup by a family member, the successor trustee of the trust could be the same person as the attorney-in-fact appointed under the grantor's specific durable power of attorney (discussed later), and the professional determination has to be made by the grantor's personal

physician or other qualified professional designated by his or her personal physician.

The equity trust agreement should include flexibility mechanisms that allow it to be modified to adapt to the changing circumstances of an incapacitated FBO grantor, and of the grantor's spouse and remainder beneficiaries, including a limited *inter vivos* power of appointment, exercisable by a trust protector, to appoint (*i.e.*, make gifts of) shares or units to the FBO's spouse, ancestors (to get a "stepped-up basis" (discussed later)) and descendants.

After the death of the grantor and his or her spouse, family owned business equity still held by the equity trust could continue to be held, in trust, for the benefit of the grantor's descendants. To dampen a sense of financial inequity among family members who are not employed by the family owned business, the equity trust could provide that an amount equal to the greater of 1) the average of all compensation paid to all family-member employees of the company and 2) the compensation of the highest

The trust agreement for the FBO's regular estate planning trust should provide that its trustee shall be subject to any direction given to him or her by the trustee of the equity trust for the purpose of facilitating the financial well-being of the family owned business, including making additional capital contributions to it and guaranteeing third-party loans made to it.

paid family member employed by the company, be distributed to the equity trust to be disbursed, in equal amounts, among the family members who are not employed by the company. If the equity trust holds a controlling interest in the company, then the trustee would be in a position to compel this result. Coordinating the measuring compensation of employed family members with cash disbursements through the equity trust to other family members could also restrain extravagant compensations being paid to family-member employees of the company.

During his or her lifetime, the grantor should enter into an agreement with the family owned business that, at the direction of the trustee, 1) the company will be recapitalized to provide for various classes of equity having different voting powers and distribution preferences consistent with the company's tax status, if that is relevant (*i.e.* S-Corp one-class-of-stock requirement) and 2) the company will redeem any amount of its equity held by the trust, subject to specific capital and cash flow metrics of the company at the time so as not to unduly burden its financial health and capacity. Recapitalization will give the trust flexibility in allocating family owned business equity among various beneficial interests, and redemption will permit the trust to liquidate equity for final distribution to a beneficiary in termination of that beneficial interest in the trust. As an alternative, the trust could be the beneficiary of life insurance²² on the life of the grantor or of any trust beneficiary, to enable the trust to liquidate any beneficial interest in family owned business equity without having to require the company to redeem those shares or units.

Finally, the equity trust agreement should include a mandatory alternative dispute resolution



protocol that includes mediation, arbitration of any issues not settled in mediation and resort to the courts if there is a beneficiary who does not agree in mediation and who does not accept an arbitration result, with the legal fees and costs of all litigation parties being currently paid from the trust share of that beneficiary, subject to equitable reallocation of the fees and costs burden by the court upon entry of a final judgment.

Durable Powers of Attorney.

If there is a reason family owned business equity should not be held in trust, then the FBO client should have two durable powers of attorney (DPOA) – one to manage the client's nontrust property interests, generally, and a second one to exercise family owned business equity powers.

The client's regular asset management DPOA could appoint as attorney-in-fact a person who is familiar with the client's personal and financial priorities. However, this DPOA should expressly exclude from the scope of agent authority the exercise of the client's powers and prerogatives as an equity owner of the company.

Further, as discussed earlier with regard to the powers of the equity trust successor trustee, this general DPOA agent should be subject to any direction given to him or her by the attorney-in-fact of the client's specific DPOA for the purpose of facilitating the financial well-being of the family owned business, including making additional capital contributions to it and guaranteeing third-party loans made to it.

With regard to a specific DPOA that deals solely with matters relating to family owned business equity, the attorney-in-fact should be someone who is familiar with the operations of the family owned business, such as one of its executive managers. This DPOA should also define the scope of agent authority as being limited to the exercise of powers inherent in or incident to the principal's ownership of family owned business shares or units, with restrictions similar to those set out earlier on the powers of an equity trust successor trustee, as these relate to the sale or transfer of family owned business equity and employment of family members by the family owned business.

FBO Client's Will. The last will and testament of the FBO should provide that family owned business equity not held in trust is transferred to the client's equity trust and not to his or her generic asset management trust. To help neutralize family disputes that could disrupt the family owned business that is part of the FBO's estate, an *in terrorem* no-contest clause can be included in the will, but these are disfavored and strictly construed.²³ A more effective provision might be something like, "Any person who claims an interest in my estate other than what I have provided for in this, my last will and testament, is hereby given \$2, and no more, as his or her entire and final interest in my estate."

Creditor Protection. The planning lawyer likely has a duty to discuss asset protection options with his or her FBO client. Particularly potent statutory creditor exempt status is given to assets held in an Oklahoma family wealth preservation trust,²⁴ which can be settled as a revocable trust.²⁵ The FBO could settle a preservation trust as a second equity trust to hold family owned business shares or units as well as an undivided interest in the appreciation of assets held in the client's regular revocable estate planning asset management trust. While the grantor should not be a trustee of his or her preservation trust, and cannot be a beneficiary of the trust,²⁶ a preservation trust agreement can provide for grantor access to trust value by, for instance, a renewable annual line of credit loan secured by the client's regular estate planning asset management trust and by pledge of his or her nontrust property. The preservation trust agreement should incorporate the pre-emptive, efficiency and flexibility provisions discussed in the *White Water Estate Planning: Asset Planning to Survive to the Next Generation* four-part

continuing legal education webinar series offered by the Oklahoma Bar Association on September 2018.

Other Drafting Considerations. Five other considerations should be discussed with the FBO as part of an integrated estate plan.

First, organize an Oklahoma "Series LLC."²⁷ The FBO client's preservation trust (or, after the client's death, his or her continuing equity trust) could be the manager of the main or "host" LLC, and family owned business shares or units that otherwise would be transferred to the FBO's individual beneficiaries by gift or at death could instead be allocated to a series of the LLC which has as its member-owner and manager an irrevocable trust that the client has settled for the benefit of that individual. This use of a Series LLC provides triple-layer protection for the beneficiary's interest in family owned business equity, namely 1) the statutory liability shield for the series,²⁸ 2) the charging order as the sole creditor remedy²⁹ and 3) the protections drafted into the irrevocable trust.³⁰

Second, the irrevocable trust settled by the FBO to be the member-owner and manager of an LLC series, as explained earlier, would receive any distributions made by the company with regard to the family owned business equity held by the series. The trust could then make distributions to the beneficiary subject to the terms set out in the irrevocable trust agreement.

Third, provide that the family owned business has more than one owner (such as trusts settled for the benefit of the FBO's children), with the FBO client (or his or her equity trust, or preservation trust) owning all voting family owned business equity. Also, consider holding family owned business shares or unit, owned by client and his or her spouse as tenants by the entirety – this ownership form has the same

survivorship feature as joint tenancy with right of survivorship, but it becomes a tenancy in common upon divorce without the necessity of executing any conveyance documents. Lastly, multiple ownership of a limited liability company also gives an overlay of protection³¹ in addition to the statutory "charging order only" remedy of creditors of an LLC.

Fourth, all family owned business equity owners should be subject to a buy-sell agreement which provides that, at the death of a family owned business equity owner, the agreed-on purchase price³² of the equity is distributed to a transition trust settled by the family owned business itself, having an executive officer of the company as its trustee and, as beneficiaries, the deceased family owned business equity owner's spouse and children. This trust should give the surviving spouse (or, if there is none, then each child, with regard to his or her own share) a limited *inter vivos* power to appoint trust property to the trustee of any other trust settled by the deceased family owned business equity owner or by the family owned business executive officer (who presumably would be compliant with any reasonable terms the surviving spouse might request). Such a provision keeps the value of the decedent's equity interest out of probate and also protects that value from creditors of the decedent's successors in interest.

Fifth, while Oklahoma law will govern the internal administration of an Oklahoma family owned business, the question to be considered is, "How could a non-Oklahoma court judgment affect ownership interests in family owned business equity?" The answer is:³³ *first*, when an individual who lives outside Oklahoma holds family owned business shares or units in his or

her own name;³⁴ *second*, when state taxing authorities assert the right to reach the economic interest of a beneficiary of an Oklahoma trust that holds family owned business equity;³⁵ *third*, when an Oklahoma trust that holds family owned business shares or units has jurisdictional minimum contacts with another state.³⁶ Consider also that the value of the interest of a trust beneficiary in trust-owned family business equity – even as a remote contingent remainder beneficiary – can be included in divorce property settlement calculations if governing law gives the divorce court powers of equitable distribution.³⁷

THE TAX YETI

The drafting lawyer will want to consider the big footprint on the client's integrated estate plan made by income, gift, generation-skipping and estate taxes.

Concerning income taxes, some primary issues are 1) the transfer of trust tax liability to the grantor or to a beneficiary by application of the grantor trust rules,³⁸ 2) material participation rules³⁹ for purposes of the passive loss rules, 3) the installment sale rules,⁴⁰ 4) minimum interest rate requirements for intra-family loans,⁴¹ 5) planning to avoid the "net investment income tax,"⁴² 6) the availability of the 20 percent qualified business income deduction new IRC §199A⁴³ and 7) with regard to state income taxation, the very favorable Oklahoma exemption from capital gains tax for proceeds from the sale of qualifying corporate shares or LLC units.⁴⁴

Concerning lifetime transfers of property, gift tax considerations include the fact that the federal gift tax is calculated on an "exclusive" and not (as is the estate tax) on an "inclusive" basis. The other important consideration is that gifts are received with a "carryover basis" as opposed to "stepped-up basis"

if the same property were to be included in the decedent's taxable estate.⁴⁵ However, gifts made upstream to older family members that will be included in their taxable estate, can come back to the donor's family with a stepped-up basis, taking advantage of the

the family owned business is more than 35 percent of the adjusted gross value of his or her taxable estate. The three escape avenues are 1) applying the decedent's available estate tax exclusion,⁴⁹ 2) utilizing the 100 percent marital deduction,⁵⁰ 3) utilizing the 100

The drafting lawyer will want to consider the big footprint on the client's integrated estate plan made by income, gift, generation-skipping and estate taxes.

upstream decedent's estate and generation-skipping transfer tax exclusion amounts.

Finally, the integrated estate plan drafting lawyer should also consider the income and transfer tax efficiencies of the FBO client using discounted-value family owned business equity to fund a qualified GRAT⁴⁶ that has the client's spouse as its beneficiary (resulting in a marital deduction gift transfer); the beneficiary spouse could then sell the remainder to an irrevocable grantor trust that he or she has settled for the benefit of his or her children, with a zero income⁴⁷ and transfer tax result to the beneficiary spouse. Further, if the GRAT is a "Walton GRAT,"⁴⁸ a favorable estate tax result if the grantor dies during the GRAT term.

Concerning estate taxation, there is one option for lessening the effect of the tax on the family business, and there are three avenues of escape from this tax. The first option is to make installment payments under IRC §6166, where the value the decedent's interest in

percent charitable deduction.⁵¹ A final consideration is the issue of basis step-up for assets held in a decedent's single-member LLC.⁵²

Planning for a zero-estate tax result could combine all three of these escape avenues. At the first death, a credit shelter trust could be funded to the extent of the available estate tax exclusion, and then excess estate value could be allocated to a qualified terminal interest property (QTIP) trust,⁵³ for the marital deduction. At the death of the surviving spouse, the remainder of the QTIP trust could be contributed to a testamentary charitable lead annuity trust⁵⁴ that has the children or other descendants (or trusts for these) as remainder beneficiaries; this charitable lead annuity trust would have a term and an annuity distribution percentage that result in a remainder actuarial value of zero.

With regard to the generation-skipping transfer (GST) tax, at the death of the first spouse to die, the decedent's available GST tax exclusion⁵⁵ could be allocated

to a GST trust⁵⁶ and the QTIP trust in favor of the surviving spouse could be a “reverse QTIP” that makes the surviving spouse the “transferor” of the QTIP trust remainder for GST tax purposes,⁵⁷ with the result that the surviving spouse’s GST tax exclusion is allocated to the QTIP remainder when that spouse dies.⁵⁸ This GST planning will also take into account issues relating to how interests held in trust,⁵⁹ as opposed to “direct skip” distributions, are taxed for GST purposes.

Finally, as a capstone to this aperçu of relevant federal taxation issues, the integrated estate plan drafting lawyer should look for opportunities to take advantage of two other planning tools. *First*, consider setting a multi-generational trust to make gift-tax exempt and GST tax exempt payments for beneficiaries’ qualified medical and educational expenses,⁶⁰ perhaps as an alternative wealth transfer equalizer in place of giving family owned business equity to children who are not engaged in the company. *Second*, consider making gift-tax free marital deduction transfers to an *inter vivos* QTIP trust that gives the beneficiary spouse a limited testamentary power to appoint the remainder of trust property to, or among, a surviving spouse and children, resulting in 1) protection of QTIP trust property from creditors of the grantor and of the beneficiaries, 2) a stepped-up basis for the QTIP trust remainder, 3) utilization of the beneficiary spouse’s estate tax exclusion at his or her death and 4) with a reverse QTIP election, utilization of the QTIP spousal beneficiary’s GST tax exclusion as well.

ABOUT THE AUTHOR

Philip Feist is of-counsel with the law firm of Doerner Saunders Daniel & Anderson LLP in Tulsa. He practices in the areas of estate planning, family business planning and asset protection planning. He is a frequent presenter at continuing legal education seminars and received his J.D. from the University of San Diego School of Law.

ENDNOTES

1. According to the Family Owned Business Institute of Grand Valley State University, there are 5.5 million family businesses in the U.S., contributing 57 percent of the gross domestic product, employing 63 percent of the workforce, responsible for 78 percent of all new job creation and universally outperforming nonfamily businesses (www.gvsu.edu/fobi/family-firm-facts-5.htm).
2. John Ward, *Growing the Family Business: Special Challenges and Best Practices* (Wiley, 1987).
3. See, Robert Holton, “A Critical Look at ‘Survival’ Statistics,” *Family Business Magazine*, at www.familybusinessmagazine.com/critical-look-survival-statistics.
4. *Id.*, citing to Zellweger, Nason & Nordquist, “From Longevity of Firms to Transgenerational Entrepreneurship of Families: Introducing Family Entrepreneurial Orientation,” *25 Family Business Review*, 136-55 (2012), published online at cdn.ymaws.com/www.ffi.org/resource/resmgr/FFI_on_Friday/From_Longevity_of_Firms_FBR_.pdf.
5. 43 O.S. §§201, 202.
6. 10 O.S. §83.
7. 84 O.S. §§44(B)(1), 301.
8. 84 O.S. §44(B)(2). For purposes of a surviving spouse’s election right, Oklahoma is not an “augment” state; instead, the surviving spouses election “applies only to property passing by testate succession and/or under the terms of a revocable trust in which a decedent has some interest that survives his death,” and not to other assets such as pay-on-death accounts and life insurance proceeds. *Estate of Littleton*, 2013 OK CIV APP 94, ¶15.
9. 58 O.S. §311; however, a surviving spouse has no right to occupy a residence that was the separate property of the decedent (*Casey v. Casey*, 2005 OK 13).
10. 58 O.S. §311.
11. 58 O.S. §312.
12. 58 O.S. §§314, 318.
13. 58 O.S. §314; note that a decedent’s child support obligation does not survive the death of the obligor unless the support order so provides (*Whitman v. Whitman*, 1967 OK 162).
14. 84 O.S. §§131, 132, 213(B)(2).
15. 43 O.S. §121(B), 84 O.S. §44(A). See, *Griffin v. Griffin*, 2004 OK CIV APP 58 (setting out elements of a valid prenuptial agreement); *Starceovich v. Starceovich*, 2014 OK CIV APP 1250 (elements of unenforceability of a prenuptial agreement).
16. See, *Griffin* at ¶11.
17. 43 O.S. §207.
18. 84 O.S. §44(B)(1).
19. See, *Casey* at ¶14.
20. Under Oklahoma law, the expenses of a decedent’s medical expenses become, by statute, the liability of a surviving spouse. 43 O.S. §209.1. Also, if a decedent dies within 180 days after his surviving spouse had filed bankruptcy, the

spouse’s interest in the decedent’s estate, and as a beneficiary of a life insurance policy, becomes part of the bankruptcy estate. 11 U.S.C. §541(a)(5).

21. The statutory bases for a finding of incapacity in Oklahoma are set out at 30 O.S. §1-111(12).

22. Discussion of tax-efficient ways to structure ownership of life insurance policies is beyond the scope of this article. However, any such discussion would address the relative efficiencies of the irrevocable life insurance trust and the life insurance partnership, transfer for value rules at IRC §101(a)(2), and premium funding mechanisms including the loan (Treas. Reg. §1.7872-15) and economic benefit (Treas. Reg. §1.61-22) split dollar regimes.

23. *Barr v. Dawson*, 2007 OK CIV APP 38, ¶8.

24. 31 O.S. §12 (in pertinent part: “the corpus and income of a preservation trust shall be exempt from attachment or execution and every other species of forced sale and no judgment, decree, or execution can be a lien on the trust for the payment of debts of a grantor, except a child support judgment.”).

25. 31 O.S. §13.

26. 31 O.S. §§11(5)(c), (11)(6). Note: Having an *inter vivos* QTIP trust for the grantor’s spouse is problematic, for these reasons: *first*, a preservation trust should have a provision that automatically a divorcing spouse from being a beneficiary, but this could disqualify an interest in the preservation trust for QTIP marital deduction purposes; *second*, if the spouse-beneficiary of the QTIP trust dies and has exercised a testamentary limited power to appoint the QTIP remainder to the surviving grantor spouse, who is also the preservation trust grantor, then the preservation trust grantor would be a disqualifying beneficiary of his or her own preservation trust.

27. 18 O.S. §2054.4.

28. “[T]he debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series *shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, and, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of the series.”* *Id.*, in pertinent part.

29. 18 O.S. §2034.

30. These would be limitations on access to beneficial interests by 1) trustee distribution discretion, 2) distributions limited to ascertainable standard purposes and 3) statutory spendthrift protection (60 O.S. §175.25).

31. See, 1) *In re Albright*, 291 B.R. 538 (D. Colo. April 4, 2003) (with a single-member LLC, there are no fiduciary duties owed to other members, so the bankruptcy trustee, holding all of the equity of the LLC, could dissolve the entity and reach its assets for the benefit of creditors); and 2) *In re Baldwin*, 463 B.R. 142 (10th Cir. BAP, July 11, 2006) (the power of the bankruptcy trustee who held the debtor’s interest in an Oklahoma limited partnership agreement to dissolve the entity, and thus reach its assets, was determined by the terms of the operating agreement and Oklahoma statute).

32. See, Hopson, James F., “Safeguarding the Family Limited Partnership” (*Journal of Taxation*, November 2014); Hall, Lance S., “Lack of Outside Appraisal Dooms Buy-Sell Formula Value Fix for Estate Tax Purposes.”

33. The three scenarios set out here do not include *in rem* jurisdiction of another state over family owned business *property* located in that

state (e.g., *In re Huber*, 493 B.R. 798 (Bankr. W.D. Wash. 2013)), or possible *in personam* jurisdiction over the company's equity owners when the company does business in another state without domesticating itself in that state (see, Note, "The Legal Consequences of Failure to Comply with Domestication Statutes," 110 *University of Pennsylvania Law Review* 241 (1961)).

34. Jurisdiction is of several kinds: jurisdiction as to *what purpose*: subject matter (general, or limited; and, federal question jurisdiction in federal court); jurisdiction as to *what person*: personal (general jurisdiction, for all purposes relating to the defendant, or special jurisdiction, relating to only particular activities of the party in the state); jurisdiction as to *property*: in rem (relating to property and interests in property located in the state). Further, jurisdiction requires statutory authority, such as state "long-arm" jurisdiction over nonresidents, and federal "diversity" jurisdiction over parties (having citizenship (not, residence, see *Riverboat Group, LLC v. Ivy Creek of Tallapoosa, LLC*, 2018 WL 654720 (M.D. Ala. Jan. 4, 2018)) and amount-in-controversy requirements).

35. E.g., Cal Rev & T Code §17743; Cal Rev & T Code §17744.

36. *Hanson v. Denckla*, 357 U.S. 235 (1958).

37. Equitable distribution is a method of allocating property between divorcing spouses, taking into account any and every interest in property a party may have, however remote or contingent. All states except for Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington and Wisconsin follow the principles of equitable distribution. See also, Sildon, "Strategies for Dealing with Divorce and the Family Business," 33 *Estate Planning Journal*, July 2006 (addresses issues other property settlement issue than equitable distribution).

38. IRC §§671-679. An estate tax-efficient grantor trust power to draft into a trust agreement is the "equivalent value substitution" power, §675(4), exercisable by someone (e.g. a trust protector) other than the grantor (to avoid this power from potentially falling into the hands of a bankruptcy trustee), which will allow a highly appreciated low-basis trust asset to be substituted out of the trust into the grantor's hands in exchange for cash or a cash equivalent transferred to the trust, with the result that the substituted-out property will be included in the grantor's estate and receive a stepped-up basis.

39. IRC §469(h)(1); at issue is whether income is the result of passive or active taxpayer participation in a "trade or business."

40. IRC §453.

41. Intra-family loans are governed by "applicable federal rates" (AFR) promulgated pursuant to IRC §1274, which are the minimum interest rates that must be applied to intra-family short term loans (having a term of three years or less), midterm loans (having a term of three to nine years) and long term loans (having a term of more than nine years). If intra-family loans bear an interest rate less than the relevant AFR, or if interest is not paid annually, the IRS will impute an "original issue discount" rate to the loan on an annual basis (IRC §7872).

42. IRC §1411.

43. 2017 Tax Cuts and Jobs Act §11011(a).

44. 68 O.S. §2358, Sec. F. – "qualifying [capital] gains" are exempt from Oklahoma taxation; these include capital gains from 1) the sale of corporation stock or LLC units of a company having a continuous physical presence in Oklahoma for at least three years, and which are owned "directly or indirectly" by the taxpayer for at least two continuous years, and 2) the sale

of real or tangible personal property located in Oklahoma and "directly or indirectly" owned by the taxpayer for at least five continuous years.

45. IRC §1014(a).

46. IRC §2702(b).

47. Rev. Rul. 85-13 (a sale or exchange between a settlor and her grantor trust are disregarded).

48. *Walton v. Commissioner*, 115 TC 589 (1993) (the value of a GRAT included in the estate of a grantor who dies during its term will only be the present value of the unpaid term annuity amounts).

49. IRC §2010.

50. IRC §2056(b)(5) & (7).

51. IRC §2055.

52. Only property that is acquired from a decedent gets a basis step-up (IRC §1014(a)), and, for a single-member LLC owned by the decedent, this would be the LLC units not the LLC assets. Rev. Rul. 99-5 holds that, since a single-member LLC is a disregarded entity for federal tax purposes, a sale of half of a single-member LLC's units is a sale of half of the LLC's assets. However, in *Pierre v. Commissioner*, 133 TC 24 (2009), the court held that, for federal transfer tax purposes, a gift of units of a single-member LLC is not a gift of the value of assets, but of the units themselves. If this is the case, then a step-up of the basis of LLC units can only bring favorable capital gains tax results upon dissolution of the LLC and a terminating distribution of LLC assets to the heirs/beneficiaries who hold the LLC units. But, I note this critical distinction between a gift transfer of part of a single member's LLCs units, and a death transfer of all of the single member's LLC units at death: a transfer of all of units includes the power to dissolve the LLC and reach its assets, and what is acquired from the decedent single member was this power to dissolve; therefore, if this reasoning is correct, a single member LLC would be, in actual fact, a disregarded entity for transfer tax purposes where all LLC units have been transferred, and the basis step-up should logically go to the LLC assets themselves.

53. IRC §2056(b)(7).

54. The IRS has provided a model testamentary CLAT form at Rev. Proc. 2007-46.

55. IRC §2631.

56. Each GST trust should have only one beneficiary, to avoid "gift-over" complications under IRC §2014(e).

57. IRC §2652(a)(3).

58. IRC §2044.

59. IRC §2611(a)(1) (taxable distributions) & §2611 (a)(2) (taxable terminations).

60. IRC §§2503(e), 2611(b); 2642(c); see also, Handler, "Structuring Transfers and Trusts to Qualify for Gift and GST Tax Exclusions Related to Educational and Medical Expenses," a paper delivered at the 2006 Joint Fall CLE Meeting of the American Bar Association – Section of Taxation, available at www.americanbar.org/content/dam/aba/events/real_property_trust_estate/joint-fall/2006/547200610016.pdf.

Private Takings in Oklahoma Under Article II, §23 of the Oklahoma Constitution

By Stephen P. Gray & M. Scott Major

THE PURPOSE OF THIS article is to acquaint the practitioner with a little-known procedure for handling access and utility issues involving real property in Oklahoma – a private cause of action for eminent domain. Under Article II, §23 of the Oklahoma Constitution, a private person may condemn private land of another for 1) a private way of necessity or 2) for drains or ditches across lands of others for agricultural, mining or sanitary purposes.¹ Oklahoma law specifically provides that private condemnation can be accomplished pursuant to statutory proceedings, but the issue of inverse condemnation, in which a party is seeking compensation for a private taking, is not as cut and dry. There is, however, authority that supports an implied cause of action for inverse condemnation by a private property owner against a private person.

CONDEMNATION ACTION UNDER THE ‘RAILROAD STATUTES’

Oklahoma law provides that a private property owner can accomplish a private taking “in like manner as railroad companies,”² and such a taking may be accomplished pursuant to the procedures set forth in the “Railroad Statutes” for condemnation.³

Hence, any private person, firm or corporation may utilize the power of eminent domain for the limited purposes set forth in Article II, §23 under the Railroad Statutes.

AUTHORITY FOR AN INVERSE CONDEMNATION ACTION FOR PRIVATE TAKING IN EMINENT DOMAIN

As to the basis for an inverse condemnation claim by a private property owner, there is authority to support the positions that an implied cause of action is available under Oklahoma’s statutory and constitutional scheme for condemnation proceedings. If a private party has the power of eminent domain for the limited purposes set forth in Article II, §23, it is only logical that an aggrieved property owner adjacent to such person would also have an action for inverse condemnation against an offending neighbor. An inverse condemnation cause of action arises when there is an “ongoing and substantial interference” by another private party with the landowner’s use of the property.⁴ Oklahoma case law recognizes that an implied cause of action exists under certain circumstances.⁵ In *Keizer v. Sand Springs Ry. Co.*, the Oklahoma Court of Civil Appeals held that the factors

to determine whether a private cause of action may be implied when a private remedy is not provided by statute are as follows:

- (1) is the plaintiff one of the class for whose especial benefit the statute was enacted? (2) is there any indication of legislative intent, explicit or implicit, either to create such a remedy or deny one? (3) is it consistent with the underlying purposes of the legislative scheme to imply such a remedy for plaintiff: and (4) is the cause of action one traditionally relegated to state law so that it would be inappropriate to infer a cause of action based solely on federal law?

When one looks at the first factor, a private party is clearly included in the class intended to benefit from the protection of Oklahoma condemnation statutes.⁶ Moreover, under the second prong there is indication of legislative intent expressed in 27 O.S. §6 that such actions are to proceed under the Railroad Statutes. 66 O.S. §57 is a Railroad Statute that allows an inverse condemnation action. As to the third prong (“[I]s it consistent with the underlying purposes of the legislative scheme to imply such a remedy for plaintiff?”), clearly

the answer is yes, in that courts have long recognized the right to bring an action for inverse condemnation.⁷ It can thus be argued that a private property owner also has the right of an inverse condemnation action against another private party under the appropriate facts and circumstances, but there is another reason to pursue a private inverse condemnation action against another private person.

There are two constitutional provisions concerning eminent domain. As discussed above, the first is Article II, §23 of the Oklahoma Constitution. The other is Article II, §24, which states in pertinent part:

Private property - Public use - Character of use a judicial question. Private property shall not be taken or damaged for public use without just compensation.

It is readily apparent that an action brought under Article II, §24 is a public entity taking for a public use, while Article II, §23 concerns a private party taking for a private use. When one compares Article II, §23 to Article II, §24, the language is substantially similar. The operative language of both constitutional provisions is “no ... property shall be *taken or damaged*.” Moreover, 27



O.S. §6 empowers a private property owner to proceed in condemnation in like manner to the railroad companies. The Railroad Statutes provide for both regular condemnation and inverse condemnation takings.⁸ Moreover, 66 O.S. §57 provides the right of inverse condemnation:

[P]rovided, that in case any corporation or municipality authorized to exercise the right of eminent domain shall have taken and occupied, for purposes for which it might have resorted to condemnation proceedings, as provided in this article, any land, without having purchased or condemned the same, the damage thereby inflicted upon the owner of such land shall be determined in the manner provided in this article for condemnation proceedings.

The language of the two constitutional provisions is so similar to come within the doctrine of *in pari materia*,⁹ which states that similar provisions on the same subject are to be construed together in interpreting the material provisions. Applying the doctrine of *in pari materia* to the two constitutional provisions would, therefore, lead to the conclusion that an inverse condemnation action for a private party proceeding is authorized under Article II, §23. This conclusion is further supported by case law allowing inverse condemnation for public takings under Article II, §24.¹⁰

STATUTE OF LIMITATIONS FOR PRIVATE CAUSES OF ACTION FOR EMINENT DOMAIN

Premises considered, although the viability of causes of action for private-party condemnation and inverse condemnation action is established under Article II, §§23 and 24, the question of the applicable statute of limitations for such

actions remains. The Oklahoma Court of Civil Appeals summarized the answer aptly in *Perry v. Grand River Dam Authority*.¹¹ In *Perry*, the court found that Art II, §24 does not contain a limitations period and does not make any distinctions between real and personal property.¹² Instead, §24 provides for “just compensation to all private property that is *taken or damaged*.”¹³ However, looking to the Oklahoma Supreme Court’s holding in *Drabek v. City of Norman*,¹⁴ the *Perry* court found that early case law in Oklahoma established a statute of limitations of 15 years when “there has been a taking of real private property without just compensation.”¹⁵ Because condemnation proceedings “do not involve a tort” and inverse condemnation takes the form of a “special statutory proceeding to ascertain just compensation,” the court found that the two-year statute of limitations for torts did not apply.¹⁶ The *Perry* court then held that the appropriate limitations period for an inverse condemnation proceeding is 15 years.¹⁷ Although the *Perry* court’s holding pertained to Article II, §24 public takings, borrowing again from the doctrine of *in pari materia*, one may reasonably conclude that the *Perry* court’s holding would also apply to §23 and that 15 years is the applicable statute of limitations period for a private party taking of personal real property or private party inverse condemnation actions.

CONCLUSION

Article II, §23 of the Oklahoma Constitution recognizes a private right of action to acquire private property through eminent domain. 27 O.S. §6 empowers a private property owner to acquire private property by condemnation pursuant to the Railroad Statutes. Although no Oklahoma appellate courts appear to have examined the issue, there is sufficient authority under Oklahoma law to assert a cause

of action for inverse condemnation by a private property owner against another private party.¹⁸ Accordingly, practitioners need to be aware of a cause of action in eminent domain for a client in the limited circumstances where a private taking may lie.

ABOUT THE AUTHORS

Stephen P. Gray was born and raised in Oklahoma, residing in Broken Arrow. He graduated from the TU College of Law in 1980. He has been in private practice since 1990, practicing real estate and eminent domain matters.

M. Scott Major is a native Oklahoman who lives in Collinsville. He is a third-year law student at the TU College of Law. Prior to law school, he was an advanced placement English teacher at Owasso High School and an overseas humanitarian worker in China.

ENDNOTES

1. “No private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law.” Article II, §23 of the Oklahoma Constitution (emphasis added).
2. “Any private person, firm or corporation shall have power to exercise the right of eminent domain in like manner as railroad companies for private ways of necessity or for agriculture, mining and sanitary purposes.” 27 O.S. §6.
3. 66 O.S. §§51 through 66.
4. See *Perry v. Grand River Dam Authority*, 2015 OK CIV APP 12, 344 P.3d 1; *State ex rel. Dept. of Transp. v. Hoebel*, 1979 OK 63, ¶9-10, 594 P.2d 1213, 1215.
5. See *Keizor v. Sand Springs Ry. Co.*, 1993 OK CIV APP 98, 861 P.2d 326.
6. See 27 O.S. §6; 66 O.S. §57.
7. See, e.g., *Hoebel*, 1979 OK 63, 594 P.2d 1213.
8. 66 O.S. §§57-66.
9. *Groom v. Wright*, 1912 OK 25, 121 P. 215.
10. See, e.g., *Perry v. Grand River Dam Authority*, 2015 OK CIV APP 12, 344 P.3d 1; *State ex rel. Dept. of Transp. v. Hoebel*, 1979 OK 63, 594 P.2d 1213.
11. 2015 OK CIV APP 12 ¶26, 344 P.3d at 20.
12. *Id.* (¶26).
13. *Id.*
14. 1996 OK 126, ¶4, 946 P.2d 658, 659.
15. *Id.*
16. *Id.* 344 P.3d at 20, ¶27.
17. *Id.*
18. 66 O.S. §57; *State ex rel. Dept. of Transp. v. Hoebel*, 1979 OK 63, 594 P.2d 1213.

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
to learn more!**

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

New Vision for OBA

By John Morris Williams

IT'S 2019. Just one year from 2020 – a number commonly referred to when discussing perfect vision. This year there will be some serious planning to help us have a better vision in 2020. I must say I am excited to have President Charles “Chuck” Chesnut at the helm, Lane Neal in the vice president’s seat, Susan Shields as president-elect, Brandi Nowakowski as YLD chair and Kim Hays around for another year as past president. We also have an incredible Board of Governors, as is always the case. We all owe a debt of gratitude for their selfless service. Unless you have served in one of their respective capacities, you have no idea of the commitment our officers and governors bring to the table to help us preserve self-governance. Without them, the costs and amount of bureaucracy you would endure to practice law in the state of Oklahoma would be significantly higher.

The OBA finished 2018 in good financial shape, heading into 15 years without a dues increase. During that time, the bar center has been completely remodeled, asbestos abated, had all mechanical systems replaced except one HVAC unit, had new furnishings acquired for all offices and public spaces and received an update of “light and magic” technology for Emerson Hall and the hearing room. We are now at a point where we need to further update some of the “light and magic,” and we are looking at our landscaping

and exterior lighting and design. None of this comes with a small price tag. The Bar Center Facilities Committee has been working on preliminary designs and will finalize a plan and begin implementation of our exterior design and landscaping this year.

One of the things that has me most excited is our planned review of everything having to do with continuing legal education. This will also include a look at our Mandatory Continuing Legal Education Department.

online CLE wasn’t even a dream. Now in 2019, because of an order of the Oklahoma Supreme Court changing the MCLE rules, OBA members will be able to earn all 12 hours of their MCLE credit online.

President Chesnut has created a task force to study and investigate our CLE and MCLE departments. As we study, investigate and review all things CLE, the primary focus will be on how we move forward in a brave new world of online learning experiences and adding value to our members.

As we study, investigate and review all things CLE, the primary focus will be on how we move forward in a brave new world of online learning experiences and adding value to our members.

While continuing education has been around a long time, it became mandatory for lawyers in Oklahoma in 1986. Since that time, the OBA added the west wing of the building which includes Emerson Hall. As most OBA members know, Emerson Hall is the main venue for OBA in-person CLE programs. When it was built,

This of course will include looking at the financial model, delivery systems, staffing and learning outcomes. I once heard the purpose of CLE is to “help build better lawyers.” We have great lawyers, and I am hopeful that we will discover new and better ways to continue to deliver high-quality continuing legal education in a way that

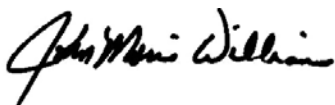
meets the needs of every OBA member. I am excited that we will have some new vision for 2020.

LOOKING BACK

Lastly, I cannot start this new year without a bit of reflection. I cannot thank Past President Kimberly Hays enough. In addition to leading us well in 2018, she and the OBA Board of Governors were incredible in their deliberations and decisions. Last year left us with challenges in adjusting to the new medical marijuana laws, and our House of Delegates approved changes to the Rules of Professional Conduct submitted to the Oklahoma Supreme Court.

The Oklahoma Supreme Court, under the leadership of outgoing Chief Justice Douglas Combs, made great strides in access to justice through the Access to Justice Commission. Collectively, we were lead well and important work was undertaken, and good results were achieved in 2018. Because of that work, we have good vision for 2019 and we may get to 2020 before the calendar does.

Happy New Year!



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

FROM THE PRESIDENT (continued from page 4)

Over the years, I have watched with interest as bar presidents with big agendas tackle great projects during their year as president. Many have accomplished much. There are those who have served who have been very steady and continued to move us forward. They take on issues that arise and proceed to power through them.

Through it all, the bar association continues to move ahead. The reason for this, I think, is we have a bar staff that continues to provide energy, focus and implementation of the tasks we undertake. Also, in an age where volunteerism seems to be on the wane, the OBA still has a large number of attorneys who care enough to get involved and tackle projects in a big way. It takes us all to keep it advancing together.

My goal this year is simple – keep doing well the things we do well and work diligently on the areas that need improvement. We will continue to provide great service to our members.

We do have some areas that need to be looked at closely. An example is continuing legal education. It has changed dramatically over the years.

Member surveys reveal that members consider CLE as the most important service the OBA provides. It is vitally important that the OBA continues to make quality, affordable programming available to its members.

Since 1986, the OBA has been the market leader in CLE in Oklahoma. While still the market leader, its market

share decreases each year. There are several hundred competitors in the CLE marketplace with a good number of those providing credit hours at no charge or providing programming much less expensive than the OBA.

The budget reveals that revenue from CLE, although still one of the OBA's primary revenue sources, has been following a long trend decrease going back at least to 2005. The real issue is that the marketplace has greatly reduced our profitability.

Currently, our CLE Department is working hard to provide continuing legal education through multiple delivery mechanisms, and it continues to look for alternative ways to improve CLE delivery. But however good the OBA may be in its CLE programming, one has to consider that price, delivery method, location and specialized programming often trump the OBA's high content standards.

This year, we are appointing a task force to do a study of CLE/MCLE to investigate how we can do CLE better. Is the OBA offering the right programs at the right price, at the right time and in the right way to add value to its members? If you have ideas about this, please let us know.

There is a lot more happening in the OBA. We'll talk more about it in future issues. In the meantime, my wish for all of us is that we make the decisions and take the steps in our lives that will cause us to have a great year in 2019.

Cloud Computing for Lawyers – 2019

By Jim Calloway

“IS IT REALLY OK for a lawyer to use the cloud?” is one of the most commonly asked questions I hear from lawyers both today and over the years.

The answer is what has been referred to as every lawyer’s favorite answer to any legal question – “It depends.”

In my opinion, the expanded answer to that question is, today not only is it appropriate for lawyers to use the cloud for both the lawyers’ and clients’ information, but there are many situations where using the cloud is the absolute best method of storing, utilizing and protecting both lawyer and client data. (Let me note that I am not the OBA ethics counsel nor does my opinion constitute any policy of the Oklahoma Bar Association.)

Of course, being a lawyer, I’m also quite certain I am correct about the subject.

Let’s begin with a very simple definition of cloud computing:

Cloud computing is a fancy way of saying stuff’s not on your computer. It’s on a company’s server, or many servers, possibly all over the world. Your computer becomes just a way of getting to your stuff. Your computer is an interface, but not where the magic happens.

This definition is from “Byte Rights” by Quinn Norton, published in a now-defunct magazine

Maximum PC in September 2010. She wrote articles for *Maximum PC* for five years and has written on hacker culture and technology topics. She probably had no idea when she wrote the above words that she would be cited in state bar ethics opinions and many other publications for lawyers.

Most computer users use cloud computing every day. Some services are obvious examples of cloud computing like Dropbox, iCloud, Gmail (and everything else provided by Google) and Facebook (along with all other social media).

If one wants to dive into the weeds, there are now many types of cloud service models including Software-as-a-Service (SaaS), Platform-as-a-Service (PaaS) or Infrastructure-as-a-Service (IaaS), but we are not going into the weeds today.

WHEN IS THE CLOUD THE ABSOLUTE BEST CHOICE?

To me, it is online backup.

Since the beginning of cloud computing, lawyers were concerned whether these services appropriately protected confidential and privileged client information. That is clearly an important concern, which I’ll cover momentarily.

There are other types of risks to our practices and our clients as we use technology tools. A hard drive crash could wipe out important and valuable client documents. If a brief that was 90 percent done and is due tomorrow is lost, it would

create a problem for the lawyer and possibly for the client. Today, we are all just one ill-advised click on a link or attachment from a potentially devastating malware attack. At worst, the attack could wipe out not just one computer hard drive, but every computer hard drive, portable hard drive and server attached to the network.

If you practice in a large firm with full-time IT staff and they have a different backup strategy, that’s fine. However, for most, a continuously operating cloud-based backup service should be one of your two backup methods. (Yes, two backup plans, operating independently, is the standard of care today.) Since most online backup services both compress the data and hold it very securely, the chances of an information data breach are quite limited.

Online backup works well if you have computers corrupted by malware or a hard drive with corrupted data that is undamaged.

Restoring from an online backup is more challenging if the computer has been destroyed by natural disaster and you cannot purchase the exact same model as a replacement. The lawyer is still in far better shape than if there was no backup, but you will first have to buy a new computer and then professional assistance may be required to retrieve the data and make it usable. Some customizations will likely be lost.



You may also want to inquire with your backup provider on how long a complete data restore might take. I once heard from a lawyer who used the “home” grade of a backup service rather than the business class and, in his second day of an estimated three days to restore the data, he wasn’t exactly a satisfied customer.

PRACTICE MANAGEMENT IN THE CLOUD

Every OBA member who has heard me discuss this subject knows I am a big fan of cloud-based practice management solutions. I particularly like cloud-based practice management for solo and small firm lawyers because the tech support is handled by the provider as a part of the subscription. In addition to making law firm operations run more smoothly and efficiently, these tools serve as the cloud-based backup service that doesn’t need to be restored.

Just imagine you are looking at firefighters pouring water on what is left of your smoldering law office or you are on high ground looking down on your flooded place of business. Having a backup is great comfort then, but you are a few steps away from having access to your files. With cloud-based practice management tools, you can be logged in with your phone looking at documents in client files and rearranging your calendar for tomorrow while watching the firefighters.

Many lawyers now sometimes work from home. Many lawyers also travel frequently as a part of their practice and work from hotel rooms or other locations. Using a VPN to securely log in to a practice management solution is a much more secure way of remote working than emailing documents back and forth with the office. This provides access to every document in every client file (assuming you scanned them into the digital client

file) and other things you need like time and billing tools.

The benefits of having data in the cloud are likely why 52 percent of lawyers responding to the 2017 ABA Tech Report survey stated they were using cloud computing, with solo and small firm lawyers leading the way.¹ It is probable many lawyers in larger firms who responded to the survey were unaware of the ways the firm was using the cloud. (I still chuckle about the time a lawyer sent me a strongly worded email from his Gmail account outlining why he would never use cloud computing.)

Another benefit of using the cloud is that well-designed cloud services are quite secure and provide protection for a law firm’s data and client data. Today, being connected to the internet means you are a target for online scammers, criminals and other wrongdoers. I’ve heard of many law firms having all or some of the office computers

crippled by a malware attack. I have not heard of any instances where a cloud-based service designed for the lawyers has had such an attack reach their stored data.

I've often referred to using a good cloud computing provider as outsourcing your digital security to those better trained to handle it.

Last summer, the OBA recognized six cloud-based practice management solutions as OBA member benefits, which generally means new subscribers will get a discount.² The services are Clio, CosmoLex, MyCase, PracticePanther, Rocket Matter and Zola Suite. They all provide client portals for secure communication with clients in addition to many other features.

THE RISKS OF CLOUD COMPUTING

Many lawyers are concerned about the ethics of keeping client data in the cloud. There's no doubt that randomly using any cloud-based data storage for client information may not be the best plan, but most commercial grade cloud-storage service providers are quite concerned about security. After all, the viability and continued existence of their businesses depend on it.

I would also note that the cloud-based practice management systems were designed for lawyers to store client data and so client confidentiality and security was upmost in mind.

Legal technology journalist Robert Ambrogi compiled a list of 19 states that have issued legal ethics advisory opinions (with links to each) and he noted:

The good news here is that all 19 of the states that have considered the issue agree that lawyers may ethically use the cloud, provided they take reasonable steps to minimize risk to confidential information and client files.³

I'm not going to regurgitate all of those opinions that are linked from Mr. Ambrogi's column, but if you want to do some research I'd suggest you start with the one from Pennsylvania. There are some improved ways to protect this data, such as two factor authentication that were not commonly available when these opinions were written.

Certainly, we have all heard of hacks to online data that someone thought and hoped was secure, but that is only one risk and it applies to your office's internet-connected computers as well as cloud-based providers.

A significant risk today is that the end user will not protect their passwords well or have adequate security tools on their computer, allowing access to their client data through that method as opposed to a hacker breaching the system. Phishing emails of all types are another substantial risk to your office computers.

Oklahoma does not have a legal ethics advisory opinion on cloud computing, but in 2010 then-OBA Ethics Counsel Travis Pickens wrote about cloud computing in the *Oklahoma Bar Journal*. He noted:

But rock-solid certainty is not required. Significantly, in the few ethics opinions that have addressed it, the consensus appears to be that the law firm is not required to *guarantee* that the system will be *invulnerable* to unauthorized access.⁴

There are many risks today. I am concerned about the lawyer who has a computer crash or malware attack and hadn't backed up his or her data. I am concerned about the lawyer who cannot handle a client emergency that requires access to documents in a client file when their law office is closed and the lawyer is out of town. I'm concerned for the lawyer who loses a briefcase with an irreplaceable client file or whose office

is destroyed by a natural disaster. I'm concerned about the lawyer who loses a business client because the lawyer seems unfamiliar with secure online file management and information sharing.

As professionals, we each bring our experience and training to each engagement. Some of us have different appetites for risk. None of us would risk our client's confidential information. Protecting our client's confidences is a core value of our profession, but there is no completely risk-free alternative for business operations that require internet access.

I'm a lawyer who once drove off with my briefcase full of client files on the top of my vehicle's trunk instead of inside it. I saw the resulting disaster in my rear-view mirror. I recall thinking I needed to buy a new briefcase anyway and being quite grateful it was not a windy day. That illustrates that having critical client information stored only in physical client files is not risk-free either. In earlier times that was a lawyer's only choice. Today you need a backup of the data – and a way to keep your law practice operating in the face of any disaster.

Mr. Calloway is OBA Management Assistance Program director. Need a quick answer to a tech problem or help solving a management dilemma? Contact him at 405-416-7008, 800-522-8060, jimc@okbar.org. It's a free member benefit!

ENDNOTES

1. Dennis Kennedy, *TECHREPORT 2017* "2017 Cloud Computing," www.americanbar.org/groups/law_practice/publications/techreport/2017/cloud_computing/.
2. "Six Attorney Practice Management Tools Added as OBA Member Benefits," www.okbar.org/six-attorney-practice-management-tools-added-as-oba-member-benefits/.
3. Robert Ambrogi, "Cloud Ethics Opinions: A Full List (Maybe)," www.lawsitesblog.com/2014/05/cloud-ethics-opinions-full-list.html.
4. Travis Pickens, "Ethics up in the Clouds," 81 *Oklahoma Bar Journal* 2407 (11/6/2010).



**Looking for an
OBJ article?**

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

It's a free member benefit!

Ethics of Legal Marijuana in Oklahoma

By Joe Balkenbush

ON JUNE 26, OKLAHOMA voters approved State Question 788 (SQ 788) and medical marijuana became legal in Oklahoma that same day. On that date, Oklahoma became the 31st jurisdiction in the United States (30 states and the District of Columbia) to legalize marijuana either recreationally or medically. Four more states legalized marijuana in the recent midterm elections.

Because marijuana is still a Schedule 1 drug and classified as a controlled dangerous substance per federal law (along with heroin, LSD, ecstasy and peyote), there is a conflict between Oklahoma law and federal law. That conflict raises the question as to whether a lawyer in Oklahoma could/should advise and/or assist a client regarding a business associated with the medical marijuana industry.

When SQ 788 passed, the OBA Rules of Professional Conduct Committee (Rules Committee) was tasked with drafting a proposed revision of the Oklahoma Rules of Professional Conduct (ORPC). Prior to the first meeting of the Rules Committee, committee members gathered information and prepared a chart which set out what action was taken by every other jurisdiction concerning amendment/modification of their existing Rules of Professional Conduct. That research found that one state

(Louisiana) revised their Rules of Professional Conduct and *prohibited* attorneys from assisting or advising a client regarding legal marijuana. Several other states chose to not modify their existing rules. The majority of states did modify their rules and allowed attorneys to advise and assist clients regarding legal marijuana in their state.

There were several meetings of the members of the Rules Committee and considerable debate/discussion was had. The discussions between committee members were along the same lines as other jurisdictions with legal marijuana. A few members thought that advising and assisting should be prohibited. Several other members believed that the issue of advising and assisting clients regarding illegal activities are covered by the current ORPC, specifically Rule 1.2(d) and Comment 9 to said rule and Rule 2.1.

Rule 1.2. Scope Of Representation and Allocation of Authority Between Client and Lawyer
(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a

good faith effort to determine the validity, scope, meaning or application of the law.

Comment 9. Criminal, Fraudulent and Prohibited Transactions

[9] Paragraph (d) prohibits a lawyer from knowingly counseling or assisting a client to commit a crime or fraud. This prohibition, however, does not preclude the lawyer from giving an honest opinion about the actual consequences that appear likely to result from a client's conduct. Nor does the fact that a client uses advice in a course of action that is criminal or fraudulent of itself make a lawyer a party to the course of action. There is a critical distinction between presenting an analysis of legal aspects of questionable conduct and recommending the means by which a crime or fraud might be committed with impunity.

Rule 2.1. Advisor

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

During the interim period while the proposed amendment to the rule is being considered by the Oklahoma Supreme Court, the OBA strongly recommends that lawyers who advise and assist clients with legal marijuana-related business, regularly caution each client regarding the conflict between federal and state law, preferably with a written disclosure, warning, caveat, etc. and maintain a record of same.

The Rules Committee reviewed a number of drafts and subsequently provided proposed Rule 1.2(e) to the OBA executive director. The proposed rule was put on the agenda for consideration at the next meeting of the Board of Governors (BOG). It is their responsibility to either recommend or not recommend the proposed rule to the House of Delegates for consideration.

At the next BOG meeting, the proposed rule change was considered. After hearing presentations from each side of the issue, the proposed amendment to the rule was not recommended.

When the House of Delegates met at the Annual Meeting on Nov. 9, the proposed resolution was read aloud and numerous arguments for and against the resolution were heard. The members of the House of Delegates then voted, and the resolution was approved.

OBA Resolution 2018, which provided for amendment of the ORPC adding Rule 1.2(e) was sent by the House of Delegates to the Supreme Court for consideration.

The proposed amendment to the rule is:

RULE 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(e) This paragraph is a limited exception to the requirements of paragraph (d) of this rule. A lawyer may counsel and assist a client regarding marijuana related laws of the State of Oklahoma.

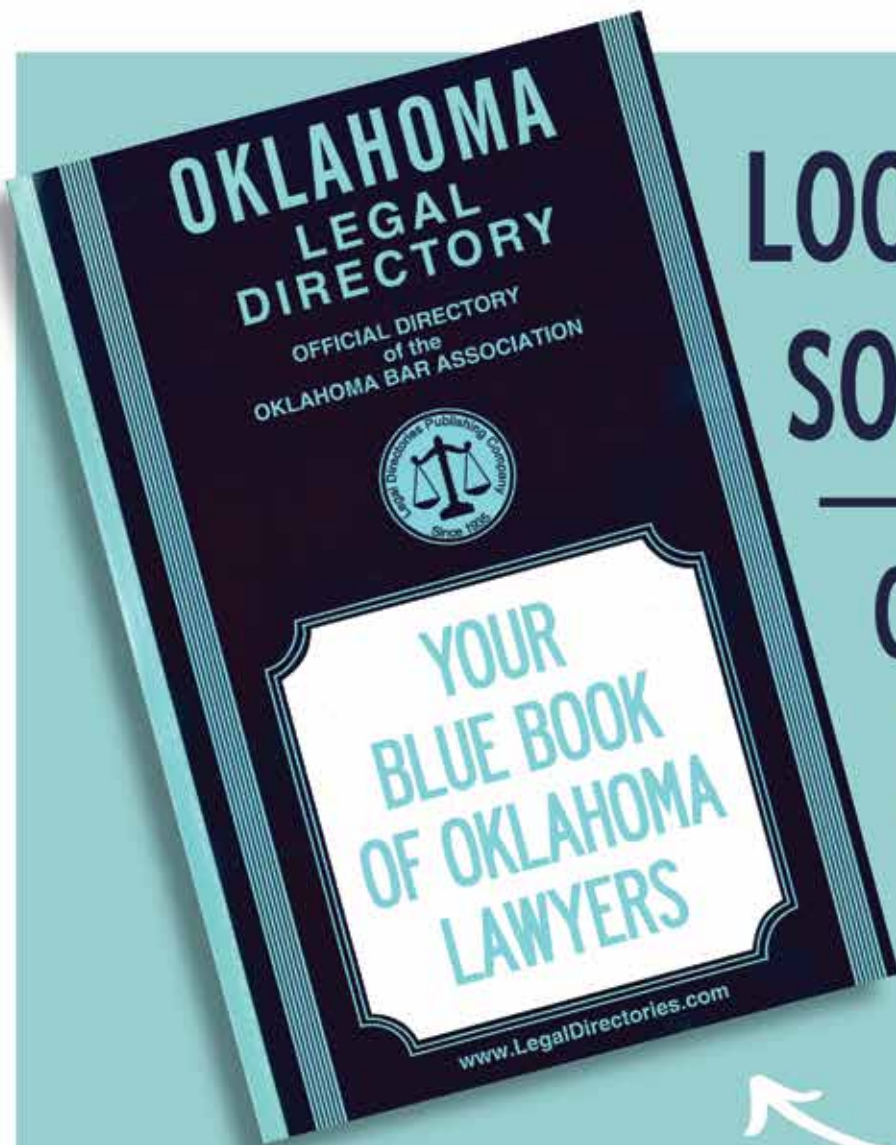
In the event Oklahoma law conflicts with federal or tribal law, the lawyer shall also advise the client regarding federal and tribal law and policy.

While conducting the above referenced research regarding any changes to the Rules of Professional Conduct in other jurisdictions, I also inquired as to whether any attorneys had been disciplined based upon their advice or assistance to clients. To date, *no* jurisdiction has disciplined an attorney for advising or assisting a

client regarding legal marijuana-related laws.

During the interim period while the proposed amendment to the rule is being considered by the Oklahoma Supreme Court, the OBA strongly recommends that lawyers who advise and assist clients with legal marijuana-related business, regularly caution each client regarding the conflict between federal and state law, preferably with a written disclosure, warning, caveat, etc. and maintain a record of same.

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.



LOOKING FOR SOMETHING?

CHECK YOUR BLUE BOOK!

*It's all
a here!*

The Oklahoma Legal Directory is the official OBA directory of member addresses and phone numbers, plus it includes a guide to government offices and a complete digest of courts, professional associations including OBA committees and sections. To order a print copy, call 800-447-5375 ext. 2 or visit www.legaldirectories.com. A free digital version is available at tinyurl.com/2018oklegaldirectory.

Meeting Summary

The Oklahoma Bar Association Board of Governors met Nov. 7, 2018, at the Hyatt Regency Hotel in Tulsa in conjunction with the OBA Annual Meeting.

REPORT OF THE PRESIDENT

President Hays reported she attended the OBA Family Law Section meeting and the Women in Law Conference at which she presented the Mona Salyer Lambird Spotlight Awards. She also worked on final Annual Meeting planning details.

REPORT OF THE VICE PRESIDENT

Vice President Stevens reported he attended the OU College of Law alumni luncheon.

REPORT OF THE PRESIDENT-ELECT

President-Elect Chesnut reported he attended the Ottawa County Bar Association meeting and OU College of Law alumni luncheon. He worked on the drafting and preparation of the budget memorandum to the Oklahoma Supreme Court in addition to working on various committee appointments required of the president-elect.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he was involved in planning with President-Elect Chesnut and attended the Legislative Monitoring Committee meeting, Access to Justice Commission meeting, Women in Law Conference

luncheon, YLD board meeting and staff Annual Meeting briefing meeting.

REPORT OF THE PAST PRESIDENT

Past President Thomas reported she attended the Women in Law Conference, Washington County Bar Association meeting and TU College of Law alumni luncheon at which she presented an OBA award.

BOARD MEMBER REPORTS

Governor Beese reported he attended the Muskogee County Bar Association meeting. **Governor Coyle** reported he attended the Oklahoma County Bar Association meeting and delegate caucus. **Governor Fields** reported he attended the Professionalism Committee meeting. **Governor Hennigh** reported he attended the Garfield County Bar Association meeting. **Governor Hermanson** reported he attended the Law Day Committee meeting and the Pioneer Tech Center Criminal Justice Advisory Board meeting. He took part in the Oklahoma City and Tulsa press conferences on the kickoff of the statewide Uninsured Vehicle Enforcement Diversion Program and chaired both the October District Attorneys Council meeting and Oklahoma District Attorneys Association Board of Directors meeting. **Governor Hicks** reported he attended the Tulsa County Bar Association board meeting, Tulsa County Bar Foundation-related meetings and the TCBF board meeting. **Governor Hutter**

reported she attended the OCU School of Law alumni luncheon and Cleveland County Bar Association executive meeting. **Governor Oliver** reported he attended the OCU School of Law alumni luncheon. **Governor Williams** reported he attended a meeting with the Tulsa County Bar Association's marketing director to discuss benefits of bar membership and the OBA Diversity Committee award dinner in Oklahoma City. He presided at a Professional Responsibility Tribunal reinstatement proceeding followed by two hearings.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Richter reported he chaired the YLD monthly meeting and attended the Canadian County Bar Association meeting and Robert J. Turner Inn of Court meeting. He said the division will hold a Wills for Heroes event tomorrow.

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.

BOARD LIAISON REPORTS

Governor Hermanson described the TV show segments the **Law Day Committee** is working on and reported Law Day contest promotion has started. The committee will hold its next meeting during Annual Meeting. Governor

Williams reported the **Diversity Committee** held its awards dinner and boot camp events. Governor Fields reported the **Professionalism Committee** discussed the success of its CLE seminar and plans to hold another one next year. Governor Hutter reported the **Women in Law Committee** held its conference, which was well attended. Governor Hicks reported the **Access to Justice Committee** did a debrief on the summit, which was well attended. Governor Hennigh reported the **Legal Internship Committee** will be 1) restructuring Form 1 to provide questions designated for both regular and academic applicants and changing the reference regarding “proof of enrollment” in an internship program to “participation,” 2) amending Regulation 5 to make application deadlines the last working day of the month and that the application packet must be complete by the submission deadline and 3) Chairperson Monks is making an application to the court to fill the vacancy on the Supreme Court Reviewing Panel created when Brant Elmore resigned. The committee is also researching the possibility of offering CLE training for attorney supervisors to improve compliance with the rules/regulations.

OPIOID OVERDOSE FATALITY REVIEW BOARD

The board approved President Hays’ recommendation to submit the names of Linda Scoggins, Oklahoma City; Deborah Reheard, Eufaula; and Sabah Khalaf, Tulsa; to the attorney general as suggestions for appointment of one to the board for a two-year term in accordance with HB 2798 (63 O.S. Sec. 2-1001 and 1002); term expires 11/1/2020.

APPOINTMENTS

The board approved President-Elect Chesnut’s appointments and reappointments of:

Board of Editors – reappointment of Melissa G. DeLacerda, Stillwater, as chairperson with a term expiring 12/31/2019; appointment as associate editor Virginia Henson, Norman (Dist. 5) and reappointment as associate editors P. Luke Adams, Clinton (Dist. 4) and Patricia Flanagan, Yukon (Dist. 9) with terms expiring 12/31/2021.

Clients’ Security Fund – reappointment of Micheal Salem, Norman, as chairperson and Dan Sprouse, Pauls Valley, as vice chairperson with terms expiring 12/31/2019; appointment of Joe Vorndran, Shawnee, to fill an unexpired term ending 12/31/2019 and Jennifer K. Christian, Oklahoma City, to fill an unexpired term ending 12/31/2020; reappointment as members Daniel T. Sprouse, Pauls Valley; Dietmar Caudle, Lawton; Catherine Burton, Oklahoma City; and Ami

M. Fox, Tulsa, with terms expiring 12/31/2021.

Oklahoma Indian Legal Services Board of Directors – reappointment of Kymberly D. Cravatt, Ada; and Taiawagi Helton, Oklahoma City, with terms expiring 12/31/2021.

Professional Responsibility Commission – appointment of Richard Stevens, Norman, with a term expiring 12/31/2021.

NEW CLE TASK FORCE

President-Elect Chestnut said he is creating a new task force to review how continuing legal education is delivered by the OBA and to recommend how CLE can be improved to compete with more than 800 CLE providers. He asked board members interested in serving on the task force to contact him.

President-Elect Chestnut said he is creating a new task force to review how continuing legal education is delivered by the OBA and to recommend how CLE can be improved to compete with more than 800 CLE providers.

Swank, Norman, with terms expiring 12/31/2021 and reappointment of lay person Mary Pointer, Norman, with a term expiring 12/31/2021.

MCLE Commission – appointment of Michael C. Mordy, Ardmore, as chairperson with a term expiring 12/31/2019; and appointment of members Faith Orłowski, Tulsa; Jon Ed Brown, Hugo; and April

NEXT MEETING

The Board of Governors met in December. A summary of those actions will be published in the *Oklahoma Bar Journal* once the minutes are approved. The next board meeting will be at 3 p.m. Thursday, Jan. 17, at the Oklahoma Bar Center in Oklahoma City.

Meet the 2019 OBF Leadership Team

EXECUTIVE COMMITTEE



Jennifer Castillo
President
OG&E, Oklahoma City



Patrick O'Hara
President-Elect
Tisdal & O'Hara, Oklahoma City



Jeffrey Trevillion
Vice President
Trevillion Law Firm,
Oklahoma City



Martha Cordell
Secretary
Tulsa



Valerie Couch
Treasurer
OCU School of Law,
Oklahoma City



Alan Souter
Past President
Alan Souter PLLC, Tulsa

STAFF



Renee DeMoss
Executive Director



Candice Pace
*Development &
Communications Director*



Jessi Hesami
Executive Assistant



Deb Holt
IOLTA Manager

BOARD OF TRUSTEES

Wayne Billings, Fellers Snider, *Oklahoma City*

M. Courtney Briggs, Derrick & Briggs, *Oklahoma City*

Tiece Dempsey, Federal Public Defender Western District of Oklahoma, *Oklahoma City*

Jim Dowell, Dowell Law, *Woodward*

Gary W. Farabough, Pasley Farabough & Mouldedox, *Ardmore*

Amber Peckio Garrett, Garrett Law Center, *Tulsa*

Deanna Hartley-Kelso, Indian & Environmental Law Group, *Ada*

Kaleb Hennigh, Ewbank Hennigh McVay Law Group, *Enid*

Laura Hill, The Williams Companies, *Tulsa*

Allen L. Hutson, Crowe & Dunlevy, *Oklahoma City*

Paul Kluver, Kluver Law Office, *Clinton*

Jack McCarty, Jack De McCarty Law Firm, *Newkirk*

LeAnne McGill, McGill Rogers, *Edmond*

O. Chris Meyers, Meyers Law Firm, *Lawton*

Terry Mason Moore, Moore Law Office and tribal judge, *Fairfax*

Nathan Richter, Denton Law Firm, *Mustang*

Andrew Shank, Eller & Detrich, *Tulsa*

Susan Shields, McAfee & Taft, *Oklahoma City*

Bret Allan Smith, Bret A. Smith Attorneys at Law, *Muskogee*

Michael T. Torrone, Logan & Lowry, *Vinita*

Tom Vincent, GableGotwals, *Tulsa*

6

WAYS TO SUPPORT THE OKLAHOMA BAR FOUNDATION



Fellows Program

An annual giving program for individuals



Community Fellows Program

An annual giving program for law firms, businesses and organizations



Memorials & Tributes

Make a gift in honor of someone — OBF will send a handwritten card to the honoree or their family



Unclaimed Trust Funds

Direct funds to the OBF by mailing a check with the following information on company letterhead: client name, case number and any other important information



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



Interest on Lawyer Trust Accounts

Prime Partner Banks give higher interest rates creating more funding for OBF Grantees. Choose from the following Prime Partners for your IOLTA:

**BancFirst • Bank of Oklahoma • MidFirst Bank • The First State Bank • Valliance
First Oklahoma Bank of Tulsa • City National Bank of Lawton • Citizens Bank of Ada
First Bank and Trust Duncan • Grand Savings Bank**



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

P.O. Box 53036, Oklahoma City, OK 73152 • 405.416.7070
www.okbarfoundation.org • foundation@okbar.org

Members Embracing Service and Involvement

By Brandi N. Nowakowski

CHEERS AND HAPPY NEW Year! This is the time for fresh starts and new beginnings in life and likewise within our own bar association. For the OBA, January marks a time of transition for leadership within our community. This is especially true within the OBA Young Lawyers Division where we've seen an increased interest and renewed vigor for service to the bar and our local communities. Elections for several positions on the YLD Board of Directors were held in October. I am so very grateful for everyone who exhibited a true servant's heart by running for a seat on the YLD board.

It is with great pleasure and appreciation that we welcome our new YLD board members Bevan Graybill Stockdell and Virginia Hefner (District 3), Brittany Byers (District 5), Rhiannon Baker and Tessa Hager (District 6), Margaret Cook (District 7), April Moaning and Alyssa King (At-Large) and T. Chase McBride (At-Large Rural).

COMMUNITY SERVICE

The OBA YLD is often referred to as the service arm of the OBA. The YLD was originally created to provide an avenue for Oklahoma's young lawyers to work on bar-related and public

service-related projects. Since its inception, the YLD has taken the helm on these projects benefitting both our profession and the public at large. As such, the YLD board members volunteer their time and talents to give back to the bar and their own communities through the many events hosted and supported by the YLD.

For example, during Annual Meeting the YLD hosted its second Wills for Heroes event



YLD member Blake Lynch helps a member of the Berryhill Fire Department with his legal needs.

of 2018 for the Berryhill Fire Department in Tulsa County. Organized by YLD board member and Community Service Co-Chair Dylan Erwin, YLD members took laptops, notary stamps and a positive attitude to the Berryhill Community Center to provide much needed pro bono estate planning to the members of the fire department. The well-deserving local heroes were able to meet with lawyers to obtain wills, durable power of attorneys and advance directives free of charge.

NETWORKING

Further, the YLD regularly hosts social and networking events to provide an opportunity for young lawyers to meet and connect with more experienced members of the bar. These events include welcome receptions for our newly sworn-in colleagues, as well as the hospitality suites at the Solo & Small Firm Conference and the Annual Meeting. This year was no exception, as the YLD joined with the OBA and Oklahoma Bar Foundation to support OBA President Kim Hays and OBF Chair Alan Souter's '80s-themed House Party social event.

THE YEAR AHEAD

As I contemplate the coming year, I envision a unified bar with more young lawyer leaders taking an active role in the OBA overall. The strong leadership of my predecessors and generous support from the OBA have laid a foundation upon which we can build and grow. Young lawyers are the future of the organization and the profession. It is imperative that we, as young lawyers, take ownership of our future by being engaged and getting involved. Moreover, we must be willing to step up, encourage and inspire each other to serve and to lead.

Under the guidance of President Chuck Chesnut and Immediate Past President Kim Hays, I know the YLD will continue to increase our active role in the OBA through committee service and leadership positions throughout the bar. I am excited about 2019 and look forward to the opportunities to come.

Ms. Nowakowski practices in Shawnee and serves as the YLD chairperson. She may be contacted at brandi@stuartclover.com. Keep up with the YLD at www.facebook.com/yld.



At a Wills for Heroes community service event in Berryhill, YLD member Scott Cordell (right) provides free legal services to clients.

FOR YOUR INFORMATION

SAVE THE DATE! OBA DAY AT THE CAPITOL MARCH 12

Oklahoma lawyers, let your voices be heard! OBA will host its annual Day at the Capitol Tuesday, March 12. Registration begins at 9:30 a.m. at the Oklahoma Bar Center, 1901 N. Lincoln Blvd., and the agenda will feature speakers commenting on legislation affecting various practice areas. We will also have remarks from the judiciary and bar leaders, and lunch will be provided before heading to the Capitol for the afternoon. RSVP by emailing debbieb@okbar.org.



Administrative Office of the Courts Director Jari Askins addresses 2018 Day at the Capitol attendees.

COURT OF CIVIL APPEALS JUDICIAL ASSIGNMENTS ANNOUNCED

The Court of Civil Appeals judicial assignments have been announced. Brian Jack Goree of Oklahoma City will serve as the chief judge and Jane P. Wiseman of Tulsa will serve as vice chief judge. The following have been selected to serve as presiding judge for their division: Larry E. Joplin, Division I; John F. Fischer, Division II; E. Bay Mitchell III, Division III; and Debra B. Barnes, Division IV. These positions are all a one-year term that began Jan. 1.

JUSTICE GURICH AND JUSTICE WYRICK TO BE SWORN IN JAN. 15

All OBA members are invited to attend the formal swearing-in ceremony of Justice Noma Gurich as Oklahoma Supreme Court chief justice and Justice Patrick Wyrick as Oklahoma Supreme Court vice chief justice. The swearing-in ceremony will take place



Jan. 15 at 2 p.m. in the House of Representatives at the state Capitol. The OBA will broadcast the ceremony as a Facebook Live event. A reception will be held directly after the ceremony on the 4th floor rotunda.

OBA MEMBER RESIGNATIONS

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

Antoine J. Bastien van der Meer
OBA No. 18624
560 Westlake Drive
West Sacramento, CA 95605

James Randall Tuley
OBA No. 12904
8900 W. Graham
Rocheport, MO 65279



IMPORTANT UPCOMING DATES

Don't forget the Oklahoma Bar Center will be closed Monday, Jan. 21, in observance of Martin Luther King Jr. Day and Monday, Feb. 18, in observance of Presidents Day. Also, be sure to docket the 2019 Solo & Small Firm Conference in Tulsa June 20-22 and the OBA Annual Meeting in Oklahoma City Nov. 6-8.

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.

LHL DISCUSSION GROUP HOSTS FEBRUARY MEETING

“How Do You Know if You Are an Alcoholic or Not?” will be the topic of the Feb. 7 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.

CONNECT WITH THE OBA THROUGH SOCIAL MEDIA

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

FEB. 2, 2019 – OBA LEGISLATIVE READING DAY



The Oklahoma Legislature reconvenes in February and hundreds of bills will be prefiled. Much of the proposed legislation could affect the administration of justice, and some will undoubtedly affect your practice. Join the OBA Legislative Monitoring Committee at 10 a.m. Saturday, Feb. 2, at the Oklahoma Bar Center and earn two hours of MCLE credit. Topics will include bills concerning medical marijuana, family law, criminal law, health law, estate planning, banking and general business law, civil procedure and courts, schools, environmental and natural resource law, Indian

law and real estate law. Plus, there will be a presentation by Administrative Office of the Courts Director Jari Askins regarding funding of the judiciary and a panel of legislators to discuss questions. Lunch will be provided. RSVP to Debbie Brink at debbieb@okbar.org if you'd like to attend.

CONSUMER BROCHURES

The OBA has brochures to help nonlawyers navigate legal issues. Topics include landlord and tenant rights, employer and employee rights, small claims court, divorce, information for jurors and more! Only \$4 for a bundle of 25. To order, visit www.okbar.org/freelegalinfo.



Don't let distance keep
you from getting involved



Attend section and
committee meetings
remotely via BlueJeans.

Use a mobile device,
phone or computer. Visit
www.okbar.org/bluejeans.



TECHSHOW2019

FEB. 27 - MARCH 2 | CHICAGO

OBA members can use the code **EP1912**
to get the "Event Promoter" discount
for this year's ABA TECHSHOW.
Visit www.techshow.com.

ON THE MOVE

A.J. Ferate joined the Oklahoma City office of Spencer Fane LLP as of counsel. He will practice in the firm's Litigation Practice Group.

Jason B. Supplee joined the United States Attorney's Office for the Southern District of Texas in the Corpus Christi/Victoria Branch. Mr. Supplee practices in the Criminal Division.

R. Kyle Alderson joined the Tulsa-based firm of Titus Hillis Reynold Love PC. Mr. Alderson previously served as first assistant district attorney in Osage and Pawnee counties.

Lauren Barghols Hanna joined the Oklahoma City office of Phillips Murrah as an of counsel attorney. Ms. Hanna will practice in the firm's Labor and Employment Practice Group.

KUDOS

Mike Mordy of Ardmore was named chair of the Oklahoma Judicial Nominating Commission. Mr. Mordy previously served as vice chair of the commission.

Kari Hoffhines of Oklahoma City was named to the Top 20 Under 40 list by *The Edmond Sun* and *The Business Times of Edmond*. This honor is given to the next generation of Edmond community business leaders who are already making their presence and influence within their respective industries.

AT THE PODIUM

Chris A. Paul of Wagoner presented a CLE in New York City on National Transportation Safety Board (NTSB) issues arising from transportation incidents.

Sanford C. Coats of Oklahoma City presented "Ethical Concerns for In-house Counsel" at an Association of Corporate Counsel Oklahoma chapter event.

Brian W. Farabough of Amarillo, Texas, spoke at the Texas A&M AgriLife Western Anadarko Basin Oil & Gas Conference. He addressed an audience of over 200 Oklahoma and Texas mineral owners on "Landowner Best Practices & the Importance of the Written Agreement."

Donna De Simone of Tulsa presented "HIPPA, Social Media, Data Breaches & The Nurse - A New Malpractice Worry!" at The American Association of Nurse Attorneys 2018 Annual Conference in Denver.

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 to:

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

Articles for the March issue must be received by Feb. 1.

Allen Willie Counts Jr. of Muskogee died Oct. 28. He was born Sept. 1, 1943, in Oklahoma City. He graduated from Manual Training High School in 1961. He attended Howard University where he pledged Alpha Phi Alpha and earned his Bachelor of Science in 1966. Mr. Counts earned his J.D. in 1970 from the Howard University School of Law and his MBA in 1972 from The Wharton School at the University of Pennsylvania. Following his graduation from The Wharton School, he worked at Citibank, first in New York, and then in Hong Kong. In New York, he co-founded Pryor, Counts & Co., which was once the largest African-American owned and controlled investment-banking firm in the United States. Later in life, Mr. Counts returned to Muskogee to practice law. Memorial donations may be made to the Howard University School of Law Annual Fund at howard.edu/give. Donors should indicate their donations are in memory of Allen Counts.

John G. Kneafsey of Tulsa died Nov. 4. He was born May 9, 1932, in Philadelphia. He served as vice president of PepsiCo Transportation, managing director of the Tulsa office of Marsh & McLennan and vice president of Alexander & Alexander. Mr. Kneafsey was a graduate of St. Thomas More High School in Philadelphia, Villanova University and the Villanova University Charles Widger School of Law. He was active at St. Bernard of Clairvaux Catholic Church, where he served as a lector, extraordinary minister of holy communion, RCIA sponsor, religious education teacher and visitor to the homebound and sick. He also

volunteered through the Retired Seniors Volunteer Program in several capacities, including teaching computer skills to seniors at Woodland Terrace and Burgundy Place. Donations may be made in his honor to Catholic Charities, 2450 N Harvard Ave., Tulsa 74115.

Eric G. Melders of Oklahoma City died Oct. 17. He was born Feb. 4, 1957, in Freeport, New York. He received a B.A. degree from the State University of New York at Stony Brook and his J.D. from the OCU School of Law. Mr. Melders began his career at Legal Aid Services of Oklahoma where he represented clients with disabilities. He then joined the Jack Gray Law Firm and continued to represent the disabled. In 1992, he joined the law firm of Robert G. Grove and Associates and became a partner in 1996. Donations in his name can be made to the Alzheimer's Association, 6601 Broadway Extension, Suite 120, Oklahoma City 73116.

John E. Sargent Jr. of Nichols Hills died Nov. 7. He was born May 27, 1943, in Bell California. He attended Marquette Grade School and Cascia Hall High School graduating in 1961. Mr. Sargent went on to graduate from Villanova University receiving a Bachelor of Science in Economics in Villanova, Pennsylvania, before **joining the U.S. Navy in 1966 serving in the Vietnam War**. He received his J.D. from the OU College of Law. While working at MacAfee & Taft Law firm for the last 48 years. He was a member of the Oklahoma County Bar Association, the OBA Title Examination Standards Committee and Real Property Section and Christ the King Catholic Church.

Clifton Max Speegle of Nichols Hills died Nov. 20. He was born Sept. 1, 1945, in Oklahoma City. He graduated from Stillwater High School in 1963. **He joined the U.S. Naval Reserves following high school, spending college summers on Navy ships around the world.** He received his bachelor's degree in business administration from OSU in 1967. After being honorably discharged from the Navy at the rank of lieutenant in 1971, he returned to Oklahoma. Mr. Speegle received his J.D. from the OU College of Law in 1974. His professional achievements include 44 years in private law practice and serving as municipal judge for the city of Edmond from 1977 to 1986, Edmond city attorney from 1986 to 1987, Edmond city manager 1987 to 1994, general counsel of Oklahoma Municipal Power Authority from 1994 to 2010. He was also an adjunct instructor at UCO. Memorial donations may be made to the Oklahoma Medical Research Foundation.

Richard E. Wright III of Tulsa died Oct. 31. He was born Nov. 22, 1939 in Oklahoma City. He received his J.D. from the OU College of Law in 1964 and practiced business and estate law for 50 years in Tulsa. He gave his time to little league baseball, Boy Scouts of America, Tulsa Public Schools, his church and Family and Children Services. Mr. Wright was an avid golfer and story teller. Memorial donations may be made to The First Tee at thefirsttee.org/donate or to the Iron Gate at irongatetulsa.org/donate.



Every call is a client waiting to happen.

Business calls are on the rise, and you don't get a second chance to make a first impression. That's why solo and small firm attorneys across North America have been trusting Ruby, Receptionists since 2003.

With Ruby, every call is answered by a live, friendly, professional receptionist who delivers exceptional experiences. Trust is built from the first interaction and enhanced with every call, increasing the likelihood that you've got a client for life.

Oklahoma Bar members always get a 6% monthly discount!



You never get a second chance to make a first impression.



LEARN MORE AT callruby.com/OKBar
OR CALL 844-569-2889



callruby.com

OKLAHOMA BAR JOURNAL EDITORIAL CALENDAR

2019 ISSUES

FEBRUARY

Estate Planning

Editor: Amanda Grant
amanda@spiro-law.com

MARCH

Criminal Law

Editor: Aaron Bundy
aaron@fryelder.com

APRIL

Law Day

Editor: Carol Manning

MAY

Technology

Editor: C. Scott Jones
sjones@piercecouch.com

AUGUST

Access to Justice

Editor: Melissa DeLacerda
melissde@aol.com
Deadline: May 1, 2019

SEPTEMBER

Bar Convention

Editor: Carol Manning

OCTOBER

Appellate Law

Editor: Luke Adams
ladams@tisdalohara.com
Deadline: May 1, 2019

NOVEMBER

Indian Law

Editor: Leslie Taylor
leslietaylorjd@gmail.com
Deadline: Aug. 1, 2019

DECEMBER

Starting a Law Practice

Editor: Patricia Flanagan
patriciaaflanaganlawoffice@cox.net
Deadline: Aug. 1, 2019

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



follow the oba

 /okbarassociation

 /okbarassociation

 @oklahomabar



2019 Interest on Judgment Rates

The 2019 interest on judgments rates are now available.

www.oscn.net



OKLAHOMA
State Courts Network

Earn Your CLE Now!

Don't repeat last year's mistake! Avoid last-minute stress by getting a jumpstart on your CLE for 2019.

www.okbar.org/cle

oba  cle
continuing legal education

Tech Checklist to Increase Productivity

If you want to stay competitive, you can no longer avoid bringing state-of-the-art technology to your office.

Improve your firm's cash flow, client communications and overall productivity with this technology checklist.

[Goo.gl/tYL5qf](https://goo.gl/tYL5qf)



Make Your Resolutions Stick

Approximately 60 percent of people make New Year's resolutions, and more than half of those who do, aren't able to stick with them for more than a few months. Check out these four simple steps to help your New Year's resolutions stick.

[Goo.gl/w57x7u](https://goo.gl/w57x7u)



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.

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

HANDWRITING IDENTIFICATION POLYGRAPH EXAMINATIONS

Board Certified	State & Federal Courts
Diplomate - ABFE	Former OSBI Agent
Fellow - ACFEI	FBI National Academy

Arthur Linville 405-736-1925

EXPERIENCED APPELLATE ADVOCACY

Over 150 appeals, over 40 published decisions
Over 20 Petitions for Certiorari granted
405-382-1212 • jerry@colclazier.com

REGISTERED NURSE WITH EIGHT YEARS OF CRITICAL CARE/INTENSIVE CARE EXPERIENCE seeking nurse consultant position. Resume and references upon request. Contact Makenna Green at 405-826-0973 or MakennaLSmith@hotmail.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

OFFICE SPACE

LUXURY OFFICE SPACE AVAILABLE - One fully furnished office available for lease in the Esperanza Office Park near NW 150th and May Avenue. The Renegar Building offers a beautiful reception area, conference room, full kitchen, fax, high-speed internet, security, janitorial services, free parking and assistance of our receptionist to greet clients and answer telephone. No deposit required, \$955/month. To view, please contact Gregg Renegar at 405-488-4543 or 405-285-8118.

LOOKING FOR WILL

ANYONE WITH INFORMATION RELATING TO THE LAST WILL AND TESTAMENT OF JERRY LEE TETERS, please contact Don Herring at 405-823-9221.

POSITIONS AVAILABLE

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.

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.

POSITIONS AVAILABLE

ASSOCIATE ATTORNEY. We are a small law firm looking for an attorney with at least three years of experience. The ideal candidate will have experience in insurance defense/personal injury litigation, including trial work, depositions, preparing briefs, discovery and pleadings and attending court hearings. Litigation experience in education law, civil rights or employment law on behalf of public entities would be beneficial. Depending on experience, the position would entail some trial work, representing public entities in administrative hearings, counseling clients on legal issues and presentations at in-service seminars. Client representatives are professional and/or managerial. Our firm is more than 30 years old and has a well-established clientele. We work hard and take great pride in our work, but we avoid the "corporate" law firm culture. Our work environment is pleasant, and we function on a collaborative basis between attorneys and staff. All replies confidential. Send resume, writing sample and salary requirements to Center for Education Law, 900 N. Broadway, Suite 300, Oklahoma City, OK 73102 or center@cfel.com.

THE GARFIELD COUNTY DISTRICT ATTORNEY'S OFFICE SEEKS AN ASSISTANT DISTRICT ATTORNEY with 0-10 years' experience. Salary ranges from \$40,000 - \$75,000 depending on experience. Compensation includes salary plus full state benefits including retirement. Caseload assignments and responsibilities will depend upon successful applicant's experience and interest. To apply, applicants should submit a cover letter, resume and references by email to michael.fields@dac.state.ok.us.

MAKE A DIFFERENCE AS THE ATTORNEY FOR A MEDICAL/LEGAL PARTNERSHIP. Are you fervent about equal justice? Legal Aid Services of Oklahoma (LASO) is a nonprofit law firm dedicated to the civil legal needs of low-income persons. If you are passionate about advocating for the rights of underserved, LASO is the place for you, offering opportunities to make a difference and to be part of a dedicated team. LASO has 20 law offices across Oklahoma, and LASO has an opening for a passionate attorney in our Oklahoma City office to assist with a medical/legal partnership between LASO and the city/county health department. LASO offers a competitive salary and a very generous benefits package, including health, dental, life, pension, liberal paid time off and loan repayment assistance. Additionally, LASO offers a great work environment and educational/career opportunities. The online application can be found at legalaidokemployment.wufoo.com/forms/z7x4z5/. Website: www.legalaidok.org. Legal Aid is an Equal Opportunity/Affirmative Action Employer

POSITIONS AVAILABLE

MAKE A DIFFERENCE. Do you want a fulfilling career where you can really make a difference in the lives of people? Are you fervent about equal justice? Does a program with a purpose motivate you? Legal Aid Services of Oklahoma Inc. (LASO) is searching for an attorney for its Lawton office. We are a statewide, civil law firm providing legal services to the impoverished and senior population of Oklahoma. With more than 20 offices, we are committed to the mission of equal justice. The successful individuals will have a passion for justice and empathy for improvised individuals, computer literate and willingness to learn and contribute to a positive work environment. In return, the employee receives a great benefit package including paid health, dental, life insurance plan, a pension and generous leave benefits. Additionally, LASO offers a great work environment and educational/career opportunities. To start making a difference, complete our application and submit it to Legal Aid Services of Oklahoma. The online application can be found at legalaidokemployment.wufoo.com/forms/z7x4z5/. Print application can be found at www.legalaidok.org/documents/388541Employment_Application_Revised_10.2008.pdf. Legal Aid is an Equal Opportunity/Affirmative Action Employer.

MAKE A DIFFERENCE AS A BILINGUAL ATTORNEY FOR THE LATINO COMMUNITY. Are you fervent about equal justice? Legal Aid Services of Oklahoma (LASO) is a nonprofit law firm dedicated to the civil legal needs of low-income persons. If you are passionate about advocating for the rights of the Latino community, LASO is the place for you, offering opportunities to make a difference and to be part of a dedicated team. LASO has 20 law offices across Oklahoma, and LASO has an opening for a passionate bilingual attorney in its Oklahoma City office. The successful candidate should have experience in the practice of family law, with meaningful experience/desire to serve the Latino population. LASO offers a competitive salary and a very generous benefits package, including health, dental, life, pension, liberal paid time off and loan repayment assistance. Additionally, LASO offers a great work environment and educational/career opportunities. The online application can be found at legalaidokemployment.wufoo.com/forms/z7x4z5/. Website: www.legalaidok.org. Legal Aid is an Equal Opportunity/Affirmative Action Employer.

Reliving the Glory Days

By Stefan A. Mecke



Photographer: Stefan Mecke

MY FAMILY RECENTLY made a stop in Plano, Texas, in search of a food court and some space to walk around after Google Maps identified a shopping mall nearby. As we pulled up to the parking lot, I was a little surprised to see it mostly vacant. I jumped right into education mode, sharing tales of mall life and what it was like growing up in the '80s. I told tales of dropping quarters into large free standing machines in places called arcades, often located at shopping malls just like the one we were walking into.

I excitedly stormed through the mall doors only to be greeted with a raucous laughter. The mall was dead. The doors were shuttered and storefronts covered with paper. I decided to go all in by marching through the vacant mall to its center, in hopes of a

mall food court miracle. Sadly, the food court was disappointing. What had clearly been an epically grand food court in its day now featured vast amounts of open seating, a lone Pita Place and an American Cookie Company.

Fortunately, the group agreed to join me in a few circles of the mall to stretch our legs after a long drive. I wondered what had happened to the mall. The mall had likely been a socially significant place for many like my wife and I who had grown up in the '80s. One of the boys looked up from his iPhone and matter-of-factly read the following explanation from his screen (while we continued walking):

Built in 1981, Collin Creek Mall has lost shoppers to newer retail centers and digital retail outlets including Amazon. Ironically,

the site was being considered for Amazon's second headquarters.

As I contemplated the impact of online shopping on retailers in general, I saw an old familiar friend. Instinctively, I started walking toward a screen featuring a small and simple triangular ship flying through space. I had just walked into an "old-school '80s style arcade" that seemingly had not changed over the decades. It had been a long time since any of us had carried actual quarters around so I wasn't surprised when the gaming experience manager walked up and explained the games were all on free play and could be rented by the hour. Interestingly, he also added that the younger kids usually played the antiquated arcade games for a few minutes but would typically get bored and migrate to the back of the store where they had the newer games like X-Box and Nintendo. The old games as it turned out were short lived and ended with an abrupt "Game Over" which had a tendency to frustrate modern gamers used to multiple levels and unlimited access to coins and rewards.

A short time after zapping Asteroids, I noticed our boys playing arcade games on-hand like Pac-Man and Space Invaders. I appreciated reliving the glory days with my boys despite their assessment of the stop as an epic fail.

Mr. Mecke practices in Tulsa.

MORE OPTIONS FOR YOUR CLE



ON-DEMAND CATAGORIES

Appellate Practice
Arbitration / Mediation
Banking Law
Bankruptcy Law
Business & Corporate Law
Constitutional Law
Criminal Law
Disability Law
DUI Law
Elder Law
Electronic Discovery
Energy & Natural Resources
Environmental & Energy
Estate Planning
Ethics
Family Law
General Education
General Practice
Health Law
Immigration Law
Indian Law
Insurance Law
Labor & Employment Law
Law Office Management
and Law Practice Manage-
ment & Technology
LGBTQ
Litigation / Civil Litigation
Marijuana / Cannabis
Mental Health
Military/Veterans
Oil and Gas
Personal Injury Law
Real Property
Social Security / Medicaid
Tax Law
Trust & Probate Law
Work/Life Balance
...AND MORE!!

To register for any
On-Demand program,
follow this link:
<https://bit.ly/2BIDPOD>

WEBCAST ENCORES

Jan. 21 & Feb. 7
Don't Let Unique
Situations in Estate
Planning Kick You
in the Assets
(6 total credit hours/
including 1 hours of ethics)

Jan. 22 & Feb. 8
2018 Banking &
Commercial Law Update
(6 total credit hours/
including 2 hour of ethics)

**Jan. 23, Feb. 11 &
May 21**
Fall Elder Law Conference
of the Oklahoma Chapter
of NAELA - Day One
(6 total credit hour/
including 1 hours of ethics)

**Jan. 24, Feb. 12 &
May 22**
Fall Elder Law Conference
of the Oklahoma Chapter
of NAELA - Day Two
(6 total credit hour/
including 1 hours of ethics)

Jan. 31 & Feb. 14
Hot Issues in Family Law
(6 total credit hours/
including 1 hours of ethics)

Feb. 13 & May 15
2018 Labor and
Employment Law Update
(6 total credit hour/
including 1 hours of ethics)

Feb. 13 & May 2
2018 Indian Law
(6 total credit hour/
including 1 hours of ethics)

Mar. 19 & May 9
2018 Advanced Bankruptcy
Seminar - Day One
(6 total credit hour/
including 0 hours of ethics)

Mar. 20 & May 10
2018 Advanced Bankruptcy
Seminar - Day Two
(6 total credit hour/
including 1 hours of ethics)

To register for any
Webcast Encore,
follow this link:
<https://bit.ly/2A8w6Sc>

January 15

**Yelp, I've Fallen for Social
Media and I Can't LinkedOut:
The Ethical Pitfalls of Social Media**
Presented by: Legal Humorist
Sean Carter

January 19

The 2018 Ethy Awards
Presented by: Legal Humorist
Sean Carter

January 23

**The Ties That Bind: Avoiding
Inappropriate Entanglements
in the Practice of Law**
Presented by: Legal Humorist
Sean Carter

January 31

**The Truth, The Whole Truth and
Nothing But the Truth:
The Ethical Imperative for
Honesty in Law Practice**
Presented by: Legal Humorist
Sean Carter

February 5

**It's Not the Fruit, It's the Root:
Getting to the Bottom of Our
Ethical Ills**
Presented by: Legal Humorist
Sean Carter

February 12

**Show Me The Ethics!:
The Ethical Way to Bill for
Legal Services**
Presented by: Legal Humorist
Sean Carter

February 23

The 2018 Ethy Awards
Presented by: Legal Humorist
Sean Carter

February 26

Nice Lawyers Finish First
Presented by: Legal Humorist
Sean Carter

To register for the MESA CLE
programs, follow this link:
<https://bit.ly/2DNhc8o>



To register go to: www.okbar.org/cle



Save the Date

FEBRUARY 1, 2019

A must for attorneys, paralegals, support staff and IT professionals

2ND ANNUAL
**LEGAL TECHNOLOGY &
LAW PRACTICE MANAGEMENT
INSTITUTE**

IN-PERSON
AND
WEBCAST
AVAILABLE.

THIS PROGRAM WILL
NOT BE RECORDED.

Featuring: Barron Henly and Paul Unger

FOR INFORMATION
GO TO WWW.OKBAR.ORG/CLE