

ALSO INSIDE: Cellular Radio Frequency Coverage
Stigler Act Amendments

THE OKLAHOMA BAR Journal

Volume 91 — No. 1 — January 2020

A woman with short brown hair, wearing a bright red blazer and matching skirt, is seated in a light-colored armchair. She is smiling and has her hands clasped in her lap. The background is a blurred view of a city skyline through a large window. The text 'Meet Your Bar Association' is overlaid in large white letters at the bottom left.

Meet Your Bar Association

President Susan B. Shields

FRIDAY,
APRIL 17, 2020
8:55 A.M. - 4:30 P.M.

Oklahoma City University School of Law,
McLaughlin Hall
800 N. Harvey Ave., OKC, OK

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PROGRAM PLANNERS:

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MODERATOR:

Bob Burke,
Attorney, Author and Historian

THE CRIME, THE TRIAL, THE RESPONSE

OBA Remembers the Oklahoma City Bombing

Topics and Speakers include:

- The Crime: Jon Hersley and Larry Tongate, Retired FBI
- The Evidence: Bob Burke, Attorney, Author, Historian
- The Trial Proceedings: Brian Hermanson, District Attorney, District #8, Kay & Noble Counties, Defense attorney for Terry Nichols.
- The Trial Reflections: The Honorable Steven W. Taylor, Oklahoma Supreme Court Justice (Ret.) Presided over the Nichols' trial.
- A Unique Moment in History: Charlie Hanger, Sheriff, Noble County, Made historic traffic stop and arrest of Timothy McVeigh.
- The Response: Featuring a survivor, first and second responders.

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THE OKLAHOMA BAR Journal

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New Year's Resolutions for the Oklahoma Bar Association

By Susan B. Shields

A NEW YEAR OFTEN BRINGS a commitment to making resolutions. Most often my personal resolutions take the form of goals to write more letters to friends and family or to take trips to see loved ones, since I find that I have a much better chance of success at those than a promise to get up at 5 a.m. every day to go to the gym. This year, however, my resolutions are centered around working on several initiatives with the Oklahoma Bar Association that I hope to advance during my year as president.

One of my top priorities will be education surrounding attorney wellness issues for our OBA members. In recent years, bar associations across the country have been focusing on the troubling statistics about attorney mental health, substance abuse and well-

ness. In 2017, the ABA Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation published their study¹ of nearly 13,000 currently practicing lawyers. The study found that between 21-36% of lawyers self-identify as problem drinkers and that 20% or more struggle with some level of depression, anxiety or stress. As stated in the study, "the parade of difficulties also includes suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a 'diversity crisis,' complaints of work-life conflict, incivility, a narrowing of values so that profit predominates, and negative

public perception." Young lawyers and law students also experience high rates of problem drinking and depression.

These statistics reflect that at least 1 in 5 of us are suffering – meaning me and you and our lawyer friends and

colleagues. What can the OBA do to combat these alarming statistics and to help our fellow lawyers who are struggling whether from mental illness, depression, alcoholism, substance abuse or other addictions – and why should the OBA play a role?

The "why" is that these issues not only affect

the lawyer and his or her family but also greatly impact the lawyer's clients and can lead to loss of income and disciplinary issues. Every state bar association in the country has a form of lawyer assistance program in place to help our fellow lawyers and also to try to head off problems before they become disciplinary issues.

One way the OBA can help is through the OBA's Lawyers Helping Lawyers Assistance Program (often referred to as LHL). For many years, the OBA has had dedicated volunteers working on our LHL committee. Through the leadership of our LHL committee, our LHL program was evaluated by the ABA's Committee on Lawyer Assistance Programs in 2018 and the outcome of the evaluation reflected that the OBA's LHL services should be expanded and improved. As a result, the

(continued on page 55)



Susan Shields

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2020 OBA President Susan B. Shields

By Laura Wolf

WITH A QUIET NATURE AND APPROACHABLE DEMEANOR, 2020 OBA President Susan B. Shields may not seem like the kind of person who has lived a life of adventure, but she has. Most of the adventure Susan has seen comes from her willingness to say “yes” when opportunity presents itself.

Susan’s parents met at a YMCA dance and settled on raising their family in Bartlesville, her father’s hometown. “I had a happy, normal childhood. My younger brother, Scott, and I were far enough apart in age, about three and a half years, so we really weren’t in school together after grade school. We fought some, but for the most part, we got along.”

YOUNG SUSAN

As home to the Phillips Petroleum Co., she recalls her



Susan at age one

hometown fondly during her school years. “There were two high schools back then and our schools were excellent, thanks in part to the influence of Phillips. It was a nice place to grow up, and I appreciate it much more today than I did when I left for college.”

With a lawyer father and an artist mother, Susan was raised in a home that allowed her to try new things and follow her heart. “I started playing piano in grade school, and I was in marching band and orchestra all through school, including college. I played the oboe and the saxophone.” She even participated in student government and also gave athletics a try, specifically track and field, cheerleading and basketball. “Because I was tall, I played basketball in middle school. Unfortunately for me, at least three of the girls I went to school with went on to play Division I sports in college, and I was not a superstar basketball player.”

Travel was also a staple of her childhood. “We took a lot of driving vacations back then. I have a clear memory of my brother and I



1973 Stocker family photo

sitting in the back seat of our giant silver station wagon. We drove it to Maine and back, hitting all the major stops along the way. I still really enjoy traveling.”

Her first job, outside of babysitting for family friends and neighbors, was at the Bartlesville Public Library. “I worked mostly in the children’s room at the library. I enjoyed the summer reading hours where kids would come in and get to hear stories.”



Susan in Stanford University Marching Band uniform with a bandmate in 1982

CALIFORNIA OR BUST

When the time came for Susan to attend college, she packed her bags and headed west with her eyes set on California – Stanford University to be exact. “When it comes down to asking why I chose Stanford, the short answer is that I got in. It was a life-changing experience. My undergraduate major was public policy, which is a hybrid of sorts, with classes from all different departments.”

With a bachelor’s degree under her belt, Susan knew she wanted to continue living in California while pursuing graduate studies. “I loved



In her marching band uniform talking to her father in 1983

living in California and chose UCLA for law school. Northern California is my favorite but the beaches are better in Southern California.” Her original plan was to pursue a graduate degree in public policy while also attending law school. “I knew I wasn’t going to go very far with anything related to science. My dad was a lawyer so I’d learned about being a lawyer from him. I ended up not getting a master’s in public policy and stuck with law school.”

After graduating from law school in 1989, she began her career in private practice with



With sons, Ethan and Sam, alongside her brother, Scott, in San Francisco in 2001

a firm in San Francisco. It was at that first job that she witnessed the 1989 Loma Prieta earthquake that hit the San Francisco Bay area on Oct. 17. “I had been working there for about a month when the earthquake hit. I remember standing in our office building, looking out the window and watching entire buildings and freeways collapse. It was a lot to take in.” The earthquake killed 63 people and left 3,757 injured.

MOTHERHOOD

In 1991, she moved back to Oklahoma, this time to Oklahoma City. “We didn’t have children yet, but the grandparents were all going to be here. We wanted to be closer to family.” She practiced with Hartzog Conger & Cason until joining McAfee & Taft in 2008.

Susan’s oldest son, Sam, was born in 1996 and her second son, Ethan, was born in 1998. Both of her sons followed in her footsteps when it came to a passion for music, but not when it came to the profession of law. “Music was such a big part of my life that I got my boys into it. I don’t think they’ll become lawyers, though. Ethan is studying biochemistry at Colorado State and wants to work in genetics. Sam completed the ACM@UCO

music program and is now at OU majoring in letters. He’s interested in writing and is in a band, so he will have lots of options.”

When it came to juggling her family and work, Susan tried her best to be present whenever she

could. “Being a working mom was always challenging. There’s no magic recipe, you just have to try to find that balance. I will say, one of the hardest things I ever did was be a dugout mom for tee ball. Trying to get those young boys in the right order for the batting lineup was harder than just about any legal problem I’ve ever faced.”

HOBBIES

One of the pieces of her childhood that remains a big part of her life is traveling. Whether with her boys, her fiancé or her friends from college, Susan has seen quite a bit of the world.

The furthest I’ve ever been from home is to Uganda. I have worked with the charities that support Sister Rosemary Nyirumbe’s work in Africa, and we visited her Saint Monica



Susan and her sons with Sister Rosemary Nyirumbe in Gulu, Uganda, in 2016



Susan with her sons, Sam and Ethan, in front of Buckingham Palace in 2019



Susan (front row, sixth from right) with her freshman dormmates in 1982

Girls' Tailoring School in Gulu. Their mission is to combat the terror created by Joseph Kony and the Lord's Resistance Army through vocational training for young women. When Sam, Ethan and I went to visit the school in 2016, it was like a whole new world. We ate dinner with the nuns there every night and met the children in the childcare facility. I brought a Polaroid camera with me, and we took pictures of all the teachers and children at the school and gave the photos to them. For most of them, that was the only photo of themselves they had ever had.

When she's not traveling or working, Susan can often be found with a book or in the

kitchen baking. She boasted about her chocolate chip cookies and had no trouble listing a book or two when asked for her favorites. After returning from a recent trip with her Stanford freshman dormmates, Susan offered up this bit of advice for her younger self: "Slow down, have more fun and be sure to cherish your friendships."

PLANS FOR THE OBA

As she steps into her role as president, Susan is focused on her mission: lawyer wellness. "I hope to advance the discussion and focus on the issue of attorney wellness, including our Lawyers Helping Lawyers Assistance Program, during my year as president." She has an open mind and is ready to listen to members about

areas that need improvement. She knows that her time in this role is limited, but she is determined to do what she can to build on the work done by those who came before her. The OBA is in good hands with Susan.

Ms. Wolf is an OBA communications specialist.

PRESIDENTIAL TRIVIA



How do you keep up with current technology?

My sons help me, but I am sure I am about five years behind!

Best way to spend a day off?

My fiancé, John, and I enjoy being at the Llano River in Texas Hill Country with the dogs, especially when the wildflowers are blooming.

What item do you wish you'd never sold or given away?

We had a 1970s-era Toyota FJ40 Land Cruiser – that was a cool car!

How do you maintain work/life balance?

I don't believe there is a magic recipe to work/life balance. Some days I am a better mother, daughter, sister and friend than a lawyer, and someday I am a better lawyer. Hopefully it all balances out.

Favorite book?

"Tiny Beautiful Things" by Cheryl Strayed

Favorite late-night snack?

Salted caramel ice cream or anything chocolate

What lawyer do you most admire?

My father, Allan Stocker, was the most significant influence of my legal career. He taught me the importance of being a "counselor" as a lawyer and his love for learning and for the legal profession encouraged me in my law practice. I have always strived to follow his and my mother's examples of honesty, ethics, hard work and tolerance and understanding of others in both my personal and professional life.

Favorite movie with the best ending?

The Shawshank Redemption

Store you can't leave without buying something?

Any bookstore

Best movie quote?

"May the Force be with you" from *Star Wars* – I raised two sons who watched a lot of *Star Wars* movies!

What's a professional goal you've set for yourself this year?

In addition to my focus on lawyer wellness, I hope to help educate our members about all of the other exceptional member services offered by the OBA.

Volunteers Who Guide Your Association



MICHAEL C. MORDY
President-Elect
Ardmore



BRANDI N. NOWAKOWSKI
Vice President
Shawnee

Background: I was born in Tulsa and grew up in Ardmore, graduating from Ardmore High. I met my wife, Christy, at OU during undergraduate school. I began my legal career as an assistant district attorney in Oklahoma County, and from there went to work for an oil and gas firm in Oklahoma City. I have practiced law in Ardmore since 1985, where I practice commercial and banking litigation and oil and gas law.

Education: BBA from OU in 1977 and J.D. from the OCU School of Law in 1980

How do you keep up with current technology? We have an IT person who helps us at our office, who we refer to as “Cory Computer.” I also like to attend sessions by Jim Calloway, so I am reminded how technologically illiterate I am.

Best way to spend a day off? Exercise and golf

What item do you wish you’d never sold or given away?
Antique wooden barber chair

How do you maintain work/life balance? I try to exercise every day. I also try to take some time off every couple of months and get some displacement.

Favorite late-night snack? Homemade brownie with vanilla ice cream

What lawyer do you most admire? My father, Burke Mordy, who is now deceased. Nothing ever appeared to bother him!

Favorite movie with the best ending? *The Art of Racing in the Rain*

Store you can’t leave without buying something?
Whole Foods

Best movie quote? “Here’s looking at you, kid.” *Casablanca*

What’s a professional goal you’ve set for yourself this year? To be more organized

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

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

How do you keep up with current technology?

Internet research, social media and my tech-savvy friends and colleagues

Best way to spend a day off? Relaxing and spending time with my family; hiking and enjoying the outdoors if at all possible

What item do you wish you’d never sold or given away? Elliptical. The older I get, the more I appreciate the necessity of it.

How do you maintain work/life balance? I always try to keep my family as the priority. I do my best to make all of my kids activities/sports events, even if that means having to do a little late-night office work.

Favorite late-night snack? Dry cereal such as Cinnamon Life or Kix

Favorite movie with the best ending? *Miss Congeniality*
Store you can’t leave without buying something?
Target

Best movie quote? “No one ever made a difference by being like everybody else.” P.T. Barnum from *The Greatest Showman*

What’s a professional goal you’ve set for yourself this year? Maintain a good work/life balance



CHARLES W. CHESNUT
Past President
Miami

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

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

How do you keep up with current technology? I read Jim Calloway's *Law Practice Tips* and his articles in the *OBJ*. I also attend the Solo & Small Firm Conference (it's heavy on technology).

Best way to spend a day off? Reading, thinking, playing golf, watching college football and playing with grandkids

What item do you wish you'd never sold or given away? I don't remember. Once it's gone, it's gone.

How do you maintain work/life balance? Try to devote some time each day to the four main areas of my life – physical, mental, social and spiritual

Favorite late-night snack? Blue Bell no sugar added vanilla ice cream

What lawyer do you most admire? Atticus Finch – the man had courage

Favorite movie with the best ending? Can't decide – *African Queen*, *The Shawshank Redemption* and *To Kill a Mockingbird* are all favorites

Store you can't leave without buying something? Walmart

Best movie quote? "Human nature, Mr. Allnut, is what we are put in this world to rise above." *African Queen*. I love the line, I just can't get there. Or "Stand up, Miss Jean Louise, your father's passing." *To Kill a Mockingbird*

What's a professional goal you've set for yourself this year? To stop and catch my breath



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

Background: Born in Milwaukee, Wisconsin; had a private practice for 32 years before being elected district attorney for the 8th District of Oklahoma in 2010. Married to the former Ruslyn Evans, and the father of two daughters.

Education: Went to college at Carroll College in Waukesha, Wisconsin, and law school at the OU College of Law

How do you keep up with current technology? I work on technology committees and try to ask questions as often as possible.

Best way to spend a day off? Spending it with family and following OU sports, Thunder basketball and Green Bay Packers football

What item do you wish you'd never sold or given away? I wish I still had my childhood comic book collection.

How do you maintain work/life balance? It is difficult because I am on call 24/7. When away from the office, I try to not discuss my work. In reality, I tend to be in constant contact with law enforcement regarding active investigations or developing issues. As such, there is not much of the day that I am not working in one form or another.

Favorite late-night snack? I am always ready for an ice cream break!

What lawyer do you most admire? I admire many lawyers. Several are my heroes. If I had to select one I admire most, I would select retired Supreme Court Justice Steven Taylor. I watched Justice Taylor in some of the most high-pressure situations one could face. He is a jurist with an unwavering commitment to the rights of all parties in the courtroom. He is willing to do all that is necessary to ensure the rule of law is followed and that the code of ethics is supreme. Justice Taylor holds everyone who comes before him to these standards and makes sure that he also abides by those standards.

Favorite movie with the best ending? *To Kill a Mockingbird* has always been one of my favorite movies even though the ending is not a happy one.

Store you can't leave without buying something? I do not like to shop. I am always willing not to buy something.

Best movie quote? "If you can learn a simple trick, Scout, you'll get along a lot better with all kinds of folks. You never really understand a person until you consider things from his point of view, until you climb inside of his skin and walk around in it." *To Kill a Mockingbird*

What's a professional goal you've set for yourself this year? After years of trying to get them started, Kay County has been approved to start a mental health court and a veterans court in 2020. My goal is to make these new specialty courts succeed and to provide much-needed help to the participants and hopefully change the trajectories of people's lives.



MICHAEL J. DAVIS
Governor - District No. Two
Durant

Background: I am a lifelong Oklahoman, raised in the small town of Cleora on Grand Lake. My family moved to Durant while I was in high school, and I remained in Durant to attend Southeastern Oklahoma State University. After law school at OU, I came back to Southeastern to work for my alma mater, where I have remained for almost 10 years. Currently, I am an assistant professor of criminal justice and special assistant to the president for compliance.

Education: B.A. from Southeastern Oklahoma State University (2007); J.D. from the OU College of Law (2010); M.S. from OU (2018).

How do you keep up with current technology? I admit I don't keep up with all the new software and apps.

Best way to spend a day off? Travel/tourism

What item do you wish you'd never sold or given away? My dad's Remington shotgun

How do you maintain work/life balance? I stay involved in the community and the Rotary Club.

Favorite late-night snack? Cinnamon Toast Crunch, dry, with a glass of milk

What lawyer do you most admire? Mayor Breea Clark of Norman – for moral courage

Favorite movie with the best ending? *Apollo 13* had a great ending and proved that success and bravery are two different things.

Store you can't leave without buying something? Any bookstore, especially a second-hand bookstore

Best movie quote? "It's that every now and again – not often, but occasionally – you get to be a part of justice being done. That really is quite a thrill when that happens." Tom Hanks, *Philadelphia*

What's a professional goal you've set for yourself this year? As I've moved to the faculty side of the university, my goal is to publish a peer-reviewed journal article and earn the respect of my colleagues not just as an attorney but as an academic.



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

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

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

How do you keep up with current technology? I am just not good at computer stuff, but I'm working on it.

Best way to spend a day off? Watching the OU Sooners play football

What item do you wish you'd never sold or given away? When I was a child, 3 or 4 years old, The Beatles were very popular and appeared on the *The Ed Sullivan Show*. I had all the toys, cards, lunch boxes, etc. I don't know what happened to those items, but I sure wish I still had them.

Favorite late-night snack? Peanut butter and banana sandwich

What lawyer do you most admire? David Autry – he's an amazing human being. His intelligence is unmatched; his courage is amazing – and his ability to communicate with the jury is far above anything I've ever seen. He's the best lawyer, by far, I have ever seen.

Store you can't leave without buying something? Sad to say, it's Amazon. I always have five to 10 packages on my front porch – stuff I don't need.

Best movie quote? "You can't handle the truth!" *A Few Good Men*

What's a professional goal you've set for yourself this year? To become more computer savvy



TIM E. DeCLERCK
Governor - District No. Four
Enid



ANDREW E. HUTTER
Governor - District No. Five
Norman

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

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

How do you keep up with current technology? Reading Jim Calloway’s articles, calling him occasionally and by making mistakes

Best way to spend a day off? Either sailing at Kay Lake, riding my bicycle or being outdoors

What item do you wish you’d never sold or given away? My Honda Mini Trail 50

How do you maintain work/life balance? Not great. Trying to leave the office at a decent time and getting to the YMCA as often as possible

Favorite late-night snack? Cottage cheese with Cavenders seasoning and maybe some hot sauce

What lawyer do you most admire? I still admire my dad, Edward A. DeClerck. He was a people lawyer, with no pretensions and a smile every day.

Favorite movie with the best ending? *It’s a Wonderful Life*

Store you can’t leave without buying something? Since a liquor store wouldn’t be politically correct, a bicycle shop

Best movie quote? From *It’s a Wonderful Life* from Clarence, George’s guardian angel to George Bailey [in a book inscription] “Remember, George: no man is a failure who has friends.”

What’s a professional goal you’ve set for yourself this year? To better utilize time in the office to better serve my clients and outside the office to be a better friend, dad and grandad

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

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

How do you keep up with current technology? I am not really that in sync with current technology. Although if I really wanted to know something, I’d probably contact Jim Calloway, our bar association’s tech guru.

Best way to spend a day off? I enjoy spending time outdoors – anything to get me out of my office.

What item do you wish you’d never sold or given away? I had some really old and valuable baseball cards when I was younger, but I sold them on the cheap to a family friend when I lost interest.

How do you maintain work/life balance? I find the best way to maintain balance is to prioritize what is important to you. For me, if I don’t take care of myself first, then any work I do will most likely be subpar.

Favorite late-night snack? Always something sweet and preferably with peanut butter

What lawyer do you most admire? We have so many great lawyers in Oklahoma, but I have great admiration for those who volunteer their time to help those in need. There are a ton of great programs associated with our bar where you can do just that. Being a lawyer has given so much to so many of us, it is important to take time to give back when you can.

Favorite movie with the best ending? The ending that really stands out is in *The Usual Suspects* when it is revealed that Kevin Spacey’s character is Keyser Soze.

Store you can’t leave without buying something? Sam’s Club, and it usually is more than one something

Best movie quote? One of my favorite movie characters is Doc Holliday in *Tombstone*, and he has a lot of great lines in that movie. My favorite is him showing up to a gun fight and announcing to Johnny Ringo, “I’m your Huckleberry.” I’m not quite sure what that means, but it sure sounded slick when he said it. I like to start any new dealings with opposing counsel with that line.

What’s a professional goal you’ve set for yourself this year? To not be afraid to get out of my comfort zone and learn something new



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



MATTHEW C. BEESE
Governor - District No. Seven
Muskogee

Background: I was born in Tulsa but raised in Skiatook, graduating from Skiatook High School in 1970. My wife of 45 years, Teresa, and I live in a home we built on a rural acreage north of downtown Tulsa. We have one son and two daughters who have produced eight grandchildren. On any given weekend, we are happily invaded by children and grandchildren and are blessed to attend The Park Church of Christ. I serve as one of 14 elders of our church.

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

How do you keep up with current technology? Hall Estill has a technology management staff that keeps me current on what our firm uses for office purposes as well as litigation. I also try to read articles generated by our very capable OBA staff, as well as those appearing in Tulsa County Bar Association's *Tulsa Lawyer* and the *ABA Journal*. Teresa, my wife, who has a master's in library science, and my adult children try to pull me into the current decade with regard to entertainment and gaming audio/visual technology.

Best way to spend a day off? Lying on a beach somewhere

What item do you wish you'd never sold or given away?

Although not quite accurate, Teresa would tell you that (except for charitable gifts) I do not sell or give anything away. I sort of wish I had never sold my original office building where I hung a shingle after law school.

How do you maintain work/life balance? Faith, family and love of travel certainly help. Also, now that Teresa has retired, she is my siren, calling me to do more fun things!

Favorite late-night snack? Although rarely indulged these days, vanilla bean ice cream drowned in dark chocolate syrup

What lawyer do you most admire? My law partner, Jim Hardwick, who is still fully intellectually engaged and brilliant in his late 70-somethings

Favorite movie with the best ending? *True Lies*

Store you can't leave without buying something? Home Depot

Best movie quote? Helen Tasker asks her husband, "Have you ever killed anyone?" and Harry answers, "Yeah, but they were all bad." *True Lies*

What's a professional goal you've set for yourself this year? Survive serving on the Board of Governors, while serving as chief master of the Professional Responsibility Tribunal, while serving on both the Tulsa County Bar Association and the Tulsa County Bar Foundation Board of Directors

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

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

How do you keep up with current technology?

When what I have breaks, I get new technology.

Best way to spend a day off? With my family

What item do you wish you'd never sold or given away? I am a pack rat, so I tend to keep everything that might fall into this category.

How do you maintain work/life balance? Taking vacations

Favorite late-night snack? Beef jerky

What lawyer do you most admire? Clarence Darrow – the way he could craft an argument was simply amazing.

Favorite movie with the best ending? *Fight Club*

Store you can't leave without buying something? Walmart

Best movie quote? *The Blues Brothers*. Elwood: "It's 106 miles to Chicago, we've got a full tank of gas, half a pack of cigarettes, it's dark, and we're wearing sunglasses." Jake: "Hit it."

What's a professional goal you've set for yourself this year? To finally start using office management software



JOSHUA A. EDWARDS
Governor - District No. Eight
Ada



ROBIN L. ROCHELLE
Governor - District No. Nine
Lawton

Background: I was raised by my parents, Mark and Shelia Edwards, in the small town of Weleetka (go Outlaws!). I went to OU for college, where I met my wonderful wife, Amanda. I stayed at OU for law school then moved to Ada to begin my career as an attorney in private practice with Rob Neal. The bulk of my practice is family law and criminal defense, and my wife works as a special education teacher in Davis.

Education: I graduated from OU with a B.A. in sociology-criminology in 2007 and received my J.D. from the OU College of Law in 2010.

How do you keep up with current technology? Jim Calloway's articles, law and technology CLEs and the *Lawyerist* podcast

Best way to spend a day off? Lounging at the lake with a good book

What item do you wish you'd never sold or given away? My childhood collection of LEGOs

How do you maintain work/life balance? I try to limit the work I do at home to responding to emails and making tasks for everything else to do when I'm at the office.

Favorite late-night snack? Dark chocolate

What lawyer do you most admire? Clarence Darrow, because of his legendary advocacy for his clients in the face of adversity

Favorite movie with the best ending? *Blazing Saddles*

Store you can't leave without buying something? Academy Sports + Outdoors

Best movie quote? "Now I have a machine gun. Ho-ho-ho." Hans Gruber (reading John McClane's message written on a dead terrorist) *Die Hard*

What's a professional goal you've set for yourself this year? To begin each day by writing out the day's schedule and goals, then actually sticking with it through the end of the day

Background: Native of Lawton and married with three adult kids

Education: Bachelor's in accounting, OU; J.D.

University of San Diego School of Law

How do you keep up with current technology? Ask my son who has a computer science degree

Best way to spend a day off? With family at Lake Texhoma

What item do you wish you'd never sold or given away? 15 LP phonograph records that belonged to my great grandmother

How do you maintain work/life balance? My drive back to Apache every day helps me decompress

Favorite late-night snack? Small chocolate bar my wife keeps

What lawyer do you most admire? John Kinslow – his charity and insight from 55 years of practice

Favorite movie with the best ending? *Rudolph the Red-Nosed Reindeer*

Store you can't leave without buying something? Atwoods

Best movie quote? "I'll be back." *The Terminator*

What's a professional goal you've set for yourself this year? Treat all attorneys with respect without the nastiness



AMBER PECKIO GARRETT
Governor - At Large
Tulsa



MILES T. PRINGLE
Governor - At Large
Oklahoma City

Background: My hometown is McAlester, but I moved twice a school year from the third grade until the seventh grade. Then I went to high school in Savanna (south of McAlester), where I graduated. I have lived in Tulsa for the last 19 years.

Education: I graduated from Southeastern Oklahoma State University (alma mater of Reba McEntire and North Korean Ambassador Dennis Rodman) in 2000 with dual bachelor degrees in economics and political science. I received my J.D. in 2003 from the TU College of Law and a mini-MBA at TU in 2007

How do you keep up with current technology? My fiancée, Alex, has to trick me into learning new business technology, but I love to keep up with all the new social media platforms.

Best way to spend a day off? Hanging out with Alex and my two pugs

What item do you wish you'd never sold or given away? My Smurf figures collection (It was awesome.)

How do you maintain work/life balance? What's that? I'll have to get some help from Lawyers Helping Lawyers on that.

Favorite late-night snack? Cupcakes but never chocolate cupcakes. Yuck. Sorry chocolate cake lovers

What lawyer do you most admire? Hard to choose one, but it would have to be Ruth Bader Ginsburg. She has such an amazing professional career and personal life. If I liked needles, I might get a tattoo of Notorious RBG.

Favorite movie with the best ending? *Meet Joe Black*

Store you can't leave without buying something? Walgreen's

Best movie quote? "You're killing me, Smalls!" *Sandlot*

What's a professional goal you've set for yourself this year? To try and not feel guilty when I am not working and taking some time for me

Background: I am a native Oklahoman and third-generation attorney. I played basketball and ran track in high school and continue to be a big basketball fan – particularly the Thunder and Jayhawks. After graduating from law school, I moved back to Oklahoma City to practice with the firm my parents founded. Currently, I am general counsel for The Bankers Bank in Oklahoma City. My wife and I are thrilled to celebrate the recent birth of our son, Fischer Lyle Pringle.

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

How do you keep up with current technology? My company has a great IT staff.

Best way to spend a day off? Walking the dogs, meeting up with friends or family or watching sports

What item do you wish you'd never sold or given away? My old 58-degree wedge

How do you maintain work/life balance? I try to meditate 10-20 minutes every day.

Favorite late-night snack? Red wine

What lawyer do you most admire? My father, Lynn Pringle. He always has the best advice.

Favorite movie with the best ending? *The Godfather*

Store you can't leave without buying something? Commonplace Books

Best movie quote? "Are you crazy? The fall will probably kill you." *Butch Cassidy and The Sundance Kid*

What's a professional goal you've set for yourself this year? Have projects done early



BRIAN K. MORTON

Governor - At Large
Oklahoma City

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

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

How do you keep up with current technology? I try not to be more than two versions of the iPhone behind.

Best way to spend a day off? Depends on the season of the year. Currently, it's watching a good college football game with friends.

What item do you wish you'd never sold or given away? My 1988 Pontiac Fiero Formula

How do you maintain work/life balance? Try to keep work at work

Favorite late-night snack? Popcorn

What lawyer do you most admire? Barry Scheck – for founding the Innocence Project

Favorite movie with the best ending? *A Few Good Men*

Store you can't leave without buying something? Crest Foods

Best movie quote? "Negative, Ghost Rider. The pattern is full." *Top Gun*

What's a professional goal you've set for yourself this year? To continue to strive to be the best attorney I can be in my area of practice



JORDAN HAYGOOD

Governor - YLD Chair
Oklahoma City

Background: Grew up in White Oak, Texas. Moved to Oklahoma City in 2010 and currently live downtown with my partner Marty Coltrane and our pug Carlos

Education: Graduated from Texas Christian University in 2009 and from the OCU School of Law in 2013

How do you keep up with current technology? When my phone, computer or device tells me I need to update the software, program or app, then I follow along. Otherwise, I just keep up with trends online or in magazines.

Best way to spend a day off? On the pontoon at Lake Eufaula surrounded by family and friends

What item do you wish you'd never sold or given away? Nothing. I've had to learn how to leave material items aside or else my hoarding tendencies sneak out.

How do you maintain work/life balance? Working smarter not harder/longer. Work/life balance is huge for mental health and something I take seriously. When I am on PTO, it is important to actually take advantage of being off work; if not, you set unfair expectations for yourself and others.

Favorite late-night snack? Cold pizza

What lawyer do you most admire? Mandy Hayes-Chandler, she is the epitome of a diverse attorney setting a goal, putting in the time and paving her way to be the regional general counsel of one of the largest hospital systems in Oklahoma.

Favorite movie with the best ending? *Interstellar*

Store you can't leave without buying something? Target

Best movie quote? "There should be no boundaries to human endeavor. We are all different. However bad life may seem, there is always something you can do and succeed at. While there's life, there is hope." *The Theory of Everything*

What's a professional goal you've set for yourself this year? Expand professional knowledge and training and strengthen professional relationships

Association Staff and Services

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

OFFICE OF THE EXECUTIVE DIRECTOR

Phone: 405-416-7014

OBA Bylaws, Article IV, Section 4:

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

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

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

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



John Morris Williams and Executive Assistant Debbie Brink



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

ADMINISTRATION AND MEMBERSHIP DEPARTMENTS

Administration Department Phone: 405-416-7000

Membership Department Phone: 405-416-7080

Membership Department Email: membership@okbar.org

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

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



Mackenzie Scheer, Laura Wolf, Director Carol Manning and Laura Stone

COMMUNICATIONS DEPARTMENT

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

- Publishing the *Oklahoma Bar Journal*, including working with the Board of Editors, editing and proofreading articles, managing advertisements, graphic design support, as well as copywriting and editing information for news stories and the FYI and Bench & Bar Briefs sections
- Managing and monitoring social media
- Issuing news releases and expediting information requests from the news media
- Contributing design work, photos, videos, stories and information for www.okbar.org
- Designing and compiling the Annual Meeting program and House of Delegates book, as well as providing marketing, website and graphic design
- Publishing the semimonthly eNews newsletters and special email messaging
- Working with sections to publish short articles related to sections' focus
- Working with the Law Day Committee to conduct statewide student contests, support county Law Day chairpersons, coordinate and promote the statewide Ask A Lawyer day of free legal advice, produce the *Ask A Lawyer* TV program and implement public marketing strategies

- Assisting the Communications Committee in its projects, including publication and promotion of 15 legal-topic brochures distributed free as a community service
- Assisting additional entities, including Awards and Diversity committees and the Young Lawyers Division



Gary Berger, Mark Schneidewent, Director Susan Damron, Renee Montgomery and Melody Claridge

CONTINUING LEGAL EDUCATION DEPARTMENT

Phone: 405-416-7029

Email: clestaff@okbar.org

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

- Developing and producing in-person seminars and live webcasts as well as online, on-demand programs and audio seminars
- Offering recent seminar materials in print or electronic format
- Coordinating seminars and conferences with sections and committees for cosponsored events and administrative and webcast services for noncosponsored events
- Planning and coordinating the OBA Leadership Academy
- Producing MYOBACLE print and digital catalog of programs
- Providing online CLE registration and access to materials through MyOKBar and timely application of attendance MCLE credit for OBA/CLE programs

OFFICE OF THE ETHICS COUNSEL

Phone: 405-416-7055

Email: ethics@okbar.org



Ethics Council Richard Stevens

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

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

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

OFFICE OF THE GENERAL COUNSEL

Phone: 405-416-7007

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

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



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



*Support Staff Dieadra Florence, Whitney Mosby, Ben Douglas
and Melody Florence*



*Investigators Jamie Lane, Krystal Willis, Les Arnold and
Rhonda Langley*

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

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

INFORMATION TECHNOLOGY DEPARTMENT

Phone: 405-416-7045

Email: web@okbar.org

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

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



Cheryl Corey, Matt Gayle and Director Robbin Watson



Nickie Day, Director Jim Calloway and Julie Bays

MANAGEMENT ASSISTANCE PROGRAM

Phone: 405-416-7008

Toll-free: 800-522-8065

The Management Assistance Program helps members with the business side of practice. Department duties include:

- Providing free, over-the-phone information about management and technology issues, free 45-minute consultations at the bar center for those setting up a new practice or who have an issue not comfortably handled over the telephone and onsite law office “Health Checks”
- Maintaining the Lending Library, making law practice management and technology books available to borrow
- Updating the Practice Management Advice MyOKBar Community with law practice management and technology posts
- Writing *Law Practice Tips Blog* at www.lawpracticetipsblog.com and “Law Practice Tips” *Oklahoma Bar Journal* column featuring regular tips and advice
- Presenting OBA/CLE and assisting with Diversion Program presentations and making presentations to local bars or other organized lawyer groups
- Producing the “Opening Your Law Practice” program, a free one-day program to assist attorneys setting up new solo practices
- Working with the Solo & Small Firm Conference Planning and Access to Justice committees and the Law Office Management and Technology Section on various projects and events



Administrator Beverly Petry Lewis, Laura Brown and Johnny Floyd

MANDATORY CONTINUING LEGAL EDUCATION DEPARTMENT

Phone: 405-416-7009

Email: mcle@okbar.org

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

Often confused with the CLE Department, the MCLE Department does not present CLE seminars. It is the regulatory office and services include:

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

Don't know whom to contact?

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

HEY!

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

What are you waiting for?
Visit [www.okbar.org/
memberbenefits](http://www.okbar.org/memberbenefits).



Member Benefits and Discounted Services

OBA MEMBERS HAVE ACCESS TO VALUABLE DISCOUNTS AND SERVICES from top-ranking providers including publications, practice management technology, virtual receptionists and even travel and shipping services. A list of benefits is also online at www.okbar.org/memberbenefits.

ONLINE SERVICES

www.okbar.org – Get news, updates on special projects, information on upcoming CLE and more at www.okbar.org.

MyOKBar – Update your roster information and access Fastcase, HeinOnline, the OBA member directory plus get quick links to your committees and sections. Log in with the “MyOKBar Login” link at the top of www.okbar.org.

MyOKBar Communities – MyOKBar Communities serves as the main communication tool for committees and sections and automatically links with your MyOKBar account, so your information is synced. Access it through the “MYOKBAR Communities (Sections and Committees)” link on your MyOKBar page.

www.okmcle.org – On the MCLE Department website, www.okmcle.org (or with the link on your MyOKBar page), members can check MCLE requirements, get program approval applications and other forms, as well as get answers to frequently asked questions. Members can also view

their transcript of CLE credits and review a list of all upcoming approved programs. If you have not already, you will need to create an account on this website.

Oklahoma Find A Lawyer – The public can find lawyers by practice and geographical area through the OBA-maintained website www.oklahomafindalawyer.com. To be included in the free public directory, click the “Find A Lawyer Sign Up” link on your MyOKBar page.

PROFESSIONALISM SERVICES

oba • cle
continuing legal education

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

Ethics counsel – The ethics counsel is available to assist members with ethical questions and inquiries on subjects such as

conflicts, confidentiality and client concerns. All contact with ethics counsel is confidential per Oklahoma law. The ethics counsel also presents CLE programs on ethics and professionalism. Call 405-416-7055 or email ethicscounsel@okbar.org. Find ethics tips and more information online at www.okbar.org/ec.

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



OBA sections – Get professional development tailored to your practice area and make new contacts across the state in one of the 28 substantive law sections. Benefits vary

by section, with many offering free or discounted CLE to section members. Find a list of sections, their annual dues and a membership registration form on page 32 or at www.okbar.org/sections.

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

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

Opening Your Law Practice program – A free, one-day seminar to assist attorneys setting up new solo or small firm practices. Find additional resources and information on upcoming seminars at www.okbar.org/OYLP.

Practice management/technology hotline and consultations – Call 405-416-7008 to speak with OBA staff who can provide brief answers about practical management and technology issues, such as law office software, understanding computer jargon, staff and personnel problems, software training opportunities, time management and trust account management. Free 45-minute consultations at the bar center are also available for those setting up a new practice or who have an issue not comfortably handled over the telephone.

Lending Library and discount book purchasing – Law practice management books and videos are available to borrow. There is no fee for checking out materials, but there is a \$5 charge to mail the materials. See the complete list of materials at www.okbar.org/map/library or call 405-416-7008. For members who prefer owning books to borrowing, use the discount code PAB9EOKB to purchase practice management and other books from the American Bar Association.

NETWORKING OPPORTUNITIES

Leadership and volunteering opportunities – Boards, committees, sections and commissions offer leadership, volunteer, career development and statewide networking opportunities. Members may volunteer to serve on a committee online at any time during

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

Annual Meeting – Attend CLE programs and participate in section and committee meetings, plus take advantage of networking opportunities with attorneys and judges from across the state at the OBA Annual Meeting. You can also have a voice in bar business and electing future state bar leaders.

Solo & Small Firm Conference – The Solo & Small Firm Conference provides CLE programs, statewide networking and small firm-friendly vendors, all in a relaxed family setting. The 2020 Solo & Small Firm Conference will be June 18-20 at the Choctaw Casino Resort in Durant.

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

PRACTICE MANAGEMENT & BILLING SOLUTIONS



Clio – Clio is one of the most widely used, cloud-based practice management systems in the world. Every day, tens of thousands of lawyers use Clio to schedule meetings, organize cases, track time and invoice their clients. OBA members receive a 10% lifetime discount. See more information by clicking the “Practice Management Software Benefits” link on your MyOKBar page.



CosmoLex – CosmoLex

combines practice management, billing and accounting all in one login. Use CosmoLex to make your practice more compliant, efficient and profitable. The accounting menu handles all the intricacies of business and IOLTA trust accounting right out of the box. OBA members receive a 10% lifetime discount. See more information by clicking the “Practice Management Software Benefits” link on your MyOKBar page.



LawPay – The OBA endorses

LawPay credit card processing service which is designed for attorneys. Funds from each client credit card transaction may be either deposited into a client trust or operating account as the lawyer designates. All transaction fees are deducted from the law firm operating account to simplify the trust account record-keeping. To learn more call 866-376-0950 or visit www.lawpay.com/oba.



MyCase – MyCase is an

easy-to-use, web-based practice management software that helps you manage cases, track time, automate billing and communicate

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PracticePanther – Thousands of lawyers use PracticePanther

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

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TrustBooks – Trustbooks is

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Zola Suite – Zola Suite cloud-based

practice management software includes an encrypted client portal, Caseway, branded with your firm’s logo. OBA members receive a 15% subscription discount on this comprehensive, cloud-based legal practice management application. See more information by clicking the “Practice Management Software Benefits” link on your MyOKBar page.

PUBLICATIONS

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

Oklahoma Bar Journal – Ten issues of the printed *Oklahoma Bar Journal* magazine are published annually, including practice area articles, member news and bar updates. Supplementing the magazine are semimonthly electronic issues of the *Oklahoma Bar Journal Court Issue*, which contain court material and opinions. Access current and recent issues at www.okbar.org/barjournal. Additional archived issues are available through HeinOnline (see information below).

Continuing legal education materials – Seminar materials are available for purchase and are an affordable way to get quality, state-specific practice aids on a variety of legal topics. Call 405-416-7092 or visit www.okbar.org/cle to learn more. Electronic practice forms are also available by topic online.



HeinOnline –

HeinOnline access to

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

Legal information brochures –

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

Oklahoma Legal Directory –

This official directory of OBA members provides addresses and phone numbers, alphabetically and by county, includes guide to county, state and federal offices plus departments of the U.S. and Oklahoma government, complete digest of courts, professional associations including OBA officers, committees and sections. It is published by Legal Directories Publishing Co. Call 800-447-5375 ext. 2 to request an order form or purchase at www.legal-directories.com.



Title Examination Standards –

Produced by the Real Property Law Section, this publication

contains all the presently effective Oklahoma Title Examination Standards and reflects all revisions. Free to Real Property Section members, or only \$9 per copy to nonmembers.

ENDORSED INSURANCE AND RETIREMENT SERVICES

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

3000 Insurance Group programs –

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



OAMIC programs – For professional liability, Oklahoma

Attorneys Mutual Insurance Co. is the only insurer owned by OBA

members. OAMIC can be reached at 405-471-5380 or 800-318-7505 or visit www.oamic.com. They also offer a broad range of court bonds with more information at www.oklahoma.onlinecourtbonds.com.

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



Ruby Receptionists – Ruby Receptionists provides a team of

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UPS – OBA members now have access to new and improved flat rate pricing – no matter how much you ship,

when you ship or where it’s going. Discounts include:

- 10%* on UPS Next Day Air Early

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*Visit www.savewithups.com/oba for specific services and discounts.

TECHNOLOGY AND OTHER SERVICES



Fastcase –
The OBA has contracted with Fastcase

online legal research software to provide national coverage with unlimited usage, customer service and printing at no cost to bar members as a part of their existing bar membership. Plus, Fastcase MobileSync allows members to link their account to a smartphone or tablet and automatically sync activity history and saved favorites on any of the Fastcase applications, so no work is ever lost. Access Fastcase through the link on your MyOKBar page.

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

Legislature is in session, both in the *Oklahoma Bar Journal* and online at www.okbar.org/legislative.

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



WordRake –
Developed for lawyers, WordRake provides editing suggestions for clarity

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

Stay in Touch!

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

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

OBA Sections

MEMBERSHIP IN AN OBA SECTION is an excellent opportunity to collaborate and network with lawyers who share a common practice area. The investment in section dues is minimal and the benefits are huge. Member perks vary by section – including free or discounted CLE and some sections publish member newsletters. The OBA offers 28 substantive law sections that provide professional development and interaction. Section dues range from \$15-25 for the calendar year, but members may join at any time. Here is the list of those who will serve in 2020 as section leaders.



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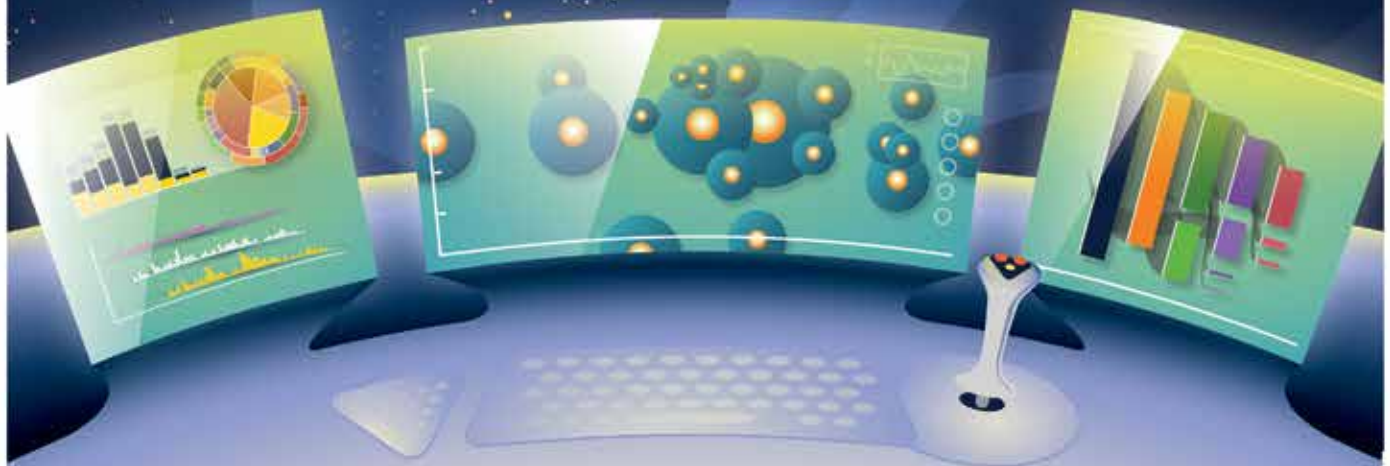
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Determining Radio Frequency Coverage in Criminal Cases

By Richard Miletic

IN CRIMINAL CASES, certain techniques are used to determine the location of a mobile phone at the time of a crime. This article explains new methods of figuring out radio frequency (RF) coverage with a high degree of accuracy in order to establish the location of the phone in relation to the serving cell site at the time of the incident.

In order to determine the location of the mobile phone, a subpoena is served upon the cellular network service operator. The service operator provides Call Detail Records (CDRs), Cell Site Location Information (CSLI) for a certain time period for a specific mobile phone number and a list of the cell sites in the general area. Serving cell sites are the sites that the cellphone was connected to during the calls. Among other things, the CDR includes cell site ID information that indicates which cell was handling the call. This is how the location of the phone is matched to the location of the cell site. The problem with this is that the phone can be anywhere within the coverage area of the cell and the exact location is unknown. It is important to determine the coverage areas of the serving cells so that one knows the general location of the mobile. CSLI data may or may not be available as it is only kept by the network operator

for no more than a few months. This data uses proprietary techniques to calculate a location for the phone and a confidence level of its accuracy. The problem with this is that there is no way of verifying the methods used to determine the location, and the network operators do not provide any detail on how they determined it.

Due to the highly technical nature of the information and its importance in many cases, it is highly beneficial to hire an expert witness who has experience in cellular network design, optimization and mobile phone location.

BACKGROUND

In a typical cellphone network, a cell site is comprised of three sectors with one transmit and two receive antennas per sector. (See Figure 1.)

They are easily distinguishable because of the triangular shape. Some towers will have multiple network operators using the same tower and/or have multiple technologies on the same tower. The antennas are designed to transmit over a 120-degree beam width such that by combining all three sectors the result is full coverage around the cell. This is done to increase coverage and capacity as opposed to having a single antenna transmitting a circular pattern.

With that said, some cells are omnidirectional (circular) and some have three, four and six sectors, but the three-sector cell is by far the most dominant in the industry. Each sector on a four-sector cell covers 90 degrees. Each sector on a six-sector cell covers 60 degrees. Whatever the case, the cell site information is provided and thus the RF coverage analysis can be done accordingly. Figure 2 is a



Figure 1: Cell site with 3 sectors

simple representation of the difference between an omnidirectional, three-sector and six-sector cell.

Cellular networks consist of several cell sites that connect to each other and to processing servers and telephone switches via high-speed copper, fiber optic or microwave links. In a large metropolitan area such as Chicago, there may be over 1,000 outdoor or macro cell sites serving the mobile phone users. These outdoor or macro cell sites consist of a small building containing the processing equipment and cabling and antennas that are mounted on a building or tower.

For large indoor venues such as sports stadiums, hospitals

and airports, Distributed Antenna Systems (DAS) are installed. These consist of several antennas mounted inside the venue connected with coax and fiber to a central point. The wireless operators connect the cellular network to the DAS at this point. The purpose of these antenna systems is to increase the capacity (number of served users) and the coverage in order to support high density of users and provide better coverage indoors.

When a cellphone initiates a call, the cell site sector with the best coverage and quality of service is assigned based on real time signal strength and quality measurements by the phone and the cell

site. A series of communication messages between the phone and the network occur in order to assign a frequency and channel number for communication. After the call is established, the phone continuously measures the signal strength from the serving and surrounding cells in case it needs to hand off to another cell site. Details of the call are kept in the network processing equipment for billing, engineering and call processing.

CASE ANALYSIS

Recent cases have shown that the government uses vague descriptions of cell site coverage areas. These usually consist of an

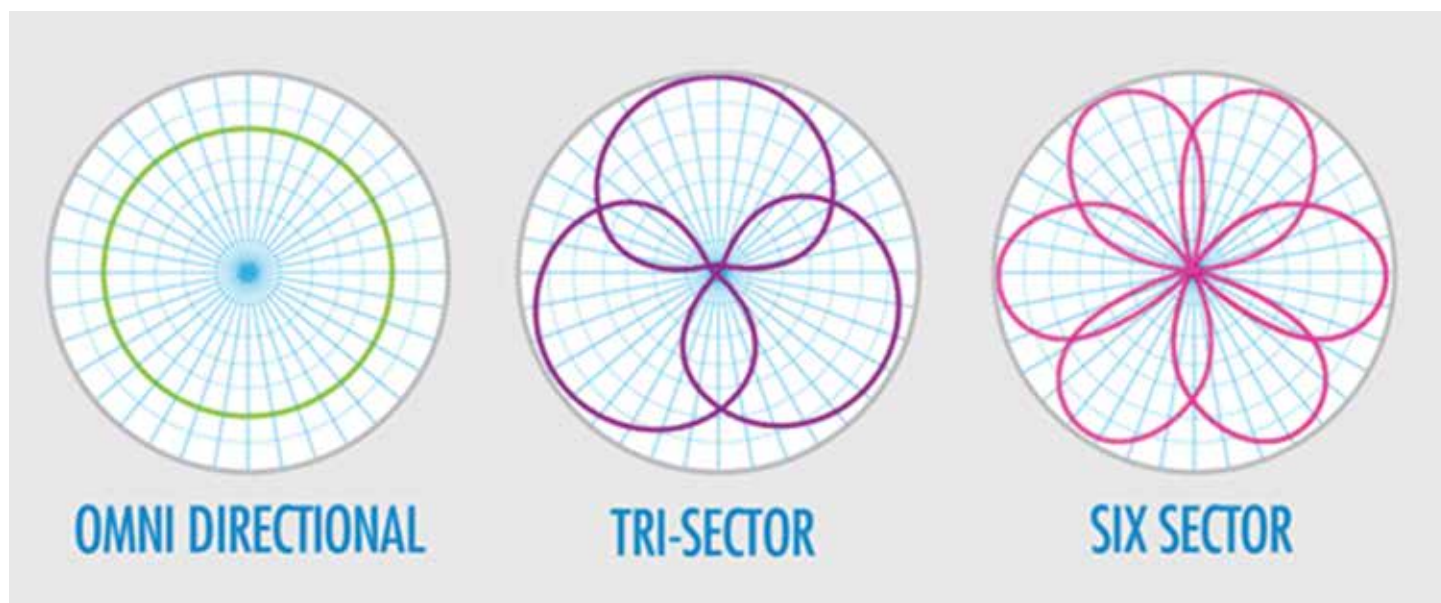


Figure 2: Cell site sectors

arbitrary radius from the cell site in a circular pattern or in a directional or sectorized arc pattern.

As in the following cases, the radius is typically arbitrary and not scientifically determined. The prosecution will typically create a coverage area that is its “best case” and encompasses the crime scene, thus “proving” that the defendant was in the area of the crime scene.

When the prosecution provides this type of map as evidence, it is important for the defense to obtain the CDR and CSLI information directly from the wireless operator and hire its own expert to create coverage plots that are based on a more scientific approach.

*United States v. Carpenter*¹

In *Carpenter*, the U.S. Supreme Court held that police must usually get a warrant to access historical CSLI. While all the press in this case is about Fourth

Amendment rights, a cellular network design expert will investigate the actual testimony regarding the determination of the cell site coverage area.

At trial in Timothy Carpenter’s case, FBI agent Christopher Hess said that in an area like Detroit the cell sector’s signal could reach “typically anywhere from a half-mile to two miles.”² The government assumed a three-sector cell each with a 120-degree angle for each sector with a radius of two miles. The image would look something like Figure 3, with the arrow pointing to the proposed coverage area.

This is not the exact location of the cell site in the case, but a sector with a 2-mile radius is quite large, and in reality, there could be a dozen or more cells within this arc. Also, the actual coverage would look nothing like the arc shown in this figure.



Figure 3: Cell site with 120-degree sector and 2-mile radius

Thus, again it is clear that the government overestimates and simplifies the coverage area. By using a more scientific approach, the defense team can mitigate or even eliminate the prosecution’s argument about the phone being within the coverage area at the time of the crime.

*United States v. Davis*³

The defendant in *United States v. Davis* was charged with committing several armed robberies. MetroPCS supplied 67 days of cell site records for the phone in question as well as the relevant cell site locations.

The prosecution’s expert witness stated that “a cell tower would generally have a coverage radius of about one to one-and-a-half miles.”⁴ He also said that urban areas could have smaller coverage areas, but he did not say how much smaller. Further, it was stated that cellular companies are installing small cells that may cover an area of 10 meters.

Hundreds of small cells could fit in a circle with a radius of 1.5 miles. It is very clear that identifying the cellular coverage of a cell cannot be done arbitrarily. A much more scientific approach is needed.

*People v. Brim*⁵

In Ronald Brim’s case the prosecution’s expert used a 1-mile radius for each cell site. This was the “outside reach” or best case for the prosecution. Los Angeles is very dense and nearly all its cell sites are sectorized. Thus, this representation of the cell site coverage was highly slanted toward the prosecution.

In all these cases and many more, prosecutors used arbitrary methods of calculating the coverage of a cell site and used the “best case” scenario for them to place the phone at the crime scene. Daubert requires that “scientific methodology” be used. This is an opportunity for defense attorneys to contest the prosecution’s methods

and to use an expert witness that will bring more proven methods of determining cell site coverage.

*United States vs. Evans*⁶

In this case, the court struck down what the prosecution's expert called the "granulization theory" of determining cell site coverage. This theory assumes the phone is served by the nearest tower and coverage estimates of the tower are based on "training and experience."

First, a cellphone is not always served by the nearest tower and second, it is impossible to determine the actual coverage unless you have additional data about the cell site and/or drive test data which in this case there was neither. Coverage must be determined by "scientific calculations" according to the court thus the granulization theory was denied and the prosecution could not show their estimated coverage of the towers.

*U.S. v. Mamah*⁷

CSLI data is being used more often in cases by the prosecution. This data is called different things depending on which network operator is supplying it. Verizon calls it RTT and AT&T calls it NELOS. Basically, they are providing latitude/longitude locations of the mobile phone along with a degree of confidence about its accuracy.

As explained previously in this article, CSLI data may or may not be available as it is only kept by the network operator for no more than a few months at most. This data uses proprietary techniques to calculate a location for the phone and a confidence level of its accuracy. The problem with this is that there is no way of verifying the methods used to determine the location and the network operators do not provide any detail on how they determined it. Displaying the locations as individual points is not accurate. At best it should

be displayed as a geographic area including estimates of the relative error of the estimate. Worst case is that the data shouldn't be used at all as there is no technical explanation of how the location estimate is calculated.

In *U.S. v. Mamah*, the court states "It is critical under Rule 702 that there be a link between the facts or data the expert has worked with and the conclusion the expert's testimony is intended to support. See *Gen. Elec.*, 522 U.S. at 146, 118 S.Ct. 512 ('A court may conclude that there is simply too great an analytical gap between the data and the opinion proffered.'). The court is not obligated to admit testimony just because it is given by an expert."

Since the underlying data provided by the network operator cannot be verified then it cannot be used as there is no link between the technology used to create the estimate and the estimate itself. In addition, the location estimate should not be displayed as a point on a map as the data provided by the network operator is an "estimate" of the location and a confidence level and/or error value.

EXPERT WITNESS

The defense team brings in an expert witness to analyze the mobile and network data, decide as to the location of the phone at the time of the incident and dispute the prosecution's claims concerning the location of the mobile phone. This must be based on scientific evidence that satisfies the Daubert⁸ or Frye⁹ rules depending on the jurisdiction in which the case arises. To meet the Frye standard, scientific evidence presented to the court must be interpreted by the court as "generally accepted" by a meaningful segment of the associated scientific community. The Daubert standard supersedes Frye and provides a set of

guidelines to assure that data is relevant and comes from "scientific knowledge." The data must be presented by an expert witness complying with Rule 702, which is as follows:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and the expert has reliably applied the principles and methods to the facts of the case.

The prosecution wants to prove the phone could have been at the incident, and the defense wants to prove that the phone could not have been there or was somewhere else. This all comes down to determining the actual coverage of the cell site at the time of the crime. Determining whether the phone and incident were within or not within the coverage area at the same time may be key to determining the outcome of the case. It is critical to get this right because an innocent person may go to prison.

DETERMINING ACTUAL COVERAGE

In order to determine the actual coverage of a cell, a combination of sophisticated RF modeling and drive testing must be performed. RF modeling is done with software that imports antenna patterns, network characteristics, terrain, morphology, traffic data

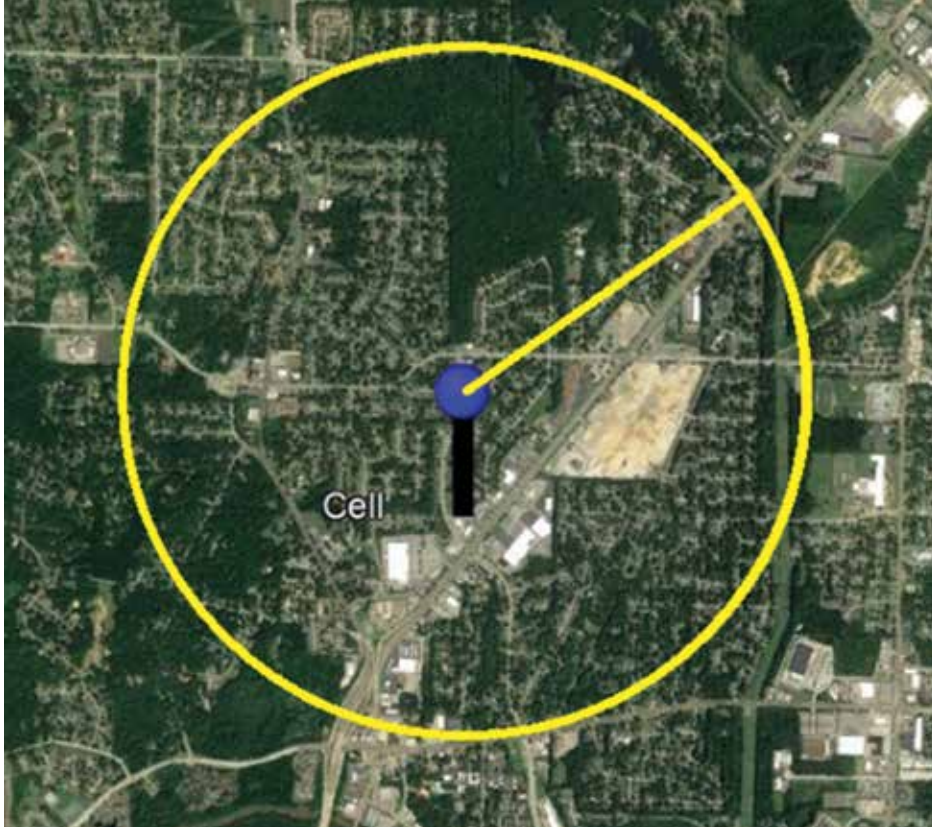


Figure 4: Omnidirectional cell with arbitrary one-mile radius

and building databases. Through proven algorithms, it creates a coverage plot or heat map. The accuracy of the coverage plot can be further improved by drive testing samples of the area and fine tuning the modeling parameters with actual measured data. Cellular network providers have used this method for many years

to design and optimize cellular phone networks.

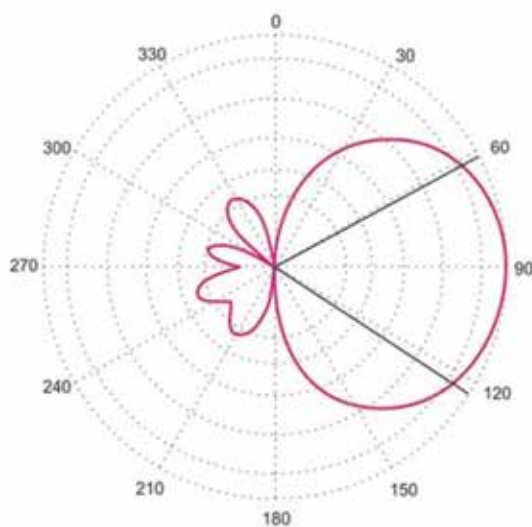
The cell site antenna transmit pattern is key to understanding its coverage. Many different types of antennas are available, depending on the need for the network design. The antenna manufacturers test their antenna models in an enclosed RF chamber in order to determine

the profile pattern. The RF chamber blocks out any external radio signals so it does not disrupt the test. The output of this test is a profile that may look something like the photo in Figure 5. The image in Figure 5 is a 3D representation because in reality antennas transmit in 3D space. The blue color indicates a stronger signal because this is closest to the RF source.

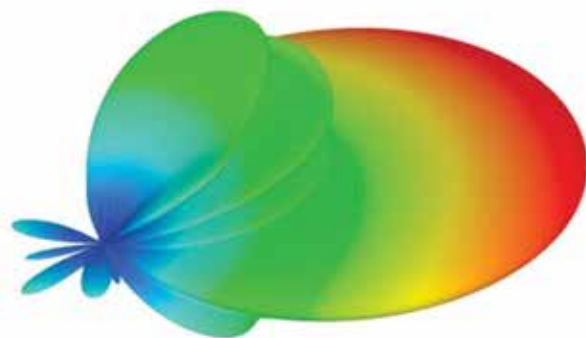
The antenna patterns in Figure 5 look similar to a circle or an arc, but not exactly. Antennas also have side or back lobes, as can be seen in the left side of the figure to the left of the main lobe. These are functions of the antenna design.

Many variables can affect the actual coverage of an antenna in the real world, including the following:

- Antenna height
- Transmit power (output power at the antenna)
- Antenna down tilt (angle of antenna pointing down from horizontal)
- Terrain (hills, mountains, valleys, etc.)
- Clutter (trees, grasses, foliage, buildings, etc.)
- Traffic patterns (busy times usually decrease the coverage)



Azimuth Radiation Pattern



3D Radiation Pattern

Figure 5: 2D Antenna Test Pattern (left), 3D Antenna Pattern (right)

- Interference (signals from other cell sites, external transmissions or generated from poor cell site cable connections)

Another major factor affecting coverage area is the terrain and clutter. The world is not a flat surface. Mountains, hills and crevices will block radio signals. In addition to terrain, there is morphology or clutter. This consists of everything on top of the terrain including trees, grasses, water and rocks. These either block or soak up radio frequency, essentially decreasing the coverage area. Buildings have a significant impact on RF coverage. Steel, concrete and tempered glass are all materials that will block or reflect RF.

Finally, the amount of traffic on the cellular network has a significant impact on the coverage of the cell. This is dependent on the technology, but in general the more traffic on a cell, the smaller the cell's coverage area. There is a maximum number of calls the cell site can handle. As the number of users increase, the noise they create also increases. Therefore, in order to maintain good call quality, the network prioritizes the callers. The ones that have a poor audio channel may be delayed or blocked from calling. These are phones that are in a high interference or poor coverage area, which is typically at



Figure 6: *Terrain and Clutter*

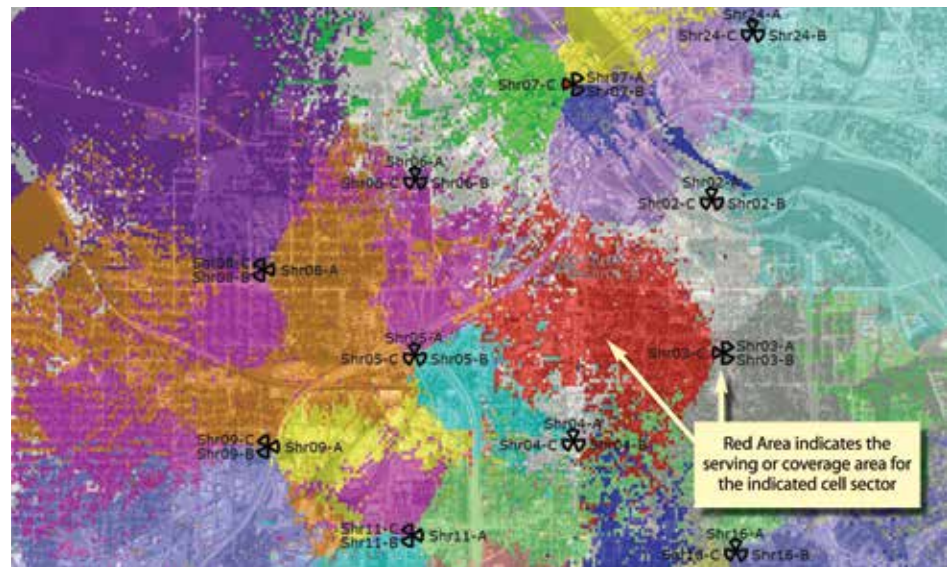


Figure 7: *Best Server Coverage Plot*

the boundary of the coverage area. If the network blocks these users from the cell, the coverage area essentially decreases. It is therefore important to look at the time of day and peak and nonpeak times when determining coverage.

Figure 7 shows a coverage plot of an area with several cell sites. The sites are shown in black along with their corresponding code names. The icons for the cell sites represent three-sector cells. The heatmap colors are the coverage or serving areas for each cell sector. The boundary area between colors is where the handoffs occur from one cell sector to the next. If a mobile phone was being served by the sector indicated by the black

arrow, then it would be deemed to be located within the red area indicated by the red arrow. As Figure 7 demonstrates, the coverage areas of the cells look nothing like circles or arcs. Most coverage areas are shown generally downstream from the antenna, but the shape and size are dependent on all the factors mentioned previously. This modeling is based on scientific calculations and real-world data.

MEASURED DATA

Drive testing can be performed to further improve the RF coverage model. Drive testing uses a device such as the one in Figure 8. The drive test equipment consists of a high-speed cellular scanner, GPS receiver, cellphones and a tablet or laptop computer. The equipment is installed in a vehicle and then driven around the area of interest to gather actual signal strength measurements being received from the cell sites.

The scanner collects signal strength and cell site parameters for multiple technologies simultaneously. The GPS receiver tags a location to the signal data once per second and stores it on the hard drive of the tablet or laptop computer.



Figure 8: Drive Test Equipment

A phone can be connected to the equipment in order to simulate a user experience and try to duplicate the mobile phone in question. Network data collected from the phone indicates the serving cell, signal levels and a host of other data. While it is desired to use the same model of phone as the defendant used, it is not necessary because most phones use similar technology. In addition, radio frequency specifications for the mobile phone are set by FCC requirements.¹⁰

The resulting signal strength measurements and their GPS locations are imported into the modeling software. The modeling software uses the actual measured data to fine tune the model and make it more accurate.

Network-related parameters are also collected via a proprietary interface to the USB port on the cellphone. This provides information equivalent to the mobile phone of interest and provides the best duplication of the RF experience.

INFORMATION REQUESTED FROM WIRELESS OPERATORS

When requesting information from the mobile wireless operator with a subpoena, it is important to be proactive and timely. Records may be stored for a few months up to several years, depending on the wireless operator. The subpoena should contain the following in order to determine the phone's location:

All subscriber information, call detail(s), caller identification(s), cell site location information, call detail records.

List of cell sites within a ____ radius of ____ containing the following for each cell sector (required for RF modeling of actual coverage):

- Latitude
- Longitude
- Ground Elevation (feet)
- Antenna Centerline (feet)
- Antenna Azimuth (degrees from True North)
- Antenna Model
- Antenna Mechanical Down tilt
- Antenna Electrical Down tilt
- Cable Losses (dBm)
- EIRP (Watts)
- Technology (LTE, UMTS, CDMA, EVDO, GSM, etc.)
- MIMO configuration (2 x 2, none, etc.)
- Frequency Band
- Channel Number (Channel number for CDMA, UARFCN for UMTS, EARFCN for LTE)
- Cell site identification code per technology (PN for CDMA, PSC for UMTS, PCI for LTE)

All published and nonpublished detailed subscriber records for incoming calls received or outgoing numbers dialed.

Historical Global Positioning Location (GPS) information or location information obtained otherwise without geographical limits.

For the dates ____ of through ____.

This list only pertains to data requested for determining location. Other phone data may be of interest

including, but not limited to, emails, web browsing and text messages.

CONCLUSION

The current method of determining coverage area for cell sites by drawing an arbitrary circle or arc around the cell site is not a scientific method and should not pass the Daubert or Frye test. A better method presented here has been used by cellular RF engineers for many years and uses a combination of modeling and measurements to determine actual coverage. Many criminal and civil cases depend on accurate and scientific information about cellphone location. People's lives depend on the outcome. The most accurate method available should be utilized to make sure justice is properly served.

ABOUT THE AUTHOR

Richard Miletic is founder and principal of ZK Services in Mountain View, California. He has been in the wireless field for over 30 years. He helps with network design, testing and troubleshooting for cellular, Wi-Fi and public safety systems. He provides expert testimony in criminal and civil cases all over the United States.

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ENDNOTES

1. *Carpenter v. United States*, 138 S. Ct. 2206 (2018).
2. *United States v. Carpenter*, 819 F.3d 880, 885 (6th Cir. 2016).
3. *United States v. Davis*, 785 F.3d 498 (11th Cir. 2015).
4. *Id.* at 503.
5. *People v. Superior Court of Los Angeles County*; Ronald Brim, Real Party in Interest, B229701, caselaw.findlaw.com/ ca-court-of-appeal/1560782.html.
6. Case Number 10 CR 747-3.
7. 332 F.3d 475 (7th Cir. 2003).
8. *Daubert v. Merrell Dow Pharmaceuticals*, 113 S. Ct. 2786 (1993).
9. *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923).
10. FCC Electronic Code of Federal Regulations, www.ecfr.gov/cgi-bin/text-idx?SID=be7dbb5d84aa010f5ed384dea0fcd1cd&mc=true&node=sp47.1.2.j&rgn=div6.

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The Stigler Act Amendments of 2018

By Conor Cleary

ON DEC. 31, 2018, President Trump signed into law the Stigler Act Amendments of 2018.¹ The amendments are the first comprehensive overhaul of the law governing conveyances of restricted Indian land in the state of Oklahoma in nearly 75 years and represent a significant change in federal Indian policy with respect to the Five Tribes of Oklahoma – the Cherokee, Chickasaw, Choctaw, Creek and Seminole nations. This article summarizes the legal history of restrictions on alienation of the allotted and inherited lands of the Five Tribes, principally explaining how the amendments eliminated any minimum Indian blood quantum necessary to inherit or acquire restricted land, substituting instead a requirement that the owner be a “lineal descendant” of an original Indian allottee on the Dawes Rolls.

After their forced removal to Indian Territory, the Five Tribes owned their respective lands communally. Tribal members had the right to occupy and make use of a portion of the communal estate but did not individually own it. In the latter half of the 19th century, federal Indian policy shifted to one of assimilation, accomplished through the policy of allotment whereby tribal land holdings were dissolved and allotted to individual tribal members. In 1898,

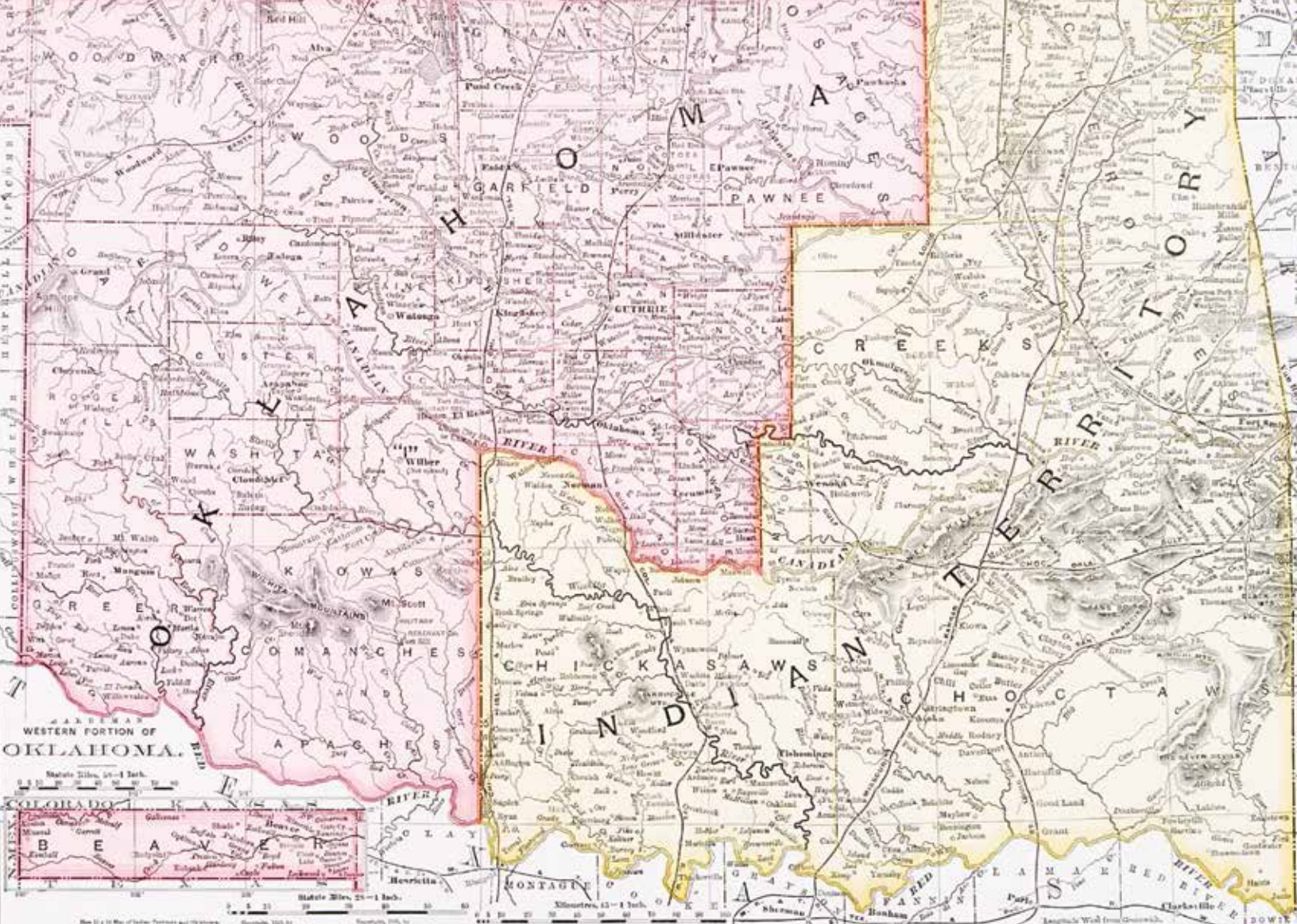
Congress enacted the Curtis Act requiring the Five Tribes to allot their lands in severalty.² Pursuant to agreements negotiated with the federal government, each tribal member, known as the “allottee,” received a homestead allotment and a surplus allotment, with the acreages of each varying by tribe.³

Accompanying each allotment was a restriction on the ability to alienate it without approval from the federal government.⁴ The restrictions protected the Indian landowners from making improvident decisions to sell their lands on unfair terms to often unscrupulous purchasers. Conveyances made in violation of the restrictions were void. Although the restrictions initially applied to all allottees,⁵ they soon depended on the Indian blood quantum of the allottee, which became a crude heuristic for determining the capacity to convey land free of governmental supervision. A 1908 law, for example, removed restrictions on all of the allotted lands – both homestead and surplus – of those allottees who were less than one-half blood.⁶ Conversely, those allottees who were three-fourths or more retained restrictions on both their homestead and surplus lands.⁷ Those allottees possessing at least one-half but less than three-fourths Indian blood could freely alienate their surplus lands,

but their homestead allotments remained restricted.⁸

The first restrictions applied only to the allottees and their allotted lands. In order to convey their allotted lands, restricted allottees had to obtain permission from the secretary of the interior.⁹ Initially, the restrictions did not apply to the heirs of the allottee, and once the allottee died, the heir could alienate the inherited land free of any restrictions.¹⁰ Subsequently, however, Congress began applying restrictions to the heirs of allottees as well. The 1908 law, for example, provided full-blood heirs would continue to be restricted.¹¹ Importantly, this law shifted the authority to approve conveyances by restricted heirs from the secretary of the interior to the Oklahoma state courts,¹² a policy that remains in effect to this day.¹³

In 1947, Congress passed the Stigler Act, a comprehensive overhaul of the law governing conveyances by heirs of allottees.¹⁴ It tightened restrictions, requiring any heir of at least one-half Indian blood to obtain approval of a conveyance of inherited land in Oklahoma state court.¹⁵ It also sets forth a detailed procedure for how to obtain approval in the Oklahoma state courts. Among other things, it requires the filing of a petition requesting approval of the conveyance and notice of



the proceeding to attorneys of the Department of the Interior who represent the restricted landowner. The federal attorney obtains an appraisal to verify that the amount offered for the conveyance is adequate and fair. A hearing is set to approve the conveyance, notice of which is published in a newspaper in the county so other prospective purchasers can appear and competitively bid for the land.¹⁶

Although the Stigler Act broadened the application of the restrictions on heirs to anyone of at least one-half Indian blood, the inevitable result of the law was land lost its restricted status any time it was inherited or acquired by an heir less than one-half blood. The results speak for themselves. Of the approximately 16 million acres

of the lands of the Five Tribes allotted to individual tribal members,¹⁷ today only a little more than 2% remains restricted.¹⁸

The ongoing loss of restricted land caused by its inheritance by an heir of less than one-half Indian blood prompted calls for reform. On Dec. 31, 2018, President Trump signed into law the Stigler Act Amendments of 2018.¹⁹ The “single objective” of the Stigler Act Amendments is “to eliminate the blood quantum requirement” to own land in restricted status.²⁰ Rather than tying restrictions to blood quantum, the amendments provide that restricted land may be acquired²¹ by any “lineal descendant by blood of an original enrollee whose name appears on the Final Indian Rolls of the

Five Civilized Tribes in Indian Territory ... of whatever degree of Indian blood.”²² Accordingly, restricted property inherited by heirs who are lineal descendants by blood of an original enrollee whose name appears on the final Indian rolls of the Five Civilized Tribes in Indian Territory will remain restricted regardless of the heirs’ blood quanta.²³ Similarly, restricted property conveyed to another person who is also a lineal descendant by blood of an original enrollee on the final Indian rolls will remain restricted regardless of the grantee’s blood quantum.

Although the Stigler Act Amendments broaden the scope of persons eligible to inherit or acquire restricted property, they do not change the approval

process for conveying restricted land. The procedure provided in the Stigler Act summarized above continues to govern all conveyances of restricted land, and conveyances of restricted land made in derogation of this procedure are void.²⁴ The Stigler Act Amendments are prospective in application and do not retroactively impose restrictions on land that previously lost its restricted status by virtue of being inherited or acquired by someone less than one-half blood.²⁵ Similarly, oil and gas leases obtained from Indian landowners of less than one-half blood without state court approval before the enactment of the amendments remain valid for the leases' duration.²⁶

Because many more people are now eligible to inherit or acquire restricted property and will be subject to the state court process for approving conveyances of restricted land, it is important that legal practitioners in the state familiarize themselves with both the Stigler Act and its amendments.

ABOUT THE AUTHOR

Conor P. Cleary is senior Indian law attorney at the Office of the Solicitor, U.S. Department of the Interior. He received his LL.M. in American Indian law with highest honors from the TU College of Law and his J.D. from the OU College of Law.

ENDNOTES

1. Stigler Act Amendments of 2018, H.R. 2606, PL 115-399, 132 Stat. 5331 (Dec. 31, 2018).
2. Ch. 517, 30 Stat. 495 (June 28, 1898).
3. Compare, e.g., Original Creek Allotment Agreement, ch. 676, 31 Stat. 861 (March 1, 1901) and Supplemental Allotment Agreement, ch. 1323, 32 Stat. 500 (June 30, 1902) (providing for a 40-acre homestead allotment and 120-acre surplus allotment) with Cherokee Allotment Agreement, chap. 1375, 32 Stat. 716 (July 1, 1902) (providing for 110-acre allotments with a 40-acre homestead and 70-acre surplus allotment).
4. See, e.g., Creek Supplemental Agreement, chap. 1323, §16, 32 Stat. 500, 503 (1902) ("Each citizen shall select from his allotment forty acres of land ... as a homestead, which shall be and

remain nontaxable, inalienable, and free from any incumbrance whatever for twenty-one years.").

5. Allottees did not include only Indian members, but also intermarried white citizens and African-American freedmen.

6. Act of May 27, 1908, chap. 199, §1, 35 Stat. 312.

7. *Id.*

8. *Id.*

9. See, e.g., Act of April 21, 1904, chap. 1402, 33 Stat. 189, 204 (allowing secretary of the interior to remove restrictions on surplus lands of allottees upon application); Act of May 27, 1908, §1, 35 Stat. 312 ("[T]he Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe.").

10. See W.F. Semple, Oklahoma Indian Land Titles 87 ("Prior to the passage of the [Five Tribes Act of 1906], inherited lands could be sold, whether the heirs were full-blood or mixed-blood Indians."). The exception was the Creek Supplemental Allotment which did not allow alienation of surplus lands by the allottee or his heirs for five years. See Creek Supplemental Agreement, chap. 1323, §16, 32 Stat. 500, 503 (June 30, 1902).

11. Act of May 27, 1908, chap. 199, §9, 35 Stat. at 315.

12. *Id.*

13. See Act of Aug. 4, 1947 (hereafter, the Stigler Act), chap. 458, §1(a), 61 Stat. 731 ("[N]o conveyance ... shall be valid unless approved in open court by the county court of the county in Oklahoma in which the land is situated.").

14. *Id.*

15. *Id.*, §1(a), 61 Stat. at 731. The only blood quantum that mattered for purposes of quantification was the degree of Five Tribes Indian blood possessed by the Indian landowner. As a result, an Indian landowner who was one-half Cherokee and one-fourth Navajo would be restricted, while an Indian landowner who was one-fourth Cherokee and one-half Navajo would not be restricted.

16. *Id.*, §1(b), 61 Stat. at 731.

17. Angie Debo, *And Still the Waters Run* 51 (1940). The Five Tribes' total acreage before allotment comprised 19,525,966 acres. 15,794,351.48 was allotted and 3,731,613.52 acres was unallotted or segregated from allotment. *Id.*

18. Statement of United States Department of the Interior Before the Senate Committee on Indian Affairs on H.R. 2606, Nov. 14, 2018, available at www.doi.gov/ocl/hr-2606-1 (last accessed July 12, 2019).

19. Stigler Act Amendments of 2018, H.R. 2606, PL 115-399, 132 Stat. 5331 (Dec. 31, 2018).

20. Statement of United States Department of the Interior Before the Senate Committee on Indian Affairs on H.R. 2606, Nov. 14, 2018, available at www.doi.gov/ocl/hr-2606-1 (last accessed July 12, 2019).

21. The Stigler Act Amendments specify several methods of acquiring restricted property including inheritance, devise, gift, exchange, purchase, purchase with restricted funds, partition and partition sale. See Stigler Act Amendments of 2018, 132 Stat. 5331 (Dec. 31, 2018). The terms "purchase" and "partition sale" are newly added methods that did not appear in the original Stigler Act.

22. Stigler Act Amendments of 2018, 132 Stat. 5331 (Dec. 31, 2018). The final Indian rolls of the Five Civilized Tribes in Indian Territory are the enrollment records of Indian persons compiled by the Dawes Commission. "Original

enrollees" are those individuals whose names appear on such enrollment records. The final Indian rolls should be distinguished from the enrollment records of intermarried whites and freedmen, who were also members of the Five Tribes. Lineal descendants of original enrollees on the intermarried white or freedmen rolls are not eligible to acquire or inherit restricted property unless they also are lineal descendants of original enrollees on the final Indian rolls.

23. Another significant change in the Stigler Act Amendments is a provision allowing restricted property in the estate of someone dying before the enactment of the amendments, but whose estate is probated afterward, to descend in restricted status to the heirs, regardless of their blood quanta. See Stigler Act Amendments of 2018, 132 Stat. 5331 (Dec. 31, 2018).

24. The law governing probate of estates containing restricted land is also unchanged. Notice of such probates must continue to be served on the regional director of the Bureau of Indian Affairs, Eastern Oklahoma Regional Office in order to be valid.

25. Stigler Act Amendments of 2018, 132 Stat. 5331 (Dec. 31, 2018).

26. *Id.*



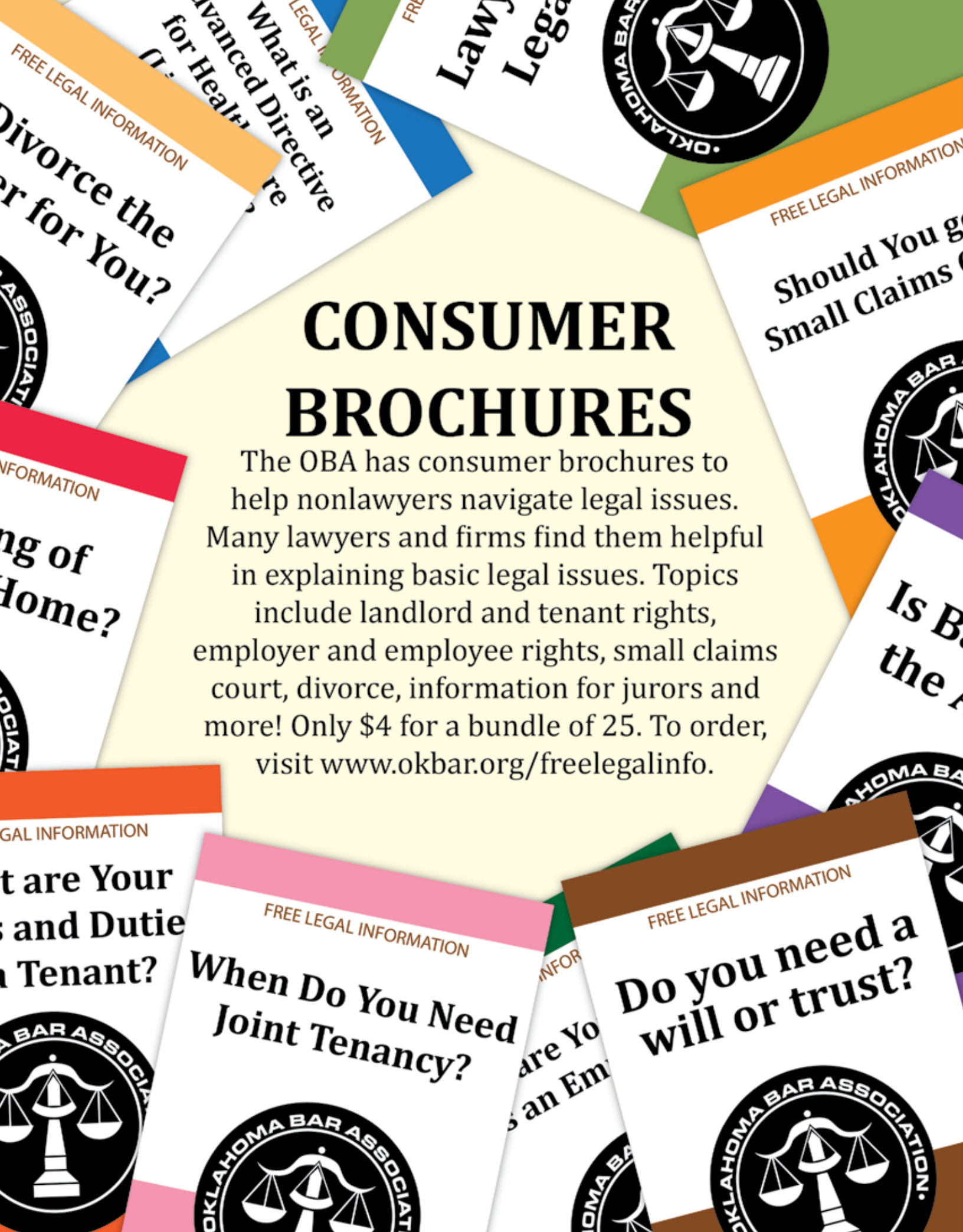
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It's 2020 and Still Not Perfect Cyber Vision

By John Morris Williams

THE ASSIGNED YEAR number this year I am sure will be prime fodder for optometric quips. I could not resist either. However, the vision I am talking about is for the OBA and its members for the present and the future.

It's an online world. Make no doubt about it. I have written about our online features and resources on more than one occasion. The truth is that if an organization like the OBA spent its entire budget on online applications it would only be a small fraction compared to what major banks and retailers put into their system development and maintenance. In trying to apply some economy to our scale, we have migrated to cloud applications as much as possible. This allows us to have greater security and allows us to maintain fewer servers on premises. However, it is frustrating to know our members, at times, compare our systems to the experience they have with multibillion-dollar enterprises. In my opinion, we do amazingly well given the resources we have. Our vision is that we will continue to build upon our systems and provide the best value to our members.

I consistently hear the word "hacked" when someone ghosts or spoofs another person. We have been very fortunate at the OBA that we have never been hacked. However, unscrupulous souls lurking on the web often will set up fictitious email accounts and send out emails

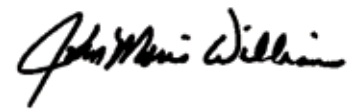
appearing to be me or the OBA president. Unfortunately, I have not seen a very good solution to this problem. The best way to avoid this is to either check the actual email address by clicking on the name or by calling the sender. I know it's 2020 and we should all have clear vision on this, but the scammers have gotten to some people who none of us would consider easy victims. Never open an attachment unless you are certain of the sender. A colleague at a large east coast state bar association reported their system had been hit by ransomware pirates and it cost thousands of dollars to recover. If you don't pay attention to cybersecurity you will be blindsided and, at a minimum, it will cost you thousands of dollars and may end up affecting your licensure.

I recently attended a session at a national meeting and heard a presentation on practicing in the cyber world. One good piece of information I gained was the need to include cybersecurity and its relationship to confidentiality in client engagement letters. We all know that email is only as secure as the systems and networks we are using. An open network at a coffee shop is a prime venue to leak out confidential information. There are reported incidents that cyber thieves sit in the parking lots of these places stealing information. It was suggested at the session I attended that there be an inclusion in the client engagement letter that puts the client

on notice that email is not always secure, and the client assumes the risk of loss of confidentiality when they send unencrypted email from unsecure locations. Although this tip may not give you perfect vision, it will add focus to your practice. You may want to check with your malpractice carrier on this issue. Expediency in responding should never cloud your duty of due diligence.

Lastly, I must admit that sometimes, in an imperfect world, online systems don't always work or do not address every issue. That is why at the OBA we still answer the phone live and have staff whose job it is to make sure you get what you need. Our clear vision is to enhance the professional lives of our members regardless of the tools available. If you have a problem with using our technology, don't stay at it until you see red. Call us. We understand you sell time for a living and it is our clear vision to be attentive, competent, friendly, professional and accommodating to all our members.

May we all have clarity in all we do this year. May we all have 20/20 in 2020.



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

FROM THE PRESIDENT

(continued from page 4)

OBA's 2020 budget has significantly increased the funding for LHL in order to broaden the resources of the LHL crisis hotline and confidential counseling services offered to members in need and to better fund our education outreach to help more Oklahoma attorneys.

Another important change, led by Past President Chuck Chesnut's CLE Task Force in 2019, will be a change to the ethics category of CLE to include attorney wellness issues.² Beginning in 2021, Oklahoma attorneys will be required to obtain two "ethics" hours each year, which may be in any of the categories of legal ethics and professionalism, legal malpractice prevention or mental health and substance

the OBA's quality CLE programs. One of the CLE highlights coming up this spring and being planned by Past Presidents Melissa DeLacerda and Stephen Beam, along with Bob Burke, will be an all-day CLE program about the 25th anniversary of the Murrah federal building bombing. This CLE will take place Friday, April 17, in Oklahoma City and is not to be missed.

Our bar association functions at a high level because of the dedicated work of our Executive Director John Morris Williams, our excellent OBA staff and because of the creative and devoted leadership of our volunteers, including section and committee leaders and members. If you are not already doing so, I encourage

Chesnut and the bar presidents before him, to have the able assistance this year of my vice president (and former state YLD chair) Brandi Nowakowski, the Board of Governors and of Mike Mordy as our president-elect. I am also thankful for my colleagues at McAfee & Taft for their support and their encouragement of me to take on this challenge.

Please do not hesitate to contact me with your questions, comments and suggestions at susan.shields@mcafee-taft.com. I wish each of you the very best in your professional and personal lives and hope that all of your resolutions for the New Year are successful.

ENDNOTES

1. You can find the full text of the study at lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf.

2. As this article went to press, the MCLE rule change was awaiting approval by the Oklahoma Supreme Court.

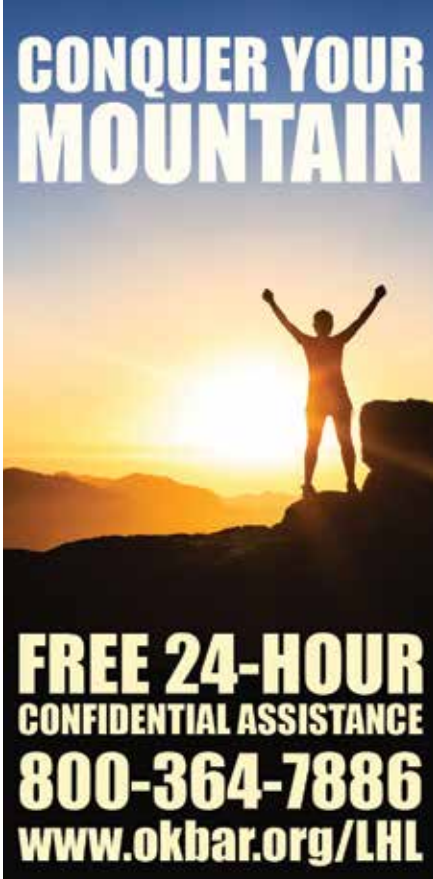
If you are not already doing so, I encourage each of you to make a commitment this year to get involved in a section or committee or with your local or county bar association.

use disorders. Our CLE Department will be working over the next year to increase the course offerings in these categories, and you will notice that many of the live CLE programs will offer an ethics hour focusing on mental health, substance abuse and attorney wellness. Education on these issues is so important.

A further goal of mine this year is to promote the services offered by the OBA for our members, including the OBA's law practice management assistance programs, the services of our ethics counsel, our sections and committees and

each of you to make a commitment this year to get involved in a section or committee or with your local or county bar association. Lawyers supporting one another and the bar association supporting its members is what the OBA is all about. My hope as the president for 2020 is that all of us feel a part of the OBA community and take advantage of the member services that are in place to make lawyers' lives better and more productive.

I am grateful for the opportunity to serve as your president for 2020 and fortunate to follow in the footsteps of Past President Chuck



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Generational Changes in Communication Styles

By Jim Calloway



TECHNOLOGY ADVANCES

I have led to many changes in society. Between text messages, emails and social media, today most of us transmit many digital messages each day and we purchase fewer postage stamps for our personal use.

There are noteworthy generational changes in many areas. We differentiate the various generations with words (e.g., Baby Boomers) and letters (X, Y and Z), and as certain as the sun will rise in the east, many in older generations will complain about the emerging new generation.

"The children now love luxury; they have bad manners, contempt for authority; they show disrespect for elders and love chatter in place of exercise. Children are now tyrants, not the servants of their households. They no longer rise when elders enter the room. They contradict their parents ... and tyrannize their teachers," said Socrates by Plato. Although, like many a good story, this has been challenging to historically verify.

A headline in *Forbes* caught my attention – "Millennials Hate Phone Calls, And They Have A Point."¹ I'm an official member of the "no longer a young lawyer club" and a parent of a millennial, so I have often said, "Can't we just talk by phone and not text?"

I recommend you read the article because it makes several valuable points, at least where law firms and most businesses are concerned.

While millennials are often accused of not wanting to use email, for many that reflects their attitudes about their personal lives rather than work lives.

According to the article, "[this is the millennial work email standard: 1) If it can be said in an email, send an email; 2) always send an email, if sending an email is possible; and 3) the only reason an email should not be sent to communicate basic information is if the conclusions, objectives or answers are not yet decided upon, and multiple people should be present to weigh in on them."

Millennials hate leaving a 45-minute meeting and thinking "that should have been an email," and they are not the only ones. Meetings may often be required but they should be no longer than necessary.

The writer also makes the point that email threads are better for organization. A well-run meeting without minutes or with incomplete or poor minutes may result in a weaker outcome than a disjointed email thread that culminates with a positive final solution which all stakeholders approve. The documentation may not be perfect but at least it exists.

Lawyers appreciate the value of good documentation.

We all will not agree on this subject. Personally, I still think there is often a superior personal connection with a voice phone call as opposed to short digital messages. However, law firms do have to recognize that interactions with people who try to avoid phone conversations are going to increase. Demographics is, as the saying goes, destiny. Young people grow older and take over positions of importance.

There are times when digital communication is more efficient. We can all agree that you can reply to eight emails more quickly than you can return eight phone calls when you only have a short amount of time – especially since not all eight phone calls will be answered.

On the other hand, absent a court-authorized wiretap, a two-party voice phone conversation is more "private" than an email which can be forwarded or disclosed via discovery many months into the future. Unencrypted email is not secure, as I have frequently noted.

'PHONE-FREE' CLIENTS

The CEO of a major computer services vendor serving the legal profession recently asked in an address to a large group of legal professionals, "Don't you just hate talking on the phone?" Many attendees murmured their

agreement. He went on to note new offerings from his company that would allow lawyers to have more digital text communications with clients, reducing the dreaded phone calls. I want to point out what a great potential client his company would be for a law firm. The company has hundreds of employees, has many customers and is extremely well funded, but he *hates* talking on the phone.

How well would your law firm do in representing this company? Do you have processes in place where he can avoid frequently talking to your lawyers and staff on the phone or would that representation just not really work for your firm?

A common definition of millennial is those born between 1981 and 1996 (or 1997). Individuals born in 1981 turned 38 in 2019. Certainly, some entrepreneurs younger than that are leading businesses today, and the “changing of the guard” means more millennials are assuming corporate leadership roles. When I was in private practice, I represented lots of individuals under the age of 40. I’m sure that’s true for many lawyers today. Plus, these date ranges are not strict demarcations. It’s probable that an individual born in 1980 will have the same attitudes about voice phone calls as one born a year later.

Our profession has focused on returning client phone calls because not returning phone calls promptly was a chronic complaint about the profession’s failure to communicate and could give rise to professional discipline.

Is your firm ready to serve clients who strongly prefer digital communication and certainly don’t want to participate in many voice telephone calls? If not, it’s something to consider.

The successful law firm in the future will both promptly return

client’s telephone calls and will also provide communication alternatives for the clients who hate talking on the phone.

One undeniable benefit of digital communications between lawyers and clients is that there will be a precise record of exactly what you said and what the client said in the event there is ever any grievance or question about your legal services. As we know, it is not unheard of that two parties to a voice telephone conversation may have very different interpretations about what was said later.

Another benefit of digital communications is that it is asynchronous communication, meaning the parties involved in the communication don’t have to be available at the same time. That’s one of the best things about email. A client who works the graveyard shift and sleeps during the day may be better served by digital communication tools.

There are many different methods of digital communications available today. Let’s discuss how these work in a law firm setting.

CLIENT PORTALS PROVIDED BY THE LAW FIRM

I’ve written and lectured frequently about using client portals for a more secure communications platform than email. Practice management solutions that cater to medium-sized and small law firms generally provide secure online client portals as one of the service’s features. These can be used for communications but are designed more for sharing documents with clients.

There are other providers of secure portals that a firm can utilize, but sharing documents with clients using the same tool as you would to file them in the digital client file is a very efficient process.

TEXT MESSAGING FOR LAWYERS

In the May 2019 *Oklahoma Bar Journal*, I wrote a feature story titled “Text Messaging for Lawyers.”² In that piece, I covered some do’s and don’ts for lawyers, the security of various text messaging apps and tools to use to send and receive text messages from a computer. I mentioned ZipWhip as a leading tool to use for texting from a computer while retaining copies of all texts sent and received for the client file. The ZipWhip app allows text messaging with a cellphone without disclosing the cellphone number. ZipWhip can provide immediate digital communication. While text messages are less intrusive than a voice phone call, they still interrupt the recipient’s day and are better for brief communications.

A solo practitioner contacted me after that article was published and wanted to know if there were other options. I told him that Apptoto.com was well-regarded by a respected consultant I knew and one OBA member, but I hadn’t tried it personally.

He reported back later that he loved Apptoto. He said:³

Apptoto will integrate with calendar software. That is, if we type an appointment into my calendar and type the client’s cellphone number into the appointment, Apptoto will automatically pick up the meeting and will send a text to the client before the appointment, notifying them of the appointment. My secretary likes this feature because she can type an appointment into the calendar and does not have to take any extra steps. I learned to use Apptoto and then all I had to do was tell the secretary to continue entering appointments into the calendar.

As Microsoft's Ben M. Schorr noted in his January 2019 *Law Practice Magazine* article "Obtaining the Most from Office 365," a Group includes a shared email inbox for the Group conversations, a dedicated calendar, a shared document library, a OneNote notebook for the Group, a SharePoint site for the Group and a Microsoft Planner.

I chose Apptoto precisely for this reason [my secretary was concerned she'd have to do additional work and learn to use a new tool]. My secretary was very happy and thanked me for the choice I made.

He detailed how his office uses the software:

I can program Apptoto to send the client a text at a specified time before the meeting. I've programmed my account to send each client two texts – one at 6 p.m. the day before the appointment and another text one hour before the appointment. I can also program Apptoto to send a client a different text message based on what I type into the appointment. For example, if I type 'appt' into my calendar, Apptoto will send the client a text saying, 'Appt Reminder: You have an appointment with [my name] today at 4:30 p.m.' If I type 'Court Appearance' into my calendar, Apptoto will send the client a text saying, 'This is [my name]. You have a court hearing tomorrow on Monday,

Nov. 4, at 1:30 p.m.' The text will also ask the client to press 1 to confirm that they received the message.

Apptoto has set me up with a local number ... If the client texts a response, the client's text response will be emailed to me. If the client calls the number, the call will go to my land line.

Apptoto is very affordable. The plan I have costs \$29 per month. For \$29 per month, Apptoto will handle 200 appointments per month and will sync with three calendars. The plan I have will also email and give voice calls to clients, but I haven't used this feature yet. The plan I have is the lowest-cost plan they offer. Other plans will handle more appointments and sync with more calendars.

Most health care providers now text appointment reminders to their patients. Lawyers can use Apptoto or ZipWhip to do the same for clients, but these tools can be used for other text message communications as well.

OFFICE 365 GROUPS AND TEAMS

Microsoft Office 365 now provides great digital communication tools to subscribers. Office 365 Groups and Teams are often compared and contrasted. Some reviewers state the most logical way to look at Groups and Teams is that they are complementary.

At this point, at least based on my anecdotal observations and conversations with others, relatively few law offices have embraced Groups or Teams because the firm had already implemented processes to reach many of these goals.

Probably the simplest and best way to look at these are that they are co-working spaces that highlight different co-working aspects. One thing that seems certain is that as Office 365 completes its takeover of corporate America's computer systems, we are going to see greater utilization of these tools by businesses. For example, a law firm might build a team that includes members of the law firm, representatives of the client, expert witnesses and others involved in a particular matter. The challenge for lawyers is to use these working groups in a way that promotes efficiency, cooperation and sharing without compromising confidential information or creating some other ethical challenge.

Both Groups and Teams are a part of your Office 365 subscription that you can only access by logging in. As Microsoft's Ben M. Schorr noted in his January 2019 *Law Practice Magazine* article "Obtaining the Most from Office 365,"⁴ a Group includes a shared email inbox for the Group conversations, a dedicated calendar, a shared document library, a OneNote notebook for the Group, a SharePoint site for the Group and a Microsoft Planner.

Suffice it to say that the above list contains almost any tool one

might imagine an online co-working would require. It is hard to say how quickly law firms will start using these tools since they have similar systems in place, but business will increase use of these tools and some lawyers' first exposure to them will be when a client invites them to join one of these co-working spaces.

SLACK

Slack⁵ is an online group working space that does not require an Office 365 subscription.

Many technically proficient individuals swear by Slack. It is easy to understand how Slack operates because the free version allows up to 10,000 searchable messages plus 10 apps and integrations. It is very affordable. The standard plan is approximately \$6 to \$8 per user per month. Slack focuses on good digital security and has a significant number of security compliance certifications.⁶

Slack allows message discussions to be organized by different channels. This would be quite a handy feature if you are part of a large Slack group. It does allow for file uploading and integration of apps like Google Drive, Google Calendar or Zapier. I'm relatively new to Slack myself but know others who have used it for quite some time and love it.

CONCLUSION

While we opened this discussion with an examination of generational differences in communication styles, I hope the broader point is that law firms represent individuals with many different communication preferences. Law firms have to be open to the idea that the ways they have always communicated may not be optimal for certain clients. There are certainly tradeoffs when choosing methods of communication, but lawyers will always have a need to document their client communications, whether it is using digital communication tools or making careful notes during a voice telephone conversation.

Mr. Calloway is OBA Management Assistance 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. Brianna Wiest, "Millennials Hate Phone Calls, And They Have a Point," *Forbes*, Nov. 4, 2019, www.forbes.com/sites/briannawiest/2019/11/04/millennials-hate-phone-calls-they-have-a-point/.
2. Jim Calloway, "Text Messaging for Lawyer," *Oklahoma Bar Journal*, May 2019, www.okbar.org/lpt_articles/text-messaging-for-lawyers/.
3. I have lightly edited his comments for space constraints.
4. Ben M. Schorr, "Obtaining the Most from Office 365," *Law Practice Magazine*, Jan. 1, 2019, www.americanbar.org/groups/law_practice/publications/law_practice_magazine/2019/january-february/JF2019Schorr/.
5. slack.com.
6. slack.com/security.

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Meeting Summary

The Oklahoma Bar Association Board of Governors met Wednesday, Nov. 6, 2019, at the Cox Convention Center in Oklahoma City in conjunction with the OBA Annual Meeting.

REPORT OF THE PRESIDENT

President Chesnut reported he attended the Women in Law Conference luncheon, presentation of Mona Salyer Lambird Spotlight Awards and Ottawa County Bar Association monthly meeting. He drafted the December president's message for the bar journal and worked on Annual Meeting details.

REPORT OF THE VICE PRESIDENT

Vice President Neal reported he attended the OU College of Law alumni luncheon where he presented the Outstanding Senior Law Student Award for the OBA.

REPORT OF THE PRESIDENT-ELECT

President-Elect Shields reported she attended the Women in Law luncheon and Mona Salyer Lambird Spotlight Awards ceremony. She worked on committee appointments and other planning for 2020, drafted a budget memorandum for the 2020 budget hearing with the Supreme Court and met with Supreme Court Chief Justice Noma Gurich.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported board members are invited to sit with judiciary at

reserved tables at the Annual Meeting luncheon. He also said the band Journey will perform the Saturday evening following the Solo & Small Conference in Durant next year, and tickets are on sale now. He attended the Communications Committee meeting, funeral for Hugh Hood, Women in Law luncheon, Supreme Court Access to Justice Commission meeting to discuss the Law for People website design and content, staff meetings, planning for Annual Meeting and Diversity Committee law school boot camp.

REPORT OF THE PAST PRESIDENT

Past President Hays reported she attended the Women in Law Conference where she presented the 2019 Mona Salyer Lambird Spotlight Awards, funeral service for Hugh Hood, OBA Family Law Section monthly meeting and section Annual Meeting planning meeting.

BOARD MEMBER REPORTS

Governor Beese reported he attended the Muskogee County Bar Association meeting and OBA Legal Internship Committee meeting. **Governor Hicks** reported he attended the Access to Justice Committee meeting and Tulsa County Bar Foundation officer elections. **Governor McKenzie** reported he attended the OBA Legal Internship Committee meeting, Oklahoma County Bar Association meeting and OCBA delegates caucus. **Governor Morton** reported he attended

the Holloway Inn of Court meeting. **Governor Pringle** reported he attended the OBA Communications Committee meeting, Oklahoma County Bar Association delegates caucus meeting and Financial Institution and Commercial Law Section Banking and Commercial Law Update seminar. **Governor Williams** reported he attended the TU College of Law alumni luncheon where he presented the OBA Outstanding Senior Law Student Award.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Nowakowski reported she conducted the October division board meeting. She briefed board members on the details for the new Annual Meeting streetcar pub crawl event co-hosted by the YLD.

BOARD LIAISON REPORTS

Governor Williams said the **Diversity Committee** boot camp was held last weekend, and Executive Director Williams said the event was well attended. It was also noted the committee's award banquet received good media coverage. Governor Hermanson said the **Law Day Committee** contest promotion is underway, and they are working on TV shows segments. Governor Oliver said the new provider working with the **Lawyers Helping Lawyers Assistance Program** is ready to take over. Governor Pringle said the **Legislative Monitoring**

Committee will meet at the Annual Meeting tomorrow. Past President Hays said the **Women in Law Committee** held its seminar and awards banquet. Governor DeClerck said the **Disaster Response and Relief Committee** has wrapped up all assistance and submitted its final report. Executive Director Williams said the **Communications Committee** has been asked to help promote the availability of information on the Law for People website. Governor Beese said the **Legal Internship Committee** is looking at reducing fees for those working in a clinical setting or state government-based internship. They are also discussing expanding tasks an intern may do unsupervised.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx updated the board on the status of the lawsuit in New Jersey. A

written report of PRC actions and OBA disciplinary matters from Oct. 10 to Oct. 28, 2019, was submitted to the board for its review.

RESOLUTION

The board voted to issue a resolution of appreciation to Governor Fields, Past President Buddy Neal and Steidley & Neal PLLC for their hospitality in hosting the Board of Governors in McAlester last month.

CLIENTS' SECURITY FUND APPOINTMENTS

The board approved President-Elect Shields' recommendations to reappoint Micheal C. Salem, Norman, as chairperson and Dan Sprouse, Pauls Valley, as vice chairperson with terms expiring 12/31/2020; reappoint as members Stephen R. Stephens, Stillwater; Justin L. Jackson, Oklahoma City; Joseph M. Vorndran, Shawnee; and Peggy Stockwell, Norman, with terms expiring 12/31/2022

and reappoint lay person Robert H. Sunday, Eufaula, with a term expiring 12/31/2022.

LEGAL AID SERVICES OF OKLAHOMA APPOINTMENT

The board approved the appointment of M. Alex Duncan, Oklahoma City, to the LASO Board of Directors with a term expiring 12/31/22.

APPOINTMENTS

President-Elect Shields announced she has made the following reappointments:

Board of Medicolegal Investigations – reappoint Glen D. Huff, Oklahoma City, to a one-year term expiring 12/31/2020.

Legal Ethics Advisory Panel – reappoint Steven K. Balman, Tulsa, as panel coordinator, term expires 12/31/2020; reappoint as members Oklahoma City panel: Leasa M. Stewart, Oklahoma City; Harry A. Woods, Oklahoma City; and James R. Waldo, Oklahoma City; terms expire 12/31/2022; Tulsa panel: Jon Prather, Tulsa; Steven K. Balman, Tulsa; and David Butler, Enid; terms expire 12/31/2020.

NEXT MEETING

The Board of Governors met in December, 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 3 p.m. Thursday, Jan. 16, in Oklahoma City.

Governor Beese said the Legal Internship Committee is looking at reducing fees for those working in a clinical setting or state government-based internship.

Get to Know 2020 OBF Board President Patrick O'Hara



Patrick O'Hara

Law School:	OU College of Law
Graduation Year:	1995
Current Employer:	Tisdal & O'Hara PLLC
Location:	Edmond

Why did you decide to be a lawyer?

Growing up on a cotton farm in western Oklahoma during oil and gas "boom and bust" years, I recognized firsthand the value of sound legal advice. The ability to earn a client's trust through the most difficult situations was something I also admired. I was interested in joining a profession where I would have the opportunity to develop that kind of relationship while providing a valuable service.

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

Noodling. I was "successful" but don't need to do it again. Ever.

Are there any social norms that completely baffle you?

Talking on a cellphone in a crowded elevator

What is your biggest pet peeve with modern technology?

Too many emails

What is on your bucket list?

African safari

Describe the leadership roles you hold in professional and/or community settings.

Over the years outside the legal profession, I have enjoyed leadership roles involving my church, the school system my children attended and their various activities. Because those areas of my life have always been top priorities, I felt it was important to stay involved and contribute in any way possible.

What are your goals as 2020 OBF board president?

To continue increasing awareness among lawyers about the important work being done by the OBF. I have a lot of friends in the legal community and would like to see all of them become OBF Fellows this coming year.

Having served as the OBF Grants & Awards Committee chair for several years, what do you want the Oklahoma legal community to know about the OBF and its grantees?

Due to the nature of many legal practices, lawyers are often not exposed to the difficult challenges faced by certain groups of Oklahoma citizens attempting to access our legal system, including children, elderly, veterans, abused and impoverished, just to name a few. My involvement with the OBF has educated me about the details of that reality. At the same time, my roles on the OBF have also allowed me to meet so many wonderful people whose mission is helping the most vulnerable and underserved members of our society gain access to and successfully navigate our system of justice.

Many of our grantees operate on minimal budgets and would not exist without the funding they receive from the OBF. It is truly amazing how many Oklahoma lives are positively impacted by the organizations the OBF supports.



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Fellows Program

An annual giving program for individuals



Community Fellows Program

An annual giving program for law firms, businesses and organizations



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



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Exciting Year Ahead With Several Ways to Get Involved

By Jordan Haygood

HAPPY NEW YEAR, EVERYONE!

As we ring in the new bar year, I am excited to bring in some fresh faces for new projects planned for the coming months. The YLD is always willing to roll up their sleeves and get to work giving back to our bar and communities. This year, we will be adding more community service and fundraising to our agenda, giving back to those who paved the way before us and setting a path for others to follow.

I would like to start by thanking my current board members. I am truly grateful for your constant support and proud to stand with each of you on all that you want to accomplish this year. Next, I welcome our new board members. I am very excited to have you join our team – it is always great to have fresh new ideas and views to keep our division growing. It's an honor to be leading such an active and committed group of young professionals.

With that said, I encourage all YLD members to become active in the YLD. We have a great group of board members looking for new and diverse lawyers to support their districts and committees. If you have any interest in serving in one of our committees, volunteering or being part of our community service projects, please contact me and I will get you plugged in.

YLD COMMITTEES & PROJECTS

Awards
Community Service
CLE
Diversity
Hospitality
Kick It Forward Kickball
Tournament
Membership and New
Attorney Orientation
Nominating
Wills for Heroes

To get involved in one of the committees or projects, email YLD Chair Jordan Haygood at jordan.haygood@ssmhealth.com. Learn more about each initiative at www.okbar.org/YLD/committees.

We are bringing back the Kick It Forward kickball tournament to raise money for the Kick It Forward program. In 2015, the YLD created the program to assist lawyers of all ages in need by paying their OBA dues while they get on their feet. If you are an attorney who is facing an economic challenge today and needs assistance paying your dues, please visit our site at okbar.org/kif for more information. Make sure you start rounding up your teams, and be on the lookout for the tournament

date and registration. It's an event you will not want to miss!

We will continue growing our Wills for Heroes program that has been so successful these past few years. As we have in the past, we will try to head out to the rural parts of Oklahoma to make sure our heroes who are not close to a large city are able to participate in this event. We will assemble bar exam survival kits as we have in years past, host receptions for our newest members and hold regular social events at the Solo & Small Firm Conference in June and OBA Annual Meeting in November.

Please make sure you like our Facebook page at www.facebook.com/obayld and look for our articles in the bar journal as we publicize upcoming meetings, events and projects.

Lastly, I would be remised if I didn't thank LeAnne McGill, 2015 YLD chair, for pushing me to be part of the YLD right after being sworn in. A simple committee position turned into a director position, and now chair. I would not be here without your constant support.

Mr. Haygood practices in Oklahoma City and serves as the YLD chairperson. He may be contacted at jordan.haygood@ssmhealth.com. Keep up with the YLD at www.facebook.com/obayld.



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FOR YOUR INFORMATION

SAVE THE DATE! LEGISLATIVE KICKOFF FEB. 1

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, 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.



OBA Legislative Monitoring Committee Past Chair Angela Ailles Bahm with 2019 OBA President Chuck Chesnut at the 2019 Legislative Reading Day

COURT OF CIVIL APPEALS JUDICIAL ASSIGNMENTS ANNOUNCED

The Court of Civil Appeals judicial assignments have been announced. Jane P. Wiseman of Tulsa will serve as the chief judge, and Barbara G. Swinton of Oklahoma City will serve as vice chief judge. The following have been selected to serve as presiding judge for their division: Robert D. Bell, Oklahoma City, Division I; Deborah B. Barnes, Tulsa, Division II; E. Bay Mitchell III, Oklahoma City, Division III; and P. Thomas Thornbrugh, Tulsa, Division IV. These positions are all a one-year term that began Jan. 1.

IMPORTANT UPCOMING DATES

Don't forget the Oklahoma Bar Center will be closed Monday, Jan. 20, in observance of Martin Luther King Jr. Day and Monday, Feb. 17, in observance of Presidents Day. Also, be sure to docket the 2020 Solo & Small Firm Conference in Durant June 18-20.

KICK IT FORWARD PROGRAM PAYS 12 MEMBERS' DUES

The Kick It Forward Program paid 12 members' dues for 2019 totaling \$3,300.

The program was born out of a desire to help fellow lawyers with financial difficulties. With the many economic challenges lawyers face today, it can be a struggle to build up and maintain a legal practice. That's why the Young Lawyers Division launched Kick It Forward in 2015, with a mission to assist lawyers of all ages in need by paying their OBA dues while they get on their feet. Find details at www.okbar.org/kif.

The program is funded by donations made through an election on your dues statement. By completing the Kick It Forward line, lawyers agree to pay \$20, or the amount of their choice, to the program in addition to annual dues.

The deadline to apply for assistance with 2020 dues is Jan. 31.



OBA MEMBER RESIGNATIONS

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

William Robert Floyd
OBA No. 31336
Hall & Evans LLC
1001 17th St., Ste 300
Denver, CO 80202-2084

Teresa Kay Jones
OBA No. 22190
14763 County Road 424 Lot 321
Lindale, TX 75771

Samantha Lea Prokop
OBA No. 32963
Gunster Law Firm
225 Water St., Ste 1750
Jacksonville, FL 32202

Karl Matthew Rysted
OBA No. 14849
Student Legal Aid Attorney
NMSU
P.O. Box 30001
Las Cruces, NM 88003-8001

Janice Yeary
OBA No. 11020
4024 NW 60th St.
Oklahoma City, OK 73112



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.

MARK YOUR CALENDARS FOR DAY AT THE CAPITOL MARCH 10

Oklahoma lawyers, let your voices be heard! The OBA will host its annual Day at the Capitol Tuesday, March 10. Registration begins at 9:30 a.m. at the Oklahoma Bar Center, 1901 N. Lincoln Blvd., and the agenda will feature speakers commenting on legislation affecting various practice areas. There will also be remarks from the judiciary and bar leaders, and lunch will be provided before heading to the Capitol for the afternoon. To RSVP, email debbieb@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.



LHL DISCUSSION GROUP HOSTS FEBRUARY MEETING

"Substance Abuse: Talking to Colleagues" will be the topic of the Feb. 6 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.

ON THE MOVE

Robert E. Stevens has joined the firm of McAfee & Taft. He will join the firm's intellectual property group and will practice in the areas of intellectual property counseling and transaction matters involving patents, trademarks, copyrights, licensing agreements and trade secrets. He received his J.D. from the OCU School of Law in 2019.

Collin McCarthy has joined the Oklahoma City office of Ogletree Deakins as an associate. He received his J.D. from the OU College of Law in 2019.

Timothy King was appointed district court judge for Muskogee County. A retired officer in the Oklahoma Army National Guard, Judge King most recently served as the first assistant district attorney for Muskogee County. He holds a B.S. in business administration from OSU, a J.D. from the TU College of Law and a master of laws from Widener University.

Myrenda Hancock and **Scott Verplank** have joined the firm of Mahaffey & Gore PC as associate attorneys. Ms. Hancock received her J.D. from the OU College of Law in 2019. Mr. Verplank also received his J.D. from the OU College of Law in 2019. The firm practices primarily in oil and gas litigation.

Stephanie McCord was appointed general counsel of the Oklahoma Ethics Commission. She received her J.D. from the OCU School of Law in 2016.

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. Scaers** 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. Scaers advises businesses and individuals in income tax planning, tax structuring of business transactions, transfer tax planning and other federal, state and local tax issues.

AT THE PODIUM

Jason J. Waddell presented on Oklahoma cycling laws and recent legislation changes at the 2019 Oklahoma Bike Summit in Oklahoma City.

KUDOS

J. Michael Voorhees was appointed to the Board of Adjustment for Oklahoma City.

Charles Laster was elected chair of the Oklahoma Ethics Commission. He will serve in this position until October 2020. Mr. Laster received his J.D. from the OU College of Law in 1979.

Josh Solberg was awarded the TU College of Law Alumni Association Outstanding Junior Alumnus Award. The award is presented annually to a young alumnus or alumna who has shown a commitment to the practice of law, demonstrated remarkable achievement in their profession or within the community and shown an ongoing commitment to the TU College of Law.

Lauren Oldham was named to the 2019 National Black Lawyers Top 40 Under 40 list of prominent young black attorneys. The association recognizes lawyers who demonstrate superior leadership, legal practice, reputation, influence and status as a black lawyer.

Former Judge Robert Harlan Henry was appointed chair of the newly formed advisory board for the National Litigation Law Group. He received his J.D. from the OU College of Law.

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IN MEMORIAM

Lloyd Elmo Cole Jr. of Stilwell died Nov. 14. He was born July 12, 1928, in Fayetteville, Arkansas. Mr. Cole graduated with his J.D. from the OU College of Law in 1951. **Shortly after graduation, Mr. Cole was drafted into the U.S. Army where he served two years as a legal clerk in the 47th Infantry Division.** In 1953, he and his wife moved to Stilwell where he began practicing law. Memorial contributions may be made to First United Methodist Church, c/o Melissa Cole, 120 W. Division St., Stilwell, 74960.

Judge Milton C. Craig of Chandler died Nov. 18. He was born Dec. 29, 1925, in Okarche. Mr. Craig graduated from San Bernardino High School in 1943. **He served in the U.S. Navy during World War II.** After the war, Mr. Craig attended OU for his undergraduate studies and received his J.D. from the OU College of Law in 1952. He moved to Chandler in 1954 and began his law practice with fellow attorneys Bill Vassar and Dale Sutton. Mr. Craig has held numerous positions including district judge for Judicial District 23, Oklahoma state representative, district attorney, assistant county attorney and more. Memorial contributions may be made to the Chandler Volunteer Fire Department.

Leighton Dean Hammond of Wetumka died Oct. 28. He was born Jan. 17, 1942, in Hughes County. Mr. Hammond graduated from Pawhuska High School and went on to receive his J.D. from the TU College of Law. He began his law career in 1969 when he opened his firm in Weleetka. As

an attorney, Mr. Hammond served as assistant district attorney for Okfuskee County as well as practicing law from his residence.

Lester D. Henderson of Sapulpa died Nov. 7. He was born Sept. 28, 1937, in Houston. Mr. Henderson graduated from Sapulpa High School in 1954 and from OSU in 1958. He received his J.D. from the OU College of Law in 1961. **After graduation, he moved to South Carolina to serve in the U.S. Air Force as a JAG officer.** Upon returning to Sapulpa, Mr. Henderson was vice president and trust officer at the American Heritage Bank. He also had a private practice in Sapulpa for 16 years before serving as district judge for Creek, Okmulgee and Okfuskee counties. Mr. Henderson retired in 2016 as an appointed special district judge for Creek County. He was named Sapulpa Citizen of the Year in 1992 and was involved in many youth-oriented organizations. Memorial contributions may be made to the First Presbyterian Church of Sapulpa Memorial Fund or the national Alzheimer's Association.

John "Ed" Ivester of Tulsa died Nov. 1. He was born June 2, 1933, in Sayre. Mr. Ivester graduated from Sayre High School before attending OU for his undergraduate degree. He received his J.D. from the OCU School of Law in 1965 and was an attorney in Beckham County for over 40 years. **Mr. Ivester spent two years in Germany as a U.S. Army artillery soldier.** Memorial contributions may be made to Shortgrass Country Museum, P.O. Box 260, Sayre, 73662.

Thomas Green Johnson of Dallas died April 3. He was born Dec. 3, 1924. **He served as a lieutenant in the U.S. Navy during World War II.** Mr. Johnson received his J.D. from the OU College of Law in 1948. From 1948 to 1993, Mr. Johnson worked for firms across the country. He authored the *Handbook on Gas Contracts* in 1982 and was president of the Energy Bar Association in 1988. In 1993, he settled in Missouri City, Texas, and worked as a self-employed expert witness.

Robert W. Langholz of Tulsa died Nov. 6. He was born Jan. 17, 1930, in Sioux City, Iowa. Mr. Langholz graduated from the University of Iowa in 1951. **He served in the U.S. Air Force during the Korean Conflict.** Mr. Langholz received his J.D. from the University of Iowa College of Law in 1956. Shortly after, he and his wife relocated to Tulsa. In addition to being a founding member of the firm of Holliman, Langholz, Runnels and Dorwalt, he co-owned various Tulsa-based companies with operations around the world. Memorial contributions may be made to the Robert and Edna Langholz International Nutrition Award, C/O Academy of Nutrition and Dietetics Foundation, 120 South Riverside Plaza, Chicago, IL 60606.

David Lynn Mandrell of Tulsa died Oct. 30. He was born Sept. 5, 1951, in Tulsa. Mr. Mandrell graduated from Will Rogers High School in 1969 and from TU in 1974. He received his J.D. from the TU College of Law in 1978. During his time as an attorney, he also wrote articles for

the *Tulsa Tribune* about music, one of his many passions. Memorial contributions may be made to Pawsitively Tulsa c/o Oklahoma Alliance for Animals at www.animalallianceok.org or 5321 S. Sheridan, #30, Tulsa, 74145.

Rick R. Moore of San Antonio died Oct. 5. He was born Aug. 28, 1960. Mr. Moore received his J.D. from the OU College of Law in 1985 and spent 17 years working in a firm in Oklahoma City before moving to San Antonio to work for philanthropist Linda Pace. His work in Texas focused on the establishment of the Linda Pace Foundation, of which he was president until his death. Mr. Moore was also part of the planning and establishment of the Ruby City Contemporary Art Center. Memorial contributions may be made to Ruby City, payable to Pace Exhibitions LLC, P.O. Box 830607, San Antonio, TX 78283.

Lewis J. Ottaviani of Venice, Florida, died Sept. 28. He was born May 24, 1925, in Mansfield, Massachusetts. **Mr. Ottaviani entered the U.S. Army after**

graduating from high school in 1943. He received his J.D. in 1954 from the Georgetown University Law Center in Washington, D.C. He joined the Antitrust Division of the U.S. Department of Justice as a trial attorney preparatory general and went on to serve as assistant chief and supervisory senior trial attorney until 1965. He then joined Phillips Petroleum Co. in Bartlesville as senior counsel where he remained until his retirement in 1985.

James M. Parker of Albuquerque, New Mexico, died May 31. He obtained his bachelor's degree from OSU and received his J.D. from the OU College of Law in 1966. He was recognized as one of the "100 Best Graduates Over 100 Years" by the OSU Spears School of Business. Along with his wife, Mr. Parker co-founded the University of New Mexico Parker Center for Family Business. Memorial contributions may be made to the James M. Parker Memorial Endowment for the benefit of the Parker Center for Family Business, c/o Albuquerque Community Foundation, 624 Tijeras Ave NW, Albuquerque, NM 87102.

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.
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405-416-7017
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Articles for the March issue must be received by Feb. 1.

2020 ISSUES

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 Day

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

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Legal Graces

By Travis Pickens

FOR THE PAST SEVERAL years I have co-taught a class at the OCU School of Law with my friend Mack Morgan, a litigator in one of our fine large firms. I grade the class project and set up guest speakers. Mack does most of the talking and is one of the rare ones, the ones that only tell the straight truth, every time. It's fun to watch the first day of class as students slowly realize what they are in for all semester – a lawyer in private practice who will tell them whatever they want to know, and it will be free of legalese, annoying qualifiers and loopy academic correctness.

The students busily type away on their laptops, usually preparing the journals we require for each class. The journals are not graded for content. We encourage complete candor – about the speakers, us, whatever we talk about – and once the students come to trust us, they do just that. I have learned that lawyers have not changed much over the years, there are just different emphases.

The students still want to do the right things: be honest and maintain their integrity. They still want to help other people, but in a focused way, often through a nonprofit. They are still willing to work hard, but not at the expense of their health, a marriage or friendships. They want the good things America offers, but their views are unprovincial. They are often widely traveled and see worthy ways all over the world.



These students have the same cares, but with perhaps more cause and more acutely. They worry about the cost of law school and burdensome debt. They worry about the glut of lawyers just now beginning to recede and whether there will be good jobs for them now and in the years to come. They have developed a deep wariness of chemical, emotional and mental issues and traps, and significantly, they are very aware that the rate of addiction and suicide is higher among lawyers than others.

All of this has led to my conviction that established lawyers and judges must embrace an important role with newer lawyers – for their benefit and the profession. Like my colleague Mack Morgan, we should openly share our truth without gloss. We must welcome newer lawyers as equals, not threats, as professional sisters and brothers, to presumptively

respect them, even if we were not. We should share our experiences, good and especially bad, and our expertise with them so that their careers may go at least as well, and maybe better.

We should show them some grace, and we must share with them the most important lesson most lawyers eventually learn: that the practice of law is a profession, but not the practice of perfection; that they will make mistakes and bad choices, sometimes very bad ones, but with the bedrock principles of honesty and integrity and a healthy perspective, they will live – and more importantly, want to live – to practice another day.

Mr. Pickens practices in Oklahoma City.

**TUESDAY,
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MCLE 3/1



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