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Letters of Intent in Real Estate Transactions; Ethics of Joint Representations: Keeping Secrets & Telling Tales; Asset Protection Techniques for Real Estate



#### THEME: STARTING A LAW PRACTICE

Editor: Patricia Flanagan

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#### From The President

#### The State of the OBA

By Charles W. Chesnut

NE OF THE MANY RESPONSIBILITIES the president of the bar association is tasked with is writing a president's message for the bar journal each month. By and large, it is probably the most dreaded job the president has – that and the appointment of the chair and vice chair of the bar's 22 standing committees.

This is my final president's message, and interestingly, I've really enjoyed writing them. As with anything, some have been more fun to write than others. Some messages have been somewhat obligatory in their content. I haven't enjoyed those as much; however, I just try to find ways to make them more fun to read. It's definitely been a challenge.

My year as president of the OBA is almost over.

As I've said many times before, there's an old saying in bar association circles that as bar president, the year you plan and the year you get are two different things. You

want a quiet year that is productive.

As I've said many times before,

there's an old saying in bar

association circles that as

bar president, the year you

plan and the year you get

are two different things.

What I've actually experienced is a year in which I, along with every member of the Oklahoma Supreme Court, Board of Governors and our executive director, have been sued by one of our members. Quoting from the joint status report filed with the court in the case, "The plaintiff is licensed to practice law in the State of Oklahoma. He challenged the State of Oklahoma's requirement that he join and pay dues to the Oklahoma Bar Association as a condition of prac-

ticing law in the state. In his Third

Claim for Relief, he alleged that – to the extent that mandatory bar membership and dues are constitutional - the State has not provided sufficient safeguards to ensure that attorneys' mandatory dues are not used for political and ideological

speech and other activities that are not germane to the bar's regulatory purpose, as required by constitutional law."

As defendants, we moved to dismiss the plaintiff's amended complaint. The court partially granted the motions, dismissing plaintiff's first and second claims for relief upon concluding that U.S. Supreme Court precedent approves mandatory bar membership and dues.

Regarding the plaintiff's surviving third claim for relief, as defendants, the OBA contends that the OBA's procedures for handling member objections to the OBA's expenditures of dues comply with the First Amendment. We also contend that the OBA's procedures are constitutionally sufficient.

The case is now beginning its discovery phase.

Our premier event of the summer, the Solo & Small Firm Conference, was flooded out of its original destination in Tulsa in June and had to move to another location. It turned out swimmingly, if you will, thanks to the efforts of our bar staff. They did an amazing job of moving to another location on an extremely short

(continued on page 43)





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#### STARTING A LAW PRACTICE

## The Nuts and Bolts of Opening a Law Practice

By Jim Calloway

PENING A NEW LAW PRACTICE IS, AT ITS CORE, OPENING A NEW BUSINESS. It is an experiment in entrepreneurship. Emotions are definitely involved. This can, and should, be exciting and thrilling.

There can also be trepidation as one contemplates an unknown future, and it can involve mixed emotions for someone like a new law school graduate who really preferred to obtain employment to begin their career, but for whatever reason did not. It can even be tinged with regret for the lawyer who has departed an established law firm that dissolved or who was terminated from employment.

The daunting thing for lawyers, trained to rely on precedent to predict the future, is that these nuts and bolts differ from what they were a few decades or even a few years ago. A successful business model established in 2019 may be considered dated in 2029.

Your attention is first directed to the OBA Management Assistance Program's Opening Your Law Practice resource page at www. okbar.org/oylp. Among the many resources, there is a document titled "First Steps in Building Your New Law Firm" prepared by myself and a fellow practice management advisor with the District of Columbia Bar for ABA TECHSHOW 2016. This 65-page document includes a sample business plan and other resources.

#### THE PRACTICE AREAS

The lawyer or group of lawyers leaving an existing firm will probably start with some existing clients and a good idea of the practice area focus. The lawyer leaving a firm where all the clients will be staying with the firm or the new lawyer opening a practice will face establishing a practice area focus. I have talked to many law students who say they want to establish an estate planning or other transactional practice. I sometimes wonder if it is because they really don't want to go to court. In my view, it would be quite challenging to establish an economically viable practice of only drafting simple estates and trusts because individuals with a high net worth will gravitate toward established lawyers and law firms.

The new lawyer will likely begin with clients hiring a lawyer for the first time, including those who are referred to you by friends and family to handle personal problems. This means matters like family law, guardianship, criminal defense, business or employment disputes and consumer bankruptcy. Determine which matters you will handle on your own

and which require co-counsel or a referral. Some estate planning and contract drafting can round out the new law practice but will likely not form the foundation of it. Being a "courthouse lawyer" also increases your visibility in the legal community which can result in more business.

#### **THE TEAM**

A group of lawyers leaving a firm probably has a good idea of who they need to hire. Receptionists, secretaries, legal assistants, bookkeepers and law office administrators are all potential law firm hires.

Even a solo practitioner who intends not to hire any full-time employees needs to assemble a team. Having someone available to answer the telephone and schedule appointments with potential new clients when you are unavailable is important. Even one who starts their practice with just a cellphone will want to consider using a virtual receptionist service when it is affordable. Hiring someone with no previous law office experience to answer the phone is workable where there are other employees in the firm who

can provide some structure and answer the person's questions. The person answering the phone on your behalf represents your law firm and a virtual receptionist will likely be best. In addition, this avoids payroll tax obligations which can be time consuming. You can also locate virtual legal assistants, if needed.

This does not mean that a real person, particularly one with previous law office experience, is not the best situation if you can afford this. My first year in solo/small firm practice I hired a young lady who had never worked in a law office before. She was soon replaced by an experienced legal assistant who in many ways provided me more training than law school, but today there are many great and affordable virtual assistance services.

#### THE PHYSICAL TOOLS

You need telephones – a good smartphone and a landline. Some would say you no longer need a landline, but you want to be listed in the local telephone directory and directory assistance so people can find you. You can re-evaluate that later.

A computer is an obvious necessity. For solo and small firm lawyers, I advise them to spend the extra money for a laptop so they can use it for working at home and on the road. Computers are relatively inexpensive now, so it is best not to work from a home computer shared by other family members.

A scanner is a very good investment. Certainly, you can scan a page or two with an app on your smartphone, but the first time you need to scan a 25-page document you will be glad you have a scanner. For many years now, I have recommended the Fujitsu ScanSnap line for a desktop scanner. Just go online and find the best price for the ScanSnap iX1500. I prefer that everyone have

Some would say you no longer need a landline, but you want to be listed in the local telephone directory and directory assistance so people can find you.

a scanner and printer within reach of their desk, so time is not wasted getting up to scan or pick up something off the printer.

You may also need a copier, but a computer with a scanner and printer can make quick copies. Solo and small firms may want to start with an inexpensive copier and see whether they need one with more capacity. Law firms still generate a lot of paper, but there is a wide variation between law firms on how many copies, depending on the practice areas. Know where the closest local copy service is located for big projects.

If you do much mailing, a postage meter and scale will avoid wasting postage because you are not sure of the correct amount. There are alternatives to the USPS today.

#### **SOFTWARE TOOLS AND SERVICES**

Office 365

You will want to subscribe to Office 365 Business Premium at \$12.50 per user per month for an annual commitment. This will provide you with Outlook, Word, Excel, PowerPoint installed on your machine plus several other tools that are available when you log in. Assuming you have a good internet connection, you can then use OneDrive for storing your documents and other files.

A Practice Management Solution

Picking your practice management software solution is a critical decision because you will be using this tool all day every day as you practice law. Others may tell you this is an optional decision or to wait until you have several open files or sufficient cash flow, but they are wrong. Clio, CosmoLex, MyCase, PracticePanther, RocketMatter and ZolaSuite are recognized as OBA member benefits and you can log into MyOKBar and click "Practice Management Software Benefits" to learn more about these tools and to see OBA member discounts. There are other good tools not on this list and we may be expanding it soon.

Your practice management solutions are an important tool in managing your practice allowing you to combine billing, timekeeping, client file organization and many other important features under one dashboard. It is especially important for lawyers beginning a brand new practice to start off right using these tools and to learn how to use them well while you may be less busy with client matters in the initial months of your practice. Think of these tools as the personal assistant that works for a very cheap monthly fee and never takes a day off.

PDF Manipulation Tools

Lawyers on a budget can defer this purchase for a while. Ideally, you should choose between Adobe Acrobat Pro DC at \$179.88 per year or Nuance PDF Converter Professional 8 at \$179.99 for a license (not an annual subscription).

It is true that Adobe Reader is free and Word, Excel and PowerPoint will print to PDF. The ScanSnap will scan to PDF. There are other free and less expensive PDF manipulation tools. The Adobe and Nuance Standard products are a little less expensive but do not include the advanced tools of the pro versions. Soon you will want to do advanced PDF functions like redaction, Bates stamping and combining multiple PDFs into one. Not only do you want a tool that can do "everything," but also one with many online tutorials and guides.

Accounting Software

Your CPA will probably suggest you use QuickBooks. There are many other alternatives including FreshBooks and Xero. Billing is included in your practice management solution and CosmoLex contains accounting tools. Trust accounting is covered in another feature in this bar journal. Unless you have a lot of accounting entries, you may not prioritize this purchase either. Ultimately, you will probably do what your CPA tells you to do if you wish to work with a CPA.

#### **Fastcase**

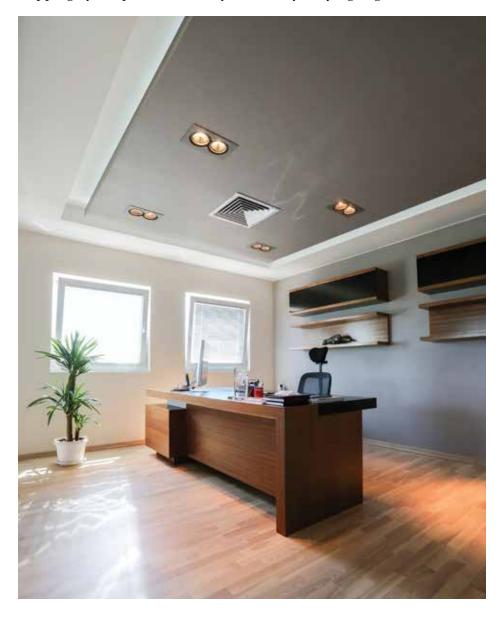
Your firm may need to subscribe to a commercial legal research service. The OBA does provide you with a free Fastcase subscription, which you can access via MyOKBar. We strongly suggest you go to fastcase.com and watch some of the training videos and sign up for their free webinars.

#### THE OFFICE

If a solo doesn't feel he or she can commit to the overhead for monthly office rental or only intends to work part-time, then a home office may be the right choice. Before you put your home address on a publicly filed court pleading, figure out which post office is closest to you and also investigate the private mailbox services near you. One of the biggest advantages of renting space from another law firm or having paid staff is having a person to sign for certified mail and deliveries. If you cannot have that, it is best to just make a habit of stopping by the post office every

day, but no price can be placed on personal security. Whether it is the inconvenience of clients stopping by your house at all hours of the night or something more dangerous, have a law firm address that is not your home address.

You also have to know yourself. If you have a large family or roommates at home, it may be worth the expense to go to work and focus on that in another location every day. Ironically, working from home often works better for the veteran lawyer who has left the big firm and is focusing on a few long-term clients than the new lawyer trying to get established.



Solo practice can be isolating. It is good to have other lawyers to discuss ideas. It is good to have other people to talk to, so explore office suite locations and see if a law firm might rent you an office. Always own your own phone number.

It is hard to do justice to the challenge of picking the perfect office location in just a few short sentences. If you will have many court appearances each week, you probably want to be within walking distance of the courthouse. That's simple for lawyers in most of the county seats, but in Oklahoma City and Tulsa, having to find and pay for parking may be a barrier for many consumer clients. A lawyer focusing on consumer bankruptcy, for example, may choose a location away from downtown on a well-known street with a parking lot with free parking. There are so many variables associated with this decision, including what's available, that you may just have to accept you may not find a perfect situation.

Unless you have a very healthy budget, shop around for some decent gently used furniture if you are just getting started, but invest in a new, sturdy and comfortable office chair for yourself.

#### **ONLINE MARKETING**

You will need a traditional website and a business Facebook page. Spend some time searching for domain names with credit card in hand. It is far better to purchase two or three domain names you end up not using than to "think over" purchasing one and then come back to find it is now mysteriously in the control of a reseller.

Version one of your website need not be an award winner. You want it up before you send out that first email proudly using the domain name of your website as your official email address.

#### THAT'S NOT NEARLY EVERYTHING

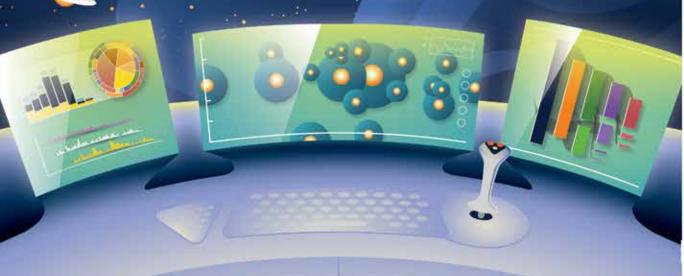
There are many other items associated with opening and operating a law firm because you are not only practicing law, but also running a business enterprise. You need to develop and maintain good personal habits. You need to seek out mentors and advisors and develop your referral network. You will definitely want to talk to our friends at Oklahoma Attorney's Mutual Insurance Co. about professional liability insurance. These are enough of the nuts and bolts to open the doors.

#### **ABOUT THE AUTHOR**

Jim Calloway is the director of the OBA Management Assistance Program. He served as chair of the 2005 ABA TECHSHOW board. His Law Practice Tips blog and Digitial Edge podcast cover technology and management issues. He speaks frequently on law office management, legal technology, ethics and business operations.

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#### STARTING A LAW PRACTICE

### **Trust Accounting Basics**

By Julie Bays

SAFEGUARDING CLIENT FUNDS and property is an important duty. Trust account management is simple and yet honest lawyers sometimes find themselves in disciplinary peril because they did not pay appropriate attention to their trust account.

The Oklahoma Rules of Professional Conduct require a lawyer to hold property of clients or third persons separate from the lawyer's own property. This means retainers and flat fees, filing fees, deposition and expert witness expenses as well as settlement proceeds should go into a trust account until distribution. These funds are required to be deposited in an interest on lawyer trust account (IOLTA).2 The interest earned on IOLTAs are pooled and transferred to the Oklahoma Bar Foundation.

The fiduciary nature of the attorney-client relationship and the need for public confidence in the legal profession require lawyers to maintain trust accounts with the utmost accuracy. Because of this, one of the requirements under Rule 1.15 (l) is that financial institutions must report any overdrafts of IOLTAs to the Oklahoma Bar Association's Office of General Counsel.

It is very important for lawyers to maintain accurate records and to balance their trust accounts monthly. Frequently, lawyers go into private practice thinking more about their representation of clients rather than the business side of the practice. As a matter of fact, it's quite common to hear

lawyers joke that they went to law school because they couldn't do math. When it comes to trust accounts, the math is no joking matter. Lawyers failing to properly safeguard the funds entrusted to them by their clients could adversely affect their license to practice law.<sup>3</sup>

Simple negligence accounts for many trust account violations. Lawyers need to realize they are responsible for their trust accounts. One memorable story is where a California lawyer received notice from the State Bar of California accepting his resignation from the bar. The only problem is that he never resigned. An investigation revealed his trusty and loyal secretary had embezzled \$265,000 from his trust account over a five-year period. She was so efficient that she kept him unaware of client complaints and bar disciplinary proceedings by intercepting phone calls, filing responses and requesting delays. Finally, when she was unable to fake his appearance at a deposition, she agreed, on his behalf, to resign and forged his signature on the resignation. The lawyer spent over \$250,000 in restitution and legal fees to remedy the situation but was still suspended by the bar. "Simple oversight and minimal

diligence would have prevented this lawyer's problem."4

More recently, The Florida Bar suspended a lawyer for three years when a bookkeeper she hired embezzled \$150,000 out of her trust account from April 2016 through June 2017. The lawyer's husband referred a new bookkeeper to her and so she trusted his judgment and did not run a background check. If the lawyer would have run a background check, she would have found out her new bookkeeper was a convicted felon for theft. The lawyer also apparently never bothered to check her trust account for over a year. When the smoke cleared, the lawyer divorced her husband, lost her license to practice law and had to pay back the embezzled funds and \$8,261 in costs.5 These types of stories make it clear that a lawyer must be active in reviewing and reconciling their trust accounts. As a matter of fact, a lawyer or small firm should review their online statement each month and, if they still receive their bank statement by paper, they should require it to be delivered to them unopened so the lawyer can review it personally.



#### RECORDKEEPING AND THREE-WAY RECONCILIATION

Normal two-way reconciliation of the checking account is where one compares the bank statement with the check register. Not everyone today compares their personal check register with their bank statement or even keeps a check register, but this is an important practice for the lawyer's business accounting records and required practice for trust accounting. It is admittedly rare that a bank will make a mathematical error today but because humans are involved, it is not impossible. It is more important today that the bank statement is carefully reviewed to timely catch any instances of fraud.

Unlike other types of businesses, lawyers need to keep trust ledgers for each client or matter in order to do three-way reconciliations. To perform three-way reconciliations, the lawyer first maintains a "check book register" tracking all deposits, disbursements and service charges. The prior month's ending balance is the starting point and those times are added or deducted to arrive at the current month's ending balance. For this to match the bank statement balances, adjustments will generally be made for items such as outstanding checks and deposits that have yet to clear the account. Finally, and most importantly, the lawyer should then total

all the individual client ledger balances and compare this to the ledger balance for the trust account. The bank statement, checkbook balance and the total of the clients' ledgers should all match.

For the larger firm with many lawyers, a more rigid set of processes may be adopted to make certain that staff properly handles the trust account transactions under the supervision of the lawyers. These steps may include additional recordkeeping not noted below. For the smaller firm with no staff or the practitioner who chooses not to delegate any trust accounting management to staff, I have outlined a few simple steps below to make certain trust accounting can be done efficiently and without errors.

#### TRUST ACCOUNTING TOOLS

The OBA Management Assistance Program staff prefers software tools that will expedite the lawyer's handling of the trust account. Several of these tools have been recognized as OBA member benefits including TrustBooks and several practice management solutions that provide appropriate trust accounting. The OBA member benefits offer a free trial period so lawyers can test out their products. Visit the Practice Management Software Benefits link on MyOKBar for additional information.

Lawyers can also use generic accounting software such as QuickBooks. The challenge is that most generic tools are not designed for the unique requirements of attorney trust accounting and these products may be too complex for those with no experience or training. They may also allow you to "overdraw" the account or a client ledger where software designed for trust accounting software will not. To learn more about setting up a trust account with QuickBooks, attorney Cheryl Clayton's article in the August 2017 Oklahoma Bar Journal titled "Using QuickBooks for IOLTA Trust Accounting" is a good resource.6

Accounting "by hand" using preformatted forms or electronic equivalents is an option that may work for small firms and solo practitioners. Preparing ledgers and reconciliations by hand is time consuming and system safeguards against human error are limited. Regardless, a lawyer must understand how trust accounting practices would be accomplished if done manually.

#### UNDERSTANDING THREE-WAY RECONCILIATION

#### Records

The required records to adequately reconcile a trust account are 1) a checkbook register where a lawyer keeps track of all deposits and disbursements along with a running balance of the total monies in the account, 2) individual ledgers for each client's deposits, disbursements and running balances, 3) a monthly reconciliation form that the lawyer will complete 12 times per year and 4) a monthly bank statement from the financial institution where the trust account is maintained. Today many bank statements are delivered electronically, but for lawyer's records, these monthly payments must be retained in the lawyer's records either saved as a PDF file or printed on paper. The lawyer never wants to be in a position of requiring old bank account records to respond to a grievance and learning that there will be a "research fee" and delay or that the previous bank is now in receivership and there will be problems obtaining these old records.

#### Record Keeping

Many have discussed the need for mindfulness in a lawyer's daily life and some lawyers practice meditation for self-care. Any time a lawyer is dealing with their trust account, it is suggested that the lawyer first take a deep breath and then proceed slowly and deliberately with the attitude that handling client funds is one of the



lawyer's most sacred and important duties. Do not let the press of other business cause you to rush through trust account transactions.

- 1) When processing a deposit to the trust account, such as a retainer fee, cost deposit or settlement proceeds, first enter the amount and date in the checkbook register and reference either the client name or client name and matter (e.g., "Retainer from Bob Jones" or "Settlement proceeds in Bob *Jones v. Smith"*). Then total the new running balance of the trust account. For example, if the lawyer had \$17,000 in the trust account and deposited \$2,000, the new balance would be \$19,000 but these numbers will rarely be round numbers and it is suggested a calculator or software tool be used to minimize math errors. Do this twice because one can make an error entering numbers into a calculator.
- Then immediately go to the client's ledger sheet, enter the deposit and date and compute the running balance. Again, do it twice. This is simple: Bob Jones Retainer \$5000 Balance \$5000

If this is the client's initial deposit to the trust account, the lawyer will need to create a new ledger sheet for the client identifying the client by name and perhaps referencing the client matter.

Even though it may seem obvious that the first entry on the client's ledger from the client is a retainer fee, you want to develop the good habit of always

- identifying the source of and reason behind every deposit. These notes may be useful in jogging the attorney's memory later and will be invaluable if the lawyer is under some sort of temporary disability and the court has appointed someone to manage the lawyer's trust account or others in the firm are assisting.
- 3) With checks and other disbursements, the process is similar, but it proceeds in the opposite order. Before writing a check or approving another type of disbursement, the lawyer first consults the client's ledger to make certain there are sufficient funds on behalf of the client to satisfy the intended payment.
- Then enter this transaction in the client ledger, referencing a check number if there is one and providing the reason for the payment, payee, amount and date (e.g, 11/11/2019 Tulsa County Court Clerk – Bob Smith Filing Fees – Case number if available and amount). Then compute the client's new running balance (which must always be a positive number). We still suggest doing the calculation twice or doublechecking the math.
- 5) Next, go to the checkbook register and enter all of this information again. Calculate the new balance of total funds on deposit in your trust account, as always, double-checking your math.

The above steps cover each transaction, but there are a few more periodic duties to assure complete compliance with the lawyer's

ethical duties and give the lawyer the ability to "close the books" on the trust account each month.

It is a good idea to review all of your trust account transactions each week just to make sure that everything is in order, but a monthly review is required. The Oklahoma Rules of Professional Conduct do not state that you must balance your trust account each month, but if you do not do this and there is an error that is not caught for several months, it can be problematic to find and fix the error. If there are multiple errors that are not found over months or years, this can create a nightmare scenario perhaps requiring a forensic accounting investigation. In addition, if you find yourself in a situation where there is an ethics investigation and discipline is being considered, there is a huge difference between a situation where an innocent error was found by the lawyer and corrected long ago versus a situation where the trust account is in disarray and many hours of accounting review are now required to determine the exact status.

Once you determine that the bank statement balance, checkbook register balance and the total of the clients' ledgers all match, you note that in your records and your trust accounting tasks for the month are completed.

It should also be noted that a lawyer comingling their personal funds in a trust account is an ethical violation, but Oklahoma Rules of Professional Conduct Section 1.15 (h)(4) allows a lawyer to keep some funds in the trust account to pay bank service charges or credit card processing fees. A ledger should be kept to track that balance just like a client ledger. Many IOLTA-friendly banks will not charge monthly service fees on that account. Credit card fees vary depending on the service. OBA

member benefit LawPay can be set up to debit any credit card processing charges from the lawyer's operating account, simplifying trust accounting.

Three-Way Reconciliation

As noted previously, three-way reconciliation means that on the date each month the lawyer or law firm selects, it is determined that the total of all client balances held in the trust account equals the balance listed on the bank statement (or other online bank records) with adjustments made for items such as outstanding checks and deposits that have yet to clear the account and on the checkbook register. The form below can assist with that task and can be found on the OBA Management Assistance Program's Opening Your Law Practice resource page at www.okbar.org/oylp.

#### TRUST ACCOUNT RECONCILIATION

Date of Statement: 12/01/2019 Date Reconciled: 12/02/2019

1.	Bank Statement Ending Balance:			\$17,500.00
2.	Subtract: Outstanding Checks			
		Check No.	Amount	
		#1517	\$240.00	
		#1518	\$500.00	
3.	Total of Outstanding Checks:		\$740.00	
4.	Add: In-Transit Deposits:			
			Amount	
			\$0	
5.	Total of In-Transit Deposits:		\$0	
6.	Reconciled Bank Statement Balance: (Subtract Line 3 from Line 1 and add Line 5)			\$16,760.00

Before inserting the register balance below, make certain any necessary adjustments to the balance in your transaction register due to service charges and/or other deductions or credits to the account that are identified in the bank statement.

7.	Check Register Balance:		\$16,760.00
8.	Client Ledger I		
	Client Name:	Client Balance	
	Smith, John	\$5,700.00	
	Doe, Jane	\$4,000.00	
	Gates, Bill	\$7,060.00	
9.	Maintenance Account		
10.	Client Ledger Balance: (Total of Client Balances and Maintenance Account Balance)		\$16,760.00

To complete the monthly reconciliation, the following balances must be equal:

Line 6	Reconciled Bank Statement Balance:	\$16,760.00
Line 7	Check Register Balance:	\$16,760.00
Line 10	Client Ledger Balance:	\$16,760.00

#### **CONCLUSION**

The above steps necessary to properly maintain a trust account are detailed and can be time consuming depending on the number of transactions. There are software tools on the market that can make this task easier.

As someone who started her career as a bookkeeper, there is something Zen-like and satisfying when the numbers match in a perfect balance.

#### **ABOUT THE AUTHOR**

Julie Bays graduated from the OU College of Law in 1998. She worked in the Oklahoma Attorney General's Office from 2002-2018 when she started at the OBA as a practice management advisor in the OBA Management Assistance Program, aiding attorneys in using technology and other tools to efficiently manage their offices.

#### **ENDNOTES**

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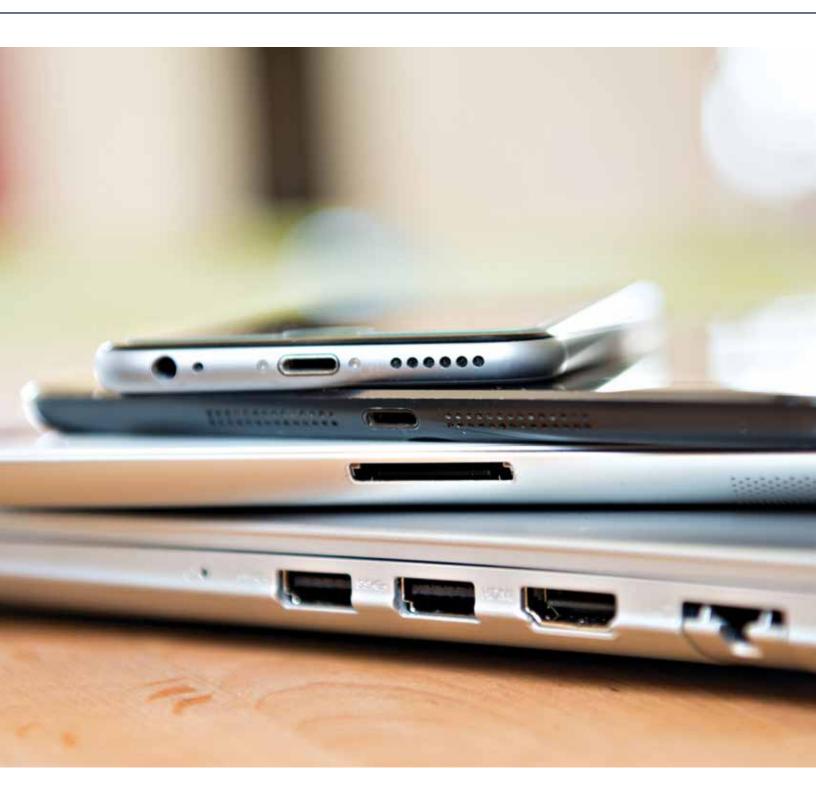


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#### STARTING A LAW PRACTICE

## Leveraging Technology

By Timothy Kent



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TARTING A LAW PRACTICE IS A DAUNTING ENDEAVOR. Whether straight out of law school or savvy and seasoned, a lawyer's decision to start his or her own law practice will undoubtedly lead to scores of sleepless nights and days without enough hours. Some of the immediate questions will likely include: What is the best entity to form for tax considerations? How much malpractice insurance do I need? Where will I office? Can I afford an office? How much staff support do I need? How much staff support can I afford? What will be my business model, revenue goal and marketing strategy? What in the hell am I doing? Included on the list of initial queries will hopefully be the question: Can I successfully leverage technology to help build, grow and sustain my law practice? For if this question is asked, diligently researched and appropriately applied, any aspiring entrepreneur will undoubtedly conclude the answer to be a resounding "Yes."

The commitment to leverage technology can be one of the most valuable decisions an attorney makes when starting a new law practice. Utilizing technology correctly can help streamline workflows, increase productivity and provide effective solutions to practice issues ranging from overhead to client relations. So, what is the "right" technology?

#### PROCESS BEFORE **TECHNOLOGY**

Legendary basketball coach John Wooden once said, "Never mistake activity for achievement." In any law practice a great amount of time is spent performing repetitive, administrative-type tasks, which do nothing to further the firm's substantive work product. Routine tasks like billing, fielding client phone calls, calendaring events and filling out client intakes are mundane and time consuming in nature. Automating

these tasks can free up valuable time which could be used to focus on more substantive work. Utilizing automation and productivity software to assist with these type of tasks can dramatically increase a firm's efficiency and productivity, but what parts of your practice could or should be automated?

Taking time at the outset of your business venture to really consider the processes your firm goes through in order to provide services to your client base can go a long way to help answer this question.1 Carefully map each step of the process. Once you have mapped each step, ask yourself what parts of the process are substantive and what parts are administrative and repetitive. Next, consider how these administrative and repetitive parts could be automated. Automating the processes that you do not enjoy doing or that are repetitive and time consuming is a reasonable place to start.

This legal process mapping exercise will help to provide you with an idea of what areas of your practice could be automated and what areas demand your legal experience and full attention.2 Once you understand your firm's processes, you can start implementing technology software to help streamline your workflows.

#### SOFTWARE ALTERNATIVES TO TRADITIONAL HARDWARE NEEDS

With the shift toward cloudbased storage and the rise of cloud-based software applications and application programming interface (API) technologies, office necessities that were traditionally only available in a hardware format (fax machines, landline telephone systems and in-house servers) are now accessible through online software purchase. These software versions are more cost effective and space efficient

Investing appropriately in cloud-based software can help new practices organize and manage information, automate tasks, reduce data entries and allow firms to effectively streamline workflows.

than their hardware counterparts, making them ideal solutions for budget conscious start-up firms.

Voice over IP (or VoIP) is a cost-effective way to emulate a centralized phone system for a law firm. VoIP phone services route telephone communications through internet connections rather than phone lines, allowing a firm to set up a main number that can be routed to a lawyer's computer, smartphone, tablet or any other internet-enabled device.3

Internet fax services allow you to easily send and receive faxes. You have the ability to pull a document from the cloud and fax straight from your smartphone or tablet or fax files from your Dropbox, Google Drive or other cloud service.

Cloud-based storage plans offer the ability to place and retain data in an off-site storage system. You can lease cloud storage capacity per month or on demand. A cloud storage provider hosts a customer's data in its own data center, providing fee-based computing, networking and storage infrastructure. Aside from the obvious upside of not having to shell out a large upfront capital investment and maintain onsite hardware, cloud technology is also arguably a more secure data storage option to traditional in-house servers, especially when considering disaster type situations. 4

Although reliance on physical servers is much less necessary that it was 10 years ago, it is still necessary to obtain some form of hardware to interface with your firm's software. A desktop or laptop computer is therefore an absolute must. With the trending acceptance of cloudbased storage and the downturn of in-house server reliance, both Macs and PCs are viable options for computing needs.

You will also need a scanner/ printer. Fujitsu ScanSnap iX500 desktop scanner is considered by most experts to be the best option for firms looking to become more digital friendly and less paperbased.<sup>5</sup> Throw in a smartphone or tablet and you have the baseline hardware needed to start operating a versatile, mobile law practice.

#### **CLOUD-BASED SOFTWARE TECHNOLOGY - BASELINE** AND BEYOND

Investing appropriately in cloud-based software can help new practices organize and manage information, automate tasks, reduce data entries and allow firms to effectively streamline workflows. With the overwhelming amount of technology on the market, determining what or how much technology your firm needs can be complicated. Focus on baseline technology needs first. 6

Do you have a way to manage your cases and monitor your workflows? Cloud-based software practice management systems like MyCase, Practice Panther and Clio Practice Manager can help manage every aspect of your practice. Other software solutions to help your firm monitor workflows and track tasks include applications like Trello or Asana.

Do you have a way to securely communicate confidential information to clients, co-workers and opposing counsel? Secure webbased portals like Case Status and Clio Connect allow attorneys to share resources and collaborate with clients, contacts or co-counsels through encrypted web-based portals.<sup>7</sup> These portals are much more secure than traditional email or text communications. Many practice management software systems, like those mentioned earlier, have built-in client portals that offer your clients 24/7 access to information like court schedules, deposition dates and more. This technology can automatically update clients, potentially reducing the amount of time spent fielding time-consuming client calls.

Do you have a solution for allowing your clients to conveniently execute documents? E-signature software like HelloSign and SignNow can help your budding practice expedite client retention agreements and settlement agreements by allowing your clients to execute

documents on their mobile device or computer. E-signature software can also help alleviate concerns of signature tampering. Tamperingresistant document formats and sophisticated tracking mechanisms can readily identify when a document was viewed, who opened the document, when it was signed, what IP address it was signed by and more.8

When it comes to software solution possibilities, the sky appears to be the limit. Having a clear understanding of your firm's processes can help you filter through the countless options to find solutions that best suit your new practices needs.

#### INTEGRATION

Finding the right cloud-based software applications to meet your firm's baseline technology needs will go a long way in helping grow a new law practice. Likewise, finding a secure, reliable API integration solution to connect these applications and allow them to communicate seamlessly with one other, will help sustain a new practice even more. Integration software like Zapier can help your practice link all your cloud-based software services. Other integration solutions include options like Clio Practice Manager, a leading practice management system that has an open API which allows and encourages third-party developers to integrate with their platform. Finding these integration solutions can be a real game changer for any new practice.

Take the following hypothetical as an example: Joanne, a solo practitioner, is in a deposition and is unable to answer a call from a new prospective client. Instead of getting Joanne's voicemail and hanging up to call another law firm, the potential client is routed to Joanne's virtual receptionist service, where the client is able to provide some

basic contact information and via Calendy, Joanne's calendaring software, which allows the prospect to schedule a face-to-face consultation with Joanne for later that afternoon. Joanne's Zapier software effortlessly syncs all of the scheduling information to Joanne's Google Calendar, which automatically triggers an email to be sent out to the prospective client with a link to Joanne's online client intake form. Upon clicking the link and completing the intake questionnaire, Zapier then syncs the collected data to Joanne's practice management system. When Joanne returns to her office following the deposition, she is able to access the client's information. With a few mouse clicks, Joanne is able to transfer the collected data to all the legal forms needed to file a claim on the prospective client's behalf. Now when Joann meets with the prospect, she is prepared and confident and is able to secure the client's trust. Instead of missing the call, this solo practitioner effectively leveraged technology to improve her practice.

#### **CONCLUSION**

Cloud-based software has been one of the most significant developments in the legal industry in the last several years. Correctly leveraging this technology can significantly bridge the competitive gap between "big firms" and solo/boutique practices. Cloudbased software allows firms both big and small to manage every aspect of their law practice, including document storage, document generation, calendaring, billing, accounting, time tracking, scheduling, task tracking, document sharing, client onboarding, client communications and more.

When adequate consideration is given to the legal process and automation and workflow software is selected and integrated

appropriately, creating a sustainable and scalable practice is possible for any size firm. Successfully leveraging technology can lower overhead, increase productivity and allow many owners of startup firms the ability to be competitive in a market that they may not have had the ability to compete in otherwise.

#### **ABOUT THE AUTHOR**

Tim Kent obtained his J.D. from the OCU School of Law in 2007. Mr. Kent has practiced in the area of workers' compensation for more than a decade. He started his own firm with a focus on educating and assisting injured workers in the modern workforce.

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#### STARTING A LAW PRACTICE

## Challenges of Practicing Law in Today's World

Technology Tools & Exposures

By Phil Fraim

MUCH HAS BEEN WRITTEN, much has been said regarding the future of the practice of law. My crystal ball is just not good enough to become "that guy" who will add to the prognostications. There are plenty of changes, which are now realities, that we are forced to deal with today.

There are many changes facing lawyers today. You can talk about demographic changes in a graying profession, whether the practice will be multijurisdictional or even multidisciplinary, competition from self-help or DIY tools, alternative legal service providers, LLLTs (limited license legal technicians) and last, but not least, technology. It is this last item that I would specifically like to address. Technology provides incredible tools, but it also creates additional exposures, which dovetail with professional liability.

Even in the past few years, technology has drastically changed, and that change has impacted the legal profession. There have been benefits such as aiding the administration of the firm, enhancing capabilities and providing value added information to the client. However, along with advancements have come increased overhead items, a demand to keep up with the latest and greatest options, new ethical conundrums and professional liability exposures

that were never contemplated years ago. I don't think anyone would argue that technology has meant that the business of law is more complicated. Yes, we still have insureds who are still pretty much paper only, but that number will continue to drop in the near future. Some states now have requirements to participate in CLE regarding technology.

The Oklahoma Rules of Professional Conduct<sup>1</sup> require lawyers to be educated about the benefits and risks of relevant technology. Admittedly, that statement is so broad I am not sure how you know when you have arrived at an educational level to be competent in that regard, nor when you can attest to chinning the bar at the minimum required.

Today, most lawyers do the majority of their day-to-day endeavors on a cyber platform (e.g., electronic, digital, virtual and online). Because of that, cyber protection and cyber insurance is critical. The OAMIC LPL policy includes both first- and third-party

cyber coverages. Practicing without it makes no sense.

Within your firm's files, you possess personal identifiable information (PII). PII include names, drivers license numbers, social security numbers, financial records and account numbers, personal password information (hackers love this information) and maybe credit card numbers (hopefully not the latter). In addition, what you post and share can have implications of confidentiality violations and violations of privacy and data security laws.

Privacy laws at the state level include breach notification laws that establish requirements for notifying clients and mitigating damages in connection with breaches where PII and confidential information have been disclosed. The critical part of any breach is whether data has been exfiltrated. Even with no data exfiltration, a breach can be incredibly painful especially when malware has been left behind.



This all implies, and some states have explicitly stated, that a lawyer is required to use reasonable care to prevent third parties from gaining access to client funds in the trust account. Included within "reasonable care" is a need to establish reasonable security measures such as strong password policies and procedures, security software and even encryption. Firms should engage a technology consultant and large firms should have someone qualified on staff. Last, but certainly not least, everyone at the firm who in some fashion assists with the trust account should receive training on the security measures.

I mentioned earlier that along with the enhancements, technology also adds overhead factors. However, be careful not to scrimp on cybersecurity measures because the costs involved are much better than the costs of a data breach, the loss of client funds or even dealing with cyber extortion and malware. In 25 years, we have moved from a norm where not everyone had a desktop/laptop to a point where nobody can function without access to the proprietary "system."

With respect to cost, even for the small law office, the amount expended per computer to install and maintain security software and firewall routers has decreased over time. This is at a time where not much else has decreased in cost.

A reality of exposure for all businesses, including law firms, is cyber crime, which is often referred to as social engineering. The most common example is the wire transfer/ instruction fraud. Estimates are that hundreds of thousands of dollars are scammed from law firms due to false wire transfer instructions. We have seen a few examples involving Oklahoma law firms. To help understand how these matters of fraudulent wire instructions occur. consider the following scenario: A law firm representing a client in a real estate closing receives \$250,000 proceeds from the sale. A paralegal at the firm receives a nearly perfect email impersonating the client which provides wiring instructions with routing number and account number. Money is wired as requested and by the time the real client called to inquire about timing of the receipt of funds and the fraud was detected, the monies had

been removed from the overseas account. Unfortunately, crimes such as this are usually not automatically included in cyber insurance.

How do you spot fraudulent instruction? Here are some tips:

- Sender might claim to be traveling and available only by email;
- Sender claims urgency;
- Request might appear as coming from a mobile device; or
- Senders email and use of logo might be very similar to a CEO/CFO's - often off by only a character. For example, CEO@company\_ xyz.com versus CEO@ company-xyz.com.

How can you prevent this type of fraud?

Always call the actual party to verify, and research the actual phone number to assure speaking to the real party. Common denominator in all these occurrences is failure to verify.

- Use a secure domain.
   Services like AOL, Gmail and Yahoo are easier targets.
- Do not accept wiring instructions or changes by email solely.
- Always verify, in person or by phone, from a number in your contact information from the file, not from an email.

A large number of data breaches still occur from improper destruction of paper files or from lost/stolen laptops or mobile devices. Also, employee-owned mobile devices can add to risks. Make sure devices can be remotely wiped and install location-tracking apps on the devices.

You should make sure to vet your vendors since third-party vendors can be a vulnerable point of attack for hackers. It has been said that hackers don't need to successfully hack Fortune 500 companies if they can hack law firms who represent them. In the same way, maybe it is easier for hackers to hack vendors than the law firms.



I remember a few years ago at the Solo & Small Firm Conference several new case management software companies presented their features and benefits. Knowing how normal it is to pressure software developers on speed of providing functionality, I could not help but wonder about their security. The security may be fantastic, but you must ask.

We advocate storing firm and client information in the cloud. However, confirm that a cloud provider provides reasonable assurance that the data is protected. Not all cloud providers are equal.

If you suspect your system has been breached, there are a few things you need to do:

- It is absolutely imperative to bring in forensic technology analysts to do a rapid assessment and mitigation of any damage and to determine if client data has been exfiltrated.
- Familiarize yourself with notification laws and requirements mandating notification and credit monitoring. Back up all data off-site.
- Engage legal counsel to advise and help manage, while also creating attorney/client privilege in the assessment and monitoring.

The largest number of cyber events we have seen with insured firms is cyber extortion (*i.e.*, ransomware). According to the largest cyber claims handling group, ransomware incidents rocketed upward 105% from Q4 2018 to Q1 2019. Reportedly, target has shifted to larger organizations with higher ransom/extortion payments requested. These were between 89-93% higher than 2018. Ransomware, which locks firms out of their data/system is

primarily accomplished by "phishing emails." Help protect the firm by:

- Alerting employees to the flood of phishing emails;
- Train firm members not to open unsolicited attachments; and
- Train firm members to be leery of links requesting login or account information.

In today's world, even the most highly protected, sophisticated operations experience cyber events. You could take the defeatist attitude of "what's the use in trying." Then again, why should we make it easy for extortionists and cyber criminals? Do everything possible to mitigate risks and exposures, which for most all of us includes the transfer of risk through insurance.

#### **ABOUT THE AUTHOR**

Phil Fraim has been at Oklahoma Attorneys Mutual Insurance Co. since 1989 and has served as president and CEO since 1993. He is past-president of the National Association of Bar Related Insurance Cos. (NABRICO) and currently serves as secretary of the organization. He also serves as secretary of the Bar Plan Surety & Fidelity Co., is a board member of the National Association of Mutual Insurance Cos. (NAMIC) and is also a member of the Professional Liability Underwriting Society (PLUS).

#### **ENDNOTE**

1. Oklahoma Rules of Professional Conduct, 5 O.S. Supp. 2016 App. 3-A, Rule 1.1.

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#### STARTING A LAW PRACTICE

## The 10 Do's and Don'ts of Legal Marketing

By Marc Cerniglia and John Hinson

#### DO: STAY IN TOUCH ... WITH EVERYONE!

Sure, you already know how important it is to keep in touch with people, but studies show that businesses only get one-third of the referrals they should receive simply because they don't stay in touch with their contacts. The key is simple: You need to *consistently* stay in touch with *everyone*. It doesn't matter how you do it – email, social media, direct mail or something else – just do it! *The lack of staying in touch is the single biggest missed opportunity for law firms*.

#### DO: BUILD A STRONG BRAND

In today's world, "branding" is your reputation. Although you may not be able to explicitly call yourself an "expert," a premium brand that positions you as the authority in your practice area screams your expertise without you ever actually saying, "I'm an expert." To that point, it is recommended that attorneys niche down and focus on a single practice area or two. After all, you wouldn't go to a general practitioner for brain surgery, would you? Why would someone go anywhere else other than the estate planning expert?

#### **DO: LOVE YOUR WEBSITE**

Your website is a reflection of your firm. (Think of it as a digital version of your office.) If your website is just "okay," then it says to the world that your firm is just "okay." Your website provides you with an opportunity to separate yourself from the competition. Creating a great user experience with a modern design, well-organized

information, clearly defined messaging and a wealth of information and resources reinforces the brand you're building as the go-to authority figure in your community.

#### DO: FOCUS ON YOUR PASSION

While niching down your practice areas makes you look like the expert to your audience, it will also make you a better lawyer. Rather than spreading yourself across a multitude of legal areas, focusing on the one (or two) areas that you're especially passionate about allows you to really make a difference for the clients you work with. It makes your overall message more authentic because it allows that passion for what you do to really shine.

#### DO: SEND AN EMAIL NEWSLETTER

Email is a severely underutilized tool for law firms. There is a misconception floating around that people don't want to receive your emails. *It's not true*, and this thought is undermining one of the biggest

ROI opportunities for law firms! For example, let's say you have 1,000 contacts and only 100 open your email. Would you have *really* spent time in a given month individually reaching out to 100 people? Likely not (and that's not even counting the other 900 who saw the email show up in your inbox and were reminded of you to begin with).

Additionally, *email is an asset* you can control. With SEO, social media, television or radio ads, you are relying on a third party to reach the right audience and do so effectively. With email, you already have the audience at your fingertips, and you are in control of what they receive from you. It's the easiest way to get referrals and stay in touch ... with everyone!

#### DO: TRACK THE DATA THAT MATTERS

Marketing companies like to throw a ton of data points at you and bask in the glory of how they increase those numbers. Unfortunately, a lot of that data



is pointless. Don't get caught up in vanity data. It's much easier for marketers (and you as their client) to focus on data that doesn't help you make more money. Things like click rates, open rates, bounce rates and social media engagement are relatively useless data for law firms.

Instead, the metrics you should care about are simply the numbers that tell you whether or not a specific marketing campaign is working. So rather than focusing on how many comments and likes you got on social media or what your open rate is on your email newsletter, you should track referrals, case allocation and their average hourly fee and case value. In other words, track what marketers say they're going to produce for you and nothing else.

#### **DO: DIVERSIFY** YOUR CONTENT

Not only should you diversify the actual content you produce, but diversify the channels you use to deliver it. Your content should be written (blog posts), visual (video) and more (like podcasts and webinars). We don't all consume information the same way; some people prefer to read rather than watch (and vice versa).

Additionally, diversifying your content channels means posting your videos on YouTube, your website, social media and an email newsletter. Your blogs work the same way - put them on your website, social media, etc. *Did you know* you can even post videos and blogs to Avvo as publications and legal guides? The more places your content appears, the more credible you look.

#### **DO: CREATE MARKETING** LOOPS, NOT FUNNELS

Remember when you took that marketing class in law school? (You definitely learned about marketing in law school, right?!) Along the way, you may have heard the term "marketing funnel," a concept in which

the top of the funnel is where your prospective clients come from and the steps they take to ultimately reach the end (i.e., become your client). The funnel is designed to bring someone in and move them

#### **DO: ELEVATE** YOUR CREDIBILITY

People want to work with and refer others to the best. Unfortunately, we live in an age where simply saying you're the



along the journey you want them to take to working with you.

The problem is that funnels end. Alternatively, a lot of prospects never reach the end. For example, you may run an ad and some people download a free resource and stop. Maybe some people call and ask about a consultation but don't actually book one. Maybe someone comes in for a consultation but doesn't become a client. What happens to all of those people? Hopefully you don't forget about them!

That's why it's smart to create marketing loops - this way you continue staying in touch with people who haven't made it to the end of your funnel on a consistent, recurring basis so you don't miss out on the business you deserve.

best means very little. Today, the best cases go to the best marketers. According to a study by the ABA, people distrust lawyers more than banks, contractors and doctors. When you start any marketing campaign, you're facing an uphill battle. However, you can earn your community's trust by getting out there and speaking, putting on events and workshops at your office, starting a podcast, consistently putting out informative content and more.

#### **DO: DO YOUR PART**

If you're just waiting around for your marketing company to make your phone ring off the hook, you're setting yourself up for disaster. You can't sit in your chair and just wait for the results to come in. You still need to network and grow your contact list. Look for ways to improve your conversion rate with the people who contact your office.

After all, no marketer can take responsibility for the results after someone walks through your door, and any marketing that requires little to nothing from you will never produce the results you really want.

#### **DON'T: HAVE YOUR** FRIEND DO YOUR WEBSITE

Often a friend or family member creates an attorney's website. More often than not, it's just "okay." Think about this - would you advise your clients to let their friends or family handle their legal matters as a favor or at a discount? No! So, put your website in an expert's hands.

#### DON'T: EXPECT SHORT-TERM RESULTS

Marketing takes time. Even more, the marketing that works the most effectively in the long run is often what works consistently. Solo and small law firms constantly deal with cash flow peaks and valleys. The key to combating that is to create a consistent flow of clients and referrals. Keep in mind that the type of marketing that accomplishes that goal doesn't move at light speed. It takes time to build consistent communication, set expectations and establish a rapport with your audience, especially if you're starting from scratch.

When people finally see you as an expert, they'll send you more business, but no one becomes an expert overnight – it takes time. Whatever marketing initiative you undertake, make sure you know what to look for to make sure your marketing is working. (Track the data that matters!) Your job as a business owner shouldn't be to find what works immediately, it should be the healthiest, smartest choice for your firm. Remember, people pay you up front for a future result. You should expect the same of your marketing.

#### **DON'T: OVERLY FOCUS** ON SEARCH ENGINES

Search engine optimization (SEO) is overrated. The best clients don't come from Google. Instead, the clients that find you on Google are competing on price (more on that soon). Even more, you're sinking a ton of money into the hope that you'll be one of 10 spots on the first page (and half of those spots are directories like Avvo and Justia). Most marketing companies out there (falsely) emphasize SEO, which causes lawyers to neglect their other marketing because it forces their content to focus on Google's bots, not the actual people they're trying to attract.

#### DON'T: STRAY FROM WHAT HAS ALWAYS WORKED

Being good at what you do and staying in touch with the people you helped has always worked. It's the oldest marketing principle in the book. However, the emergence of the internet has warped our minds into believing marketing has changed. Wrong. The psychology of marketing has not changed, the internet has just changed the medium in which we market. The key is to focus on what has always worked in marketing and to use the internet to make it more effective. Email newsletters, a consistent social media presence, informative content and a great website are the

new tools you can use to build your reputation as an expert and stay in touch with people. The "how" and "what" have changed, but the "why" remains the same.

#### DON'T: WRITE IN LEGALESE

When it comes to writing content for your website, you're not writing the next law school textbook. You're writing for everyday people. So many attorneys get caught up in perfecting their content and worrying about what their attorney peers would think that they forget what their actual audience really wants. People don't care about precedent or the latest case results. They want to know what to do when they're facing a particular situation. Your content should focus on practical advice and answering the questions your audience has.

#### DON'T: FOCUS ON YOURSELF

This might be a little jarring for you to read, but you are not the hero of the story. Marketing that focuses on the client's needs rather than the attorney is more powerful and tells a more engaging story. A website that has a big picture of you and your team in the header puts the focus on you and makes it all about you. It's not about you. The best messaging is always "them" or "us," not "I" or "me."

Even more, the marketing that works the most effectively in the long run is often what works consistently.

#### **DON'T: USE CLICHES**

This is going to sting for some of you: If you have a gavel, the scales of justice or a picture of your local courthouse anywhere on your online presence, *change it immediately*. Don't be like the majority of other attorneys and don't play into the perceived stereotype people have of attorneys. Appeal to your audience's emotions and their issues rather than a bland representation of the legal world.

#### DON'T: LOOK FOR A ONE-STOP SHOP

Don't get all your marketing from one vendor. Remember our brain surgery analogy from earlier? The same applies to the vendors you work with. For example, business law is very different from family law. *Marketing is the same way.* 

An all-in-one marketing company is the jack of all trades and master of none. You're not getting an expert; instead, you're limiting yourself to only one (nonexpert) voice in your marketing strategy. Look for experts in different areas of marketing. Work with vendors who take initiative to interact with your other marketing partners, so your campaigns work together in absolute harmony. While it may be more logistical work, the results will speak for themselves.

#### DON'T: GET CAUGHT UP IN THE WRONG DATA

Remember when we said "track the data that matters"? It's simple: looking at the wrong data can undermine your marketing efforts. Take website traffic for example. If you want your website traffic to increase month after month, you may be failing to take into consideration what kind of traffic you're actually getting. Having 10,000 website hits is great, but if 9,800 of those hits are crawler bots and manufactured

foreign hits that are never going to need your services, what are you really accomplishing there?

#### DON'T: COMPETE ON PRICE

Obviously, you shouldn't lower your rates just because you want to take business from the attorney across the street, but this final point goes far beyond that. This is a decision you need to make long before you tell anyone what your rate is. The decision to never waiver on your price comes when you start building your brand as the authoritative, credible expert in your field. *You are not a commodity.* 

If you market yourself in such a way that positions you as the expert, price doesn't even become part of the conversation. People will know they want to work with you and will do whatever it takes to pay you for your services. Whether you're in a small town like Guymon or a big city like Tulsa, if you follow the tips outlined in this article, you'll be well on your way to growing the firm you've always wanted.

#### **ABOUT THE AUTHORS**

Marc Cerniglia is the CEO and founding partner of Spotlight Branding. He is passionate about helping attorneys find a better way to market. An avid sports fan, Mr. Cerniglia spends his free time cheering for Baltimore sports teams and his alma mater – University of Central Florida.

John Hinson is the administrative director and marketing manager for Spotlight Branding. He is responsible for driving the company's marketing efforts, as well as several behind-the-scenes processes to keep the company moving forward. He has published several nonfiction books in his free time and also maintains a database of area waterfalls.

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#### STARTING A LAW PRACTICE

## Confessions of a Small-Town Attorney: A Day in the Life of a Ham and Egger

By Micah G. Ayache



STABLISHING A SOLO LAW PRACTICE in a small town in Oklahoma can be daunting. f L However, obtaining experience while attending law school, tips on hanging out your shingle and maintaining your daily practice will be beneficial to your professional life.

#### **EXPERIENCE**

Law school may be the longest, most expensive initiation rite known to man. You pay a small fortune to leave your hallowed halls of learning armed with the ability to put "J.D." behind your name. However, unless you worked in a clinic to gain experience in family court matters, law school doesn't really teach one how to practically practice law. For example, after taking property law and learning the four elements for adverse possession, it all seems pretty simple ... until you are faced with your first quiet title by adverse possession lawsuit. More about that later.

One avenue for gaining experience is to work for a district attorney's office as an intern and then hopefully as a "baby" assistant district attorney. If you are starting out fresh from law school, a stint in the office of the district attorney is invaluable. It is almost impossible to get a bar complaint, there are no overhead costs, you get state insurance, you have a staff of experienced attorneys and secretaries who know what you should

be doing and how you should do it and you have an incredible amount of power. Another bonus includes a lot of court time. If the hearsay exceptions were a little vague during law school, you'll learn them really fast as an assistant district attorney.

Since not every graduate returning to or settling in a small town can count on employment with the district attorney, you should track down the local attorney with the Oklahoma Indigent Defense System (OIDS) contract. This is much like working for the district attorney, but from the other end, as far as gaining invaluable courtroom experience. Working as an OIDS contractor you'll get bar complaints, have no staff, still have overhead and have no power whatsoever, since all criminal defense attorneys are at the mercies of whatever assistant district attorney with whom you are dealing. However, you will build up a lot of repeat business from clients who may one day when you divorce yourself from the OIDS roster - find themselves

sufficiently imbued with funds to retain you. Added to this hope for future benefit, the relationships you build with the judges and courthouse staff will also serve you well in the future. Coupled with the necessary salary, the OIDS route is a good start for a new attorney in a small town.

While joining an established law firm is not out of the realm of possibility, most small towns appear populated with what John Grisham calls "Ham and Egg Lawyers": single-lawyer firms with one secretary. In the event that two or more lawyers have teamed up and formed a firm, the odds of them hiring are somewhat slim, and if such a conglomerate is hiring, they've already taken on the newly graduated son or daughter of a law school buddy, which means you can't count on joining an established small-town firm.

#### HANGING THE SHINGLE

At some point, feeling now comfortable in your small town, you may decide to spread your wings and open your own practice. The experience of practicing law in a small town is not confined to office hours or office environments.

This is not the same as hanging a shingle in a city. In a small town everybody knows you. You may look about as far away from being a lawyer as it is possible to get and still be asked if you like being a lawyer. What this means is reputation is everything. In a small town, news travels fast and everyone talks. Small towns have, it seems, a whole class of citizens who collect legal troubles but have either no way of paying an attorney to resolve those legal problems or have no desire to pay an attorney to resolve those legal problems. If you hang your shingle, you will meet all of these people in the first six months of opening up. If they've had some legal issue unresolved for years, just know there is a reason why it has gone unresolved and it is probably financial.

In spite of what you tell yourself, none of us endured the misery of law school to "help our fellow citizens" as our only goal. Without the promise of payment we usually have no incentive to raise to our hind legs in court and do verbal battle with opponents and judges. Rather, we remain silent as the tomb until the currency of the realm works to loosen our tongues. Basically, while we may desire to help our fellow man, we would like to be paid to do it. That overhead you did not have with the district attorney is constant and always looming in private practice.

In a small town you'll do a lot of criminal work and family (divorce/

paternity) work. When these clients come flooding in you will need to have an effective billing program to keep track of who has paid what, and more importantly, a secretary who can chase money. If you can get half a fee, you will consider yourself paid. Often times what you take up front is all you ever get, particularly with criminal cases. This poses a problem when it is midway through the month and you have yet to cover your monthly bills. It may be the day before "Be Back" day, then someone comes in needing a lawyer for a three-felonycount case and a couple of trailing misdemeanors.

Small town practice is a lot of billing work. Make sure you know your judges' thoughts on withdrawal for nonpayment of fees. Ascertain if in a certain jurisdiction you must get all your fee up front because that county will not let you withdraw even if you have a contract that shows you are entitled to withdraw for nonpayment of fees.

#### DAILY PRACTICE

The experience of practicing law in a small town is not confined to office hours or office environments. As noted above, the entire town will know you are a lawyer. Always take business cards when you go to Wal-Mart or the high school football game or the FFA fundraising lunch, because many times someone will need to come see you on Monday and hopefully bring some money.

Contracts for representation are a good idea, as in these you can clearly show what the limits of your representation may be and how much you will be paid for doing this representation. However, understand that the payment portion often means nothing. If you sue a client on the payment issue based on the contract, you will have your judgment, that with a dollar will buy you a cup of coffee.

Starting off in a small town, you may not have much to worry about regarding conflicts of representation. An exception would be if you were first employed by the district attorney's office. Believe it or not, many criminal clients will have been clients of some other lawyer for some time prior to your striking out on your own, and it is actually a misdemeanor criminal offense that mandates loss of license to offer advice to a person you have previously prosecuted, as well as being a breach of the Oklahoma Rules of Professional Conduct Rule 1.9.2

Therefore, in a small town, a "conflict" database is a must. However. even with a conflict database conflicts will slip through the cracks. If you only put a principal litigant (of three persons) in a conflicts database, you may end up suing a current client several years later if the initial matter was never resolved. The only answer would be to immediately withdraw from both cases.

In a small town, many people work out of town which means you may make appointments

outside "city" hours. A divorce consultation may happen when the potential client gets back in town, and this may be after 6 p.m. It may be on a Saturday or even a Sunday. Fortunately, there is always plenty to do and it is nice to get something done without having to take phone calls every few minutes.

Small town practice means you are on your own. If some tricky point of law comes up, or some elusive statute needs to be tracked down, you don't get to walk next door and ask another firm lawyer. It also means when scheduling conflicts arise – and they will – you don't get to ask another lawyer in your building to cover for you. Some judges and lawyers will just set stuff. Some opponent files a motion to compel or some equally annoying document, and the first time you know about it is when you get a schedule from the judge's office showing you are on the next motion docket. The problem may be that you have had a hearing on the merits or a preliminary hearing scheduled for the past six weeks on that exact same day!

When this happens, it is always an out-of-town matter, so that means a lengthy session resolving the conflict. Experiences in this vary; some courts will just move it to the next docket, some will require a motion and proposed order. Consultation with the moving party (who invariably practices in that jurisdiction and so is always at the motion docket anyway) is a must, so before you know it there goes 30 minutes to an hour of your day. On occasion you will have to trot out "The Oklahoma Guidelines for Resolving Scheduling Conflicts"<sup>3</sup> to resolve the problem of needing to be in two different places at the same time.

However, good working relationships with your fellows will help relieve anxiety when such conflicts or gaps in knowledge

occur. You will have local lawyers call you on Sunday to ask your opinion about some issue, and you will cover matters and have matters covered when scheduling conflicts come up. Such is life in the practice of small-town law.

When newly striking out on your own, you will find that knowing the law and accurately conveying that knowledge in the form of pleadings and journal entries are two quite different animals. Remember the first quiet title suit mentioned earlier? It seemed simple and in retrospect, it was a simple quiet title suit. Now you can draft a petition, get everything published and obtain approval and recording of a journal entry without breaking a sweat. Back then, your adopted mentor may call you an idiot and do the petition for you if he does not want his alma mater embarrassed by your work. Turns out just saying those four elements of adverse possession and asking for the property, please, does not make a very effective journal entry from a title examiner's point of view. For the first two to three years it will take you about six times longer to do anything than it should have taken because you have no idea how to actually practice law. You cannot charge clients for the actual time you spend on their issues until you get a series of petitions and motions which can be used and reused. Anyone who is starting out in a small town should get an established lawyer to review pleadings and be your mentor. If you can share an office as you establish your own practice, do it!

### **END RESULT**

When all is said and done, you will find the practice of small-town law quite demanding. Everybody who comes into your office has problems, and sometimes these problems have been years in the making. You tell your clients that if

you were doing this on your own you would guarantee them what they want. However, since you have the district attorney or other opposing counsel and the judge to convince, what they want may not happen. All you can promise is that you will work as hard as you can to get them what they want. Small-town law practice means you will see these people again, perhaps in Wal-Mart, at the Relay for Life or maybe football or basketball games, all the usual events that happen in a small town. If you have won your case, these meetings are sometimes quite nice. If you did not prevail, you will always feel as if you let them down, even if they seem pleased with how the case was conducted. The practice of law in a small town is definitely more personal than in a large city in that you are never really away from it. If you are out in public, so are your clients or opposing parties. Shaking hands with the other side of a pending divorce case at the FFA auction can be awkward but happens frequently. The plus side of a small-town practice is the general collegiate atmosphere most lawyers have with one another, and you wouldn't have it any other way.

### **ABOUT THE AUTHOR**

Micah G. Ayache is an attorney based in Pauls Valley. Originally from New Zealand, where he was a sworn officer with the New Zealand Police Service, Mr. Ayache settled in Oklahoma in 2002. Upon graduating from the OU College of Law, he worked as assistant district attorney for Cleveland, McClain and Garvin counties. In 2010, Mr. Ayache opened his solo practice.

### **ENDNOTES**

- 1. John Grisham, The Client, 1993, Chapter 16.
- 2. www.oscn.net/applications/oscn/
- DeliverDocument.asp?CiteID=448854.
- 3. In the Matter of Guidelines for Resolving Scheduling Conflicts in Oklahoma Courts, 1997 OK CR 72, 952 P.2d 993 (Okl. Cr. 1997).



### PHOTO HIGHLIGHTS





- 1. Participants of this year's costume contest at the Out of This World Party
- 2. District 6 Director Caroline Shaffer-Siex receives the YLD Director of the Year award.
- 3. OBA President Chesnut surprises longtime OBA Executive Assistant Debbie Brink with a President's Award.
- 4. OBA President Chesnut with President's Award recipients OBF Past President Jack Brown and OBA Vice President Lane Neal
- 5. OBF Past President Jack Brown and OBA Past President Stephen Beam at the President's Reception
- 6. Tulsa County Delegate D. Faith Orlowski stands to make a motion at the House of Delegates.
- 7. Oklahoma Supreme Court Chief Justice Noma Gurich with Judge Linda Thomas, 2017 OBA president















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- 8. Oklahoma Supreme Court Chief Justice Noma Gurich delivers the State of the Judiciary.
- 9. OBA President Chesnut honoring OBA Director of Administration Craig Combs with a President's Award for his decades of service.
- 10. Annual Meeting participants on one of Oklahoma City's new streetcars embark on the first ever Midtown Pub Crawl.
- 11. Retired NFL referee Walt Coleman gives an animated and humorous address at the Delegates Breakfast.





12. Air Force Color Guard from Tinker Air Force Base at the General Assembly

13. Oklahoma Court of Criminal Appeals Presiding Judge David B. Lewis delivers the State of the Court of Criminal Appeals.

14. Co-founder and CEO of Fastcase Ed Walters addressing guests at the Annual Luncheon.

15. Oklahoma City Mayor David Holt welcomes members at the General Assembly.







### Oklahoma Lawyers Selected for Leadership Academy

### IGHTEEN FUTURE LEADERS

Lof Oklahoma's legal community have been selected to receive training in leadership, motivation and communication as members of the Oklahoma Bar Association Leadership Academy class of 2019-2020. The academy participants were chosen from a pool of applicants spanning the state.

"Building quality leaders is important," OBA President Chuck Chesnut of Miami said. "Participation in this academy helps individuals enhance their knowledge and skills, giving them tools to be better lawyers and leaders, which benefits their communities and the legal profession."

Originating from the OBA's Leadership Conference in 2007, the academy is aimed at developing the future leaders of the OBA by giving Oklahoma attorneys training in the core principles of effective leadership and how to communicate, motivate and succeed in their legal careers and also as community leaders.

The OBA Leadership Academy includes four sessions, the first of which took place Sept. 13. The academy will conclude in April 2020. Sessions will be led by experienced leaders from various backgrounds including military officers, former OBA presidents, leadership experts and high-profile public officials.

More information about the Leadership Academy is available on the OBA website at www.okbar. org/members/leadership.



The 18 members of the 2019-2020 OBA Leadership Academy at their first session on Sept. 13

### **OBA LEADERSHIP ACADEMY PARTICIPANTS**

### **Broken Arrow**

June Stanley, Stanley Law Firm PLLC

### Guthrie

Kyle Moon, Raptor Petroleum

### **Oklahoma City**

Myriah Downs, Oklahoma
Department of Public Safety
Celeste England, Celeste J.
England, Attorney at Law
Ashley Forrester, Forrester Law Firm
Emily Harrelson, Oklahoma Tax
Commission
Janet Johnson, Oklahoma

Janet Johnson, Oklahoma

Department of Human Services,
Child Support

Telana McCullough, Oklahoma State
Department of Education

Robin Murphy-Clemandot, Oklahoma Department of Corrections Camal Pennington, *OU College of Law*Wyatt Swinford, *Elias, Books, Brown &*Nelson PC

Jessica Ward, Oklahoma

Department of Human Services

### **Stillwater**

Amanda Lilley, Legal Aid Services of Oklahoma

### Tulsa

Stacy Brklacich, Blue Cross and
Blue Shield of Oklahoma

Jeffrey Krigel, Jeff Krigel Law Firm PLLC

Thomas Landrum, The Firm on
Baltimore PLLC

James Rea, Tulsa County District
Attorney's Office

Sara Schmook, Fry & Elder

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### OBA Committee Membership – Please Join Us!

TOW IS THE TIME TO JOIN one or more of the OBA standing committees as a part of your membership in the OBA. Committees cover a wide range of subject matter and topics.

Why join a committee? Being a committee member, along with section membership, is one of the best ways to get more involved with the OBA. Committee membership provides ways to get to know lawyers and judges who may have very different backgrounds, interests and experiences from you and offers an opportunity to make friends, get known in the legal community and

develop referral and mentoring relationships with lawyers from all across the state.

Most committees allow meeting attendance by conference call, so your geographical location does not matter in terms of participation if you are not able to make each meeting in person. In addition, some OBA committees are devoted to service to the community in which we live and practice, which in turn helps enhance the image of our profession within the community.

I have served on many OBA committees over the years and it has provided me with many benefits to my law practice, for which I am grateful. It is also a wonderful way to give back to our legal profession. Even if you have only a little time to spare, we can use your help. Please join us.

Joining a committee is easy. Go to www.okbar.org/committees and click "Committee Sign Up." I will be making appointments soon.

> Silan Studs Susan B. Shields. President-Elect

### To sign up or for more information, visit www.okbar.org/committees.

- Access to Justice Works to increase public access to legal resources
- **Awards** Solicits nominations for and identifies selection of OBA Award recipients
- **Bar Association Technology** Monitors bar center technology to ensure it meets each department's
- **Bar Center Facilities** Provides direction to the executive director regarding the bar center, grounds and facilities
- **Bench and Bar** Among other objectives, aims to foster good relations between the judiciary and all bar members
- Civil Procedure & Evidence Code Studies and makes recommendations on matters relating to civil procedure or the law of evidence
- Communications Facilitates communication initiatives to serve media, public and bar members

- Disaster Response and Relief Responds to and prepares bar members to assist with disaster victims' legal needs
- Identifies and fosters advances in diversity in the practice of law
- **Group Insurance** Reviews group and other insurance proposals for sponsorship
- Plans and coordinates all aspects of Oklahoma's Law Day celebration
- **Law Schools** Acts as liaison among law schools and the Supreme Court
- **Lawyers Helping Lawyers** Assistance Program Facilitates programs to assist lawyers in need of mental health services
- Legal Internship Liaisons with law schools and monitors and evaluates the legal internship program

- Legislative Monitoring Monitors legislative actions and reports on bills of interest to bar members
- **Member Services** Identifies and reviews member benefits
- Military Assistance Facilitates programs to assist service members with legal needs
- Professionalism Among other objectives, promotes and fosters professionalism and civility of
- **Rules of Professional Conduct** Proposes amendments to the ORPC
- **Solo and Small Firm Conference Planning** Plans and coordinates all aspects of the annual conference
- **Strategic Planning** Develops, revises, refines and updates the OBA's Long Range Plan and related studies
- **Women in Law** Fosters advancement and support of women in the practice of law

### From the Executive Director

### Some End of Year Randomness

By John Morris Williams

**TOST OF WHAT I WRITE** <sup>'</sup>⊥is random. It does not require much preparation to be random. You just need to live long enough to have accumulated enough random thoughts to fill a page every once in a while.

First, I would like to know why every morning my computer starts off with pictures somewhere far away. It's not just far away places, but places that look exotic. The screen offers a teaser of something to the effect of can you guess where this is. On occasion, it is familiar or somewhere I have been. Mostly, they are just sun-filled beaches and villas and turquoise water. Great, just what I need to see on a cold and bleak day. NOT. I don't need to be reminded that I need to be at the beach. It is mostly just cruel to show me this. PLUS, I can't ever figure how to find out the location. My computer screen next goes to email and the day's calendar. I used to have a thing that showed me topical fish, and I was happy with that. I may have to write to Microsoft and request that either this teasing stop or at least I get entered in a drawing to have a chance of going to one of these places. I like to begin everyday with the idea that something great is going to happen. Having a chance to win a trip to clear blue water and sugary beaches surely would increase my expectations.

Second, one of my favorite people to be random with is Chuck

Chesnut. He tolerates me pretty well and on occasion he can go down the randomness road himself. He often will lead with an open-ended question like, "John, do you ever think that some people just aren't aware of X." I'll fill in the X this time. "Yes, Chuck I do not think some people are aware that you drove way over 10,000 miles as OBA president. When you consider Board of Governors time, president-elect and past president, there's no telling what that number is. It is a far piece to Miami and back. This in addition to the meetings, conferences and events you attended."

Third, besides President Chesnut, without all the OBA officers and governors, committee chairs, section chairs and countless other members who volunteer their time the OBA would not function or exist. I have repeatedly heard and believe that our best lives are lived in service to others. This is especially true when our service to others is tightly connected to our vocational passions. It kind of makes that work and pleasure thing unite into some pretty fulfilling and valuable activities and products. I know almost everyone who serves the OBA in one way or the other sells time for a living. If there is one thing that is part of my randomness, it is gratitude. Sometimes, I see people and the incredible and selfless things they do and I have to just reach out into the universe to my version of the creator and say, "thank you."

Here, I decided to put it in writing so that perhaps one or two of those personal heroes of mine may be reading this.

Fourth, so here we are last article of the year. I'm not going to look back. Every time I do that, I tend to run into something. Looking back would cause some tears at losses, pride in things accomplished, joy of still being alive and working for such a wonderful organization. Looking back would remind me that all that I am and all that I have I owe to other people. It would remind me that I love the people I work with and for. Looking back would remind me that I need to get the back window washed where the dogs put their noses on it. So, I will not look back.

I will not look back. I will be proactive. I will figure out where one of those exotic beaches on the computer is and start planning to go there. I will say thank you more often. I will get the car washed. I will try to be less random. But, I will purposely conclude with my gratitude to President Chuck Chesnut and all the OBA leadership and staff for a fulfilling and productive year.

John When William

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

### From the President

(continued from page 4)

timetable, and the event came off without a hitch.

We are so fortunate to have the bar staff that we have. This bar association has 15,794 active members being served by a bar staff of 42 people. They do an amazing job of trying to make our lives as practicing attorneys easier and more productive. My hat is off to them for their efforts on our behalf.

I think it's interesting how certain words and phrases come into vogue. These days when we want to study something as an organization, we appoint "task forces."

This year, I appointed a task force to study continuing legal education. Chaired by Jack Brown of Tulsa and co-chaired by our President-Elect Susan Shields, it was comprised of a blue-ribbon group of Oklahoma lawyers. In addition, many OBA staff members also served on the task force. It met monthly from January to June and studied all aspects of CLE. The real issue was whether the OBA needs to be in the CLE business, and if so, how should it best be structured to produce maximum value to our members.

The committee ultimately recommended that we target CLE programs for new lawyers, promote greater coordination with sections and committees on CLE programs and increase the number of mandatory legal ethics credits.

There was lengthy discussion on increasing the overall number of required CLE credits that continued over several meetings. The task force ultimately decided to leave the total number of required credits at 12 per year. However, it did decide to recommend the adoption of a new definition of

legal ethics and to increase from one to two the required legal ethics credits per year.

There was a resolution before the House of Delegates this year that provides effective Jan. 1, 2021, of the 12 required instructional hours of CLE each year, at least two hours must be for programming on

members who have been practicing less than three years. The cost of living has increased 35% since that time. I'm forewarning you that it's hard to maintain dues at the current level when expenses increase on a continuing basis. We will need to have a dues increase in the near future just to keep step.

Our financial situation as a bar association is strong.

legal ethics and professionalism, which includes legal malpractice prevention. Of the two required hours of continuing education on legal ethics and professionalism, they may be for programming on either legal ethics and professionalism, legal malpractice prevention and/or mental health and substance use disorders.

Our financial situation as a bar association is strong. Although projected to have a deficit budget, our method of underestimating income and over estimating expenses has kept us on a solid financial footing. We have ample money in reserve to deal with emergencies. Craig Combs, our director of administration, and John Morris Williams, our executive director, do a great job in managing our financial resources.

As an association, we have not had a dues increase since 2005. Dues are \$275 per year for members who have been practicing three or more years and \$137.50 for

Looking forward, I think the outlook for the Oklahoma Bar Association is bright. We are blessed with strong leadership by solid people with vision who make good common-sense decisions on our behalf on a day-today basis. That's what we want and that's what we need.

I am thrilled at the prospect of Susan Shields and Mike Mordy leading us for the next two years. We have a great group serving as our Board of Governors, and I am grateful to them for their support and advice this year.

Finally, I just want to say thank you for the opportunity to be president of this association in 2019. It has been exciting and challenging but a richly rewarding time in my life.

### Tales of Fails in Lawyer Marketing in 2019

By Jim Calloway

### VERYONE'S A CRITIC.

I must confess to frequent aggravation as I read some pieces of criticism directed at lawyers in private practice, especially ones written by those who have never spent any time working in a law firm. So, let me open with my response to all of them. If you have never worked in a law firm, it is challenging to appreciate the pressure, the stress and the responsibility of handling very important matters for many clients. Often, lawyers are dealing with the most important and stressful situation in their client's lives.

It is also hard to appreciate the workflow of law firms and how one thing, like a judge requesting additional briefing on an issue, can impact a week's workload. Some time ago, I read a tweet from a lawyer that said,, "Being a lawyer is easy. It's like riding a bike except the bike is on fire, and the ground is on fire. Everything is on fire." (An internet search reveals that that statement is used for almost every profession and now adorns everything from blank notebooks to cards.) Hopefully your law practice is not like that every day, but most lawyers do have days (or weeks) that feel that way.

As I read social media and blog posts criticizing lawyers for failing to adopt the latest technology tool or other shortcomings, I sometimes

think the author might approach the subject differently if they had ridden that bicycle for a while.

### SOME SHOCKING STATISTICS

Having said that, two recent items revealed by surveys and studies about lawyer marketing "fails" actually shocked me.

The first "shocker" was from the 2019 Legal Technology Survey Report from American Bar Association's Legal Technology Resource Center. The survey reported that 43% of solo lawyers do not have websites. That is hard to believe. For law firms of two to nine lawyers, 92% reported having a website. I would note that some firms of that size are likely "single client firms," for which a website is arguably a low priority.

If you are interested in more of this survey's data on marketing, read legal journalist Bob Ambrogi's article on *LawSitesBlog*. com "Nearly Half of Solos Have No Website; Two-Thirds of Firms Not on Twitter; 30% Have Blogs."1

However, that wasn't my biggest shock. The biggest shock was contained in the 2019 Legal Trends Report released by practice management software solution Clio. This is the fourth such annual report, and it contains a lot of interesting data.2

The shock was data indicating how poorly law firms today respond when contacted by potential clients. Marketing is about generating leads. If you are dropping most of the leads you generate, your marketing efforts are largely futile.

Clio asked clients what reasons they had for not hiring the lawyers they contacted, and 64% indicated they contacted a law firm that never responded either through phone or email. Contrast that with the 89% of legal professionals who say they respond to email or phone inquiries within 24 hours.

I found that data very hard to reconcile. Apparently, Clio did too. Given the gap between the responses of lawyers and potential clients, Clio commissioned a study. One thousand law firms were emailed and 500 phoned about a possible engagement. The methodology of selecting the law firms sampled is detailed in the report.

Are you ready? 60% of law firms didn't respond to the emails at all.

The good news is that those who did respond mostly responded within 24 hours. The bad news, at least from the consumer point of view, was the majority of responses indicated that the potential client should call the office instead of communicating through email.

Phone calls were somewhat better, likely because law firms have someone whose job is answering the phone, but the data in the study was still surprising:

- 56% of law firms answered the calls
- 39% of the calls went to voicemail of which 57% didn't return the call within 72 hours
- 5% of the calls were unanswered

So approximately 27% of law firms were not reachable by phone.

It is possible to rationalize some of this data. There are many email spammers and scammers. Emails attempting to set the law firm up for a scam may have conditioned some lawyers to only talk to new clients on the phone. Maybe lawyers have been listening when we talk about the inherent insecurity of email. Maybe lawyers have decided that responding to these emails rarely results in clients retaining them, but dropping so many potential leads, whether from email or phone, is not a good business practice.

### **NEW CLIENT INTAKE**

As we prepare to begin another calendar year, it is a good idea for all law firms to examine how they handle contacts from potential clients. The smaller the law firm is, the more likely it is that someone may not be available every time the phone rings. The firm that handles only a few types of matters may decide to empower



staff to tell callers the law firm doesn't handle that type of matter. However, the lawyers may want a different rule for a client the firm has represented previously.

It's not good for a lawyer's reputation to fail to return phone calls. When it is client phone calls that are not being returned, this may set the stage for a grievance against the lawyer. When it is potential client phone calls that are not being returned, these lost opportunities may impact the firm's revenue.

Larger law firms should have a formalized written intake process. This plan should deal with responding to potential new client inquiries when the lawyers are unavailable to respond promptly.

A solo or small firm lawyer, particularly those without fulltime staff, should strongly consider hiring a virtual receptionist service and providing them every week with some open hours that they can schedule appointments and the criteria as to whether they should schedule an appointment or just take a message. The lawyer should also keep track of those new client engagements that the firm might have missed without the virtual receptionist service.

Hiring and working positively with a virtual receptionist service may provide better client service and keep the lawyer from dropping the ball when a potential client contacts them wishing to hire the law firm. Some lawyers may find that service pays for itself.

### **WEBSITES FOR SOLOS**

I think many solo practitioners do not have websites because they have been conditioned to the idea that they have to do everything themselves and they do not know how to do this project.

Today, a website is just as necessary as a listed telephone number and law firm address for a lawyer

in private practice. Your website is your address for those who are looking to hire a lawyer and almost every potential client today will check out your website before contacting you directly. Many times, failing to find a website for a lawyer means the potential client will move on to the next potential lawyer.

What makes a website valuable for marketing has changed over the last several years. Today the first rule, particularly for those firms that cater to individual consumer clients, is that the website needs to look good on the phone and other mobile devices. Hopefully the website will look good on a computer as well.

For many years it was a smart and thrifty decision to hire someone with a little bit of HTML coding experience to build your website for you. Today, we must consider whether an amateur or hobbyist will include the proper tags for search engines to index your website and whether the result will be mobile friendly.

There are three aspects to having a website. It is important to understand all three aspects because many companies attempt to bundle all of these services together. That just makes sense as most customers prefer a "turn key" all-in-one service, but it's good to understand the basics as a consumer. You must 1) select and register a domain name, 2) have your website design created and 3) the site must be hosted online where it will be accessible 24/7.

While these are all separate functions, they are often bundled together by providers.

First, the Domain Name

For the law firms that do not yet have a website, one of the most challenging parts is to come up with a unique and relatively short domain name. This is particularly true if your name happens to be

a very common one such as Jim Smith. Law firm domain names (and domain names in general) are very significant. Picking a good domain name is very important as you may well live with it for the rest of your legal career. If possible, it should be short and easy to type. Likely at some point, your law firm business email addresses should use this domain name.

The Internet Corporation for Assigned Names and Numbers (ICANN) is a nongovernmental organization that oversees "top level domains." They have approved many registrars. You can search for potential domain names through ICANN or one of the registrars. The registrars have variable fees, with some charging below their actual costs the first year because they want to sell you other services. Prices vary, but \$10 or \$12 per year is a good rule of thumb for this. Some are free, but if you don't use the company for other services, there is likely to be a fee.

*Next: The Host and Design* There are many companies that do website hosting.

There are also many people who have the skills to design websites, but finding someone is often a challenge today. You can also ask fellow solo or small firm lawyers with websites you like for referrals for who they used. There are designers who can build and even help you maintain your website for a reasonable cost.

WordPress now dominates as the platform of choice for many basic websites. It is easier than ever to build your own website with the tools available. Some lawyers with an interest can build a site using WordPress, but beware that "easier" does not mean "easy." That is why WordPress classes are widely available.

The nice thing about the WordPress platform is because of

its history as a blogging platform, a well-designed site will allow someone to update and add posts without requiring much technical skill, but be cautious about the numerous WordPress plug-ins that are available. Most are, no doubt, useful, but everything you add is something else that needs to be maintained and regularly updated. A plug-in that is not updated can become a significant security risk.

A do-it-yourselfer without much experience is probably safer to use services like Wix, Weebly or Squarespace as opposed to WordPress. These are better geared to help the inexperienced create simple websites in a relatively short amount of time.

Note that it is important that the lawyer ultimately be the one listed as the official owner of the domain and in possession of the username and password for their website. You do not want to be the lawyer whose domain name is expiring and the person who registered and created the site cannot be located.

The goal of website design is to have a simple and attractive website design that looks good on the smartphone and provides the information potential clients are seeking.

### Content

Here are a few things I think a law firm should have on its website.

- The names, photos and contact information for all the attorneys. Have an appealing picture. Posing in front of a wall of law books is just too cliché, in the opinion of many experts.
- A map to the office. Unless your office is on the main street of a very small town, you should have directions to your office. Often this can be done through Google Maps.
- Your practice areas. Whether you handle many different types of cases or a few, potential clients are looking for someone who handles their kind of matter. Don't be embarrassed to use more than one term that means essentially the same thing. Potential clients may not know what certain legal terms mean.
- Flawlessly written content with no misspellings or poor grammar.
- Simple, clear and serious content.
- Appropriate disclaimers. A website is informational, not legal advice. You are only licensed in certain

- jurisdictions. No attorneyclient relationship is created merely by visiting the website. The usual stuff.
- Compliance with the ethics rules. As you are preparing the content of your website, be sure and review rules 7.1 through 7.5 of the Oklahoma Rules of Professional Conduct.
- Attractive pictures and graphic elements. You don't have to go overboard here, but the internet is a graphic media and you need some graphics. Take some pictures with your smartphone to produce graphics you can use that you don't have to purchase or license.

Don't spend months perfecting the most ambitious website. Start simple and do it right. Make notes of what additional things vou would like to do for the next version. Then add your site's web address to your stationery, your email signature block and your business cards.

### Website Goals

Remember that your goal is to attract clients, not to impress other lawyers.

Clients rarely care about most items that are typically contained in lawyer biographies. They have a

The goal of website design is to have a simple and attractive website design that looks good on the smartphone and provides the information potential clients are seeking.

problem and they want to know if you can help them with their problem. Use language that describes the problem and your services. This is not to say you should omit important biographical information. After all, lawyers from other regions seeking to refer a case may be interested in that, but your website shouldn't focus on the fact you were named to the law review 15 years ago in law school.

If you want valuable feedback on your website, ask friends and relatives who have nothing to do with the legal profession to give you their feedback. They better reflect your intended audience than you do. Of course, they may not understand the ethical limits on what a lawyer should publish online.

### **CONCLUSION**

We have covered two main points this month, both of which are critical for the success of your law practice.

All law firms, regardless of size, need a formal procedure for dealing with inquiries from potential new clients. This varies significantly depending on the particulars of the law firm, but the bottom line should be that everyone who reaches out to your law firm deserves a response even if the response is to refer them to a different lawyer or to tell them you cannot help them. Solo practitioners may need to consider virtual assistant services to respond to new client inquiries and schedule appointments.

Solo practitioners need an online presence so that potential new clients can locate them. The foundation of this online presence is a website. If you're a solo practitioner who doesn't have a website, it's time to prioritize setting one up.

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

### **ENDNOTES**

- 1. www.lawsitesblog.com/2019/11/nearly-half-of-solos-have-no-website-two-thirds-of-firms-not-on-twitter-30-have-blogs.
- 2. You can download your copy of the report at www.clio.com/resources/legal-trends.



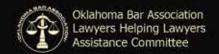
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Get help addressing stress, depression, anxiety, substance abuse, relationships, burnout, health and other personal issues through counseling, monthly support groups and mentoring or peer support.



### ETHICS & PROFESSIONAL RESPONSIBILITY

### **Defining Ethics**

By Richard Stevens

S I WRITE THIS SENTENCE, ⚠I have been the OBA ethics counsel for approximately one month. So far, the job has been rewarding and interesting but quite busy. The volume of calls and emails I receive point to the fact that Oklahoma lawyers want to do the right thing and fulfill their obligation under the Rules of Professional Conduct.

The position of ethics counsel was created in 2002 as a service to Oklahoma bar members. Ethics counsel serves as a resource to seek advice and counsel for ethical issues. Consultations are available only to OBA members. Communications with the ethics counsel are confidential and privileged. Records of all calls are kept by name and OBA member number, including summaries of the inquiry and advice given. While the opinions and advice given are not binding on any court or tribunal, evidence of a consultation with ethics counsel may be a mitigating factor if a grievance is filed.

I recently attended a swearingin ceremony for new attorneys in another state. The process there included an optional introduction (special motion) by a member of that state's bar. It occurred to me while I sat and listened that a great number of the introductions mentioned the ethics of the soon-to-be-admitted lawyer. Ethics, ethical conduct and even work ethic were mentioned over and over. In a ceremony that lasted almost 3 hours, I found time to consult a dictionary about ethics. That was something that I do not remember having done before, even when I was hired as ethics counsel, because I thought that I knew what "ethics" meant.

This is how "ethics" is defined by Merriam-Webster: "The discipline dealing with what is good and bad and with moral duty and obligation."1 Once we take the oath as attorneys we are bound by the Rules of Professional Conduct, but most of us do not regularly consult those rules. We only look to them when a specific issue arises.

I think it is good to review those things that we know from time to time. Sometimes, I have boldly told colleagues what the law says. I have done this because I had looked up this point in the past and I remembered it well. Often, I looked up that point again and was reminded of something Mark Twain once said: "When I was younger I could remember anything, whether it

happened or not; but I am getting old, and soon I shall remember only the latter."2 I know that I have benefitted from my periodic review of the Rules of Professional Conduct. I think we all might benefit from a review.

Finally, lawyers are members of a profession which often produces stress and issues which flow therefrom. A significant number of ethical violations stem from mental health and substance abuse issues. Lawyers are trained to be self-sufficient and not show weakness. It can be difficult to ask for help for yourself or for someone you know, but I think we must take care of ourselves and strive to help our colleagues.

The OBA offers all bar members up to 6 hours of free short-term, problemfocused or crisis counseling. The service is strictly confidential. For help with stress, depression or addiction, call the Lawyers Helping Lawyers hotline, 800-364-7886, to be referred to a counselor in your area. The hotline is available 24 hours a day 7 days a week. Identifying participant information is not made available to the OBA and services are provided through a separate, contracted organization.

### LAWYERS HELPING LAWYERS HOTLINE

The LHL hotline is answered by a counseling/mental health service. After-hours calls are answered by a licensed mental health professional. Calling the hotline is always the first step to receive help or information.

Call 800-364-7886 for assistance with:

- Stress
- Relationship challenges
- Depression / anxiety
- Substance abuse
- Short-term counseling
- Referrals
- Interventions
- Consultations
- Education
- Request for an LHL Committee member mentor
- Help for someone else who has a problem

Mr. Stevens is OBA ethics counsel. Have an ethics question? It's a member benefit, and all inquiries are confidential. Contact him at richards@ okbar.org or 405-416-7055. Ethics information is also online at www. okbar.org/ec.

### **ENDNOTES**

- 1. www.merriam-webster.com/dictionary/ ethic#note-1
- 2. 1912, Mark Twain, A Biography: The Personal and Literary Life of Samuel Langhorne Clemens by Albert Bigelow Paine, Volume 3.

### **BOARD OF GOVERNORS ACTIONS**

### **Meeting Summary**

The Oklahoma Bar Association Board of Governors met Oct. 18 at the Steidley & Neal Law Firm in McAlester.

### APPRECIATION EXPRESSED

Past President Buddy Neal and Governor Fields were thanked for their hospitality in hosting a reception and coordinating the dinner with the Pittsburg County Bar Association at Pete's Place.

### REPORT OF THE PRESIDENT

President Chesnut reported he attended the Southern Conference of Bar Presidents in Atlanta, Budget Committee meeting, Lawyers Helping Lawyers Assistance Program Committee meeting, dinner with the Pittsburg County Bar Association, Annual Meeting planning meeting, Access to Justice Committee meeting and Ottawa County Bar Association monthly meeting. He made appointments to the Professional Responsibility Commission and Professional Responsibility Tribunal and spoke to new admittees at the admission ceremony.

### REPORT OF THE VICE PRESIDENT

Vice President Neal reported he attended the Oklahoma County Bar Association Raising the Bar event, Oklahoma Women's Hall of Fame induction ceremony and dinner with the Pittsburg County Bar Association.

### REPORT OF THE PRESIDENT-ELECT

President-Elect Shields reported she attended the Southern Conference of Bar Presidents, meetings to finalize the new Lawyers Helping Lawyers Assistance Program contract, meetings regarding the Murrah Builidng bombing anniversary seminar in 2020, Budget Committee meeting, budget hearing, Uniform Bar Exam Advisory Committee meeting, OAMIC board meeting, planning meetings for next year and dinner with the Pittsburg County Bar Association.

### REPORT OF THE **EXECUTIVE DIRECTOR**

Executive Director Williams reported he attended the monthly staff celebration, Southern Conference of Bar Presidents and premeeting for executive directors, Estate Planning, Probate and Trust Section dinner and meeting regarding guardianship materials, staff directors meeting, Annual Meeting planning meeting, Access to Justice Committee meeting, meetings to finalize the new Lawyers Helping Lawyers Assistance Program contract and committee meeting, Budget Committee meeting, budget hearing, 60-year pin presentation in Canadian County, admission ceremony and dinner with the Pittsburg County Bar Association.

### REPORT OF THE PAST PRESIDENT

Past President Hays reported she attended the OBA Family Law Section monthly meeting/CLE seminar, the section's Annual Meeting planning meeting, OBA budget meeting, Southern Conference of Bar Presidents and events in Atlanta and dinner with the Pittsburg County Bar Association. She also received a report from the OBA Women in Law Committee.

### **BOARD MEMBER REPORTS**

Governor Beese, unable to attend the meeting, reported via email he attended the Muskogee County Bar Association meeting. **Governor DeClerck** reported he attended the OBA Budget Committee meeting by phone and the dinner with Pittsburg County Bar Association members. He had Lawyers Helping Lawyers Assistance Program Committee Chair Jeanne Snider and member Ben Rogers speak to the Garfield County Bar Association and started planning for next year's board meeting in Enid. Governor Fields reported he attended the Pittsburg County Bar Association monthly meeting and dinner with the county bar and OBA board members. Governor **Hermanson** reported he attended the OBA Law Day Committee meeting by phone, Justice and Recovery Conference, Court of Criminal Appeals Oklahoma Uniform Jury Instructions Committee meeting, elected district attorney training and Pittsburg County Bar Association dinner. He made numerous presentations to the public about the Kay County Courthouse remodel and expansion sales tax vote that passed Oct. 8 and presented CLE on opening statements at the 2019 DAC Prosecuting the Drugged Driver Seminar. Governor Hicks, unable to attend the meeting, reported via email he attended the Tulsa County Bar Foundation Board of Trustees meeting and OBA Budget Committee meeting via telephone. Governor McKenzie, unable to attend the meeting, reported via email he attended the Oklahoma

County Bar Association Board of Directors meeting. **Governor** Morton reported he attended the Holloway Inn of Court opening banquet and social event with the Pittsburg County Bar Association at Pete's Place. He also made CLE presentations on the new DUI laws to the Delaware County

### REPORT OF THE YOUNG LAWYERS DIVISION

Governor Nowakowski reported she participated in the inaugural teleconference for ABA state membership chairs, and she is the new membership chair for the region. She, with other YLD Executive Committee members, attended

It was noted that lawyer wellness will be an emphasis next year. President-Elect Shields asked governors to make room for LHL speakers to come to county bar meetings to speak.

Bar Association and Oklahoma County Criminal Defense Lawyers Association. Governor Oliver reported he attended the Payne County Bar Association monthly meeting and dinner with the Pittsburg County Bar Association. Governor Pringle reported he attended the Oklahoma County Bar Association Raising the Bar event, Southwest Association of Bank Counsel Convention, OCBA Briefcase Committee meeting and dinner with the Pittsburg County Bar Association. Governor Will reported he attended the Canadian County Bar Association reception honoring Fenton Ramey, who received his 60-year membership pin. **Governor** Williams reported he attended the OBA Budget Committee meeting, Tulsa County Bar Foundation's Board of Trustees meeting, Tulsa County Bar Association's Board of Directors meeting and OBA Diversity Committee Awards Dinner.

the YLD Fall Conference in New Orleans. YLD Secretary Caroline Shaffer-Siex has been appointed to a two-year position as ABA YLD district representative. Ms. Nowakowski shared details about the upcoming Midtown Pub Crawl event, co-hosted by the YLD, at Annual Meeting. The division is sponsoring the costume contest for the Thursday Out of This World Party. President Chesnut reported the early bird discount registration deadline has been extended three days to Oct. 18 at midnight.

### **BOARD LIAISON REPORTS**

Governor Williams said the **Diversity Committee** held its annual awards dinner at the Oklahoma Judicial Center, which was well attended. Vice President Neal said the Law Schools Committee did not meet but is working on revising its charter that will be presented to the board at the December meeting. Governor Hermanson said the Law Day Committee is concerned about its budget cut. Executive Director Williams said the contract

has been signed with the new provider for Lawyers Helping Lawyers Assistance Program Committee services, which will switch over Dec.1 creating an overlap of one month with the current provider. Scripts for those answering the phone have been written. Governor DeClerck said committee Chair Jeannie Snider and member Ben Rogers did an excellent job in their presentation to the Garfield County Bar Association. It was noted that lawyer wellness will be an emphasis next year. President-Elect Shields asked governors to make room for LHL speakers to come to county bar meetings to speak. Past President Hays said the Women in Law Committee banquet in Oklahoma City will take place Oct. 25. Executive Director Williams reported the Access to Justice Committee is involved in the creation of a new website for the public. He described the idea for the collection of materials called Law for People that will be offered. The Family Law Section is updating guardianship information and self-help guardian forms will be made available. The Communications Committee has been asked to help with marketing.

### REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx briefed board members on the pending lawsuit in New Jersey. A written report of PRC actions and OBA disciplinary matters from Aug. 16 to Oct. 9, was submitted to the board for its review.

### **PROFESSIONAL** RESPONSIBILITY COMMISSION **APPOINTMENT**

The board approved President Chesnut's recommendation to appoint Karen A. Henson, Shawnee, to complete an unexpired term on the PRC ending 12/31/2021.

### **PROFESSIONAL RESPONSIBILITY TRIBUNAL** APPOINTMENT

The board approved President Chesnut's recommendation to appoint Lane R. Neal, Oklahoma City, to complete an unexpired term on the PRT ending 6/30/2021.

### CHILD DEATH REVIEW **BOARD APPOINTMENT**

The board voted to nominate Susan Damron, Oklahoma City, as a candidate for appointment to the Child Death Review Board for a two-year term.

### **EXECUTIVE SESSION**

The board voted to go into executive session to discuss the executive director's evaluation. The board met and voted to come out of executive session.

### **DESTRUCTION OF INC BALLOTS**

The board authorized Executive Director Williams to destroy ballots from the recent Judicial Nominating Commission election.

### 2020 PROPOSED BUDGET

President-Elect Shields called attention to the budget materials in the board packet. She said the committee met, and the meeting was well attended. A hearing was set, members notified, but no one attended. The proposed budget projects a deficit, but funds from the technology reserve fund will be utilized to balance the budget. Administration Director Combs reviewed the budget summary with a comparison to 2019. He said the estimated deficit is less than last year. Changes include pay increases for staff members and the doubling of funding for the Lawyers Helping Lawyers Assistance Program. The board approved the proposed budget.

### **RATIFICATION OF EMAIL VOTE**

The board voted to appoint Glen Huff, Oklahoma City, as a special member to the Council on Judicial Complaints due to the recusal of another council member.

### OKLAHOMA BAR **EXAMINATION ADVISORY COMMITTEE** APPOINTMENTS

President Chesnut appointed President-Elect Shields, Oklahoma City; Stephen Stephens, Stillwater; and Ryan Haynie, Oklahoma City, to the Oklahoma Bar Examination Advisory Committee created Sept. 16, 2019. Their terms will expire December 2020. President-Elect Shields shared information about the first meeting. She said 38 states have adopted the universal exam, and Oklahoma is not one of them. She explained that utilizing the universal exam affects reciprocity with other states and provides portability.

### **COPYRIGHT ISSUE**

Executive Director Williams briefed the board on a Mock Trial High School Program presentation that was posted to the OBA website for a workshop. Copyrighted material was included in the presentation, and a fee for the violation is being requested. He described the fee negotiations that have taken place. The board authorized Executive Director Williams to resolve the issue at the lowest cost possible.

### **NEXT MEETING**

The Board of Governors met in November, and 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 10 a.m. Friday, Dec. 13, in Oklahoma City.

### BAR FOUNDATION NEWS

### 2019 Awards & Recognition

### **TTHE 2019 ANNUAL**

Meeting, the Oklahoma Bar Foundation recognized several outstanding Oklahoma attorneys and OBF board members who have contributed to the success of the organization's programs and events.

### THE ROGER R. SCOTT **MEMORIAL AWARD**

This year's award recipient is the Family Law Section for their continuing commitment and support of the OBF and its Fellows Program. Each year, the Family Law Section donates \$5,000 as a Community Fellow and takes an



OBF President Jennifer Castillo presents OBA Past President Kimberly Hays with the Family Law Section's Roger Scott Memorial Award.



OBF President Jennifer Castillo (center) at "Rock the Foundation - Lip Sync for Justice"

active role in educating members on the work of the OBF. The section also sponsored the first ever "Rock the Foundation – Lip Sync for Justice" fundraiser in 2019 and has also raised funds for the OBF through their own section fundraisers in past years. Thank you to the members of the Family Law Section for your continued support to ensure justice is possible for all Oklahomans!

### THE GERALD B. KLEIN -JACK L. BROWN AWARD

Doug Burns, Terry Stowers, Allen DeVore and James Kee were all recipients of this year's award for their role in originating the OBF Court Grant Fund designed to improve the administration of justice in Oklahoma by modernizing courtroom technology in district and appellate courts. This program has awarded over \$980,000 to 66 different county district courts across the state since 2008.

### SERVICE AS PRESIDENT

Jennifer Castillo was recognized for her outstanding service and leadership as 2019 Board of Trustees president. President Castillo traveled with the OBF to several conferences held by the National Conference of Bar Foundations, founded OBF's fundraiser "Rock the Foundation - Lip Sync for Justice" and continued to move the OBF forward in its modernizing efforts. Thank you for making 2019 rock!



OBF President Jennifer Castillo (center) presents OBA President-Elect Susan Shields and Allen Hutson with OBF President's Awards.



OBF President Jennifer Castillo passes the gavel to 2020 OBF President Patrick O'Hara.

### PRESIDENT'S AWARDS

Each year, the OBF Board of Trustees president recognizes outstanding board members who went above and beyond to support activities carried out by the OBF. This year, President Castillo selected Allen Hutson, Susan Shields and Nathan Richter as 2019 President's Award recipients. In addition to active board participation throughout the year, each of these award recipients played an active role

in the success of the "Rock the Foundation – Lip Sync for Justice" fundraiser. Nathan Richter even performed as a lip sync team contestant. The event raised over \$26,000 for OBF grantees providing access to justice services.

### **OUTGOING BOARD OF** TRUSTEES RECOGNITION

The OBF thanks Alan Souter, Martha Cordell, Amber Peckio Garrett, Susan Shields, Nathan

Richter and Kaleb Hennigh for their service and dedication as OBF Trustees. From all of us at the OBF, we wish each of you the best in future endeavors! You will be greatly missed.

### PASSING OF THE GAVEL

President Jennifer Castillo passed the OBF gavel to incoming President Patrick O'Hara Jr., whose term as president will begin Jan. 1, 2020. The OBF is looking forward to President O'Hara's leadership as we head into the new year.

THE OKLAHOMA BAR JOURNAL



# 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:

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First State Noble • Grand Savings Bank • Great Plains Bank • Herring Bank Altus
McClain Bank • McCurtain County National Bank • Security Bank
Stockmans Bank • The First State Bank • Valliance



### Young Lawyers Division

### Elections, Awards and More

By Brandi Nowakowski

### T'S OFFICIALLY HOLIDAY

■season! Christmas lights, cocoa, friends and family collide for a joyous, yet chaotic, swirl of fun and festivities. In a matter of mere days, 2019 will officially be behind us and we will fully embrace a new year. The 2019 bar year culminated at the Annual Meeting in Oklahoma City Nov. 6-8. As always, it was a tremendous success full of valuable and informative CLE opportunities, great networking, food, friends and fun! The YLD was very active at this year's Annual Meeting.

After the President's Reception, the YLD co-hosted the Midtown Pub Crawl. This fun event took lawyers from across the state on a trip via streetcar to Midtown's O Bar, Kong's Tavern, McNellie's Pub and Fassler Hall. Likewise, the YLD participated in Thursday's Out of This World Party by hosting the fan favorite costume contest. OBA members did not disappoint, bringing their A game in costumes ranging from alien to astronaut. With food, drinks, black lights and glow-in-the-dark games in the YLD hospitality suite, this party

was truly out of this world! Special thanks to the Taxation Law Section for sponsoring this year's suite.

In conjunction with Annual Meeting, the YLD held its regular monthly meeting Nov. 7 and the election results were announced. Congratulations to all of you! I am excited about the coming year! Newly elected members are:

- Chair: Jordan Haygood
- Vice Chair: April Moaning
- Treasurer: Dylan Erwin
- Secretary: Caroline Shaffer-Siex



Chair Brandi Nowakowski (center) with YLD award recipients (from left) Cassandra Coats, special recognition; Laura Stone, Friend of the YLD; Dylan Erwin, Officer of the Year; and Caroline Shaffer-Siex, Director of the Year.



Fellow of the Year Susan Damron with Chair Brandi Nowakowski

- Immediate Past Chair: Brandi Nowakowski
- District 2: No candidate (this position will be appointed by the chair at the first meeting of 2020)
- District 3: Laura Talbert
- District 4: Taylor Venus
- District 6: Caroline Shaffer-Siex
- District 8: Tony Morales
- At-Large (three seats available): Dylan Erwin, Clayton Baker and Bryan Lynch
- At Large Rural (one seat available): Scott Cordell

In addition to announcing election results, this meeting provided me the opportunity to recognize and honor several individuals who have made special contributions to another successful year for the YLD. Awards were given to the Friend of the YLD, Fellow of the YLD, Officer of the Year and Director of the Year, as well as a special award to the Lee Coats Law Firm in Vinita.

The Friend of the YLD is awarded to a nonlawyer who has shown tremendous support to the YLD; this year's Friend of the YLD was Laura Stone

- of the Communications Department.
- The Fellow of the YLD is awarded to a lawyer who has practiced more than 10 years and been instrumental to YLD success; this year, Susan Damron, director of the CLE Department was selected as the Fellow of the YLD.
- Officer of the Year was Dylan Erwin of Oklahoma City.
- Director of the Year was Caroline Shaffer-Siex of Tulsa
- Lee Coats Law Firm was recognized for their support of the YLD and the Wills for Heroes project. Special thanks to Josh Lee and Cassandra Coats and their entire staff for hosting a wills event at their law office in Vinita. We could not have done it without them!

These individuals have been vital to the success of the YLD, and I am so thankful to each of them for their continued hard work and support. Congratulations to all!

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.



2018 Chair Nathan Richter, current Chair Brandi Nowakowski, 2017 Chair Lane Neal and 2020 Chair Jordan Haygood at the YLD board meeting



Past President Kimberly Hays, President-Elect Susan Shields and YLD Chair Brandi Nowakowski at O Bar atop the Ambassador Hotel during the Annual Meeting Pub Crawl

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### For Your Information



**Dustin Rowe** 

### DUSTIN ROWE NAMED TO OKLAHOMA SUPREME COURT

Gov. Stitt named Tishomingo lawyer Dustin Rowe to the Oklahoma Supreme Court. Mr. Rowe succeeds Federal District Judge Patrick Wyrick in the District 2 seat, which includes 13 counties in southeastern Oklahoma.

"Mr. Rowe is an accomplished lawyer and dedicated Oklahoman who has an impressive legal background," Gov. Stitt said. "His proven record in both his private practice and as a tribal court judge speaks to his qualifications to join the highest court in Oklahoma. Mr. Rowe's reputation of fairness, passion toward the legal system and heart for his community

is evident. I am confident he will serve our state with integrity in order to support and defend the state's constitution and uphold the rule of law."

Mr. Rowe was elected mayor of Tishomingo when he was 18 years old and served two terms. He has practiced law in Tishomingo since 2001, where he owns and manages Rowe Law Firm. He served as special judge of the Chickasaw Nation District Court from 2005-2011 and since 2011 was serving as district judge of the Chickasaw Nation District Court until the time of his appointment.

He is Johnston County Bar Association president and is admitted to practice before the United States Supreme Court, Oklahoma Supreme Court, Chickasaw Nation Supreme Court and the United State District Courts for the Eastern and Western Districts of Oklahoma.

Mr. Rowe received his J.D. from the OU College of Law in 2001.

### SAVE THE DATE! LEGISLATIVE READING DAY FEB. 1, 2020

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. 1, 2020, at the Oklahoma Bar Center as they identify top bills of interest to the OBA and your practice area. Plus, earn two hours of MCLE credit. Lunch will be provided. RSVP to Debbie Brink at debbieb@okbar.org if you'd like to attend.



### **IMPORTANT UPCOMING DATES**

Don't forget the Oklahoma Bar Center will be closed Tuesday and Wednesday, Dec. 24-25, in observance of Christmas. The bar center will also be closed Wednesday, Jan. 1, 2020, for New Year's Day and Monday, Jan. 20, 2020, in observance of Martin Luther King Jr. Day.



### ASPIRING WRITERS TAKE NOTE

We want to feature your work on "The Back Page." Submit articles of

500 words or less related to the practice of law, or send us something humorous, transforming or intriguing. Poetry and photography are options too. Send submissions to OBA Communications Director Carol Manning, carolm@ okbar.org.

### 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.

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### **OBA MEMBER RESIGNATIONS**

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

Stephen Worley Brown OBA No. 30815 223 S. Oak Pratt, KS 67124

Thomas Hugh Dobbs **OBA No. 17608** 2090 Glenn Ferry Court Pfafftown, NC 27040

Daniel Thomas Foley **OBA No. 3003** 233 N. Meldrum St., Apt. C8 Fort Collins, CO 80521

Leslie Miller Gainer OBA No. 18171 1024 East San Lucas Rd. Palm Springs, CA 92264 Jacqueline Taylor Garrett OBA No. 13813 1610 Grant St. Berkeley, CA 94703

Stacia Keanne Gordon OBA No. 20715 2194 S. Cherokee St. Denver, CO 80223

Paula Jeanne Lynch OBA No. 15295 2826 Lobella Dr. Green Bay, WI 54313

Miroslava Plamenova Radieva OBA No. 32858 20 Tobacco Road Hurdle Mills, NC 27541-9757

David Anson Shipley OBA No. 21811 8750 N Central Expy, Ste. 1400 Dallas, TX 75231

Dugie Hagberg Standeford **OBA No. 8550** 1 Moat Villa Church Road Dodleston, Cheshire CH4 9NJ, UNITED KINGDOM

Vernon Reid Wagner OBA No. 12019 1173 Clays Trail Oldsmar, FL 34677

### MEMBER DUES STATEMENTS AVAILABLE ONLINE

In an effort to save money and cut down on cost of printing and postage, the OBA Membership Department has posted member dues statements online at ams.okbar.org. As a follow up, a paper statement was mailed around the first of December to those members who have not yet paid. Please help the OBA in this effort by paying your dues today!

Members can pay their dues by credit card online at ams.okbar.org or by mailing a check to the OBA Dues Lockbox, P.O. Box 960101, Oklahoma City, OK 73196. Dues are due Thursday, Jan. 2, 2020.



### LHL DISCUSSION **GROUP HOSTS IANUARY MEETING**

"Practice of Law and Spirituality" will be the topic of the Jan. 2 meeting of the Lawyers Helping Lawyers monthly discussion group. Each meeting, always the first Thursday of the month, is facilitated by committee

members and a licensed mental health professional. The group meets from 6 to 7:30 p.m. at the office of Tom Cummings, 701 N.W. 13th St., Oklahoma City. There is no cost to attend and snacks will be provided. RSVPs to ken. skidmore@cox.net are encouraged to ensure there is food for all.

### **MCLE DEADLINE APPROACHING**

Dec. 31 is the deadline to earn any remaining CLE credit for 2019 without having to pay a late fee. The deadline to report your 2019 credit is Feb. 15, 2020. Not sure how much credit you still need? You can view your MCLE transcript online at www.okmcle.org. Still need credit? Check out great CLE offerings at www.okbar.org/ cle. If you have questions about your credit, email mcle@okbar.org.

### BENCH AND BAR BRIEFS

### ON THE MOVE

Sarah Capps and Sonja Turner have joined the Oklahoma Department of Human Services Legal Services team as assistant general counsels. Ms. Capps received her J.D. from the OU College of Law this year and will work primarily in the areas of adoptions and child care services. Ms. Turner received her J.D. from the OCU School of Law this year and will work primarily in the areas of adoption and child care services.

Dewberry Law Firm has changed location. The new address is 2425 Wilcox Drive, Norman, 73072. Firm members include Rachael Dewberry and Mona Guziar. They can be reached at 405-261-8900.

Janie Simms Hipp has been named CEO of the Native American Agriculture Fund (NAAF). Ms. Hipp graduated with a J.D. from the OCU School of Law and with an LL.M. from the University of Arkansas School of Law in Fayetteville, Arkansas.

Buxton Law Group has changed location. The new address is 1923 N. Classen Blvd., Historic Berry Building, Oklahoma City, 73106. Firm members include Jim Buxton and Logan Turner. They can be reached at 405-604-5578.

Herber E. Elias Sr. and Scott D. Hjelm Sr. have changed location for their firm, Elias & Hjelm PC. The new address is 1840 East 15th Street, Tulsa, 74104. They may be reached at 918-599-9090.

Lauren Kiefner, Khaki A. Scrivner and Meg Sine have joined the Oklahoma City office of Crowe & Dunlevy. Ms. Kiefner received her J.D. from the Washington University School of Law in St. Louis, Missouri, earlier this year. She is a member of the firm's Appellate, Banking and Financial Institutions Practice Group and the Litigation and Trial Practice Group. Ms. Scrivner received her J.D. from the OCU School of Law and is a member of the firm's Corporate and Securities Practice Group and the Real Estate Practice Group. Ms. Sine received her J.D. from the Northwestern Pritzker School of Law. She is a member of the Bankruptcy and Creditor's Rights Practice Group and the Litigation and Trial Practice Group.

Michael Romero joined Heritage Trust Co. as vice president and relationship manager in the Oklahoma City office. He will assist clients in a variety of areas including trusts, probate and estate planning and administration. Mr. Romero received his J.D. from the OU College of Law in 1998.

William J. Holland joined the law firm of McAfee & Taft. He practices primarily in the area of resolution of complex business disputes, including the defense of manufacturers of leading consumer and commercial products in high-stakes product liability lawsuits, in state and federal courts and in arbitration and mediation proceedings. Mr. Holland received his J.D. from the OU College of Law in 2013.

Taylor K. Weder and Dane H. Miller have joined the Oklahoma City-based firm of Fellers Snider. Ms. Weder will practice primarily in the firm's litigation group. She received her J.D. from the OCU School of Law. Mr. Miller will practice primarily in the firm's litigation group and assisting various clients with complex business needs. He received his J.D. from the OCU School of Law.

Cindy Pickerill has been named special judge for the Osage County District Court. Ms. Pickerill will fill the position left vacant by Judge John Thomas Briggs. Supreme Court Justice John Kane was in the role prior to Judge Briggs.

Tery DeShong has joined the University of North Texas G. Brint Ryan College of Business faculty as a full-time lecturer. Ms. DeShong will coordinate a course on the legal and ethical environment of businesses in addition to a course on international business law. She received her J.D. from the TU College of Law in 1991 and practiced law in Oklahoma for many years.

Maegan C. Murdock has joined the firm of Johnson & Jones PC as an associate. She received her J.D. from the OU College of Law earlier this year and will practice primarily in the areas of general civil litigation, commercial litigation and insurance defense.

Sanford "Sandy" Coats has joined the Boeing Co. as site director and

senior counsel for their Oklahoma City location. He is a former U.S. attorney for the Western District of Oklahoma with experience in private practice as well. He received his J.D. from the OU College of Law in 1998.

Barbara M. Moschovidis, J. Wesley Pebsworth, Ryan A. Pittman and James M. Scears have been elected as shareholders at GableGotwals. Ms. Moschovidis advises clients on a variety of litigation matters including complex commercial disputes, oil and gas law, employment and insurance issues, tribal law and appellate matters. Mr. Pebsworth advises clients in civil litigation areas including ERISA, FEGLIA, insurance law and a variety of business matters. Mr. Pittman practices primarily in the areas of construction, real estate and oil and gas litigation including oilfield accidents, lease and title disputes, royalty class actions, property damage claims and pipeline condemnations. Mr. Scears advises businesses and individuals in income tax planning, tax structuring of business transactions, transfer tax planning and other federal, state and local tax issues.

### **KUDOS**

Juley Roffers was inducted into the Tulsa Hall of Fame. Tulsa Hall of Fame members are selected based on their exemplary dedication to their professions, civic and philanthropic endeavors and their contributions to the Tulsa community.

Judge John F. Fischer was elected to membership in the American Law Institute. The American Law Institute is the leading independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law.

John C. Moricoli Jr. was awarded the Eugene Kuntz Award by the OU College of Law in recognition of his distinguished career in the energy industry and his many contributions to oil and gas law.

Judge Irma Newburn has been appointed to serve on the Trial Division of the Court on the Judiciary as a replacement for Justice John Kane. Judge Newburn currently serves as a district judge in Comanche County and will continue in this role in addition to her new appointment.

The OBA Estate Planning, Probate and Trust Section honored 10 members of the Adult Guardianship and Conservatorship Handbook Subcommittee with an Award of Excellence. Members who were honored are Hannah Lunsford, Ann Butler, Leslie Sparks, Keith A. Jones, Kathleen Wendlocher Wallace, Sarah Murphy Bondurant, Todd Alexander, A Daniel Woska, Shannon D. Taylor and James C. Milton.

The OBA Family Law Section handed out four awards at Annual Meeting. **Jerry Moore** received the Outstanding Family Law Attorney Award. Linda Pizzini received the Family Law GAL Award. Howard Haralson received the Outstanding Family Law Mediator Award. Bary Hafar received the Outstanding Family Law Judge Award.

### AT THE PODIUM

D. Faith Orlowski made two presentations at the annual Institute of the National Association of Division Order Analysts in Fort Worth, Texas. Ms. Orlowski's presentations were titled "What You Didn't Think About When You Reviewed that Oil and Gas Title Opinion" and "Oklahoma Transfer on Death Deeds."

Warren E. Mouledoux III presented on the topic of medical marijuana licenses affecting employment practices at the Metropolitan Healthcare Annual Meeting on Oct. 18 in Norman.

### IN MEMORIAM

**Ret. Judge John M. Amick** of Oklahoma City died Oct. 9. He was born Jan. 31, 1923, in Oklahoma City. Judge Amick was a member of ROTC during the bombing of Pearl Harbor and joined the Army Reserve following the event. He was placed on active duty on April 6, 1943, and remained abroad with the military for over a year after the war's end. Upon returning to the United States, he entered law school at OU. After graduating, Judge Amick served three terms as county attorney for Grant County before entering private practice in Medford. In 1959, he was appointed as an assistant U.S. attorney for the Western District of Oklahoma. After some time as an assistant attorney in Oklahoma County, Judge Amick was appointed as a county judge in 1968. He held that office until 1973, when he resigned from the bench to accept a faculty position at the OCU School of Law. Five years later, he won the district judge position for the 7th District and remained in that position until his retirement in 1998. Memorial contributions may be made to the Regional Food Bank of Oklahoma, Salvation Army or City Rescue Mission.

William H. "Bill" Castor of Edmond died Sept. 25. He was born Aug. 8, 1943, in Oklahoma City. Mr. Castor received his J.D. from the OU College of Law in 1968. He practiced law in Vinita for most of his career, but also practiced in Pryor and Tulsa. He was appointed by Oklahoma Supreme Court Justice Robert E. Lavender as an associate examiner for the Board of Bar Examiners and served in that position from 1979 to 1990.

**Tugh Edwin Hood** of Broken ▲ Arrow died Oct. 16. He was born Feb. 14, 1965, in Tulsa. Mr. Hood was a graduate of Broken Arrow High School and attended Oklahoma State University for his undergraduate studies. He received his J.D. from the TU College of Law in 1992. His legal career included time as an attorney for the Oklahoma Department of Human Services, partner of the Street Law Firm and attorney for the Oklahoma Indigent Defense System in southeastern Oklahoma. Mr. Hood was a major advocate of the OBA Lawyers Helping Lawyers Assistance Program. Memorial contributions may be

made to the Hugh Hood Memorial Fund, c/o Bank of Oklahoma, P.O. Box 1300, Tulsa, 74102.

Donald R. Liles of Woodward died Aug. 29. He was born Nov. 6, 1937. Mr. Liles received his J.D. from the OU College of Law in 1966 and moved to Las Vegas to practice law. In 1977, he returned to Oklahoma, acting as the city attorney for Woodward and practicing privately. Memorial contributions may be made to the Plains Indians & Pioneer Museum of Woodward through Billings Funeral Home, 201 N. Main, Mooreland, 73852.

**obert B. Milsten** of Oklahoma City died Oct. 6. He was born Nov. 6, 1932, in Tulsa. Mr. Milsten received his L.L.B. from the OU College of Law in 1956 and served as treasurer of the Phi Delta Phi fraternity during the 1955-56 school year. Mr. Milsten entered the U.S. Air Force where he served two years as a legal officer at Tinker Air Force Base. Upon release from active duty, Mr. Milsten began working as a tax attorney for the regional office of the International Revenue Service in Dallas, where he remained until

### 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:

Laura Wolf Communications Dept. Oklahoma Bar Association 405-416-7017 barbriefs@okbar.org

Articles for the February issue must be received by Jan. 1.

1962 and handled civil, criminal tax and tax collection cases. In 1962, he began working in a firm in Oklahoma City, from which he retired 44 years later. Memorial donations may be made in his honor to Temple B'nai Israel, OKC Philharmonic, National Cowboy & Western Heritage Museum or Good Shepherd Hospice.

harles "Charlie" Pugsley of Oklahoma City died Oct. 5. He was born June 7, 1924, in Oklahoma City. Mr. Pugsley attended OU for one year before leaving college to serve in the Navy Air Corps from 1943-1945. He returned to OU to continue his education and played both basketball and baseball as he had before his service. He was part of the OU Baseball National Championship team in 1951. Mr. Puglsey obtained his J.D. from the OU College of Law in 1951. He practiced law in Okmulgee and served in the District Attorney's Office there until his return to Oklahoma City in 1971. Memorial contributions may be made to St. Luke's United Methodist Church at 222 NW 15th Street, Oklahoma City, 73103, or to the OU baseball program at 190 W. Brooks, Norman, 73019.

aniel "Danny" Scroggins of Atoka died Oct. 9. He was born Dec. 29, 1946, in Atoka. He received his J.D. from the OU College of Law in 1982. He served as a member of the Army National Guard in the Vietnam **War.** Memorial contributions may be made to First Baptist Church Atoka Youth Fund or Harmony Baptist Church Youth Fund.



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# 2020 EDITORIAL CALENDAR

### **2020 ISSUES**

### **JAUNARY**

Meet Your Bar Association Editor: Carol Manning

### **FEBRUARY**

### **Family Law**

Editor: Virginia Henson virginia@phmlaw.net Deadline: Oct. 1, 2019

### **MARCH**

### Constitutional Law

Editors: C. Scott Jones & Melissa DeLacerda sjones@piercecouch.com Deadline: Oct. 1, 2019

### **APRIL**

### Law Dav

Editor: Carol Manning

### MAY

### Gender in the Law

Editor: Melissa DeLacerda melissde@aol.com Deadline: Jan. 1, 2020

### **AUGUST**

Children and the Law Editor: Luke Adams ladams@tisdalohara.com Deadline: May 1, 2020

### **SEPTEMBER**

**Bar Convention** Editor: Carol Manning

### **OCTOBER**

### Mental Health

Editor: C. Scott Jones sjones@piercecouch.com Deadline: May 1, 2020

### **NOVEMBER**

### **Alternative Dispute** Resolution

Editor: Aaron Bundy aaron@bundylawoffice.com Deadline: Aug. 1, 2020

### **DECEMBER**

### Ethics & Professional Responsibility

Editor: Amanda Grant

amanda@spiro-law.com Deadline: Aug. 1, 2020

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



and stay connected to your profession

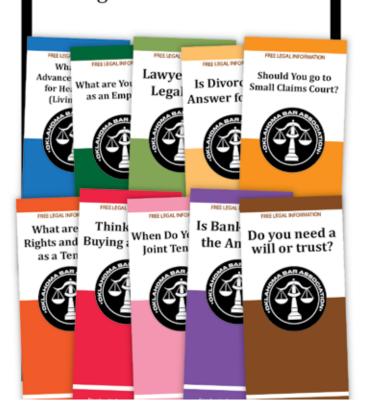
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### CONSUMER BROCHURES

The OBA has consumer brochures to help nonlawyers navigate legal issues. Many lawyers and firms find them helpful in explaining basic 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.





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





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.

### WHAT'S ONLINE

### Wrap Up 2019

Pay dues, check your MCLE credits, renew committee membership, enroll in last-minute CLE and more!

Ams.okbar.org



### **Practical Christmas** Gifts for Lawyers

Struggling to find the perfect gift for the lawyer in your life? Bull Garlington, award-winning author, columnist and public speaker, gives five practical gift ideas that many lawyers can use on a daily basis.

tinyurl.com/lawyergiftideas



### **Reigning in Perfectionism**

Many lawyers pride themselves on having high standards, being detail oriented and committed to excellence. While these are great traits to have, they also lead to lawyers striving for perfectionism, which can be extremely unhealthy. Here are several strategies to help you reign in perfectionism and live a healthier, happier life.

tinyurl.com/reigninperfection



### **Best Christmas Lights** in Oklahoma

Some families snuggle up and watch Christmas movies, some gather around the table for game night and some pile in the car to go look at Christmas lights. If your family is the latter, check out these 16 Christmas light displays in Oklahoma that will make your night merry and bright.

tinyurl.com/okchristmaslights



### Classified Ads

### **SERVICES**

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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.

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### HANDWRITING IDENTIFICATION POLYGRAPH EXAMINATIONS

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### **OFFICE SPACE**

LUXURY OFFICE SPACE AVAILABLE - One fully furnished office available for \$955/month and one smaller (unfurnished) office available for \$670/month lease in the Esperanza Office Park near NW 150th and May Avenue. The Renegar Building offers a 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. Gregg Renegar 405-488-4543.

OFFICE SPACE FOR LEASE: 4501 North Western Ave. Move-in ready. Recently remodeled. Prime location, reception area, conference room, kitchen and five private offices. Ample parking front/back. Interested parties call 405-672-7211.

PREMIUM OFFICE SPACE FOR LEASE IN EDMOND. Three offices available in law firm building. Lease includes parking, conference room use, Wi-Fi. Located in SE Edmond with great access to Kilpatrick Turnpike, Broadway Extension and I-35. Contact us at 405-285-8588 for more information.

### POSITIONS AVAILABLE

NORMAN BASED LAW FIRM IS SEEKING SHARP, MOTIVATED ATTORNEYS for fast-paced transactional work. Members of our growing firm enjoy a team atmosphere and an energetic environment. Attorneys will be part of a creative process in solving tax cases, handle an assigned caseload and will be assisted by an experienced support staff. Our firm offers health insurance benefits, paid vacation, paid personal days and a 401K matching program. No tax experience necessary. Position location can be for any of our Norman, OKC or Tulsa offices. Submit resumes to Ryan@polstontax.com.

### POSITIONS AVAILABLE

DOWNTOWN TULSA LAW FIRM SEEKING TWO ASSOCIATE ATTORNEYS with 0-4 years' experience to second chair personal injury cases. The position will encompass all phases from intake, negotiations, pleadings, motion practice, discovery, depositions, mediation and trial. Successful candidate will need to have a strong work ethic, strong technical writing skills and strong research skills. Salary commensurate with credentials and experience. Send resume, references and writing sample to associateattorney2@rodelaw.com.

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 405-416-7086 or heroes@okbar.org.

DURBIN LARIMORE & BIALICK, PC has an excellent opportunity for attorneys with 2-5 years of general litigation experience. Those candidates with insurance defense and employment law experience a plus, but not required. Generous benefits package and competitive salary. Please send cover letter, resume and references to radams@dlb.net.

GUNGOLL, JACKSON, BOX & DEVOLL, PC SEEKS EXPERIENCED EMPLOYMENT LAW ATTORNEY. Position available in Enid or Oklahoma City. Competitive pay and excellent benefits. Please send cover letter, résumé and writing sample to blanton@gungolljackson.com.

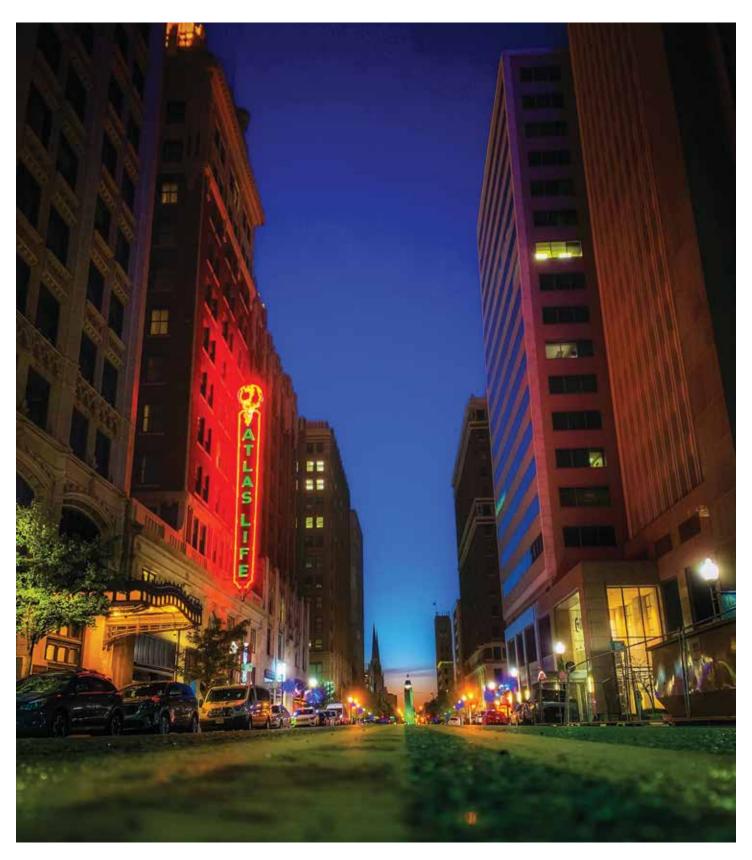
### POSITIONS AVAILABLE

ESTABLISHED, AV-RATED TULSA INSURANCE DEFENSE FIRM seeks motivated associate attorney to perform all aspects of litigation including research, brief writing, written discovery, depositions, motion practice and trial. Zero to 5 years of experience, willingness to train candidate who is eager to learn. Great opportunity to gain litigation experience in a firm that delivers consistent, positive results for clients. Submit CV and cover letter to "Box CC," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

AN AV RATED OKLAHOMA CITY CIVIL LITIGATION FIRM SEEKS AN ASSOCIATE ATTORNEY with 0-5 years' experience. Excellent research and writing skills essential. Deposition experience a plus. The attorney will work with partners on insurance defense and products liability cases. Health insurance and other benefits included. Resume, transcript and writing sample are required. Please send submissions to "Box E," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

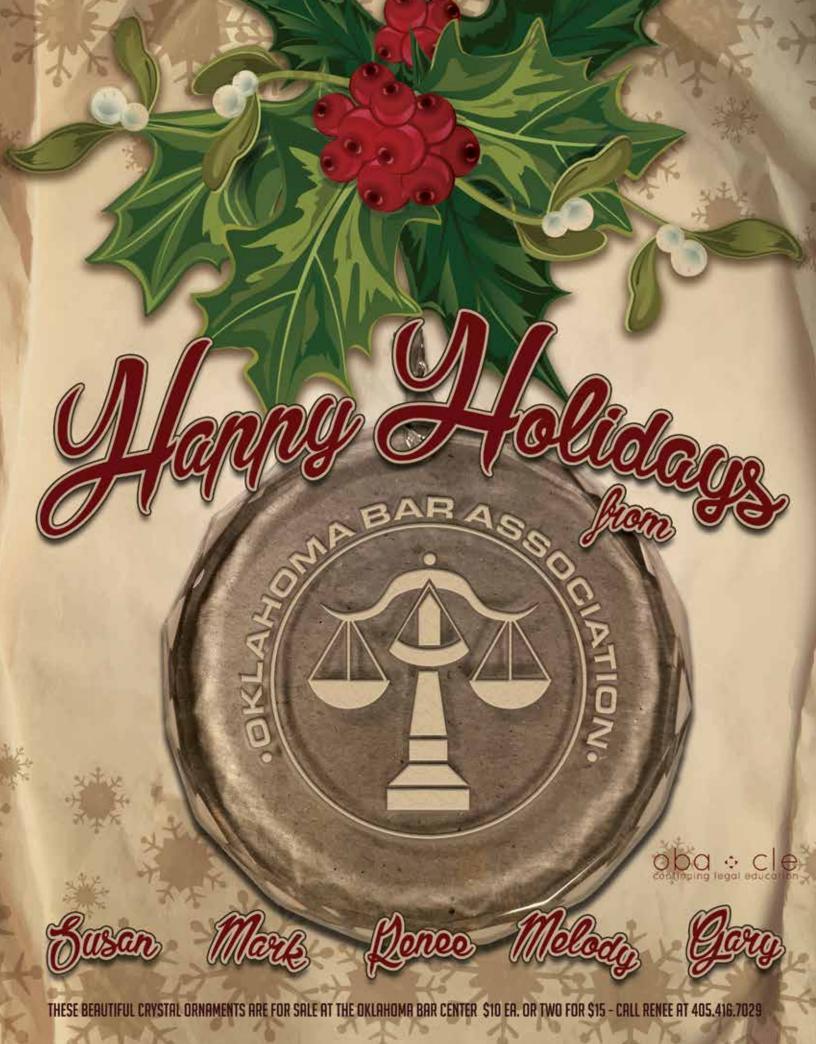
WATKINS TAX RESOLUTION AND ACCOUNTING FIRM is hiring attorneys for its Oklahoma City and Tulsa offices. The firm is a growing, fast-paced setting with a focus on client service in federal and state tax help (e.g. offers in compromise, penalty abatement, innocent spouse relief). Previous tax experience 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.

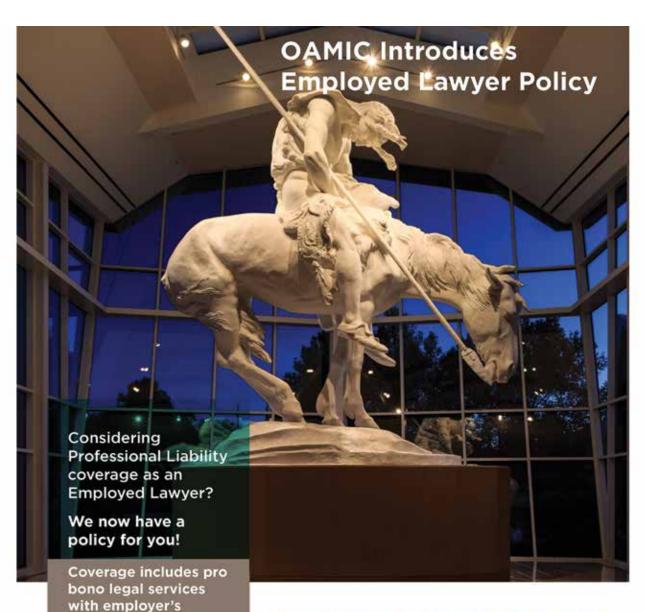
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Boston Avenue in Tulsa. Photographer: Lynn R. Anderson, who practices in Tulsa.

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the expense.

Exposure to regulatory compliance issues, HIPPA, & other areas makes this well worth

