**ALSO INSIDE: Seeking Default Judgment • Milestone Anniversaries** Researching Tribal Court Opinions • 25th Bombing Anniversary • Mock Trial Program







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April 2020 GIVE WOMENTHE

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Oba : Ce continuing legal education

FRIDAY, MAY 8, 2020 9 R.M. - 2:50 P.M.

Oklahoma Bar Center 1901 N. Lincoln Blvd. Oklahoma City, OK 73106

MCLE 6/0

PROGRAM PLANNER/ Moderator:

David W. Lee

Riggs, Abney, Neal, Turpen, Orbison & Lewis

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# A GUIDE TO 42 U.S.C. § 1983 LITIGATION: UPDATES AND HOT TOPICS

## TOPICS INCLUDE:

Recent Developments in Section 1983 Litigation

David W. Lee, Riggs, Abney, Neal, Turpen, Orbison and Lewis, OKC

Settlements and Litigation Tactics in a Section 1983 Case

Melvin C. Hall, Riggs, Abney, Neal, Turpen, Orbison and Lewis, OKC

Pleadings and Defenses in a Section 1983 Case

Toby Crouse, State of Kansas Solicitor General

Jail and Prison Litigation Under Section 1983

Guy Fortney, Brewster, and De Angelis PLLC, OKC

Due Process and Liberty Interests in Section 1983

Robert A. Nance, Riggs, Abney, Neal, Turpen, Orbison and Lewis, OKC

Arrest and Search and Seizure Issues in 42 U.S.C. 1983 Cases

Randall Wood, Pierce, Couch, Hendrickson, Baysinger and Green, LLP, OKC

**TUITION:** Early-bird registration by May 1, 2020 is \$150.00. After May 1st, registration is \$175.00 and walk-ins are \$200.00. Registration includes continental breakfast and lunch. All programs may be audited (no materials or CLE credit) for \$50 by emailing ReneeM@okbar.org to register.





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Oklahoma Bar Center 1901 N. Lincoln Blvd. Oklahoma City, OK 73106

**MCLE 8/1** 

# PROGRAM PLANNER/ Moderator:

Edward Maguire, Oklahoma Lawyers for America's Heroes Program, Oklahoma Bar Association



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# **NEW HORIZONS:**

A FORECAST AND GUIDE TO VETERAN AND MILITARY LAW IN THE NEW DECADE

Cosponsored by the OBA Military & Veterans Law Section

#### PROGRAM DESCRIPTION:

This program will provide the participant with certified training in veterans' benefits and diversion programs in the new decade. We will look at the new veteran's court and other diversion methods designed to assist the veteran and active duty personnel. In addition, we will review and discuss current veteran's administration law and appeals primers.

Our goal is to fill the back packs of the lawyers seeking to help our veterans and active duty personnel in the new decade.

#### TOPICS INCLUDE:

Access to Justice (Ethics)

Ed McGuire, Oklahoma Lawyers for America's Heroes Program, OBA

#### **Judges Panel**

Honorable Timothy Olsen, Seminole County District Judge Honorable Linda Morrissey, Tulsa County District Judge Honorable Linda Thomas, Washington County District Judge Judge Aletia Timmons, Oklahoma County District Judge

Understanding Addiction and Veteran Court Solutions (Ethics)
Honorable Kenneth Stoner, Oklahoma County District Judge

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Working with Veterans with PTSD and Traumatic Brain Injuries
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And much more!

TUTION: Early-bird registration by May 8, 2020, is \$150.00. After May 8th, registration is \$175.00 and walk-ins are \$200.00. Registration includes continental breakfast and lunch. Registration for the live webcast is \$200. Members licensed 2 years or less may register for \$75 for the in-person program (late fees apply) and \$100 for the webcast. All programs may be audited (no materials or CLE credit) for \$50 by emailing ReneeM@okbar.org to register.

# THEME: LAW DAY

**Editor: Carol Manning** 

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- SEEKING DEFAULT JUDGMENT: AFTER SCHWEIGERT 54 By Kraettli Q. Epperson
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# From The President

# Why Do Suffragettes Wear White?

The suffragettes wanted a

symbolic way to dress to show

they were part of the cause, and

they were also media savvy.

By Susan B. Shields

about the election is everywhere when you watch television, read the news, listen to the radio, turn on your computer or open your mail. In fact, I have been receiving so many emails and mail about the election that I feel like I have some new pen pals. I have great memories of taking my sons to vote with me when they were young. I also

fondly remember walking down the street to vote with my parents as a child at their local polling place in our neighborhood in Bartlesville.

As a young woman, I did not appreciate that I would not have the right to vote without the women's suffrage movement of the early

20<sup>th</sup> century. That's one of the reasons why the theme of Law Day this year celebrating the 100<sup>th</sup> anniversary of the ratification of the 19<sup>th</sup> Amendment giving women the right to vote is very meaningful to me. The 19<sup>th</sup> Amendment reads:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex."

After Congress approved the 19th Amendment in June 1919, at least 36 states needed to vote to ratify the amendment for it to become law. Oklahoma was one of the original 36 states, voting for ratification on Feb. 28, 1920.

In the years leading up to the approval of the 19<sup>th</sup> Amendment, the women who lobbied for the right to vote in the U.S. and Britain were known as suffragettes. The suffragettes wanted a symbolic way to dress to show they were part of the cause, and they were

also media savvy. These women selected three identifying colors to wear to events – purple to represent loyalty, gold as a nod to the sunflowers of Kansas where Susan B. Anthony and Elizabeth Cady Stanton campaigned (green in Britain to signify hope) and white to represent purity and virtue.

Suffragettes would often wear the purple and gold (or green) as a sash over a white dress at public events as emblems of the suffrage movement. Photographs in those days were, of course, in black and white, meaning that photos of a sea of marching women

wearing white dresses provided a clear and bright contrast on the front pages of newspapers. So, when you notice women wearing white in today's politics or at the polls – or perhaps at Law Day events – it is a symbolic way of recognizing the efforts of the suffragettes and the passage of the 19th Amendment.

As always, if you have a question, comment or suggestion concerning the OBA, please feel free to call or email me at susan.shields@mcafeetaft.com.

# **APRIL WELLNESS TIP**

A good tip I am trying to incorporate is to not turn on the computer for the first hour after getting to work in the morning. This provides time for some productive and focused work without the distraction (and stress) of checking emails.



Sulan Stuels

President Shields practices in Oklahoma City. susan.shields@mcafeetaft.com 405-552-2311

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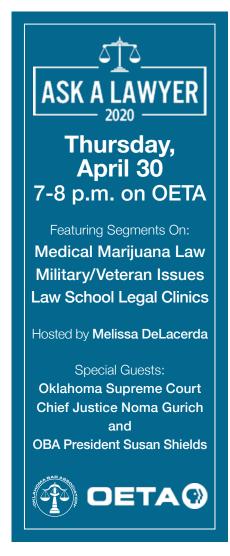
# Law Day 2020: A Day of Service and Outreach

By Ed Wunch

**TN JUST A FEW WEEKS' TIME,** we will have the opportunity to celebrate Law Day. **■** The OBA is again sponsoring the *Ask a Lawyer* TV program on OETA. Although some events may be scaled back or cancelled this year due to the coronavirus pandemic, lawyers are still working to serve their communities. Law Day is also a chance for attorneys to help educate their neighbors about the role of the legal system in society.

Law Day began as a celebration of the role of law in society. Why is our legal system important? Since you are reading the bar journal, you probably have many good answers. However, members of the public may not have the same confidence. One study found 44% of nonlawyers find state courts intimidating. Still, courts remain more trusted than other government institutions.1

We are incredibly fortunate in Oklahoma to have a very accessible judiciary that is clearly invested in providing fair outcomes for litigants. Law Day is an opportunity to show the public the benefits of our system of government and to increase confidence in our legal system. The practice of law is demanding, so it can be challenging to find the time to perform outreach. We are privileged to have the opportunity to practice. Even an hour of outreach at local schools and community events is a small way that we can preserve confidence in our profession – and perhaps inspire future generations of lawyers from our communities to join us.



As part of the celebration of Law Day, many lawyers provide pro bono service by giving free legal answers during the statewide day of free legal advice, Ask A Lawyer. Last year, lawyers donated more than 400 hours of their time to assist more than 1,700 individuals. Whether or not they realize it, those lawyers were providing just the sort of public interest legal service encouraged by Rule 6.1 of the Rules of Professional Conduct.

During Ask a Lawyer, many questions from the public are straightforward. As lawyers, we are expert problem solvers. Some legal advice seems like common sense to us, but of course, that advice is informed by our education and practice. That is why we can assist so many individuals in just an average of about 15 minutes per call or email on Law Day.

Pro bono work like this can be some of the most rewarding work we do as lawyers. We are a service-based profession. Helping those who otherwise would go without assistance can be a great reminder of why we chose this path.



Chief Justice Noma Gurich films her portion of the Ask A Lawyer TV show.

Since the 1950s, Oklahoma lawyers have celebrated Law Day. It is a great opportunity for us to come together to share our passion for the law with the public and to demonstrate the good work we do every day.

#### ASK A LAWYER TV SHOW

This year's Ask A Lawyer program will air Thursday, April 30, at 7 p.m. on OETA, Oklahoma's public television station across the state. This year's topics include medical marijuana law, military/ veteran issues and a spotlight on the legal clinics at our law schools. OBA member Melissa DeLacerda will host the show.

The medical marijuana segment will feature Cushing attorney Doug Withiam. After the passage of State Question 788, Doug assisted his



client with a licensing application to become a medical marijuana grower. He helped his client form her business, including preparing articles of organization. He also is assisting her with tax issues.

The clinic segment will feature Mimi Marton and Roni Amit, both professors at the TU College of Law. Roni will discuss the Terry West Civil Legal Clinic,

which opened this semester. Mimi Marton shares about her work with a former client she assisted with immigration issues. Her client, Teresia, a native of Kenya, came to the United States for school. The client was suffering domestic violence at the hands of a U.S. citizen, and Mimi helped Teresia eventually become a U.S. citizen who now is a truck driver enjoying her "paid adventure" as she travels the country with her husband.

The military law segment will feature Legal Aid Services attorney Tiffani Oswald. She will share her experiences helping a son obtain an adult guardianship over his father who is a WWII veteran and another client, a single mother and U.S. Air Force veteran, who needed help with estate planning.

OBA President Susan Shields will share information about the website OklahomaFreeLegalAnswers.com, where income-eligible individuals can get free answers from volunteer attorneys. Oklahoma Supreme Court Chief Justice Noma Gurich will share her thoughts on this year's theme and will recognize the Law Day contest winners.

#### CONTESTS AND ACTIVITIES

The OBA received entries from more than 1,200 students from across the state focused on this year's theme, "Your Vote, Your Voice, Our Democracy: The 19<sup>th</sup> Amendment at 100." We received more entries this year than in 2019, with an impressive number of entries from counties outside the Oklahoma City and Tulsa metro areas. A ceremony was held at the Supreme Court Courtroom at the Capitol on March 12 for first-place

winners. See the names of all the winners and their winning entries online at www.okbar.org/lawday or in this issue.

#### FREE LEGAL ADVICE

For the 44th year, we are organizing the Ask A Lawyer community service project, providing free answers to Oklahomans' legal questions. This year's project will be Thursday, April 30. Oklahomans will have the option to email

# SUFFRAGE IN OKLAHOMA



Photo Credit: Courtesy of the Oklahoma Historical Society

As we celebrate Law Day this year, the ABA has selected the theme "Your Vote, Your Voice, Our Democracy: The 19<sup>th</sup> Amendment at 100." While the 19<sup>th</sup> Amendment granted women the right to vote nationally, it had little effect in Oklahoma, since Oklahoma had granted women the right to vote in 1918.

Suffragists began their activism in Oklahoma even before statehood. In 1917, they convinced the Legislature to put the question to the vote of the people. On the secretary of state's website, you can view documents related to State Question 97, including Senate Resolution 5 (written in longhand) that authorized the vote.<sup>2</sup> As shown in a publication by the Oklahoma State

Election Board, "[t]he gist of the proposition is that women be allowed universal suffrage." On Nov. 5, 1918, SQ 97 passed with nearly 107,000 votes. With that vote, Oklahoma became the first southern state to grant women the right to vote.

When it came time for Oklahoma to ratify the 19<sup>th</sup> Amendment, some in the state still resisted the suffrage movement. Gov. Robertson refused to call a special session of the Legislature to consider ratification of the amendment. One notable suffragist, Aloysius Larch-Miller of Shawnee, debated the attorney general at a county convention that was considering calling for the special session. She defied doctor's orders to attend the convention and as a result of her debate, the convention voted to call the special session. Unfortunately, she died of pneumonia the following day. As a result of the work of Ms. Larch-Miller and others like her, Oklahoma became the 33<sup>rd</sup> state to ratify the 19<sup>th</sup> Amendment on Feb. 28, 2020. In 1982, Ms. Larch-Miller was inducted into the first Oklahoma Women's Hall of Fame.<sup>4</sup>

Tennessee became the 36<sup>th</sup> state to ratify the 19<sup>th</sup> Amendment. On Aug. 26, 1920, U.S. Secretary of State Bainbridge Colby signed the Proclamation of the Women's Suffrage Amendment to the United States Constitution, making it law as of that date.

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Law Day contest first-place winners gathered at the State Capitol to be honored. Presenting awards were Chief Justice Noma Gurich, OBA President Susan Shields and Law Day Committee Chair Ed Wunch.

askalawyer@okbar.org with their question or to call the toll-free hotline to speak with an attorney.

Participating in Ask A Lawyer is a great way for all Oklahoma lawyers to celebrate Law Day. This annual event gives us the opportunity to provide a much-needed community service while promoting a positive public image of lawyers and the OBA.

Oklahoma and Tulsa County lawyers will work together to staff the statewide toll-free hotline from 9 a.m. to 9 p.m. Some counties will offer a local phone number for residents of those counties to reach a local attorney. Volunteer lawyers in each participating county staff phones at their local location for a predetermined time period and the numbers are advertised while the Ask A Lawyer TV program is airing.

Anywhere you live or work, your help is needed to make this community service project a success. It takes a total of 28 attorneys for each two-hour shift to fully staff the statewide number. That effort, combined with the local county bars and those answering email questions, creates a huge need for lawyers to step forward.

To volunteer, contact your local county Law Day chairperson, listed in this issue or online at www.okbar. org/lawday. If there is not a county chair listed for your county, please contact me at ed.wunch@laok.org.

# **DIRECTIVE AND PROCLAMATION**

Chief Justice Noma Gurich is continuing the OBA Law Day tradition of issuing a Law Day Directive, encouraging courts to host Law Day events or to visit schools to speak on the role of the judiciary. Many members of our judiciary hold local events at their courthouses and in their communities. Gov. Kevin Stitt has also signed a proclamation designating April 30 as Law Day in Oklahoma.

# **GET INVOLVED**

We urge you to participate by volunteering for the Ask A Lawyer free legal advice project or by contacting your local county bar and participating in the many activities occurring throughout the state. We are always seeking interested lawyers to get involved in the Law Day Committee and will very soon be planning next year's

activities. I am privileged to serve as the 2020 Law Day Committee chairperson, and I am encouraged by the support of members of the bar from across the state. If you have ideas for how to improve Law Day, I want to hear from you, and you would be welcome on the Law Day Committee. You can reach me at ed.wunch@laok.org.

#### **ABOUT THE AUTHOR**

Ed Wunch is a staff attorney with Legal Aid Services of Oklahoma Inc. His practice focuses on helping individuals with criminal justice debt navigate the legal system when they are unable to pay their fines and fees. He serves as the 2020 Law Day Committee chair, after serving as vice chair in 2019. He is a 2013 graduate of the University of California, Irvine School of Law.

#### **ENDNOTES**

- 1. National Center for State Courts, State of the State Courts - Survey Analysis, www.ncsc.org/~/ media/Files/PDF/Topics/Public Trust and Confidence/SoSC\_2019\_Survey\_Analysis\_2019.ashx.
  - 2. www.sos.ok.gov/documents/questions/97.pdf.
- 3. Oklahoma State Election Board, Directory of the State of Oklahoma, p. 138. 1921.
- 4. Linda D. Wilson, Oklahoma Historical Society, w.w.okhistory.org/publications/enc/entry. php?entry=LA040.

# **VOLUNTEER LAWYERS NEEDED!**

# Law Day 2020 | Thursday, April 30

# **ASK A LAWYER**

# statewide free legal advice

Phone banks located at OETA studios in Oklahoma City and Tulsa, or local lawyers' offices in nonmetro counties. Volunteers may also answer questions by email.

Oklahoma City: Connie Resar 405-236-8421 connie@okcbar.org www.okcbar.org/events Tulsa: Dan Crawford 918-240-7331 lawdaytulsa@okbar.org or liondc@gmail.com Other counties: Contact your Law Day chairperson for details. See the list of chairs at www.okbar.org/lawday.





# NOTICE OF JUDICIAL VACANCY

The Judicial Nominating Commission seeks applicants to fill a vacancy for the position of District Judge for Okmulgee County, Twenty-forth Judicial District, Office 3. This vacancy is created by the resignation of the Honorable Ken Adair on January 31, 2020.

To be appointed to the office of District Judge, one must be a legal resident of Okmulgee County at the time (s)he takes the oath of office and assumes the duties of office. Additionally, prior to appointment, such appointee shall have had a minimum of four years' experience in Oklahoma as a licensed practicing attorney, a judge of a court of record, or both.

Application forms can be obtained online at www.oscn.net (click on "Programs", then "Judicial Nominating Commission", then "Application") or by contacting Tammy Reaves at (405) 556-9300. Applications must be submitted to the Chairman of the JNC no later than 5:00 p.m., Friday, April 17, 2020. Applications may be hand-delivered or mailed. If mailed, they must be postmarked on or before April 17, 2020 to be deemed timely. Applications should be delivered/mailed to:

Jim Webb, Chairman
Oklahoma Judicial Nominating Commission
c/o Tammy Reaves
Administrative Office of the Courts
2100 N. Lincoln Blvd., Suite 3
Oklahoma City, OK 73105



# NOTICE OF JUDICIAL VACANCY

The Judicial Nominating Commission seeks applicants to fill a vacancy for the position of District Judge for Tulsa County, Fourteenth Judicial District, Office 9. This vacancy is created by the retirement of the Honorable Linda G. Morrissey on April 1, 2020.

Tulsa County District Judge, Office 9 is an at large position. To be appointed to the office of Tulsa County District Judge, Office 9, one must be a legal resident of Tulsa County at the time (s)he takes the oath of office and assumes the duties of office. Additionally, prior to appointment, such appointee shall have had a minimum of four years' experience in Oklahoma as a licensed practicing attorney, a judge of a court of record, or both.

Application forms can be obtained online at www.oscn.net (click on "Programs", then "Judicial Nominating Commission", then "Application") or by contacting Tammy Reaves at (405) 556-9300. Applications must be submitted to the Chairman of the JNC no later than 5:00 p.m., Friday, April 17, 2020. Applications may be hand-delivered or mailed. If mailed, they must be postmarked on or before April 17, 2020 to be deemed timely. Applications should be delivered/mailed to:

Jim Webb, Chairman
Oklahoma Judicial Nominating Commission
c/o Tammy Reaves
Administrative Office of the Courts
2100 N. Lincoln Blvd., Suite 3
Oklahoma City, OK 73105

# **Contest Winners** From Across the State

THE OBA LAW DAY COMMITTEE would like to thank Oklahoma educators, students and their families for participating in the 2020 Law Day Contest. This year, nearly 1,300 students in 46 different Oklahoma towns entered the contest and more than \$4,000 in prize money was awarded.

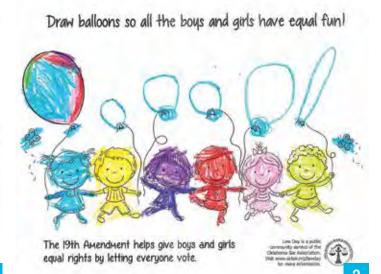
First-through 12th-grade students demonstrated their knowledge of the history and concepts of the theme through essays and multimedia art. Pre-K and kindergarten students were given a choice of coloring activity pages related to the theme, allowing them to show off their budding creative and writing abilities. For both elementary and secondary students, the contest gave them an opportunity to explore the impacts of the 19th Amendment.



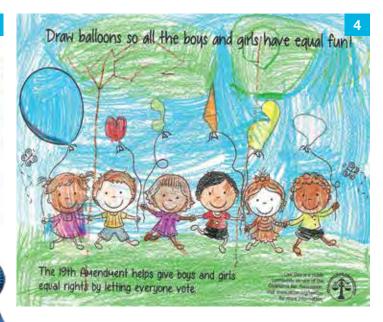


Jesse Anderson Grand Prize Twelfth Grade Art Owasso High School Owasso











1. Emma Brielle Duarte First Place Pre-K Coloring Jackson Elementary Pauls Valley

2. Aubrielle Haubert Second Place Pre-K Coloring Covenant Community School Stillwater



3. Eva Kelly First Place Kindergarten Coloring Augustine Christian Academy Tulsa

4. Jacob Ponticelli Second Place Kindergarten Coloring Vian Elementary Vian









**5. Gordon Bryan** First Place First Grade Art homeschool Glenpool

6. Kellan Neely Second Place First Grade Art Will Rogers Elementary Shawnee



7. Luke Kauffman First Place First Grade Writing Regent Preparatory School of Oklahoma Tulsa





"Menand Women are Right and left hands;



8. Amelia Kwok First Place Second Grade Art Nichols Hills Elementary Oklahoma City

9. Brody Gilliam Second Place Second Grade Art Covenant Community School Stillwater





# THE NINETEENTH **AMENDMENT AND WOMEN'S RIGHT TO VOTE**

People like Susan B. Anthony and Elizabeth Cady Stanton worked for forty years to win a basic right. On August 18, 1920, twenty-six million women finally got the right to vote. I think that made everything change. The women's right to vote took fifty years to be accomplished, but in the end, women got to vote. Read the full essay at www. okbar.org/lawday. 12

# THE NINETEENTH AMENDMENT GAVE WOMEN THE RIGHT TO VOTE. WHY IS THAT **RIGHT IMPORTANT?**

It is important that women can vote, just like men. The Constitution tells us that all men are created equal. It means women, too. If all men and women are equal, then if men get to vote, women should get to vote, too. Women are smart. They can be just as smart as men, or even smarter. They can know as much about our country as men do. They can have ideas about how our country should work, just like men. Since women are smart, they should be able to vote. *Read the full essay at www.okbar.org/lawday*.





10. Sophie Buchanan First Place Third Grade Art Clara Reynolds Elementary Harrah

11. Ansley Brown Second Place Third Grade Art Leedey Schools Leedev



12. Eleanor Duel First Place Third Grade Writing Will Rogers Elementary Edmond

13. Elijah McDaniel Second Place Third Grade Writing Covenant Community School Stillwater

# THE EAGLE AND THE PITCHER: A FABLE ON THE RIGHT TO VOTE

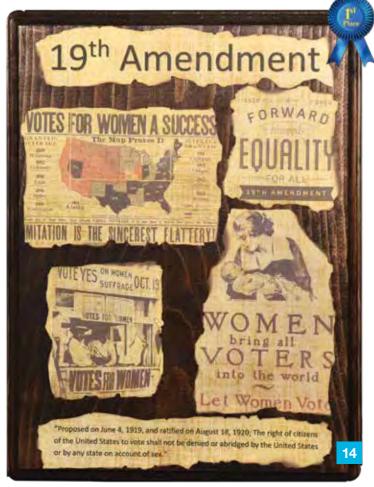
It was a scorching day, and it seemed as if the sun could not be squelched by any cloud, no matter the size. The desolate landscape consisted of a scraggly undersized couple of trees and a vast sea of dry Bermuda grass. A few perched birds were soaring high above the ground, scavenging for any sign of water. Read the full essay at www.okbar.org/lawday.

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17

# MY RIGHT TO VOTE

The right to vote is important because voting gives me the chance to have a say in who will be my leader in government. Voting is the way I use my voice to give my opinion and choose the views that best represent what I believe is right. Voting is not a right that every person in the world has. One hundred years ago it was not a right that women had, even here in America. Women were considered to be valued at home, but their voice in government was not recognized. See the full entry at www.okbar.org/lawday







4. Dustin Hitchcock First Place Fourth Grade Art Covenant Community School Stillwater

15. Boston Hardin Second Place Fourth Grade Art Lakeview Elementary School Yukon



16. Hannah Kauffman First Place Fourth Grade Writing Regent Preparatory School of Oklahoma Tulsa

#### 17. Emmagene Kuehl Second Place Fourth Grade Writing Covenant Community School Stillwater



21

A VOTE, A DREAM Voting. That thing you have to do every once in a while. As you plump yourself on your couch after a long day of work and see candidates debating on TV and you think, why is voting so important. Why do people take so much time just deciding on who or what to vote for? I'll tell you why. Because voting represents us and who we are, it helps us take part in our democracy, it keeps freedom alive, it helps people, it helps the environment. Read the full essay at www.okbar.org/lawday.

# WHY DO YOU BELIEVE THE RIGHT TO VOTE IS **IMPORTANT?**

Voting is a basic democratic right that should be protected, and promoted, which is why many people are surprised that the U.S. constitution provides no explicit right to vote. The importance of voting is one of the most important rights that U.S. citizens have. Nobody can force people to vote, however many people do vote, because voting lets us tell the government what we want to do and is a very important part of any democracy. Read the full essay at www.okbar.org/lawday.





Savanna Moser First Place Fifth Grade Art Bray-Doyle Schools Marlow

19. Paetyn Gilliam Second Place Fifth Grade Art Covenant Community School Stillwater



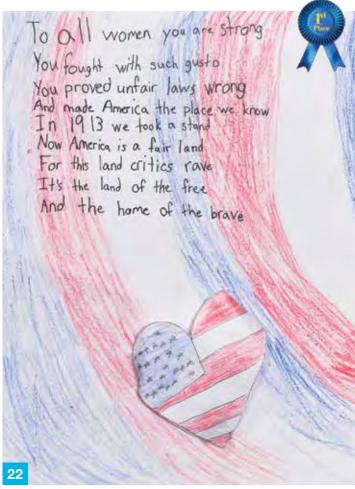
20. Nihal Zehra Erez First Place Fifth Grade Writing Dove Science Avademy Elementary Oklahoma City

21. Alice Greenwalt Second Place Fifth Grade Writing Middleberg Public Schools Blanchard

# A BRIEF COMPARATIVE HISTORY OF SUFFRAGE IN PERU AND THE **UNITED STATES**

Peru was a colony of Spain from the year 1533, when the conquistador Francisco Pizzarro claimed it for Spain to "westernize it" and gain political power for himself. Spanish-born Peruvians and native Incas declared their Independence from Spain on July 28, 1821. On August 27, 1821, indigenous peoples were granted citizenship. The first form of democracy in Peru was called the Nominal Democracy and existed between 1822-1895. Read the entire essay at www.okbar.org/lawday.





# **COMPARISON OF VENEZUELA AND** UNITED STATES VOTING RIGHTS

Voting rights play an important part in society. They allow people to express their opinion about how their country should be run. Voting rights vary from country to country. This paper will compare and contrast the voting rights between Venezuela and the United States. The first general election was held in Venezuela on December 14th, 1947. This was the first honest election in Venezuela. This election used compulsory voting which requires citizens to vote in elections, and failure to vote could result in a punishment. Read the entire essay at www. okbar.org/lawday.



22. Addyson Harmon First Place Sixth Grade Art Tonkawa Middle School Tonkawa

23. Mahala Latta Second Place Sixth Grade Art Pansy Kidd Middle School Poteau



24. Ellie Cheng First Place Sixth Grade Writing The Academy of Classical Christian Studies Oklahoma City

25. Addy Ramsey Second Place Sixth Grade Writing Newman Middle School Skiatook

25

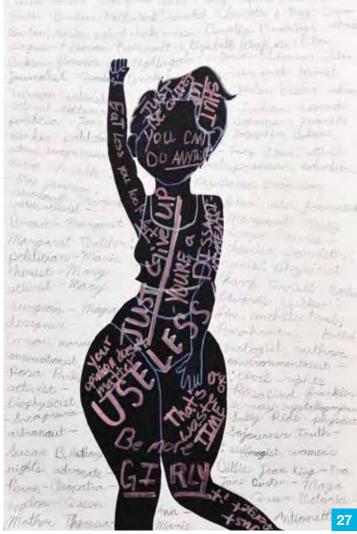


# TIME TO VOTE! US VS. UK!

The United Kingdom and the United States are vely similar in the way that their government evolved in the department of voting. Both countries have a democratic government. The US has a presidential government and the UK has a parliamentary government. The voting rights of each country are almost indistinguishable. The minimum age to vote is 18 years, both men and women are allowed to vote, and there are no wealth barriers. Read the entire essay at www.okbar.org/lawday.

# UNITED STATES VS. IRAO, MORE THAN A WAR

The country I chose to compare voting rights with the United States was Iraq. I chose Iraq because when I was one month old my dad was deployed to Iraq for the first 15 months of my life. The United States has a more advanced voting system, dating back to the late 1600's. Iraq dates to the biblical days but did not become a county until 1932. Their first 'free' election was 73 years later. The United States military protected the Iraqi poll booths to give the citizens of Iraq a safe voting experience. Read the entire essay at www.okbar.org/lawday.





26. Julie Castillo First Place Seventh Grade Art Newman Middle School Skiatook

27. Alyne Judkins Second Place Seventh Grade Art Hobart Middle School Hobart



28. Jessica Myers First Place Seventh Grade Writing Newman Middle School Skiatook

29. Addisyn Miller Second Place Seventh Grade Writing Newman Middle School Skiatook







# A HISTORY OF WOMEN'S RIGHTS

The fight for equal rights has always been an important part of America's rich history. Women gained their

entitlements as American citizens by revolting against the normalities of their time to stand up for themselves and their rights. The story of how it began lies in the Seneca Falls Convention of 1848, the birthplace of American feminism. As the very first women's rights convention in the U.S., it served as a starting point for the women's suffrage movement. Read the entire essay at www.okbar.org/lawday.



I am writing to you to tell you about this amazing convention I attended yesterday. It was called the Seneca Falls Convention and it was all about our rights as women. It's a two day convention that women could attend! Men could attend today, July 20th, but the first day was exclusively for women! Read the entire essay at www.okbar.org/lawday.



30. Hannah Harris First Place Eighth Grade Art Crossings Christian School Oklahoma City

31. Ava Creekmur Second Place Eighth Grade Art Monte Cassino School Tulsa



32. Emma Neff First Place Eighth Grade Writing Oakdale Edmond

33. Murphy Barnett Second Place Eighth Grade Writing Alcott Middle School Norman

33

# THE WOMEN'S SUFFRAGE MOVEMENT

The women's suffrage movement had a lasting impact on the United States, giving women rights and opportunities that changed the future of the country. Many do not often realize that the movement was not solely focused on voting rights. Elizabeth Cady Stanton, author of the Declaration of Sentiments, made the intentions of the movement clear at the Seneca Falls Convention, held in 1948. Among other things, women in the early 1800's to 1920's wanted emancipation from social constructs within marriage and the workforce. Read the entire essay at www.okbar.org/lawday.

This Right will Stick Around

A movement a right, in nineteen twenty.

The white men who own stakes in this great land.

Activists get women rights of plenty.

Vomen want rights, they want to take a stand.

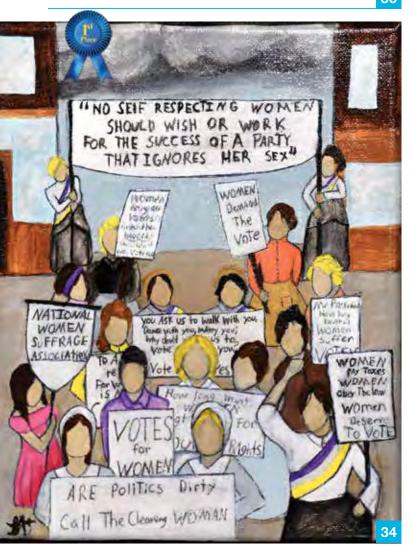
Women just like Alice Paul won't stand by.

Inequality, this was at the time.

Men do not want this, they would rather die.

Don't cast your builbt, Voting is a crine.

See the full entry at www.okbar.org/lawday.







34. Lorene Arneecher First Place Ninth Grade Art Salina High School Salina

35. Emma Page Second Place Ninth Grade Art Cushing High School Cushing



36. Nathalia Mireles-Mota First Place Ninth Grade Writing Tulsa Honor Academy Tulsa

37. Gabe Thomas
Second Place
Ninth Grade Writing
Mingo Valley Christian School
Tulsa

# 100 YEARS DMEN'S RIGHT TO VOT



## THE ROAD TO THE 19TH AMENDMENT

When the ballots first started They filled with white men Complaints were not spoken Since the country just began Then the country had grown The ballots, not changed Minorities wanted voting rights And asked that things be rearranged Read the full poem at www.okbar.org/lawday.



# THE 19TH AMENDMENT

About a hundred years ago there were laws From these laws people would quote That women couldn't run for office Or have the right to vote. All throughout the 1800's When rights were only male Women marched and protested And even went to jail. Read the full poem at www.okbar.org/lawday.





38. Thomas Buchanan First Place Tenth Grade Art Harrah High School Harrah

39. Cam Hang Tsan Second Place Tenth Grade Art Union High School Tulsa



40. Bryce Philips First Place Tenth Grade Writing Kiefer High School Kiefer

41. Kaylee Sprangler Second Place Tenth Grade Writing Kiefer High School Kiefer

# CHAINS THAT CONFINE US

45 Chains that confine us Work all day and all night Equality shared, my friends and I Beauty she is a man and not Hard to see the likes of my eyes We know who is and isn't Take away these shackles These chains that confine us We are like you are we not? Read the full poem at www.okbar.org/lawday.



# 43

# THE PLIGHT OF THE SUFFRAGETTES AND THEIR **ENDURING LEGACY**

The courageous suffragettes of the Women's Suffrage Movement of 1920 tipped over the first domino that led to an unstoppable force of female empowerment that spread across the world. Had women not rallied together to get the right to vote, the past 100 years would have been extremely different. Luckily, the protests and rallies of the suffrage movement were not only impactful, but also inspirational for years to come. While the amount of changes that resulted from the suffrage movement are vast, I will highlight three specific achievements which have greatly impacted today's culture. Read the entire essay at www.okbar.org/lawday.



42. Palmer Strubhar First Place Eleventh Grade Art Piedmont High School Piedmont

43. Aubrey Topping Second Place Eleventh Grade Art Marlow High School Marlow



44. Palmer Strubhar First Place Eleventh Grade Writing Piedmont High School Piedmont

45. Bryce Cutts Second Place Eleventh Grade Writing Edmond North High School **Edmond** 

#### THE 19TH AMENDMENT

49

She marches down the cold, paved streets, A chanted rhythm she repeats And though her voice is loud and clear The states refuse to lend an ear. Her sentiments have been declared. At Seneca Falls her teeth are bared, She's Stanton, she's Anthony, she's Chapman Catt, The "cult of womanhood" bespat. Read the full poem at www.okbar.org/lawday.

# **UNIFY: A SONG**

47

A century of protest for a right we all deserve Women were stripped of their rights to be treated equally

It was up to the ladies and Susan B. Anthony To gain equal rights and preserve all liberties Together they...

See the video at www.okbar.org/lawday.



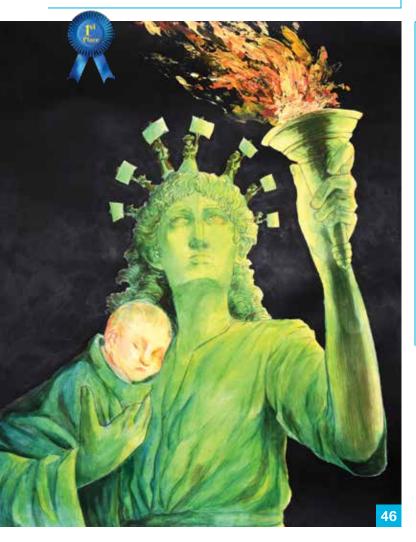


# THE GROWTH OF VOTING RIGHTS IN THE UNITED STATES

48

When considering changes in American voting laws to include minorities,

many people only think of the 15th and 19th amendments, which were supposed to remove voting limitations based on race and gender, respectively. However, these amendments are not the only critical historical changes to voting laws in America, and they were not always as successful at bringing equal suffrage as most people assume. When the nation was first founded, only landowning white male adults were given a nationwide vote while today, almost every U.S. citizen has a say in the election process. Read the entire essay at www.okbar.org/lawday.





46. Katie Williams First Place Twelfth Grade Art Pocola High School Pocola

47. Tanner Luetjen Second Place Twelfth Grade Art Mingo Valley Christian School Tulsa



48. Katie McQuay First Place Twelfth Grade Writing homeschool Skiatook

49. Alyssa Hall Second Place Twelfth Grade Writing Mingo Valley Christian School Tulsa

# County Law Day Chairpersons

Adair

Joe D. Adair 918-696-2172

**Beaver** 

Cole J. Trippet 580-625-4597

Bryan

Margaret Taylor 580-230-3360

Canadian

Jana Knott 405-262-4040

Cimarron

Christine Larson 580-544-2471

Cleveland

Brayden Jennings 405-568-3828

Comanche

Taren Lord-Halvorson Cabelka 580-585-4410

Custer

Katy Sokolosky 580-323-2951

Delaware

Kathy Baker 918-791-0040

**Dewey** 

Judge Celo J. Harrel 580-328-5521 Garfield

Benjamin Barker 580-234-5144

Harmon

David L. Cummins 580-688-9376

Hughes

Ryan H. Pitts 405-379-5445

**Jackson** 

Cole McMahan 580-482-5551

**Johnston** 

Judge Laura Corbin 580-371-2387

Kay

Lauren Clifton and Will Oldfield 580-762-1655

Latimer

David Hale 918-471-2272

LeFlore

Amanda Grant 918-962-2436

Lincoln

Sarah L. Soderstrom-Bridge 405-258-1334

Major

Joe D. Houk 405-642-4922 Mayes

Chase McBride 888-848-4558

**McCurtain** 

Emily Maxwell Herron 580-286-7611

McIntosh

Deborah Reheard 918-689-9281

Noble

Shane Leach 580-336-2039

Oklahoma

Kellie Howell 405-455-1032

Ottawa

Jennifer Ellis McAffrey 918-919-9290

Payne

Amanda Lilley 405-624-1734

Pittsburg

James Bland 918-424-6651

**Pottawatomie** 

Michelle Freeman 405-273-6087

Pushmataha

Judge Jana Wallace 580-298-2553

Rogers

Tim Wantland 918-341-5973 Seminole

Judge Tim Olsen 405-257-2545 and Jack Cadenhead 405-382-6341

Sequoyah

Kent S. Ghahremani 918-775-5900

Stephens

Carl J. Buckholts 580-252-3240

**Texas** 

Evan Humphreys 580-338-3868

Tulsa

Judge Martha Rupp Carter 918-596-5372 and Lizzie Riter 918-430-2428

Wagoner

Richard Loy Gray Jr. 918-485-2889

Washington

James M. Elias 918-336-4132

Woodward

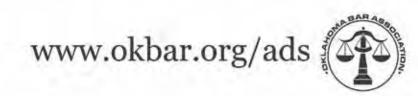
Thad Parsons 580-256-9000

# Sweet.



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

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



# County Bar Association Activities

Some events may be scaled back or cancelled this year due to the coronavirus pandemic. Check with your county bar association for the most current information.

# CANADIAN COUNTY BAR ASSOCIATION

The Canadian County Bar Association will host a Law Day Luncheon Thursday, April 30, at the Canadian County Courthouse. The theme of the luncheon is "Your Vote, Your Voice, Our Democracy: The 19<sup>th</sup> Amendment at 100," and Chief Justice Noma Gurich will be the guest speaker.

The CCBA will also participate in the Ask A Lawyer program from 3-6 p.m. in conjunction with the statewide effort to provide free legal advice.

# CHOCTAW COUNTY BAR ASSOCIATION

On May 2, the Tri-County Bar Association, comprised of Choctaw, McCurtain and Pushmataha counties, will host a Law Day Banquet at the Idabel Country Club. The dinner will begin at 6 p.m. with a social hour. Please RSVP to Emily Herron at 580-286-7611.

# COMANCHE COUNTY BAR ASSOCIATION

To celebrate Law Day, the Comanche County Bar Association will host its annual Law Day Luncheon on Thursday, April 30, at 11:30 a.m. at the Comanche County Fairgrounds. The Law Day Luncheon is an event for those in the legal profession, including judges, attorneys, paralegals, court clerks, bailiffs, law enforcement and administrative assistants. OCU School of Law Professor Danne Johnson will be the guest speaker and will speak on the 19<sup>th</sup> Amendment. For more information, contact Taren Cabelka at 580-585-4417.

Each year members of the local bar and legal community participate in an annual golf tournament. This year's tournament will be May 1 at noon at the Lawton Country Club. If you are interested in participating in the CCBA Law Day Golf Tournament or if you have questions, please contact Golf Tournament Chair Monty Hightower at 580-355-8920.

The county bar will also participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# CUSTER COUNTY BAR ASSOCIATION

The Custer County Bar Association will participate in the Ask A Lawyer program from 5-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# GARFIELD COUNTY BAR ASSOCIATION

The Garfield County Bar Association will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# HUGHES COUNTY BAR ASSOCIATION

The Hughes County Bar Association will join with the Seminole County Bar Association to celebrate Law Day.

Local young lawyers and judges will speak to junior high students about the legal profession and the 100<sup>th</sup> anniversary of the19th Amendment in conjunction with this year's theme.

The associations will host an essay contest open to all county junior high students and high school seniors. The association will award a \$1,000 college scholarship, the R. Victor Kennemer Memorial Scholarship, to the winning senior essay contestant and a gift certificate to the winning junior high essay contestant.

The associations will hold an annual Law Day CLE April 29. There will be six hours of CLE (including one hour of ethics) beginning at 8:30 a.m. at the Seminole County Courthouse in Wewoka.

A Law Day Luncheon will be held at the Rudolph Hargrave Community Center at noon on April 29. OBA President Susan B. Shields will be the featured speaker.

Lastly, the associations will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# JOHNSTON COUNTY BAR ASSOCIATION

The Johnston County Bar Association is sponsoring an essay contest for all 8<sup>th</sup>-grade and 12<sup>th</sup>-grade students in the county. The students can choose from a list of topics related to the right to vote and the ratification of the 19th Amendment. Cash prizes will be awarded for the winning essays at a ceremony to be held at the Johnston County Courthouse.

# **KAY COUNTY BAR ASSOCIATION**

To celebrate Law Day, members of the KCBA will present local students with their Law Day Art and Writing Contest awards. The county bar will also participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **LATIMER COUNTY BAR ASSOCIATION**

The Latimer County Bar Association will join the Pittsburg County Bar Association for a Law Day dinner at Pete's Place in Krebs at 6 p.m. on May 7. Oklahoma Court of Criminal Appeals Vice Presiding Judge Dana Kuehn and Oklahoma Court of Civil Appeals Judge Jane Wiseman will speak on the 19th Amendment.

The county bar association will also work together to give legal advice as part of the statewide Ask A Lawyer event on April 30 from 6-8 p.m.

# LINCOLN COUNTY **BAR ASSOCIATION**

In celebration of Law Day, the Lincoln County Bar Association will host local 4th-grade students who will participate in a mock

trial at the Lincoln County Courthouse. In addition, members will attend the annual Law Day Picnic Friday, May 1, at the Chandler Baseball Camp.

# **MAYES COUNTY BAR ASSOCIATION**

The Mayes County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

Bar association members will also present students with their Law Day Art and Writing Contest awards and give a short speech to the school regarding Law Day and the 19th Amendment.

# McCLAIN COUNTY **BAR ASSOCIATION**

On April 29, Judge Leah Edwards at the McClain County Courthouse is welcoming 8th graders to the courthouse for a presentation that includes a staged theft followed by a jury trial on the theft. A local attorney will put on the trial, and the students will serve as the prosecuting attorney, defense attorney and the jurors. They will hear the witnesses, deliberate and then return a verdict.

The McClain County Bar Association will hold a voter registration drive on April 30 at two locations - Happy Camper Café in Purcell from 10 a.m.-3 p.m. and Spencer's Grocery Store in Blanchard from 2-6 p.m.

# McCURTAIN COUNTY **BAR ASSOCIATION**

On May 2, the Tri-County Bar Association, comprised of Choctaw, McCurtain and Pushmataha counties, will host a Law Day Banquet at the Idabel Country Club. The dinner will begin at 6 p.m. with a social hour. Please RSVP to Emily Herron at 580-286-7611.

Also on May 2, the McCurtain County Bar Association will host a live Ask A Lawyer program on KBEL 96.7 FM at 8:30 a.m. The public is invited to call in and local attorneys will be answering questions.

The MCBA will also speak to schools in McCurtain County on Law Day and the 19th Amendment throughout the month of May.

# McINTOSH COUNTY **BAR ASSOCIATION**

The McIntosh County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **OKLAHOMA COUNTY BAR ASSOCIATION**

The Oklahoma County Bar Association planned to host a Law Day Luncheon on May 1 but canceled the event due to concerns about the coronavirus. The Ask A Lawyer program will take place Thursday, April 30, at the OETA studio from 9 a.m.-9 p.m. and county bar members will staff the state hotline. This community service event allows attorneys to assist the public by giving free legal advice over the telephone or

via email. To sign up for this event, go to www.okcbar.org/events or call Connie Resar at 405-236-8421.

# OTTAWA COUNTY BAR ASSOCIATION

The Ottawa County Bar Association will celebrate Law Day by holding a mock trial for all fourth- and fifth-grade students in Miami at the Ottawa County Courthouse on May 4. The trial will involve a civil suit where Mr. Wolf sues Little Piggy for damages caused when he came down Ms. Piggy's chimney into a pot of boiling water.

Additionally, award presentations will be made to students for their winning art and essay entries in

courthouse tour for middle school students and an impromptu mock trial on April 29 from 9 a.m.-noon.

The annual Law Day Banquet will be April 30 at 6:30 p.m. at Meditations. The Stillwater Legal Aid Office will be honored for its 40-year anniversary. To purchase tickets, contact Amanda Lilley at 405-624-1734.

On May 6 from 6-8 p.m., the PCBA will host a bowling tournament at Frontier Lanes in Stillwater for association members and the court clerk's office. Teams of five can register for \$100. All proceeds from the bowling tournament will go to Payne County United Way.

Winners of the Payne County Law Day Art and Essay Contest will

In 2019 Pottawatomie County Bar Association members added landscaping and pots of flowers to the exterior of the F7 Work Activity Center, a nonprofit workshop for adults with physical and mental challenges, in Shawnee. Another beautification project is planned for this year.

the OBA Law Day Art and Writing Contest and on May 20, a bar member will speak to the Junior Wardog Police Academy about basic legal issues.

The county bar will also participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# PAYNE COUNTY BAR ASSOCIATION

The Payne County Bar Association will kick off Law Day with a

be honored May 7 at 1:30 p.m. along with winners of the statewide OBA Art and Writing Contest. The Hert Scholarship will also be presented.

On May 13 at noon, the county bar will host the Courthouse Staff Appreciation Lunch on the lawn of the Payne County Courthouse.

The PCBA will also host Lawyers at the Library at the Stillwater Public Library on May 15 from 9 a.m.-2 p.m. Local attorneys will be available to offer free legal advice to community members on a walk-in basis.

# PITTSBURG COUNTY BAR ASSOCIATION

The Pittsburg County Bar Association will work together with the Latimer County Bar Association to participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

Additionally, a golf tournament is scheduled for May 1 at the McAlester Country Club. To participate or for more information, contact Eddie Foraker at 918-423-0421.

The Pittsburg and Latimer county bars will host a Law Day dinner at Pete's Place in Krebs on May 7 at 6 p.m. Oklahoma Court of Criminal Appeals Vice Presiding Judge Dana Kuehn and Oklahoma Court of Civil Appeals Judge Jane Wiseman will speak on the 19th Amendment.

# POTTAWATOMIE COUNTY BAR ASSOCIATION

The Pottawatomie County Bar Association will celebrate Law Day by speaking to students at Jefferson Elementary on April 30. They will also be presenting awards to students who placed in the statewide OBA Law Day Art and Writing Contest and speaking to the local Kiwanis Club about family law and domestic violence. Also, a beautification project is being planned, but a location has not been selected yet.

# PUSHMATAHA COUNTY BAR ASSOCIATION

On May 2, the Tri-County Bar Association, comprised of Choctaw, McCurtain and Pushmataha counties, will host a Law Day Banquet at the Idabel Country Club. The dinner will begin at 6 p.m. with a social hour. RSVP to Emily Herron at 580-286-7611.

PCBA lawyers will also visit local classrooms to discuss law as a career and what the rights and responsibilities of students once they turn 18.

The county bar will also participate in the Ask A Lawyer program from 5-7 p.m. in conjunction with the statewide effort to provide free legal advice.

# **ROGERS COUNTY BAR ASSOCIATION**

The Rogers County Bar Association will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **SEMINOLE COUNTY BAR ASSOCIATION**

As its birthplace, Law Day has always been special in Seminole County, and this year will be no different. To open Law Week celebrations, Seminole County's young lawyers and judges will speak to junior high students across the county about the legal profession and the 100th anniversary of the 19th Amendment, which is this year's theme.

The county bar will host its fifth annual essay contest open to all county junior high students and high school seniors. The association will award a \$1,000 college scholarship, the R. Victor Kenemer Memorial Scholarship, to the winning senior essay contestant and a gift certificate to the winning junior high essay contestant.

The association has postponed its annual Law Day CLE and luncheon until a later date. OBA President Susan B. Shields will be the featured speaker.

Lastly, the county bar will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **SEQUOYAH COUNTY BAR ASSOCIATION**

The Sequoyah County Bar Association will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **TEXAS COUNTY BAR ASSOCIATION**

The Texas County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **TULSA COUNTY BAR ASSOCIATION**

The Tulsa County Bar Association will celebrate Law Day with a variety of events although several have been postponed. An art and writing contest will be held for students in pre-K through 12<sup>th</sup> grade. The deadline to enter is April 10. Monetary prizes will be awarded by the Tulsa County Bar Foundation, and art entries will be displayed at the Law Day Luncheon.

A Law Day Book Club met Jan. 15, Feb. 6 and March 12 and will meet for two additional sessions at dates to be determined. Participants will discuss six different books related to this year's Law Day theme, "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100." Registration is limited to TCBA members and one guest per member with a limit of 15 participants per session. Members may register for any one or more sessions. To register, email Judge Martha Rupp Carter at martha.carter@oscn.net. Sessions will start at 5:30 or 6 p.m.

On April 30 the TCBA will participate in the Ask A Lawyer program by helping staff the statewide hotline from 9 a.m.-9 p.m. in conjunction with the statewide effort to provide free legal advice. Tulsa lawyers will gather at OETA studios.

In conjunction with Magic City Books and other community partners, the county bar planned to host a book signing with Elaine Weiss, author of *The Women's* Hour: The Great Fight to Win the *Vote* and winner of the American Bar Association's 2019 Silver Gavel Award. This event will be rescheduled and held at the Tulsa Historical Society and Museum.

The Law Day Luncheon, featuring Ms. Weiss as the keynote speaker, will also be rescheduled. The Liberty Bell Award, honoring a nonlawyer's contribution to the legal system, the Sandra Day O'Connor Award, honoring an educator who teaches legal civics, and the Brunton-Will Continuing Legal Education Award, honoring a TCBA member who has dedicated years of services to educating other attorneys, will be given to deserving winners.

The TCBA will also participate in a yearly Naturalization Clinic, which has been postponed, and will be held in partnership with the YWCA.

# WAGONER COUNTY **BAR ASSOCIATION**

The Wagoner County Bar Association will participate in the Ask A Lawyer program from 7-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **WASHINGTON COUNTY BAR ASSOCIATION**

The Washington County Bar Association will participate in the Ask A Lawyer program from 6-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **WASHITA COUNTY BAR ASSOCIATION**

The Washita County Bar Association will participate in the Ask A Lawyer program from 5-8 p.m. in conjunction with the statewide effort to provide free legal advice.

# **Proclamation and Directive**





THE SUPREME COURT OF OKLAHOMA

2000 N. LINCYGEN BLVD. SERTE I ORLAHOMA CITY, DRILAHOMA 23403

NOMA D. GURICH

(405) 556-9062 (ACC (405) 556-9120

OKLAHOMA SUPREME COURT DIRECTIVE

**OBSERVANCE OF LAW DAY** MAY 1, 2020

"Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100

All courts in each of the twenty-six judicial districts in Oklahoma are urged to hold Law Day activities. It is important to offer opportunities for the local citizens of Oklahoma to better understand judges and the legal profession. Courtroom ceremonies, courthouse tours for the public, mock trials for students and participation in events with members of your local county bar associations are encouraged. Law Day events in the courthouse require advance planning and the success depends upon the cooperation of the judges, court clerks and others who office in the courthouse.

This year is the 63" Annual nationwide observance of Law Day. The tradition was started in 1951 by Wewoka, Oklahoma native Hicks Epton. Law Day is sponsored by the Oklahoma Bar Association, each of the 77 county bar associations and the American Bar Association. The 2020 theme is "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100."

In November of 1918, Oklahoma amended our constitution by a statewide vote to grant universal voting rights for all Oklahoma women. Two years later, 36 states were required to ratify the 19" Amendment before it became law throughout the United States. I am proud to say that Oklahoma was among that group of states, and ratified the 19th Amendment on February 28, 1920.

The 2020 Law Day theme provides an excellent opportunity to engage various audiences throughout your community to engage in meaningful discussions and special events. Thank you for your participation

DONE THIS 12th DAY OF MARCH, 2020.

SUPREME COURT OF OKLAHOMA noma D. Geruh

Noma D. Gurich



Oklahoma Supreme Court Chief Justice Noma Gurich signs the Law Day Directive. Witnessing the signing are Law Day Committee Chair Ed Wunch and OBA President Susan Shields.

# Make Law Day Year Round With Pro Bono Service

By Katie Dilks

EVERY YEAR, HUNDREDS OF OKLAHOMA LAWYERS across the state come together to volunteer their time for Law Day. From the Ask A Lawyer service, answering thousands of questions from Oklahomans, to the events sponsored by county bar associations, it is one of the highest profile pro bono opportunities in our state.

We are fortunate that many dedicated Oklahoma attorneys volunteer their time and expertise regularly throughout the year. This service makes an incredible difference in the lives of those people they can help. Sadly, vast numbers of Oklahomans still navigate our complex legal system without the assistance of a lawyer because they cannot afford one, and our civil legal aid programs simply do not have the capacity to serve everyone.

The Oklahoma Access to Justice Foundation (ATJF) was created in 2018 to support and advance the goals of the Oklahoma Access to Justice Commission to "expand access to and enhance the quality of justice in civil legal matters for low-income Oklahoma residents." A primary focus of the ATJF is to expand and support pro bono opportunities across the state. Our challenge to you this year is to think about how you can take

that spirit of Law Day service and incorporate it year-round.

Many Oklahoma attorneys are already deeply committed to integrating pro bono into their practice, but for others it may be new. The American Bar Association encourages every practicing attorney to regularly volunteer pro bono legal services. The ATJC is committed to making sure every attorney can find a pro bono opportunity that makes sense



for them and collaborating with the OBA and other partners to do so.

There are many easy ways to connect to pro bono opportunities, ranging from full representation to discrete volunteer clinics. Here are just a few, and we encourage you to get in touch with the ATJF at www.okaccesstojustice. org to learn more about how to get involved or build a pro bono program in your community.

- Legal Aid Services of Oklahoma – LASO has several structured pro bono opportunities and welcomes attorneys to take individual cases. LASO offers free CLE for volunteers, insurance coverage for pro bono cases, resources online and in person and more! Find more details at b.link/ LASOprobono.
- Oklahoma Lawyers for America's Heroes Program -The OBA created the Oklahoma Lawyers for America's Heroes program to serve veterans with a wide range of legal needs, from individual representation to wills clinics and other structured events. More info at okbarheroes.org.
- Oklahoma Free Legal Answers – Need a pro bono opportunity that doesn't

require you to leave your desk? Sign up at b.link/ OKanswers to answer questions submitted by lowincome Oklahomans on the ABA-sponsored Free Legal Answers site! Answer one, answer 20, whatever you have time for. Questions and answers are both anonymous, and there is no further obligation once you answer.

- Oklahoma County Court Access Clinic – If you're in Oklahoma City and have experience with guardianship and probate matters, the OCCAC wants your help! Offering assistance in the courthouse to unrepresented litigants in guardianship and probate, this volunteer program has been providing invaluable assistance for the past year. Contact the clinic at occacprogram@gmail.com to volunteer.
- Tulsa County Court Assistance Program – For Tulsa attorneys, the Tulsa County Bar Association Court Assistance Program offers pro bono support to unrepresented litigants in the forcible entry and detainer (eviction) docket. Training is available if you do not have experience in

landlord/tenant law! Contact Beth Nellis at bethnellis@ cox.net for more information.

Pro bono is key to making our legal system fair and accessible for everyone. It's also an amazing way to give back, meet new people, learn new skills and much more. Let's all work together to increase access to justice and make Law Day a year-round commitment.

### **ABOUT THE AUTHOR**

Katie Dilks is executive director of the Access to Justice Foundation in Tulsa.

THE OKLAHOMA BAR JOURNAL

# The OBA Remembers

THE EVENTS OF APRIL 19, 1995. 👢 forever changed our nation. On this, the 25th anniversary of the Alfred P. Murrah Federal Building bombing, the Oklahoma Bar Association remembers its members who were killed. Thank you to the Oklahoma City National Memorial and Museum for allowing the OBA to publish these tributes and photos that are part of the museum's collection.



**SUSAN IANE** FERRELL "She loved life and was determined to enjoy and make it better for all."

Cats, traveling, people and dancing – four of Susan Ferrell's loves. She had three cats, put a lot of miles on her feet in Europe, was always there to help a friend and loved to dance. Her mother, Sally Ferrell, said, "Susan had an incredible passion for dancing." This included jazz, ballet, and belly dancing, which Susan called "Cultural Heritage Eastern Dancing." She delighted in being a member of the Jewels of the Nile dancing troupe. Ferrell, 37, was an attorney for U.S. Housing and Urban Development.



**IULES A.** VALDEZ "In his younger days he had a garden and, to him, every living thing was special."

"He was always willing to work, always willing to put forth an extra effort." That's how a fellow Rotarian described Jules Valdez, 51, of Edmond. Valdez worked in the Indian Affairs division of the Department of Housing and Urban Development. A 1991 Edmond City Council candidate, he was a member of St. John the Baptist Catholic Church, the Edmond Central Rotary Club, Leadership Edmond and the Edmond Area Chamber of Commerce. He and his wife. Virginia, had a daughter, Marisa.



MICHAEL D. WEAVER "His family came first, before his golf game, before his favorite football team."

Michael Don Weaver met his wife. Donna, while both were attending the University of Oklahoma. He proceeded to add the fun to her life for the next 21 years. For the last five years he had served as general counsel for

the Department of Housing and Urban Development. Weaver, 45, was in his office when the bomb destroyed the building. Weaver will be missed during the family's annual get-together, where he played co-host for the "Clique Awards" along with his brother, Greg. Weaver's laughter, dry sense of humor and role of the "straight man" will always be remembered by his family.



**CLARENCE EUGENE** WILSON SR. "He was known to patiently explain his position over and over again

until, invariably, the other person would have to concede."

Clarence Eugene Wilson, who was chief legal counsel for Housing and Urban Development, had served as a councilman for the city of Forest Park. His sister-in-law said he was a caring person who helped everybody. Wilson, 53, was the first African American to earn a bachelor's degree in pharmacy from the University of Oklahoma before studying law at OU. Wilson had a son, Clarence Wilson Jr. Wilson was born on Aug. 8, 1945, in Lawton, OK. He was the fourth of five children born to James and Estella Wilson. Both parents and one son, Mark, preceded him in death.

# LEGISLATIVE NEWS

# OBA's Day at the Capitol Continues to Provide **Helpful Information**

By Miles Pringle

PRING IS HERE, the 2020 Legislative Session is well underway and that means the OBA held its annual Day at the Capitol. We were very lucky to have great speakers give their impressions on the session. Thank you so much to Attorney General Mike Hunter, Judge Thad Balkman, Judge Richard Ogden, Administrative Director of the Courts Jari Askins, eCapitol News Director Shawn Ashley and Former Representative Randy Grau for participating in the event.

At the Capitol, bills continuing through the legislative process should have made it through their house of origin and must make it through the opposite chamber by April 23. The first bill signed into law by the governor this year was HB 1230 on Feb. 19, 2020, which addresses the Lindsey Nicole Henry Scholarships for Students with Disabilities Program.

Codified at 70 O.S. §13-101.2, the scholarship awards Oklahoma public school students with a disability funds to attend a private school offering an individualized education program in accordance with the Individuals with Disabilities Education Act. HB 1230 requires the Department of Education to publish certain

information relating to the program. Supporters say that the bill increases transparency.

While legislators are hard at work on many issues, the budget looms large (if not the largest). Prior to the session, revenue projections were flat; however, those projections were reduced, even prior to the coronavirus outbreak or the volatility in the oil market. As a result, legislators are going



OBA President Susan Shields and Legislative Monitoring Committee member Shanda McKenney at the Day at the Capitol event.

to have to make some hard funding decisions.

Dealing with budget deficits has been the norm of late, with 2019 being the welcomed exception. You may recall that in 2017, the Legislature required two special sessions in addition to its regular session to work through the budget issues it faced – including a veto by Gov. Fallin. There has been no suggestion that a special session will be required at this time, but Gov. Stitt's plan to grow Oklahoma's Rainy Day fund may be difficult to achieve this year.

Another remaining big-ticket item is health care. Specifically, what options will Oklahomans have regrading Medicaid expansion. Additionally, criminal justice reform and education are at the top of people's priorities.

If you are interested in getting more involved with the Legislative Monitoring Committee, I encourage you to join the committee! Our next event will be the Legislative Debrief in August when we will learn about many of the bills that pass.

Mr. Pringle is general counsel for The Bankers Bank and serves as the Legislative Monitoring Committee chairperson.

# Bar Members Celebrate Membership Anniversaries

# THE OKLAHOMA BAR

Association congratulates these members who reach significant milestone anniversaries in 2020.



# **MARSHALL COUNTY**

Floyd Miller Jr., Madill

# **MUSKOGEE COUNTY**

Kenneth L. Meyer Jr., Muskogee

# **OKLAHOMA COUNTY**

George Camp, Oklahoma City Gene C. Howard, Edmond

# **PAYNE COUNTY**

Donald L. Worthington, Stillwater

# **TULSA COUNTY**

Dale J. Briggs, *Tulsa*John Markham Freese, *Tulsa*James C. King, *Broken Arrow*Otis Leo Osborn, *Tulsa*Sam J. Richards, *Tulsa* 



In 1950, we were first introduced to Snoopy, Charlie Brown and the entire Peanuts gang, Disney released *Cinderella*, charge cards were used for the first time, James Dean made his first television appearance and a first-class postage stamp would set you back \$0.03.



# **CADDO COUNTY**

John Paul Buzbee, Anadarko

# **CARTER COUNTY**

William Carlyle Chapman, *Ardmore* F. Lovell McMillin, *Ardmore* 

# **CLEVELAND COUNTY**

Edward R. Adwon, *Norman*James K. Dewbre, *Oklahoma City*Velmer J. Dimery, *Norman*Fred Allen Gipson, *Norman*Robert E. L. Richardson, *Norman*Irby Roy Taylor, *Norman*Preston Albert Trimble, *Norman* 

# **GARFIELD COUNTY**

Raymond Dean North, Enid

# LINCOLN COUNTY

Joseph A. Young Jr., Chandler

### McCLAIN COUNTY

Andrew J. Moore Jr., *Goldsby* Gary L. Shores, *Newcastle* 

# **MURRAY COUNTY**

Earl Michael Harding, Davis

### OKLAHOMA COUNTY

William R. Davis, *Oklahoma City* E. W. Keller, *Oklahoma City* Truman Moss, *Oklahoma City* 

### **POTTAWATOMIE COUNTY**

Gerald G. Knight, McLoud

# **ROGERS COUNTY**

T. Gavin King, Claremore

# **TULSA COUNTY**

Sevier M. Fallis Jr., *Tulsa*Orlin Woodie Hopper, *Tulsa*Joseph Robert McGraw Jr., *Tulsa*Gail R. Runnels, *Tulsa*Robert P. Santee, *Tulsa*Edward Wagner, *Tulsa* 

# **WOODS COUNTY**

Ray Dean Linder, Alva

# **OUT OF STATE**

Paul H. Durham, *Bluffton, SC* Gary Michael Jay, *Arden, NC* G. A. Mandeville, *Whitney, TX* Don Allen Smith, *Fort Smith, AR* 



While dancing away to the sound of "The Twist" by Chubby Checker, 1960 was a revolutionary year with the publication of To Kill A Mockingbird by Harper Lee, the FDA approving the birth control pill and Wilma Rudolph becoming the first American woman to win three gold medals in an Olympic event.



# **BECKHAM COUNTY**

James A. Brown, Elk City

# **CANADIAN COUNTY**

Rubin B. Millerborg Jr., Piedmont

### **CARTER COUNTY**

Thomas Robert Carlock, Ardmore Samuel James Veazey, Ardmore Ronald E. Worthen, Ardmore

# **CLEVELAND COUNTY**

Stephen William Bonner, Norman Robert Allen Flagler, Norman Dwight N. Johnson, Norman Robert Lynn McDonald, Norman R. Brown Wallace, Norman

# **COMANCHE COUNTY**

Roy D. Moore, Lawton

### **CREEK COUNTY**

Joe Sam Vassar, Bristow

# **CUSTER COUNTY**

Newell E. Wright Jr., Clinton

# **ELLIS COUNTY**

Joe Lee Jackson, Arnett

# **GARFIELD COUNTY**

Lyle Lee Ingraham, Enid

### **GRADY COUNTY**

Richard L. Allen, Chickasha

# **KAY COUNTY**

Andrew J. Reinert, Blackwell

# **KIOWA COUNTY**

William Ernest Gentry, Hobart

# **LOGAN COUNTY**

Jeffrey L. Hirzel, Guthrie

# McINTOSH COUNTY

L. Lee Allen, Checotah

# **MUSKOGEE COUNTY**

Lyle Burris, Muskogee Robt. Lawrence Locke Jr., Muskogee John P. Morgan, Webbers Falls

# **OKLAHOMA COUNTY**

Gary C. Bachman, Oklahoma City John Michael Baum, Oklahoma City Russell D. Bennett, Oklahoma City Charles Alan Codding, Edmond

David T. Cook, Oklahoma City Gordon W. Edwards Jr., Oklahoma City A. T. Elder Jr., Edmond Michael Raye Ford, Oklahoma City Nathaniel Jay Gigger, Oklahoma City Eric Jonathon Groves, Oklahoma City Bruce William Hammett, Edmond Pamela Jo Hardwick, Oklahoma City James Morrison Hays III, Oklahoma City Lawrence Kent Hellman, Oklahoma City Martha Elaine Hirst, Oklahoma City Tom L. King, Oklahoma City John T. Lawson, Edmond Robert Dudley Looney Jr., Oklahoma City William D. Maguire, Edmond Kenneth George Mayfield, Oklahoma City Bobbie Ann Ingram Moore, Oklahoma City William W. Murphy, Oklahoma City Robert Clark Musser, Oklahoma City Alan Albert Pason, Oklahoma City William Whitney Porch, Oklahoma City Dennis Conway Roberts, Oklahoma City Toulman Van Roberts, Edmond Harry Harbour Selph II, Oklahoma City Joseph G. Shannonhouse IV, Oklahoma City Irwin Harry Steinhorn, Oklahoma City

Henry H. Trattner, Oklahoma City

Earle Duane Wagner, Oklahoma City

David Downing Wilson, Oklahoma City Harry Arthur Woods Jr., Oklahoma City

# **OSAGE COUNTY**

Jack Yelton Goree, *Prue* Paul E. Kallenberger, *Skiatook* 

### **PAWNEE COUNTY**

Jerry Lee Pickerill, Cleveland

### **PAYNE COUNTY**

Robert Bruce Bird, Stillwater John Russell Couch Jr., Stillwater Vaden Burns Hargis, Stillwater

# PONTOTOC COUNTY

Charles Dale Mayhue, *Ada* James R. Scrivner, *Ada* 

# **ROGERS COUNTY**

Tom H. Bruner, *Claremore* F. Mack Greever, *Claremore* 

# **STEPHENS COUNTY**

Ronald Edward Corley, *Duncan* Nancy Murray Martin, *Comanche* 

### **TILLMAN COUNTY**

Clyde H. Amyx II, Frederick

# **TULSA COUNTY**

Allen E. Barrow Jr., Tulsa James Edward Cinocca, Tulsa James S. Colgan, *Bixby* Lon Foster III, Tulsa Tom R. Gann, Tulsa Douglas L. Goss, Tulsa Fred E. Hook, Tulsa John S. Keil, *Tulsa* Lance Lamar Larey, Tulsa Lynnwood R. Moore Jr., Tulsa Arthur George Price, Tulsa Ted M. Riseling, Tulsa Loyal J. Roach III, Tulsa William Joseph Sears, Sand Springs J. Charles Shelton, Tulsa Jerry Earl Truster, Tulsa Clifton Dale Warner, Tulsa Robert S. Wheeler, Tulsa Bradford J. Williams Jr., Tulsa

### **WOODS COUNTY**

Larry L. Bays, Alva

# **WOODWARD COUNTY**

Ray Don Jackson, Woodward

# **OUT OF STATE**

Richard A. Black, *Montrose*, *CO* Kenneth Lawrence Davidson, *Bonita Springs*, *FL* Daniel Vincent Flatten, *Houston* Nancy K. Foster, *Melbourne*, *FL*  James Howard Frampton, San Antonio Wayne Bernard Fudge, Burkburnett, TX Toby Joe Globe, St. Louis Theodore Haynes, Orlando, FL Dennis Landon Hays, Frisco, TX Donald Lee Henderson, Flower Mound, TX Thomas Hoffman, New York Gary L. Hopkins, Rockwall, TX Frank Arthur Jarmuth, Rockville, MD William Henry Karr, Silverado, CA Sanford A. Kutner, Luling, LA Walter Barnes Loeffler Jr., The Woodlands, TX Thomas McCoy, Sparks, NV James P. Mulkeen, Studio City, CA John Earl Robertson, Kerrville, TX Peter K. Scott, Sunset Beach, NC Stanley A. Smith, Henderson, NV Charles Logan Spann, Athens, TX Loren B. Weidner, Roseburg, OR John C. M. Wilkinson, Marina Del Rey, CA



In 1970, Tootsie Roll released their iconic "How Many Licks" commercial, Casey Kasem's *American Top 40* debuted on radios, the Boeing 747 made its first commercial passenger flight and a gallon of gas cost 36 cents.

# **CONSUMER BROCHURES**

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





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Oklahoma Bar Association
Oklahoma Access to Justice Commission
American Bar Association

# **OBF-OBA** PROJECT

# Another Successful Season for the Oklahoma High School Mock Trial Program

By Andrea Medley



Owasso High School was guaranteed to be the winner with two teams from the same school competing in the finals for the third straight year. Teams Rutherford and RDEX pose for a photo with their coaches.

High School Mock Trial Program is in the books. Once again, high school students tackled relevant topics in the case materials. After receiving the case in late October, the teams absorbed the case materials that included

THE 40TH YEAR OF THE

witness statements, exhibits, jury instructions and applicable case law to prepare and argue both sides of the case in competition at courthouses across the state.

The case this year was a criminal prosecution of 18-year-old Kristen Taylor following a one-vehicle accident and subsequent delivery and death of her baby. The state charged Ms. Taylor with negligent homicide, alleging Ms. Taylor was intoxicated and caused the accident which caused the premature birth and death of her child. The defense argued the accident was caused by a defect in Ms. Taylor's vehicle and the death of her child was caused by a previously unknown genetic condition. The case involved fact witnesses, medical experts and an accident reconstructionist.

# FINAL ROUND AND STATE CHAMPIONS

On March 3, the top two teams competed in the final round of the year, presenting the case before

an esteemed panel of judges in the Bell Courtroom at OU College of Law. The panel was Presiding Judge David Lewis, Judge Shon Irwin, Judge Patrick Wyrick, Judge Charles Goodwin and Retired Judge Glenn Adams.

For the third year in a row, the final two teams came from Owasso High School - Team Rutherford and Team RDEX. Team Rutherford is coached by teacher Dustin Devore and attorney coach Deirdre Dexter. Team members are Emily Carr, Preston Dunbar, Maggie Hazelrigg, Sam Lee, Ronan Locker, Morgan Meyer, Kennedy Patterson, Logan Schofield and Kathryn Turner. Team RDEX is coached by teacher Dustin Devore and attorney coach Nicole Longwell. Team members are Jesse Anderson, Aubrey Broughton, Melody Carney, Kelli Casteel, Hannah Robbins, Eden Rodriguez, Ryan Rodriguez, Lauren Siegfried, Helena Walker and Cole Wyrick.

The final round was a testament to the level of competition and talent the mock trial program has become accustomed to seeing from Oklahoma high school students. In the end, Owasso High School Team Rutherford prevailed and are the Oklahoma High School Mock Trial champions for 2020.

As the state champions, Team Rutherford was to represent Oklahoma at the National Mock Trial Competition in Evansville, Indiana, in May. Sadly, the championship was cancelled as a result of the COVID-19 pandemic.

# **COMPETITION HIGHLIGHTS**

The Mock Trial Program continues to grow as more schools from across the state participate. This year's competition featured 40 teams from 22 different schools. The teams who participated in the semifinal round and their final rankings were:

3<sup>rd</sup> Place - McAlester High School Team Black 4th Place - Clinton High School Team Gold 5<sup>th</sup> Place - Broken Arrow High School Black 6<sup>th</sup> Place - Ada High School Varsity 7<sup>th</sup> Place - McAlester High School Team Gold 8<sup>th</sup> Place - Stillwater High School Advanced (Killer Bees)

For the first time, McAlester High School had two teams in the top eight which is an accomplishment and speaks to the strength of their mock trial program.

Another first for this year, Clinton High School and the Custer County Bar Association graciously hosted the mock trial workshop. The workshop takes place before the case is released each year and provides schools the opportunity to improve their skills in different aspects of the competition. The High School Mock Trial Committee thanks

both Clinton High School and the Custer County Bar Association for their dedication and support of the program.

# **COURTROOM ARTIST** COMPETITION

The Mock Trial Courtroom Artist Competition continues to grow in its second year. The committee started this competition



Finals judges were (from left, front row) Retired Judge Glenn Adams, Judge David Lewis, Judge Charles Goodwin and (back row) Judge Shon Erwin and Judge Patrick Wyrick.

to provide a platform for talented artists from the competing schools to display their talents. The Courtroom Artist Competition is done during the second round of competition and must be started and completed during the round. Students participating were required to independently complete their submissions, depicting actual courtroom scenes observed by the artist during the trial. The winner of the competition this year was Niko Lam from Clinton High School.

### **BENEFITS OF MOCK TRIAL**

I am not sure there is a way to measure the benefits and influence of the High School Mock Trial Program. The 40 years of Oklahoma mock trial has created a community of mock trial veterans, some pursuing careers in law and many others impacting our state in different arenas. I talk to many people who tell fond stories of their years in mock trial and the influence it had on them personally and in their careers. For most, it brought a love of the law, but for all it brought a love of mock trial.

Two of the judges scoring at the final round this year were former mock trial competitors - Judge Patrick Wyrick and Judge Charles Goodwin. In attendance at finals this year was Judge Goodwin's mother, Nancy Goodwin, who is credited with starting the mock trial program at Clinton High School. Mrs. Goodwin remains an advocate for mock trial stating, "It is the best program in high school." Many share these same sentiments and show their appreciation in giving back to the program in one way or another.

The skills learned through mock trial equip students whether they pursue careers in the law or some other field. Skills including public speaking, analytical thinking and teamwork are some of



Mock Trial Committee members staffing the final round were, from left, Orion Strand, Todd Murray, Andrea Medley, Coordinator Judy Spencer and Nathan Richter.

the things learned through this program. The reward of seeing a student gain confidence and skills as the season progresses rejuvenates and fuels participation in this program year after year.

# PROGRAM PARTNERS

The High School Mock Trial Program's success is a joint effort from several key partners, each playing a role in the success of the program:

- The Oklahoma Bar Foundation who generously funds the mock trial program;
- Judges and lawyers from across the state who generously give their time to preside over and score rounds of competition;
- Courthouses and courthouse personnel across the

- state who open their doors to students to provide a real courtroom environment for competition; and
- Attorney coaches and teachers who donate countless hours to coach their teams for competition.

I want to personally thank the members of the Mock Trial Committee for their work in preparation of the case materials and oversight of the competition. Committee members are Immediate Past Chair Kevin Cunningham, Shea Bracken, Jennifer Bruner, Andrew Casey, Christine Cave, Dan Couch, Brittany Hayes, Dillon Langley, Todd Murray, Michael Nesser, Nathan Richter, Orion Strand, Austin Vance and Weston Watts.

A special thanks to our State Coordinator Judy Spencer, the



Clinton High School student Niko Lam won the Best Courtroom Artist Award for his drawing.

heart and soul of Oklahoma mock trial, who works tirelessly to promote mock trial and encourage every person involved in this program. If you are interested in being a part of the committee, volunteering for next year or have a story to share about mock trial, email mocktrial@okbar.org.

# **ABOUT THE AUTHOR**

Andrea Medley practices in Tulsa and serves as the chairperson of the Oklahoma High School Mock

# **ATTORNEY COACHES**

Luke Adams Ranada Adams Shar Agosta John Andrew Clifton Baker

Retired Judge James Bland

Eric Cavett

Judge Daman Cantrell

Angie Dean
Deirdre Dexter
Preston Draper
Jeffrey Fischer
Eddie Foraker
Eric Granthem
Cliff Heckert
Brian Henderson
Mike Horn
Judge Douglas Kirkley

Judge Douglas Kirkley Steve Kunzweiler

Jennifer Lawmaster Stalls

Nicole Longwell
Tim Maxcey
Joy Maxwell
Brian McLaughlin
Judge Tim Mills
Anthony Moore
Lori Rogers
Leah Roper
Desmond Sides

Connie Smothermon Richard Smothermon Charles Sullivan

Laura Thomas Ken Underwood Judge Jill Weedon

# TRIAL SITE COORDINATORS

Valerie Blackstock
Deresa Clark
Kevin Cunningham
Brittany Hayes
Rebecca Hunter
Patrick Layden
April McClure
Andrea Medley
Anne Mize
Todd Murray
Michael Nesser
Susie Summers
Leah Terrill-Nessmith
Carol Thompson
Renée Troxel

# PRESIDING AND SCORING PANELIST VOLUNTEERS

Ken Adams Retired Judge Glenn Adams Lynn Anderson\*\*

Shannon Bickham Judge Jerry Bass Lew Berkowitz\* Howard Berkson \*\*\*\*\*

Paul Austin

Larry Biddulph Kelly Bishop\* Eli Bland Cody Bowlin

James Branum Jennifer Bridgforth Rodney Brook

Elizabeth Brown Pam Brown Jennifer Bruner

Travis Cagle Joseph Casey\* Dietmar Caudle Shanika Chapman Lindsey Christopher

Jason Christopher \*\* Sonya Chronister Aaron Compton

Eric Cook Iohn Cramer

Dan Crawford\*\*\*\*\*\* Retired Judge Edward Cunningham\*\*\*\*

Kevin Cunningham

Seth Day

Michael Denton\*\* Chance Denton Kara Didier

Judge Donna Dirickson

Allyson Dow Stephanie Duran Blake Dutcher Josh Edwards\* Judge Shon Erwin\*\*\*

Jeff Fischer\* Grant Fitz\* Craig Fitzgerald\*

Gus Farrar

Roger Foster Michelle Freeman

Jodie Gage Debra Gee\* Charles Geister Robert Gifford Julie Gragg-Landes\* Eric Grantham Judge Sarah Hall David Hammer\* Heather Hammond John Tyler Hammons James Hankins

Judge Howard Haralson\* R. Stephen Haynes Deborah Hackler Judge Tim Henderson

Shane Henry Judge Paul Hesse\* Kurt Hoffman\*\*\*

Mitch Holliman Peyton Howell\* Tara Inhofe\*\* Robert Jaques\*\*\*\* Jo Lynn Jeter Chad Kelliher Rick Knighton Maggie Lanier

Kent Larson\*
Anne Lawrence\*\*
Lacie Lawson
Molly Lawyer\*\*\*
Kevin Lewis
Amanda Lilley

Lauren Lindsey Renee D. Little Kristy Loyall Janice Loyd

Mathew Lyons Carin Marcussen Kevyn Mattax\*

Jacqueline McCormick

Law McMeans
Jan Meadows
Mike Miller
Mark Miller\*
Garrad Mitchell
David Mosburg
Justin Mosteller\*
Beth Muckala
Mike Mullins\*
Austin Murrey
Drew Nichols
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Brandi Nowakowski Elizabeth Odell\* Ashley Ogle\* Chanteau Orr Jenna Owens

Amy Page\*\*\*
Kim Payne
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Lance Phillips

Amy Polumbo
Dan Pond
Sonja Porter\*
Molly Priest
Thomas E. Prince
Scott Proctor
Dale Rex
Justin Rinck\*
Thomas Roberston\*\*

Erik Roscom
Timila Rother
Jacob Rowe

Micah Sexton Jim Shaw Thomas Showman

Angela Smith

Nicole Snapp-Holloway

Jeanne Snider
Beth Stanley
Lucas Stephens
Austin Stephenson
Chuck Sullivan\*
Ryan Sullivan
Thomas Swafford
Paiten Taylor-Qualls\*

Scott K. Thomas Harold Thompson Carolyn Thompson\*\*\*\* Joe Trail

Roy Tucker
Meredith Turpin
Jonathan Udoka
Eddie Valdez
Allison VanBrunt
Georgenia Van Tuyl\*\*
Laina Vaughn\*
Judge Jeff Virgin
Austin C. Walters

Bev Watts
Shannon Weaver
Lucas West
Sara Wiegerig
Jimmy Williams
Cory T. Williams
Greg Wilson
Deanne Wilson
Clay Zelbst

\*Denotes additional times volunteered

Weston Watts

Kathryn Walker

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# Caution - Slow Progress Ahead

# Accessing and Researching Tribal Court Opinions

By Darla W. Jackson

TN 1997, U.S. SUPREME COURT

■Justice Sandra Day O'Connor noted, "Today, in the United States, we have three types of sovereign entities, the Federal government, the States, and the Indian tribes. Each of the three sovereigns has its own judicial system, and each plays an important role in the administration of justice in this country."1 Despite its importance, much tribal law, particularly tribal court opinions, can be very difficult to locate or access.2

# **TRANSPARENCY**

While during the period from 2004-2014, some tribal law resources became more accessible in "electronic form,"3 it seems that recent progress has been slow. This is true despite sustained advocacy for increased transparency of tribal court proceedings. Frank Pommersheim, a noted professor of Indian law, experienced tribal appellate court judge and author of Tribal Justice: Twenty-Five Years as a Tribal Appellate Justice, notes the need for transparency to support the development of tribal jurisprudence.

... there must be continuous growth in the reporting of tribal court opinions and developing reliable research tools to find them. As tribal jurisprudence grows and evolves, it must be readily available to

judges and practitioners so that they may refine and build on this foundational body of law. Without such availability, the orderly development of tribal court jurisprudence will be slowed and compromised.4

In addition to contributing to the development of tribal court jurisprudence, Pommersheim notes that tribal law transparency has other advantages. For instance, public availability of tribal law is a condition for enhanced tribal court jurisdiction available under the Tribal Law and Order Act (TLOA) and the Violence Against Women Reauthorization Act.5 While some might argue that the provisions requiring tribes prior to charging a defendant "make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including rules governing the recusal of judges in appropriate circumstances) of the tribal government"6 does not necessitate making tribal court opinions publicly available, guidance to tribes indicates that availability of tribal court opinions is anticipated. "Tribes will ... want to ensure that all its laws, rules, regulations, and court opinions that relate to criminal justice and criminal procedure are publicly available..."7

Another advantage of transparency and publicly available tribal court orders and opinions is the increased likelihood of state courts granting full faith and credit or comity for tribal court opinions. The level of respect and deference shown to tribal courts as competent judicial forums improves with understanding of tribal court reasoning and analysis, which is made possible with increased transparency and availability. One commentator has noted, "If tribal court opinions were more widely available, the work of tribal judges would become visible to the legal as well as the general public. This education [would] in turn benefit the tribal courts and help to counteract and dispel ..." unsupported claims concerning bias which are often leveled against tribal courts.8

While tribal court bias regarding tort and prize claims have not been the focus of the current gaming compact controversy, in 2010, issues regarding the competency of state courts to hear such claims in accordance with the provisions of the compact was a "source of friction" with tribal communities, which believed the claims should be determined by tribal courts.9 Almost certainly one of the factors causing a preference for state courts was a lack of knowledge about tribal courts and judges.10



Further, when "... tribal law is not known, state and federal courts have no choice but to disregard it, along with the tribal norms and values that it represents."11 While since 1992, Oklahoma has had legislation that uses the phrase "full faith and credit" to describe the treatment of tribal court orders,<sup>12</sup> at least one author has commented that by "granting the Supreme Court of the State of Oklahoma the power to extend full faith and credit as they see fit, the Oklahoma statute is more in line with judicial comity than it is full faith and credit."13

Further, irrespective of the benefits of recognition of tribal court judgments, there are reasons that tribes might not want to register or grant reciprocal recognition of Oklahoma state court judgments as required by Rule 30 for district courts of Oklahoma.14 One reason might be the desire to avoid being "obligated to enforce state court judgments ... the encumbrance of enforcing state court judgments on tribal members could burden the tribal courts of some of the smaller Indian Nations. The expense, time, and manpower that it might take to haul a tribal member into Tribal Court to make them comply could be too expensive and time consuming ..."15

# RESISTANCE TO PUBLICATION AND DISTRIBUTION OF TRIBAL COURT OPINIONS

Despite the potential advantages associated with the publicly availability of tribal trial and appellate court decisions and records, tribes may be resistant to taking action to distribute tribal court orders and opinions. This resistance may have a variety of reasons. Pommersheim<sup>16</sup> and others<sup>17</sup> have noted historical tribal fear or distrust resulting from past policies that tried to terminate tribal court functions or tribal sovereignty all together.

Lack of staffing and/or funding are also often cited as reasons for the failure to make tribal court opinions available. The Tribal Law and Policy Institute notes that the "federal and state governments rely on taxes to raise the necessary revenue. As a result of federal Indian policy, many tribes lack the necessary tax base and taxation authority to do the same. The result is that the majority of tribal governments [including tribal courts] are dependent on economic development and on federal funding to finance their criminal justice system." The revenues from such sources may not always be consistent.<sup>18</sup>

It should be recognized, however, that the involvement of non-native enterprises in tribal economic development would assist in addressing financial concerns affecting publication and distribution of tribal court opinions. Such involvement would likely be encouraged by the public availability of tribal law, including tribal court opinions, which would provide more certainty regarding the risks assumed by the enterprises.

# METHODS OF PUBLICATION, PUBLICLY AVAILABLE AND FINDABLE

Understanding the advantages as well as the causes of tribal hesitancy or lack of action to publish tribal court opinions is important to advocating for increased access. Equally valuable is an understanding of methods of publication and current sources of access to tribal court opinions. Two methods tribes use to publish and distribute their laws and tribal court opinions are self-publishing or contributing content for publication by another organization.<sup>19</sup>

As acknowledged in Tribal Law and Policy Institute's *Guide* for Drafting or Revising Tribal Laws to Implement the Tribal Law and Order Act Enhanced Sentencing and the Violence Against Women Act Reauthorization of 2013, some tribes have made laws "publicly available" by placing print copies in publicly accessible places, such as tribal

buildings, tribal agencies or tribal libraries. Other tribes provide print copies to requesting. If finances do not permit a tribe to provide copies without cost, tribes may charge a reasonable but not a "disproportionately large fee" for the copies.<sup>20</sup>

Tribes may publish opinions in print reporters, legal databases or on the Internet. Many tribes use the Internet to make their criminal laws, rules of evidence and rules of criminal procedure publicly available.21 Tribes may also use web-based systems to make tribal court opinions and dockets available. In Oklahoma, some tribes<sup>22</sup> make dockets available through the On Demand Court Records System (ODCR). However, access to images of the pleadings, orders and other documents in a case are not freely accessible through ODCR. Rather, images are only available to limited subscribers, including attorneys licensed in Oklahoma.

While publishing law to a freely available website may make content more accessible, it does not always make it more "findable."<sup>23</sup> Researchers may not realize they need to go the tribe's website to locate tribal court opinions. If the opinions are simply PDF files that are not indexed or collectively searchable, few members of the public or busy attorneys will take the time to browse through the increasing number of opinions

Despite the potential advantages associated with the publicly availability of tribal trial and appellate court decisions and records, tribes may be resistant to taking action to distribute tribal court orders and opinions.

available. Further, publication on the internet still involves some expense. Although there are no printing costs, tribes need to commit the time of technically trained staff to organizing and posting content in a manner that is consistent with privacy and data security concerns. As previously noted, smaller tribes may not have staff or financial resources available.

Another way tribes can make tribal opinions more available is by contributing it to an outside organization for inclusion in a tribal opinion collection. This method saves the cost of printing and distribution and of maintaining content on a website. When a tribe makes its law available as part of a larger collection, researchers can search the law of multiple tribes in one system.24

### **CONCLUSION**

The status and availability of tribal law, including tribal court opinions, has been characterized as follows:

... tribal law can be very difficult if not impossible to locate. Although most federally recognized tribes do have written constitutions, codes, and judicial opinions, many have not made their law available to the public. Some would like to make their laws available but lack the funds to do so. Other tribes have affirmatively decided to keep their laws private for various reasons including a desire for privacy, concern that making law available will subject the tribe to criticism, worry about compromising the sacred nature of tribal law and culture, and internal tribal politics.

... many tribes have incorporated tradition and custom into their laws and decision making. For tribal courts

especially, customary law plays an important role in linking justice with community values. When it is not written, customary law can be extremely difficult to discover and apply both within and outside the tribe. Tribal law that is available is scattered across numerous websites, databases, and print publications.25

Fastcase, the legal research tool provided to OBA members without cost, does not currently provide access to tribal court opinions. However, Fastcase is currently engaged in an initiative to add tribal court opinions to it system. In 2016, Ed Walters visited with select tribal court clerks at the OBA Solo & Small Firm Conference to gain their input regarding such an initiative, and Fastcase continues to work to overcome challenges to systematic collection of tribal court opinions.

Some of the sources collecting tribal court opinions are outlined in the OU College of Law's Native American Law Research Guide<sup>26</sup> and discussed in Oklahoma Legal Research.27 Existing web-based collections outlined in research guides include:

# Lexis Advance Practice Centers/ Native American

The tribal courts section of the Native American Practice Center offers access to more than 2,000 select tribal court decisions from over 30 tribes. A majority of the decisions are reported from a small number of tribes such as the Oneida, Navajo, Mashatucket Pequot and Fort Peck, which are located in states other than Oklahoma.

West's American Tribal Law Reporter

Tribal court cases for more than 20 select tribes and inter-tribal courts. However, only two of the 20 tribal courts included in this reporter, the Cherokee Nation of Oklahoma and the Sac & Fox Nation, are located within Oklahoma.

Oklahoma Tribal Court Reports Compiled by Dennis Arrow and the Native American Legal Resource Center, Oklahoma Tribal Court Reports contains opinions issued by one of the CFR or tribal courts in Oklahoma, including the tribal courts, Courts of Indian Appeals and Courts of Indian Offenses. Available in print and via Westlaw Edge, the OTCR was first published in 1994, coverage begins with select cases from 1979. Publication ended in 2015.

### Casemaker

Casemaker's library of tribal court decisions includes decisions from more than 50 Native American tribal justice systems. A list of the tribal courts is available at public. casemakerlegal.net/libraries/tribalcourts. A subscription is required to sign-in and access the database. A majority of the cases included are historical in nature rather than recently issued opinions.

# VersusLaw

Opinions from over 20 tribal courts in 11 states; however, Oklahoma is not one of the 11 states. VersusLaw developed the Tribal Court Database in cooperation with the National American Indian Court Judges Association. Versuslaw provides free registration available for law students, faculty and library staff members associated with any American J.D. degree law school. VersusLaw also provides a free trial for attorneys.

### **ABOUT THE AUTHOR**

Darla W. Jackson is a research librarian at the OU College of Law. She previously served as a practice management advisor for the OBA and as a judge advocate in the U.S. Air Force. She is an Indian Law Section member and serves as chair of the Native Peoples Law Caucus of the American Association of Law Librarians, She anticipates completion of an LL.M. in Indigenous Peoples Law in 2020.

### **ENDNOTES**

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- 2. Bonnie Schucha, "'Whatever Tribal Precedent There May Be:" The (Un)availability of Tribal Law," 106 Law Library Journal 199 (2014).
  - 3. Selden, supra note 1.
- 4. Frank Pommersheim, Tribal Justice, Twenty-Five Years as a Tribal Appellate Justice 253 (2016).
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  - 6. 25 U.S.C. §1302 (2018).
- 7. Tribal Law and Policy Institute, Guide for Drafting or Revising Tribal Laws to Implement

- the Tribal Law and Order Act (TLOA) Enhanced Sentencing and the Violence Against Women Act Reauthorization of 2013 (VAWA 2013) Special Domestic Violence Criminal Jurisdiction 45 (February 2015) [emphasis added], www.tribalinstitute.org/download/TLOA-VAWA-Guide.pdf.
- 8. Nell Jessup Newton, "Tribal Court Praxis: One Year in the Life of Twenty Indian Tribal Courts," 22 Am. Indian L. Rev. 285, 290 (1997).
- 9. D. Michael McBride III, "Indian Gaming Compacts in Oklahoma: Respecting Tribal Jurisdiction and Enforcing Understanding - A Continuing Role for Class II Gaming," Indian Gaming 14, 16 (May 2010), www.indiangaming. com/istore/May10\_McBride.pdf.
- 10. Sharp v. Murphy, No. 17-1107, May 21, 2018, 138 S.Ct. 2026, 2018 WL 747674, supp'l briefing ordered, 139 S.Ct. 626, 2018 WL 6331077 (Dec. 4, 2018) and McGirt v. Oklahoma, No. 18-9526, Dec. 13, 2019, 2019 WL 6797731, both could also trace their origins to disputes about the bias and competency of tribal governments and tribal courts.
  - 11. Schucha, supra note 2.
  - 12. Okla. Stat. tit. 12, §728 (1992).
- 13. Robert Wild, "The Last Judicial Frontier: The Fight for Recognition and Legitimacy of Tribal Courts," 103 Minn. L. Rev. 1603, 1629 (2019).
- 14. Rule 30 Standard for Recognition of Judicial Proceedings in Tribal Faith and Credit, www.oscn.net/applications/ oscn/ DeliverDocument.asp?CiteID=93646.
- 15. Shelly Grunsted, "Full Faith and Credit: Are Oklahoma Tribal Courts Finally Getting the Respect They Deserve?" 36 Tulsa L.J. 381, 395 (2000), digitalcommons.law.utulsa.edu/cgi/ viewcontent.cgi?article=2316&context=tlr.
  - 16. Pommersheim, supra note 4, at 252.
- 17. Anne Lucke, library director, National Indian Law Library, Native American Rights

Fund, Tribal Law Research at the National Indian Law Library Remarks as part of Researching Federal Indian Law and Tribal Law, American Bar Association Section of Environment, Energy and Resources, Civil Rights and Social Justice Section and ABACLE 26 (Aug. 14, 2019)(on file with author); Schucha, supra note 2, at 201-202.

18. Tribal Law and Policy Institute, Guide for Drafting or Revising Tribal Laws to Implement the Tribal Law and Order Act Enhanced Sentencing and the Violence Against Women Act Reauthorization of 2013, supra note 7, at 11.

19. Schucha, supra note 2, at 202.

20. Tribal Law and Policy Institute, Guide for Drafting or Revising Tribal Laws to Implement the Tribal Law and Order Act Enhanced Sentencing and the Violence Against Women Act Reauthorization of 2013, supra note 7, at 45-46.

21 Id.

22. Cheyenne & Arapaho Tribal Court, Choctaw Nation Tribal Court - Talihina, Sac & Fox Nation Tribal Court & Wyandotte Nation Tribal Court provide docket information via the On Demand Court Records System at www1.odcr. com, but these tribal courts do not provide free access to the pleadings or documents entered as case entries on the docket. However, some images are available for a subscription fee.

23. Schucha, supra note 2, at 204.

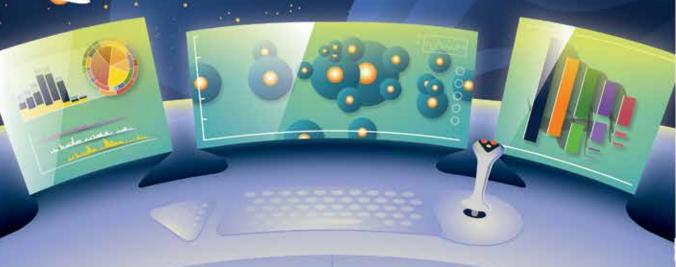
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27. Darla W. Jackson, "Researching Tribal Law," Oklahoma Legal Research (2013).



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# Seeking Default Judgment: After Schweigert

By Kraettli Q. Epperson

THE GENERAL RULE OF LAW is that "This Court [the Oklahoma Supreme Court] has consistently viewed default judgments with disfavor, preferring, 'whenever possible, that litigating parties be allowed their day in court so that a decision on the merits can be reached.""1

In 2015, the Oklahoma Supreme Court issued a ruling in regard to a divorce proceeding, wherein it reversed a trial court default judgment by concluding:

The dispositive question raised for our review is whether a party must file a motion for default and give the adverse party notice under Rule 10 of the Rules for District Courts, 12 O.S. 2011, ch. 2, app. (Rule 10), when the adverse party fails to file an answer or an entry of appearance but physically appears at a hearing. We answer in the affirmative.2

This Schweigert decision apparently created significant turmoil among many members of the bench and bar, especially among the collection bar which relies extensively on default judgments. The usual practice – in many counties - entails submitting a proposed order for default judgment, with or without a motion, with no notice, and no hearing, followed by the district court

entering the proposed order. The resulting turmoil continues to the present time.

There are two questions: 1) when is a default judgment allowed and 2) what motion, hearing and notice of such motion and hearing, if any, is required, to secure a default judgment?

Regarding the facts in Schweigert, a wife filed for divorce and properly secured personal service of her petition on her husband at a nonresidential location.<sup>3</sup> The petition included an application for a temporary order, and at the initial hearing, set by the wife, where she sought relief regarding temporary custody of their two children and child support, the husband physically appeared (pro se). However, he still failed to file an entry of appearance, failed to file an answer and, apparently, failed to provide a service address.4 A temporary order was issued granting the wife's requests, and a year later the order was filed, but a copy was not provided to the husband.

A year after this initial hearing, the court held a second hearing at the request of the wife – at which a final default order was issued which granted a divorce, gave custody of the children and granted child support.5

The wife did not file a motion for the default (but did "tender a minute order setting the matter") and failed to serve the husband with notice of such default motion and of the second hearing. A default judgment was granted against the defaulting husband at such second hearing. The order was filed, but, apparently, was not served on the husband.6

Less than two years later, the husband hired an attorney and sought to vacate the default judgment. His request was denied by the trial court, and he appealed. The Oklahoma Court of Civil Appeals affirmed the trial court judgment, and the Oklahoma Supreme Court accepted certiorari and, as shown in the quote above, reversed the trial court.7

Initially, the bar attempted to downplay the impact of this case by assuming its holding was limited to divorce cases, which are "special" statutory "proceedings," and not civil "actions." However, as shown in the later holding in Asset Acceptance (discussed below), this ruling is not limited to divorce proceedings.

While an argument might be made that the holding in the Schweigert case was incorrect (see the discussion below), this article primarily focuses on providing guidance on how to comply with the holding.

By way of background, the principal statutes requiring a written response from the defendant



after proper service (answer statutes) provide:

- 1) "Every party to any civil proceeding in the district courts shall file an entry of appearance..."8 (12 O.S. Section 2005.2 (A)), and
- 2) "...a defendant shall serve an answer: (a) within twenty (20) days after the service of summons and petition upon the defendant." (12 O.S. Section 2012(A)).

While the answer statutes call for written filings, two additional related statutes (appearance statutes) suggest that default judgment is only permitted upon a "failure to appear." These appearance statutes provide a slightly different view of what steps are required to justify taking a default judgment. They provide:

1. B. SUMMONS: FORM. 1. The summons... shall notify the defendant that in case of failure to appear, judgment by default will be rendered against the defendant for the relief demanded in the petition. (12 O.S. Section

2004 (B)(1)), and

2. A. SERVICE: WHEN REQUIRED. Except as otherwise provided in this title, ... every pleading subsequent to the original petition ..., shall be served upon each of the parties. No service need be made on parties in default for failure to appear... (12 O.S. Section 2005 (A))

It should be noted that the Oklahoma Supreme Court does not cite or rely upon these two appearance statutes in its Schweigert

opinions, but instead relies exclusively on its own Rule 10.

The brief answer to the two threshold questions, based on the holding in Schweigert, is:

- a. Entitlement to Default Judgment: A default judgment may be requested when the defendant fails to "file an answer"; and
- b. Process for Taking a Default Judgment:
  - 1. If a defendant either makes or files an appearance, but fails to file an answer, then the plaintiff must follow Rule 10,9 and:
    - a) File a motion for default; and
    - b) Set the motion for hearing; and
    - c) Give at least a five-day notice of such motion and hearing.

c. What notice was given, and, if none were given, the reason therefore.

While the holding in Schweigert is precedential and must be followed by both the lower courts and the members of the bar, such policy is apparently contrary to the practice in many counties across the state.

2. If a defendant fails to make or file an appearance, and fails to file an answer, then (according to Rule 10) "Notice of taking default is not required where the defaulting party has not made an appearance." While this fact pattern was not in front of the Schweigert court, one might assume - due to dicta in the case (discussed below) that the filing of a motion and the setting of a hearing with notice is required.

While the holding in *Schweigert* is precedential and must be followed by both the lower courts and the members of the bar, such policy is apparently contrary to the practice in many counties across the state.

The results of a recent informal survey<sup>10</sup> of the default judgment procedures followed in Oklahoma's 77 counties found a wide range of practices:

1) Is a motion for default judgment required before presenting the default judgment?

- Yes 13 (in Oklahoma County, some judges do and some do not) No - 24Unstated - 40
- 2) When is a hearing required for a motion for default judgment:
  - a. Always 6
  - b. If court so determines 3
  - c. Only if an entry of appearance, answer or correspondence received or filed - 25
  - d. Unstated 43

The bar and the bench are required to adjust their practices to adhere to the holding in Schweigert. For instance, Oklahoma County has - since Schweigert - amended its Local Rule 16 to add a requirement for the filing of a default motion and a hearing, and such motion must state the following:

- A. 1. a. Whether the defaulting party has filed any pleading/documents;
  - b. Whether the defaulting party has appeared in open court; and

And in regard to setting a hearing:

B. If the defaulting party has filed a pleading/document or has appeared in open court, a hearing must be set and notice must be provided to the defaulting party.

In order for the court record to reflect whether a physical nonwritten "appearance has been made," so that the trial court can be informed and then know what steps need to be followed to grant a default judgment, the practice of having at least a court minute entered reflecting such "physical appearance" will probably need to be followed.

It should be noted that an error in the text of the Schweigert decision has spawned additional confusion as to what action or inaction by a defendant triggers the need for notice and a hearing, before taking a default judgment. Such language misstated the court's core holding (calling for a motion, hearing and notice if at least "an appearance was made"):

"This language [Rule 10] mandates that a motion must be filed in all instances, even when a party fails to make an appearance..."11

One might simply assume that such surplus language could be ignored as only being dicta. However, a 2018 Oklahoma Court of Civil Appeals case adopted such "dicta" as its guiding light. As shown in Asset Acceptance v. Pham, 2018 OK CIV APP 26, 415 P.3d 47 (a credit card collection case), 1) the core ruling in *Schweigert* was expanded beyond "divorce proceedings," 2) the "dicta" took on

a life of its own and 3) the COCA took Schweigert several steps farther.

A simple reading of the holding in Asset might lead one to conclude that in every instance, "even when a party fails to make an appearance," there must be not only a motion, but a hearing with at least a five-day notice.

Such sweeping new procedures can be adopted by the bar and the bench, but it should be noted that 1) such new practices will burden an allegedly overburdened judicial system and 2) such new practices could be reversed by legislative action. Such legislative action is currently pending in this 2020 session (HB 3660, by Kannady), with this additional language being suggested:

# 12 O.S. §2012:

H. MOTION FOR DEFAULT **IUDGMENT NOT** REQUIRED IF DEFENDANT FAILS TO FILE RESPONSE. Nothing in any provision of this title or in any court rule shall be construed to require a motion for default judgment, with or without notice, if after service of summons and petition, a defendant fails to file with the court clerk an appearance, answer, motion, pleading, or response. Contact or communication with the plaintiff or attorney of the plaintiff shall not constitute an appearance unless the contact or communication is also filed by the defaulting party in writing with the court clerk.

It should be noted that legislative enactments adopted subsequent to an appellate court ruling supersede such ruling.12

In regard to whether the holding in the Schweigert case was correct, it should be noted:

- 1) The answer statutes clearly require a written appearance and service of a written answer;13
- 2) Contrary to the assertions in Schweigert, Rule 10 was never a statute, but was issued as part of the overall set of District Court Rules by the Oklahoma Supreme Court at the request of the Oklahoma Bar Association;<sup>14</sup> and
- 3) The language of 12 O.S. §2005.2(A), which requires the defendant to "file an entry of appearance," was adopted after the adoption of Rule 10, and such facts do not mean as asserted in *Schweigert* – that the earlier rule somehow "preempted" the later adopted statute; instead it means the legislature superseded such Rule 10.15

# **ABOUT THE AUTHOR**

Kraettli Q. Epperson is a partner with Mee Hoge PLLP in Oklahoma City. He has chaired the Title Examination Standards Committee for over 30 years and has taught Oklahoma Land Titles at OCU School of Law for over 35 years. He edits and coauthors West/Epperson: Oklahoma Real Estate Forms.

### **ENDNOTES**

1. Williams v. Meeker, 2019 OK 80, ¶12, 455 P.3d 908, 913 (Vacation of a default judgement by the trial court and the COCA was overturned on appeal, where the losing defendant attacked the initial default judgment based solely on an alleged lack of notice of the petition and due to an alleged unavoidable casualty and misfortune, all caused by a failure of the service agent to advise the principal of the receipt of the petition. There was extensive proof that the petition, the motion for default judgment and a hearing on damages were properly served.); also see White v. White, 2007 OK 86, 173 P.3d 78, wherein a default judgment was reversed after being granted against the defendant for failure to file a response to a motion, under 4(e) Rules for District Courts, with such default judgment being permitted in the discretion of the court, and see Guyton v. Guyton, 2011 OK CIV APP 92, 262 P.3d 1145 - citing White - wherein a default judgment was reversed after being granted against the defendant for failure, under Rule 5(j), Rules for District Courts, to provide the required pre-trial conference statement

- as required by the pre-trial order, where such default judgment was permitted in the discretion of the court, and also for failure to respond to a pending motion to modify custody where such default judgment was permitted in the discretion of the court. Both cases turned on there being discretion under the two rules, the older rule of law, as expressed in White, that "[U] nder no circumstances may a modification in custody based on a change of circumstances be effected unless the requesting parent demonstrates" specific elements. Allegations alone are inadequate, and, instead, there must be an evidentiary hearing, before judgment can be granted; otherwise, it is an abuse of discretion. These cases point out a specific area where a normal default judgment cannot be granted custody/visitation matters.
- 2. Schweigert v. Schweigert, 2015 OK 20, ¶1, 348 P.3d 696, 697; Rules for District Courts of Oklahoma, Rule 10. Notice of Taking Default Judgment. In matters in default in which an appearance, general or special, has been made or a motion or pleading has been filed, default shall not be taken until a motion therefore has been filed in the case and five (5) days notice of the date of the hearing is mailed or delivered to the attorney of record for the party in default or to the party in default if he is unrepresented or his attorney's address is unknown. Notice of taking default is not required where the defaulting party has not made an appearance.
- 3. Schweigert, ¶2 ("Father was personally served at CeeDee's Country Store in Dustin, Oklahoma.").
  - 4. Schweigert, ¶2.
  - 5. Schweigert, ¶4.
  - 6. Schweigert, ¶4.
  - 7. Schweigert, ¶5.
- 8. This EOA is solely to provide to the plaintiff the contact information for the defendant: "The entry of appearance shall include the name and signature of counsel or the unrepresented party, the name of the party represented by counsel, the mailing address, telephone and fax numbers, Oklahoma Bar Association number, and name of the law firm, if any."
- 9. Rule 10: "...default shall not be taken until a motion therefore has been filed in the case and five (5) days notice of the date of the hearing is mailed or delivered to the attorney of record for the party in default or to the party in default if he is unrepresented or his attorney's address is unknown.
- 10. By the Oklahoma City Commercial Law Attorney's Society.
  - 11. Schweigert, ¶15.
  - 12. Minie v. Hudson, 1997 OK 26, ¶8, 934 P.2d
- 13. 12 O.S. §2004(B)(1) and 2005.2(A); Boston Ave. Management, Inc. v. Associated Resources, Inc., 2007 OK 5, ¶11; and Kohler v. Chambers, 2019 OK 2, ¶6.
  - 14. Schweigert, ¶14; 32 OBJ 1731 (1961).
- 15. Schweigert, ¶14; Minie v. Hudson, 1997 OK 26, ¶8, 934 P.2d 1082, 1086.

# IN THE SUPREME COURT OF THE STATE OF OKLAHOMA AND

# IN THE OKLAHOMA COURT OF CRIMINAL APPEALS

SCAD NO. 2020-24

### FIRST EMERGENCY JOINT ORDER REGARDING THE COVID-19 STATE OF DISASTER

- 1. Governor J. Kevin Stitt issued Executive Order 2020-07 on March 15, 2020, declaring an emergency in all 77 Oklahoma Counties caused by the impending threat of COVID-19 to the people of the state. This joint order is issued to clarify the procedures to be followed in all Oklahoma district courts and to encourage social distancing and to avoid risks to judges, court clerks, court employees and the public.
- 2. All district courts in Oklahoma shall immediately cancel all jury terms for the next 30 days and release jurors from service. No additional jurors shall be summoned without approval of the Chief Justice. All civil, criminal and juvenile jury trials shall be continued to the next available jury dockets.
- 3. Subject only to constitutional limitations, all deadlines and procedures whether prescribed by statute, rule or order in any civil, juvenile or criminal case, shall be suspended for 30 days from the date of this order. This suspension also applies to appellate rules and procedures for the Supreme Court, the Court of Criminal Appeals, and the Court of Civil Appeals.
- 4. In any civil case, the statute of limitations shall be extended for 30 days from the date of this order.
- 5. Subject only to constitutional limitations, assigned judges should reschedule all non-jury trial settings, hearings, and pretrial settings. Emergency matters, arraignments, bond hearings, and required proceedings of any kind shall be handled on a case by case basis by the assigned judge. Judges shall use remote participation to the extent possible by use of telephone conferencing, video conferencing pursuant to Rule 34 of the Rules for District Courts, or other means. The use of email, fax and drop boxes for acceptance of written materials is encouraged, except that the use of email may not be used for appellate filings at this time. If any party or counsel objects to a continuance of any matter, assigned judges are encouraged to hold hearings in the same manner as emergency matters.
- 6. The following persons are prohibited from entering any courtroom, court clerk's office, judges' offices, jury room or other facility used by the district courts:
  - a. Persons who have been diagnosed with or have direct contact with anyone diagnosed with COVID-19.
  - b. Persons with symptoms such as fever, severe cough, or shortness of breath.
  - c. Persons who have traveled to any country outside of the U.S. in the past 14 days, and those with whom they live or have had close contact.
  - d. Persons who are quarantined or isolated by any doctor or who voluntarily quarantine.
  - e. If you are in one of these categories (a-d) and are scheduled for a court appearance or are seeking emergency relief, contact your attorney, and if you have no attorney, call the court clerk's office in the county where you are required to appear.
- 7. All courts may limit the number of persons who may enter any courtroom, judges' or clerk's office, jury room or any other facility used by the district courts.
- 8. This order is subject to extension or modification as necessitated by this emergency.

# IT IS SO ORDERED.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 16TH DAY OF MARCH, 2020.

/s/ Noma D. Gurich CHIEF JUSTICE

WITNESS OUR HANDS AND THE SEAL OF THIS COURT THIS 16TH DAY OF MARCH, 2020.

/s/ David B. Lewis PRESIDING JUDGE



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# From the Executive Director

# **Lions and Tigers** and Bears and Things

By John Morris Williams

**ECENTLY, I SAW A POSTING** Namong a national group of bar executives I belong to relating to the latest strain of the coronavirus. The posting asked the question: what is your bar's plan for a pandemic? Plan for a pandemic? We have a plan for disasters, safety plans and technology security plans. Now I need to think about planning for a pandemic? It seems the world is full of lions and tigers and bears and things.

I decided to investigate planning for a pandemic and so far, the Centers for Disease Control and Prevention tells me there is not much I can do. Hand washing, not traveling to affected areas, staying away from people who are sick and perhaps having some things at home if you need to be there for a few days. Somewhere in listening to all the voices talking on the subject there was a bit of a hint that we don't all need to run

out and stockpile several items like gloves and surgical masks. That is outside my expertise and I am clueless just exactly what one should or should not buy for a pandemic. As far as the OBA is concerned, we will operate as usual until we have a reason not to. As with any situation that might make staff or the building unavailable, we have a plan.

I think the greater risk now to businesses, associations and law firms is another type of virus – ransomware. In the last year, mega firms, large state bar associations, large municipal governments and even individual OBA members have been hit with ransomware. I have spoken personally with more than one OBA member who have been shut down by ransomware. If you get hit with ransomware there are two options – one is to pay and the other is to refuse to pay and rely upon your backup.

The refusal to pay option is heroic and principled. However, it has on more than one occasion ended up being more costly than paying the ransom. I have had conversations with those who choose the "we are not paying a dime" route. The costs of restoring from backup can be staggering. One state bar association reported spending approximately \$10,000 a day to bring its information back online



from their backup. This went on for several days, and it turned out the backups were not perfect.

The first and best rule is that you should be backing up your data responsibly. Your backup provider should meet industry standards for security, and the place your backup provider uses for redundancy should also meet industry standards. Failing to have totally secure backups could result in liability and disciplinary action against your license. This is serious stuff, and everyone from a solo practitioner to a mega firm should have a data storage and retrieval plan.

To back up is not enough. You must test your backups regularly. I learned from a large organization that was experiencing failure with restoring data from its backup at least part of the data had not been tested previously to see if it would restore properly. In sum, your data backup is only as good as the parts of it that can be restored.

You can take some preventative action using antivirus software and strict rules on not opening attachments from unknown sources. Cloud applications and good backups, with regular backup testing may be the best prevention and recovery methods. Also, there is insurance available to help offset the cost of recovery if you have a disaster or get hit with ransomware. Even these have their own limitations and every lawyer should either become aware of the risks they face or have technology experts advising them. There are lions and tigers and bears and things out there that want to disrupt your practice and even hold your data ransom.

Unlike a pandemic, there are things you can do to avoid a disaster with your data. Planning for data security, backing up, testing the backups and even considering insurance to help with the cost of recovery are things every lawyer should be doing. If you are lost in the woods on this, the OBA Management Assistance Program staff can help you get to where you need to be. This is one of several instances your OBA membership and the services the OBA offers can help save your practice and thousands of dollars. We can help you become a no lions and tigers and bears and things zone.

phy Mai William

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



# LAW PRACTICE TIPS

# **Highlights From the ABA TECHSHOW 2020**

By Jim Calloway and Julie Bays

**BA TECHSHOW 2020 was** held in Chicago during the final few chilly days of February. Interesting things are happening in the legal technology field, and we wanted to share a few of the highlights.

One can often get a good sense of what's hot in legal technology by roaming the large expo hall and visiting with the vendors. There were new practice management solutions announced, and ABA TECHSHOW is also a traditional time for the established software vendors to announce new product features.

So, an artificial intelligencepowered tool to create first drafts of briefs has arrived. That is interesting and scary to some.

OBA member benefit CaseText, which previously garnered much attention with its artificial intelligence-powered brief analysis tool CARA, debuted Compose, a tool to assist in quickly preparing the first draft of a litigation brief. (It is not intended for appellate briefs.) Neither of us made the demonstration, but those who did indicated it was impressive. According to coverage in LawSites blog, "[f]or solo and small-firm attorneys, they will be able to purchase Compose on an a-la-carte, per-brief basis. The first use will cost \$99. After that, each brief will cost \$1,499." Larger firms can purchase various types of subscription packages.<sup>1</sup>

Text messaging for lawyers has been covered in these pages before and this year at ABA TECHSHOW there were several new services related to text messages, from ones that help lawyers archive the messages to ones that prepare billing entries based on text messaging for the lawyer to then review. Clearly a lot of people have an interest in

developing texting tools for the legal profession. There were also several new virtual receptionist and chatbot tools.

"By the Numbers: Build a Data-Informed Marketing Plan and Budget" was an early Thursday morning educational session from Chelsea Lambert, who will be speaking at our OBA Solo & Small

# A WORD ON PANDEMIC PLANNING FOR LAW FIRMS

Whether it is the COVID-19 coronavirus or the next big threat, it is no longer the subject of speculative fiction to make a few plans in case of quarantines or pandemic threats. So, here are a few things to consider:

- Examine how you deal with deadlines, particularly on "nonforgiveable" deadline dates, like statutes of limitations expiring. Maybe completing these on the day before they are due is no longer responsible. Consider implementing a goal of completing those items two weeks before the deadline instead of a day or so. If things go negative, events could be fast moving, and it is best to get the "absolutely have to" list as short as possible. You might not be facing a quarantine just when everyone in the office who knows how to format that brief properly is out sick at the same time and infection-spurred demand has made it briefly impossible to hire a temporary paralegal.
- What are your policies in the event of a significant office closure? Who can work from home? Who cannot? Does one person come to the office to scan the mail and forward it? Is that even possible without an IT staff person coming to work?
- Examine your remote access tools and whether everyone can use them. Would it be good to own a couple more laptops? If staff are forced to telecommute, is their home security good enough? (I'm assuming most lawyers are already doing some remote work.)

Firm Conference this summer, and Stephanie Everett. Their discussion focused on planning, budgeting, marketing technology and data analyzing. They suggest if you have a website you should utilize Google Analytics. There are plugins available that make this easier.2 Google Analytics is free, and it can help you understand the traffic to your website. Google provides support and tutorials.<sup>3</sup>

Speaking of Google, did you know that many, if not most lawvers or law firms, should "claim" their business using Google My Business? Gyi Tsakalakis and Joy Hawkins explained that this free tool can help lawyers manage their online presence in Google Search and Maps. While it is a free resource from Google, registration is required. They also taught another entire session on free tools to be used for marketing that was covered by the ABA Journal.4

OU College of Law's Kenton Brice and TECHSHOW Co-Vice Chair Allan Mackensie demonstrated the amazing automation that Office 365 for Business offers with "Automation for Law Firms Using Office 365." If you haven't checked out all the apps available just go to your online version of Office 365 to review all the options. Click on the square box with dots. Click on the "All Apps" button to see what is there. The Microsoft Power Automate App will let you streamline repetitive tasks, and the app offers templates you can use. Did you know, for example, that Office 365 Teams now has a videoconferencing feature built right in?

One interesting tip that seemed to surprise many in the audience was the addition of a button for email templates in Outlook. Microsoft keeps adding features via Office 365. The "View Templates" button is visible when you have a new email message open and you use it to save commonly used phrases into your emails with a single click (see the graphic below).

Jim Calloway spent some time in the law office automation track. One speaker who has incorporated many automation tools called zaps from the Zapier company says at this stage these tools are far from "set it and forget it." He schedules once a month to test all of his zaps just to make sure nothing has broken.

iPhone users may not have even noticed the Shortcuts app on their phones. These shortcuts allow users to build automated



Apple's Shortcuts app icon

processes involving their phones. You don't have to learn advanced coding to do this. In fact, there is a gallery that allows you to see and add shortcuts others have designed for your phone. One simple shortcut lawyers noted as an example was a shortcut to automatically mute your phone when you were at the courthouse.



The "View Templates" button is visible when you have a new email message open and you use it to save commonly used phrases into your emails with a single click.

One speaker at a panel on delivering limited scope legal services indicated that having e-signature capability was critical. So, we will be looking at that over the next several weeks.

Another idea we heard is useful after the law firm has created several promotional videos. These could be displayed in the waiting room at the law firm so that your firm's other services are profiled. One would obviously need to have several of these and perhaps alternate them with a public interest video or two, so the waiting room experience did not become tedious because of them.

ABA TECHSHOW is a great event. Several Oklahoma lawyers attended. Next year's event will be held March 10-13, 2021, in Chicago. Look for the OBA event promoter code to save money when registering next year.

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

Ms. Bays is a practice management advisor in the **OBA Management Assistance** Program, aiding attorneys in using technology and other tools to efficiently manage their offices.

### **ENDNOTES**

- 1. www.lawsitesblog.com/2020/02/notablenew-casetext-product-drafts-your-litigationbriefs-for-you.html.
  - 2. wpforms.com/

best-google-analytics-plugins-for-wordpress/.

- 3. support.google.com/
- analytics/?hl=en#topic=3544906.
- 4. www.abajournal.com/news/article/ can-law-firms-really-market-for-free.



# ETHICS & PROFESSIONAL RESPONSIBILITY

# Fee Simple?

# By Richard Stevens

LAWYER'S FEES IS a subject that often comes up in discussions with practitioners. ORPC 1.5 contains the rules for fees. Foremost, a lawyer's fees must be reasonable. The rule provides several factors to be considered in determining whether fees are reasonable:

- 1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- 2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- the fee customarily charged in the locality for similar legal services;
- the amount involved and the results obtained;
- the time limitations imposed by the client or by the circumstances;
- 6) the nature and length of the professional relationship with the client;
- 7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- whether the fee is fixed or contingent.

The factors enumerated in the Rule 1.5 are not exclusive and may not be relevant in every instance. While Rule 1.5 does not require a written contract for most fees, common sense dictates that a written contract will reduce the possibility of misunderstanding. The contract should state the nature and extent of the services to be provided and the basis, rate or total amount of the fee. The contract should explain if and to what extent the client will be responsible for the payment of any costs and expenses.

In certain circumstances, such as when a third party pays the lawyer's fee, it may be helpful to plainly state the identity of the client. A statement that the lawyer answers to the client alone and exercises independent professional judgement on behalf of the client may also be useful.

Lawyers may not charge a retainer or flat fee that is nonrefundable.1

Contingent fees must be in writing, signed by the client and must state how the fee is to be calculated. Contingent fees must not exceed 50% of the net recovery. The agreement must clearly notify the client of any expenses for which the client is responsible.

Lawyers cannot charge or collect contingent fees for representing a defendant in a criminal case. Lawyers may not charge or collect a fee in a domestic case which is contingent on securing a divorce

or upon the amount of alimony or property division. Contingent fees are not prohibited in actions for the recovery of post-judgement balances under support, alimony or other financial orders.

Finally, for lawyers not in the same firm to share fees, the division must be in proportion to the work done by each lawyer or each lawyer must assume joint responsibility for the representation. The client must agree to the arrangement and confirm it in writing. The total fee must also be reasonable.

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

# **ENDNOTE**

1. State Ex Rel. Oklahoma Bar Association v. Weigel, 2014 OK 4, 321 P.3d 168.

# **BOARD OF GOVERNORS ACTIONS**

# **Meeting Summaries**

The Oklahoma Bar Association Board of Governors met Feb. 21 at the Oklahoma Bar Center in Oklahoma City.

# **EXECUTIVE SESSION**

The board voted to go into executive session to discuss the status of litigation, met in session and voted to come out of executive session.

# REPORT OF THE PRESIDENT

President Shields reported she participated in discussions regarding pending litigation, had a conference with the Estate Planning, Probate and Trust Section chairperson about guardianship handbooks, had discussions with chairs and members of other OBA committees and sections, participated in a conference call and other communications regarding the Uniform Bar Examination advisory committee and potential adoption of UBE in Oklahoma, prepared the March bar journal president's message, taped a segment of the Law Day TV show, appeared as a guest on The Verdict TV show. She attended the board has-been party, swearing-in ceremony for Board of Governors members and officers before the Oklahoma Supreme Court, EPPT Section completion meeting, OBA Legislative Kickoff, meetings with the OBA executive director and staff regarding Annual Meeting planning and in Austin, Texas, Southern Conference of Bar Presidents and National Conference of Bar Presidents meetings, ABA Midyear Meeting and House of Delegates meeting.

# REPORT OF THE VICE PRESIDENT

Vice President Nowakowski reported she attended the swearing in for new board members, and in Austin she attended the ABA Midyear Meeting, ABA YLD assembly, ABA state membership chair meeting, ABA Oklahoma delegate dinner and ABA House of Delegates.

# REPORT OF THE PRESIDENT-ELECT

President-Elect Mordy reported he attended the swearing-in ceremony for the new officers and board members, OBA legislative update session, Oklahoma Bar Foundation meeting, ABA Midyear Meeting and National Conference of Bar Presidents meeting.

# REPORT OF THE **EXECUTIVE DIRECTOR**

**Executive Director Williams** reported he attended the swearing-in of new officers and governors, meetings on pending litigation, two Technology Committee meetings, meetings on Law for People website, Legislative Kickoff, Legislative Monitoring Committee meeting, National Association of Bar Executives, Southern Conference of Bar Presidents and National Conference of Bar Presidents meetings.

# REPORT OF THE PAST PRESIDENT

Past President Chesnut reported he attended the board has-been party, swearing-in ceremony for Board of Governors and officers, Lawyers Helping Lawyers Assistance Committee meeting, OBA Legislative Kickoff and Ottawa County Bar Association meeting. In Austin he attended the Southern Conference of Bar Presidents, National Conference of Bar Presidents, ABA Midyear Meeting and ABA House of Delegates.

### **BOARD MEMBER REPORTS**

Governor Beese reported he attended the has-been dinner, swearing-in ceremony for new officers and governors and OBA Legal Internship Committee meeting. Governor Davis reported he attended the Bryan County Bar Association meeting, Law School Committee meeting and impeachment trial session at the U.S. Capitol in Washington D.C. with Southeastern Oklahoma State University pre-law students for an experiential learning trip. Governor DeClerck reported he attended the Garfield County Bar Association meeting, OBA Legislative Kickoff and Garfield County Doctor Lawyer Dinner. He also met with the Micronesian Coalition founder and chairperson in an effort to establish a presentation to the Micronesian community concerning basic legal issues to be presented in conjunction with Law Day. Governor Edwards reported he attended the swearing-in ceremony for officers and new board members, Professionalism Committee

meeting and Legislative Kickoff. He also served as presiding judge and scoring panelist for the OBA's High School Mock Trial program.

Governor Garrett reported she attended the has-been party, swearing-in ceremony for officers and new board members, Tulsa County Bar Association board meeting and TCBA judicial fundraiser. Governor Hermanson reported he attended the Board of Governors has-been party, swearing-in ceremony for board members and officers, reception for President Shields and Vice President Nowakowski, OBA Legislative Kickoff, District Attorney Council Executive Board meeting, District Attorney Council meeting and Oklahoma District Attorneys Association meeting. He chaired the Justice Assistance Grant Board meeting. **Governor Hutter** reported he attended the Solo & Small Firm Conference Committee meeting and Bench and Bar Committee meeting.

Governor Morton reported he attended the swearing-in ceremony for new board members, reception for President Shields, Lawyers Helping Lawyers Assistance Program meeting and Holloway Inn of Court meeting. **Governor Pringle** reported he attended the OCU Law Mentorship Program opening reception, swearing-in ceremony for officers and new board members and a dinner for Financial Institution and Commercial Law Section officers. He also moderated the OBA's Legislative Kickoff, chaired the February Legislative Monitoring Committee meeting, wrote a legislative update article for the bar journal, wrote an article for the OCBA Briefcase and wrote an article for the OBJ constitutional law issue. Governor Rochelle reported he attended the board has-been party, swearing-in ceremony for board members, luncheon after the ceremony, Comanche County Bar Association meeting and Bar

Governor Rochelle said the Bar Association Technology Committee is looking at the best way to provide remote access to meetings.

Association Technology Committee meeting. Governor Williams reported he attended the swearing-in ceremony for new OBA governors, two Tulsa County Bar Association's Board of Directors meetings, at which in January he presented the professionalism moment, TCBA judicial dinner, which serves both to recognize the new Tulsa County presiding judge and to raise money to benefit the Tulsa County District Court, OBA Legislative Kickoff and the OBA Diversity Committee meeting.

# REPORT OF THE YOUNG LAWYERS DIVISION

Governor Haygood reported he attended the swearing-in ceremony for new board members and Solo & Small Conference Planning Committee meeting. He said the division is starting its year with its meeting tomorrow.

### **BOARD LIAISON REPORTS**

Governor Rochelle said the **Bar Association Technology Committee** is looking at the best way to provide remote access to meetings. Zoom and BlueJeans were reviewed. Skype was not considered an option because Microsoft is ending support for classic Skype. A final decision has not yet been made, but he said it looks like BlueJeans, which is being used by the OBA now, is the best option. Executive Director Williams said the biggest problem is finding a Tulsa location where sections that like to gather as a

group using remote technology could have tech support. Discussion followed. The committee will make a recommendation at the next meeting.

Vice President Nowakowski said the Awards Committee met yesterday and didn't have recommendations for changes; however, President Shields emailed board members asking for their feedback and a few suggestions were submitted. Board members were asked to contact Vice President Nowakowski if they had suggestions. Governor Davis said the Law Schools Committee has started its visits to law schools with the first visit to the OU College of Law completed. Next will be the OCU School of Law, followed by a visit to the TU College of Law. The committee's revised governance charter was posted to Communities. Governor Hutter said the **Bench and Bar Committee** has created a social media guide with tips on how to manage privacy settings on a variety of platforms, which he emailed to board members. The committee sees the application of ethical standards to social media use as an emerging issue for attorneys and judges. He said the committee is asking for help in making the guide available to bar members.

Governor Hutter said the Solo & **Small Firm Conference Planning** Committee has finished its planning for the conference that will be held Iune 18-20 at the Choctaw Casino & Resort in Durant. All the details will be included in the bar journal March magazine. A Great Gatsby-theme party is planned for the second evening. Governor Edwards said the **Professionalism Committee** members will be panelists at a Solo & Small Conference program on what not to do. Governor Williams said the **Diversity Committee** is making plans for its law school boot camp and LSAT prep session that will be rolled into a single day. Governor Beese said the **Legal Internship** Committee continues to work on modification of Rule 7.5 and a potential rule change for applicants who disclose expungement cases. Governor Hermanson said the Law Dav Committee has confirmed with OETA the Ask A Lawyer TV program will air Thursday, April 30. One of the two segments has been filmed. Governor Morton said the **Lawyers** Helping Lawyers Assistance Program Committee has lined up a speaker for the solo conference. LHL Liaison Deanna Harris will start speaking to county bar associations to promote the

program. Efforts are being made to restart the discussion group in Tulsa. Executive Director Williams said the **Legislative Monitoring Committee**'s Legislative Kickoff had about 100 people attend. Its next event is Day at the Capitol on March 10, and the agenda is now complete. He reviewed the speakers and their topics. Bar members are encouraged to make appointments with their legislators now for that day. Governor Morton pointed out there is an app with information about the legislators. Governor Garrett said the Women in Law **Committee** has started its year with social mixers and promoting them using their Facebook page. It is starting to work on its annual conference.

# REPORT OF THE **GENERAL COUNSEL**

General Counsel Hendryx briefed the board on two pending cases. A written report of PRC actions and OBA disciplinary matters from Jan. 1-31, was submitted to the board for its review.

**PROFESSIONAL RESPONSIBILITY TRIBUNAL** AND PROFESSIONAL RESPONSIBILITY **COMMISSION REPORTS** 

General Counsel Hendryx said the PRT report dovetails with the

Governor Beese said the Legal Internship Committee continues to work on modification of Rule 7.5 and a potential rule change for applicants who disclose expungement cases. PRC report. She called attention to the graph showing grievances received, which are down and reflective of the national trend. She said neglect is the reason for the largest number of grievances, family law and criminal law are the practice areas with the greatest number of complaints and the lawyers with the most complaints have practiced 26+ years, which is the majority of bar membership.

# REDISTRICTING OF SUPREME **COURT DISTRICTS**

President Shields called attention to the handout showing new Supreme Court districts that go into effect July 1, 2020, and how those changes would affect Board of Governors elections and composition. Executive Director Williams reviewed the changes and outlined options, which include keeping districts as they are now. He asked for direction within the next 60 days in anticipation of nominating petitions being filed. Discussion followed. President Shields suggested creating a subgroup to discuss options and present at the next meeting. Volunteering to serve are Governors Beese, DeClerck, Edwards, Hermanson, Morton and Executive Director Williams.

# **NEW BOARD MEMBER ORIENTATION**

A briefing by all OBA directors for new board members took take place following the meeting.

The Oklahoma Bar Association Board of Governors met for a special meeting March 2 at the Oklahoma Bar Center in Oklahoma City.

# REDISTRICTING OF SUPREME **COURT DISTRICTS AND** POTENTIAL CHANGES TO **BOARD OF GOVERNORS ELECTIONS AND COMPOSITION**

**Executive Director Williams** reminded board members of the discussion at the last meeting regarding the Legislature's passage of HB 2366 that will change Supreme Court districts. He reviewed the maps provided and mentioned there is a pending bill that may speed up implementation. He noted the changes that would occur to Board of Governors representation if the OBA were to align its districts with the new Supreme Court districts. Discussion followed, and options were reviewed. The board voted to add to current rules Creating and Controlling the OBA Art. IV Sec. 1(b) "...as the Supreme Court districts existed prior to Jan. 1, 2020." It was determined that changes could be made in the future, if necessary. The proposed addition will be submitted to the Supreme Court for its consideration.

# **EXECUTIVE SESSION**

The board voted to go into executive session to discuss amending the Keller policy. The board met and voted to come out of session.

# AMENDMENT OF **KELLER POLICY**

The board voted to modify the OBA's Keller policy to include 1) a neutral decision maker, 2) notice to members of expenditures, 3) timing of claim and manner in which the claim is accepted, 4) opt-out for legislative activity calculation on the dues statement and treatment of dues during dispute. The details of which were discussed.

### **NEXT MEETING**

The Board of Governors met for regular meetings in March and early April. A summary of those actions will be published in the Oklahoma Bar Journal once the minutes are approved. The next board meeting will be Friday, May 15, in Oklahoma City.

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# OBF Impact Update – The CARE Center: Alexis the Brave

LEXIS, AGE 7, was taken to the hospital because her biological family thought she had the flu. After running tests, it was determined she had something much worse. Alexis tested positive for a sexually transmitted disease. Her case was opened as an active abuse investigation and she was referred to the CARE Center by DHS. She was only functioning at a 3-year-old level, and trained professionals at DHS and the CARE Center could not get her to speak. She was completely nonverbal, and it was then they realized the magnitude of the abuse taking place in her life.

Alexis' abuser had told her not to say anything and most likely threatened to do something awful if she did. She was very confused, scared and ill. The CARE Center worked with Alexis while gathering as much information about her story as possible. Their trained forensic interviewer talked with her teachers to learn the best way to communicate with her, and they finally had a breakthrough! Alexis disclosed inappropriate behavior by her grandfather, and she was placed with a loving foster family. Her grandfather was convicted of child abuse. On Jan. 23, 2018, Alexis was legally adopted by her foster family. Her life had been forever changed by the care she received at the CARE Center.

Every seven seconds, a child abuse report is made in Oklahoma. This happens in every town and neighborhood in our state. The



Alexis and her younger sister

CARE Center, an OBF grantee, provides a comprehensive and safe place for children to tell their stories of abuse. A team of professionals – including law enforcement, DHS, medical, mental health, legal and family advocacy personnel – work together on each case. This multidisciplinary team effort is a hallmark of child advocacy centers and provides a coordinated, joint response to abuse, with the child's best interests in mind.

One of the most important services the CARE Center provides for children is the forensic interview process. A trained forensics interviewer talks with the child to get the details of the story in an environment where the child feels safe. Before child advocacy centers existed, a child victim had to repeat the story of abuse to adults they did not know an average of seven times, including to doctors, police and attorneys, among others. Any discrepancies in the child's story arising from the repeated telling could be used not only to prevent the arrest of the child's abuser, they

could also prevent the child's safe placement in a different home.

Another benefit of forensic interviews relates to the court process. An abused child would often be called to testify in court in front of the person who abused them. This was terrifying for the child. However, because forensic interviews are videotaped and recorded, they can be used instead as evidence. The abused child no longer must endure the additional trauma of testifying in person.

In honor of National Child Abuse Prevention Month (April), the OBF is proud to highlight the incredible work of the CARE Center, Oklahoma County's only child advocacy center. Child abuse is an epidemic – one in three girls and one in five boys will be abused before their 18th birthdays in Oklahoma County. The CARE Center is committed to providing children and families the support and resources they need to help tell their stories and begin the healing process, as well as abuse prevention education programs for adults and young children. The CARE Center's evidence-based interviews adhere to the highest standards set forth by its accrediting body, The National Children's Alliance.

The Oklahoma Bar Foundation funds victim legal services and forensic interviews at the CARE Center.

Learn more about The CARE Center and watch survivor stories at www.carecenter-okc.org/survivors.



# WAYS TO SUPPORT THE OKLAHOMA BAR FOUNDATION



# Fellows Program

An annual giving program for individuals.



# **Community Fellows Program**

An annual giving program for law firms, businesses and organizations.



# **Event Sponsor**

Become a sponsor of OBF's annual fundraiser, Rock the Foundation - Lip Sync for Justice. Proceeds support OBF Grantees providing access to justice programs.



# Cy Pres Awards

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



# **Unclaimed Trust Funds**

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



# Memorials & Tributes

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



# Interest on Lawyer Trust Accounts

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

Bank of Cherokee County · Bank of Oklahoma · BancFirst · Security Bank (Tulsa)
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First Oklahoma Bank



# Young Lawyers Division

# Law Day for the Young Lawyer

By Jordan Haygood

HAPPY SPRING EVERYONE!
You have seen throughout this issue a lot of information about Law Day 2020 "Your Vote, Your Voice, Our Democracy: the 19th Amendment at 100." Law

Your Voice, Our Democracy: the 19th Amendment at 100." Law Day is meant to reflect on the role of law in the foundation of the country and to recognize its importance for society. The YLD asks that each of you join us in celebrating this milestone.

The centennial anniversary of the 19th Amendment gives our state and county bar associations, lawyers, judges and other legal professionals the opportunity to celebrate 100 years of women's constitutional right to vote and to educate the public about the 19th Amendment and the fight for women's suffrage. Further, it allows the legal profession to uphold law that ensures women's full and equal exercise of their right to vote and to participate in our democracy.

As I contemplate the women's suffrage movement, I always have to remind myself that it provided more than women the legal ability to vote, it set a wave of civic action by women through organizations. It gave women a voice to make a difference on local and federal levels, which has made a lasting impact on our communities, even here in Oklahoma. The ripple effect of the 19th Amendment on subsequent generations is evident in our legal profession and

community. The Oklahoma Bar Association, itself, is led by so many strong women.

As I reflect on the YLD and our board of governors, I am proud to see so many strong women in our profession. It would be remiss if I did not point out the work the women on our board do for our profession and the community. I proudly stand with my them and support them in any way possible. Without women in the law, the YLD and legal profession would not be what it is today.

Overall, Law Day provides an avenue for people in the legal profession to engage in civic action. Through the statewide and county Ask A Lawyer programs, Oklahoma lawyers donate their time by giving free legal advice to those around the state. This is something that all lawyers should participate in and promote, it is a way for us to engage with those who may not have access to a counsel.

I encourage everyone to celebrate Law Day.

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.



As a result, the search commiffee is allowing any previous applicants applicants to supplement their applications and allowing new applicants to applicant on or by May 1 for review of applicant materials has been rescheduled. With the interruptions caused by COVID-19, dates to apply on or by May 1.

# THE OBA IS HIRING.

Oklahoma Bar Association is seeking a director of educational programs.

SUMMARY The Oklahoma Bar Association, the leading provider of continuing legal education in the state of Oklahoma, seeks a director of educational programs. The position manages and directs the OBA's CLE Department and other educational events for the association. The OBA CLE Department offers comprehensive and unique live programming for Oklahoma lawyers and has an impressive list of online programs that are available to lawyers nationwide. The OBA is a mandatory bar association of 18,000 members with its headquarters in Oklahoma City.

## REQUIREMENTS

- Five years of legal practice, CLE management and/or marketing experience
- Law degree required; preference given to those licensed to practice in Oklahoma
- Must be self-motivated, positive, dependable and creative
- Possess a high degree of integrity and work well with others to achieve common goals
- Highly organized and able to handle multiple projects and deadlines
- Knowledge of budgeting processes and ability to effectively oversee budgets
- Must be able to meet member needs in a fast-paced work environment
- Exceptional attention to detail
- Strong oral, written and interpersonal communication skills and the ability to work effectively with a wide range of constituencies
- Ability to build relationships with faculty, participants and outside vendors
- Problem solver, quick thinker and idea generator
- Must be able to work within limits of an inside office position plus haul and transport equipment or materials required to conduct a CLE seminar

### SKILLS

- Must be able to function in a Windows desktop environment
- Proficient in Microsoft Office including Outlook and Excel
- Internet resource, research and marketing expertise
- Experience with online CLE presentations

Send cover letter and resume by May 1, 2020, to johnw@okbar.org. All applications will be kept confidential. The OBA is an equal opportunity employer.

# For Your Information

#### STACIE HIXON APPOINTED TO OKLAHOMA COURT OF CIVIL APPEALS

Gov. Kevin Stitt has appointed Tulsa attorney Stacie Hixon to the Oklahoma Court of Civil Appeals.

Ms. Hixon served as a partner at Steidley & Neal PLLC, where she has worked since 2009. She has experience in a variety of areas of law, including insurance bad faith, insurance coverage issues, products liability, employment law, legal negligence, insurance defense, first party claims and general civil litigation. She focused her practice largely on legal research and writing, as well as presenting motion practice for



oral argument at the trial court and on appeal. She previously served as an associate at Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile PC.

She holds a Bachelor of Arts and a Master of Arts in political science from OSU and a J.D. from the TU College of Law. Her appointment fills the vacancy for District 1 created by the retirement of Judge Jerry Goodman.

#### KICK IT FORWARD PROGRAM PAYS 11 MEMBERS' DUES



The Kick It Forward program paid 11 members' dues for 2020 totaling \$3,025.

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.

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. Planning is underway for a Kick It Forward Tournament later this year with proceeds benefiting the program.

#### FAMILY LAW SECTION CANCELS TRIAL ADVOCACY INSTITUTE



Originally scheduled for July 23-25, the Family Law Section has made the difficult decision to cancel this year's Trial Advocacy Institute that was to be held at the Oklahoma Bar Center in Oklahoma City. Institute

leaders Jon Ford, Phil Tucker and Shane Henry encourage members to plan to attend next year's event.

#### **OBA MEMBER RESIGNATIONS**

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

Laura Ann Frase OBA No. 20589 3792 Whitehall Drive Dallas, TX 75229

Toby Lee Friesen OBA No. 30080 1000 New Jersey Ave., SE #1009 Washington, D.C. 20003

Brian Keith Melton OBA No. 32073 The Drexler Law Group LLC 24 S. Weber St., Ste. 100 Colorado Springs, CO 80903

Gretta Carter Rowold OBA No. 20320 43415 Mountcastle Chantilly, VA 20152

Mark Thomas Sherman OBA No. 8170 504 Stonecroft Ct. SE Lenoir, NC 28645

#### **OBA MEMBER** REINSTATEMENT

The following member suspended for nonpayment of dues or noncompliance with the Rules for Mandatory Continuing Legal Education have complied with the requirements for reinstatement, and notice is hereby given of such reinstatement:

Joshua James Young OBA No. 22345 1531 E. Lincoln Avenue Sapulpa, OK 74066

## BENCH AND BAR BRIEFS

#### ON THE MOVE

Dustin A. Bradley and Eric S. **Loggin** have formed the firm of Bradley & Loggin PLLC. The firm is located at 1800 S. Baltimore Avenue, Suite 420, in Tulsa and can be reached at 918-933-5367. The firm will practice primarily in medical negligence, personal injury, real estate and business law.

Becky R. Baird has been sworn in as special judge for Ottawa County. Ms. Baird spent 30 years working in the district attorney system before leaving in April 2017 to work in private practice.

J. Andrew Brown has been elected shareholder of the Tulsa firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Fiasco.

He received his J.D. from the TU College of Law in 2009 and practices primarily in insurance defense, civil litigation, medical malpractice defense and bad faith defense.

Larry Edwards has been appointed as first assistant district attorney for Muskogee County.

**Ron Comingdeer** has joined the Oklahoma City office of Crow & Dunlevy as a director and member of the Corporate and Securities Practice Group. He received his J.D. from the TU College of Law in 1978. Brian M. Self has joined the firm as an associate and member of the Litigation and Trial Practice Group. He received his J.D. from the OU College of Law in 2017.

**John Graves** has joined Paycom Software Inc. as an advising attorney. He received his J.D. from the OU College of Law in 2003.

**Zachary L. Farris** has joined the Oklahoma City firm of DeBee Clark PLLC as an associate. He practices primarily in the area of business transactions. Mr. Farris received his J.D. from the OCU School of Law in 2015.

Walter Jenny has been sworn-in as a magistrate in Abingdon, Virginia. He has previously worked as an assistant attorney general in Oklahoma as well as general counsel of the Oklahoma Department of Consumer Credit.

T. Dustin Crawford has joined the Oklahoma City office of Hall Estill as of counsel.

#### **KUDOS**

Amy Sherry Fischer was selected as a recipient of The Voice of the Defense Bar's DRI Mary Massaron Award for the Advancement of Women in the Legal Profession. The award is presented annually to members who have demonstrated a high regard for diversity and a commitment to advocating the inclusion and promotion of women.

V. Burns Hargis and Frank Keating II were inducted into the OU College of Law Order of the Owl Hall of Fame on March 12. The Order of the Owl recognizes graduates who demonstrate leadership and service through outstanding accomplishments in their careers. Mr. Hargis received his J.D. from the OU College of Law in 1970. Mr. Keating received his J.D. from the OU College of Law in 1969.

Justice Doug Combs was inducted into the Shawnee Basketball Hall

of Fame. He received his J.D. from the OCU School of Law in 1976.

Cliff Dougherty has been appointed to serve as leader of the Intellectual Property group at McAfee & Taft. Scott McCreary will serve as leader of the firm's Aviation group. Kirk Turner will serve as leader of the firm's Labor & Employment Group.

Mike Vorhees will serve as the 2020 vice president of government affairs for the South Oklahoma City Chamber of Commerce. He also serves on the chamber's executive committee and board of directors.

Tamya Cox-Touré was awarded the OCU Law Alumni Community and Public Service Award. She currently serves as the regional director of public policy and organizing for Planned Parenthood Great Plains, where she oversees the Public Affairs departments in Oklahoma

and Arkansas. She received her J.D. from the OCU School of Law in 2006.

Garvin Isaacs was awarded the OCU Distinguished Law Alumnus Award. He practices primarily in criminal defense and received his I.D. from the OCU School of Law in 1974. Elizabeth Isaac was awarded the OCU Law Alumni Outstanding Young Alumna award. She practices at Dunlap Codding, where she helps prepare patents, trademarks, copyrights and more. She received her I.D. from the OCU School of Law in 2013.

Mark Stonecipher and Sharon Voorhees were appointed by Oklahoma City Mayor David Holt to co-chair the Oklahoma City Charter Review Committee. Mr. Stonecipher is an attorney at Fellers Snider law firm and serves as councilman of Ward 8. Ms. Voorhees is a partner at Vorhees Voorhees and Winne P.A.

# IN MEMORIAM

David L. Barry of Tulsa died Jan. 22. He was born Jan. 5, 1936. Mr. Barry received his J.D. from the TU College of Law in 1965 and began his career with the National Bank of Tulsa. Mr. Barry's career took him to Colorado then to Arkansas before bringing him back to Tulsa. Memorial contributions may be made to St. Clements of Rome or the ALS Foundation Association.

**Thomas E. Kemp Jr.** of Norman died Mar. 27, 2019. He was born Mar. 27, 1960, in Ada. Mr. Kemp received his bachelor's degree in accounting from OU before becoming a CPA. He received his J.D. from the OCU School of Law in 1985 and then obtained a Master's of Law in Tax from Southern Methodist University. He worked in private practice in Norman until 1997 when he became general counsel of the Oklahoma Tax Commission. In 2001, Mr. Kemp was appointed commissioner of the Oklahoma Tax Commission by Gov. Frank Keating. He was reappointed in 2007 by Gov. Brad Henry and again in 2013 by Gov. Mary Fallin. He served in that role until his death. Memorial contributions may be made to the Harold Hamm Diabetes Center or the Juvenile Diabetes Research Foundation.

Robert N. McIlroy of Norman died Sept. 4, 2019. He was born Nov. 20, 1947, in Philadelphia. He moved to Tulsa during his child-hood and attended OU. After graduating, Mr. McIlroy served in the U.S. Army. He then returned to Oklahoma and received his J.D. from the OU College of Law in 1975. He practiced as an attorney in Norman for the rest of his life.

Tarda Teal Pemberton of Ardmore died Sept. 26, 2019. She was born Dec. 30, 1963, in Tulsa. Ms. Pemberton graduated from Nathan High School in 1982 and received her J.D. from the OU College of Law in 2000. She spent the last 30 years of her life living in Ardmore and working for the Noble Research Institute. Memorial contributions may be made to Sam's Place: A New Beginning for Deaf Orphans in Kenya at www.samsplacekenya. org or the Church of Christ African Missions at 3309 South 11th Street, Abilene, Texas 79605.

Turner Primrose of Norman died Apr. 22, 2018. He was born Oct. 16, 1932. Mr. Primrose received his J.D. from the OU College of Law in 1965 and was one of the first immigration attorneys in Oklahoma. Memorial contributions

may be made to the OU Baptist Collegiate Ministries at 1320 W. Lindsay Street, Norman, 73069.

avid Bernard Schneider of Oklahoma City died Feb. 9. He was born March 9, 1944, in Galveston, Texas. He received his J.D. from the University of Texas School of Law in 1969 before moving to Washington, D.C., to work for the Interstate Commerce Commission. He then moved to Kansas City to work as counsel for Yellow Freight Trucking. In 1978, Mr. Schneider relocated to Oklahoma City. He served as president of the Transportation Lawyers Association during his career. Memorial contributions may be made to the Jewish Federation of Oklahoma City.

Arthur Lee Woodall of
Norman died Jan. 21. He was
born Nov. 14, 1940, in Norman. Mr.
Woodall graduated from Norman
High in 1958 before attending
OU. He received his J.D. from the
OCU School of Law in 1971. While
in law school, he worked at the
Oklahoma County Courthouse
in the court clerks office. His first
job out of law school was with his
father's firm. Mr. Woodall retired
in 2009.

# HOW TO PLACE AN ANNOUNCEMENT:

The Oklahoma Bar Journal welcomes short articles or news items about OBA members and upcoming meetings. If you are an OBA member and you've moved, become a partner, hired an associate, taken on a partner, received a promotion or an award, or given a talk or speech with statewide or national stature, we'd like to hear

from you. Sections, committees, and county bar associations are encouraged to submit short stories about upcoming or recent activities. Honors bestowed by other publications (e.g., Super Lawyers, Best Lawyers, etc.) will not be accepted as announcements. (Oklahoma-based publications are the exception.) Information selected for publication is printed at no cost, subject to editing and printed as space permits.

Submit news items to:

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

Articles for the August issue must be received by July 1.

# **EDITORIAL CALENDAR** 2020

# **2020 ISSUES**

#### **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**

#### Wellness

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

# **2021 ISSUES**

#### **JANUARY**

#### Meet Your Bar Association

Editor: Carol Manning

#### **FEBRUARY**

#### Marijuana and the Law

Editor: Virginia Henson virginia@phmlaw.net Deadline: Oct. 1, 2020

#### **MARCH**

#### **Probate**

Editor: Patricia Flanagan patriciaaflanaganlaw office@gmail.com Deadline: Oct. 1, 2020

#### **APRIL**

#### Law Day

Editor: Carol Manning

#### **MAY**

#### **Personal Injury**

Editor: Cassandra Coats cassandracoats@leecoats.

Deadline: Jan. 1, 2021

#### **AUGUST**

#### Tax Law

**Editor: Tony Morales** tony@stuartclover.com Deadline: May 1, 2021

#### **SEPTEMBER**

#### **Bar Convention**

Editor: Carol Manning

#### **OCTOBER**

#### DUI

Editor: Aaron Bundy aaron@bundylawoffice.com Deadline: May 1, 2021

#### **NOVEMBER**

#### Elder Law

Editor: Luke Adams ladams@tisdalohara.com Deadline: Aug. 1, 2021

#### **DECEMBER**

#### Labor & Employment

Editor: Roy Tucker RTucker@muskogeeonline. org

Deadline: Aug. 1, 2021

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



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#### **Attention: Tulsa Estate Planning Attorneys**

Are you looking to exit your small firm or solo practice in the next three to five years?

Worried that your long-term clients won't receive the same level of care and service in your absence?

The partners of our well-established law firm would love to speak with you about a plan to alleviate your concerns and to provide value for your retirement.

Send replies to Box BB, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

All inquiries will be kept confidential.

#### **OFFICE SPACE**

LUXURY OFFICE SPACE AVAILABLE - One office available for \$670/month lease in the Esperanza Office Park near NW 150th and May Ave. The Renegar Building offers a reception area, conference room, full kitchen, fax, high-speed internet, security, janitorial services, free parking and assistance of our receptionist to greet clients and answer telephone. No deposit required. Gregg Renegar, 405-488-4543.

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Perimeter Center Office Complex, located at 39th and Tulsa Avenue currently has available office suites for lease at \$12.00 psf. Offices range in size from 613 to 5,925 sq ft.

Please call (405) 943-3001 M-F from 8-5 for additional information or appointment to tour our facilities

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COFFEY, SENGER & MCDANIEL SEEKS EXPERIENCED ATTORNEY for our high-volume practice. Preferred candidate will have 5-7 years of experience in areas of transportation and insurance defense. Research, corporate, construction and health care law are a plus. Excellent benefits. Salary is based on experience. Send resumes to amy@csmlawgroup.com.

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

ENID, OKLAHOMA LAW FIRM INVITES ASSOCIATES WITH 3+ YEARS' EXPERIENCE TO JOIN OUR TEAM. We are looking for a candidate who is hard working and a self-starter and is knowledgeable in multiple practice areas, including litigation and family law. Candidates must have excellent research skills, analytical thinking skills and writing skills. Salary compensable with experience and can be \$100,000+, benefits and 401K. If hired, must live in Enid or surrounding area. Send resumes to "Box Z," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

NORMAN BASED FIRM IS SEEKING A SHARP AND MOTIVATED ATTORNEY to handle HR-related matters. Attorney will be tasked with handling all aspects of HR-related items. Experience in HR is required. Firm offers health/dental insurance, paid personal/vacation days, 401(k) matching program and a flexible work schedule. Members of our firm enjoy an energetic and team-oriented environment. Position location can be for any of our Norman, OKC or Tulsa offices. Submit resumes to justin@polstontax.com.

DEADLINE EXTENDED! THE OKLAHOMA BAR ASSOCIATION SEEKS A DIRECTOR OF EDUCATIONAL PROGRAMS. The position manages and directs the OBA's CLE Department and other educational events for the association. The OBA CLE Department offers comprehensive and unique live programming for Oklahoma lawyers and has an impressive list of online programs that are available to lawyers nationwide. For more information and directions on how to apply, please see display ad on page 11 of this bar journal.

#### POSITIONS AVAILABLE

OKLAHOMA BAR ASSOCIATION HEROES program is looking for several volunteer attorneys. The need for FAMILY LAW ATTORNEYS is critical, but attorneys from all practice areas are needed. All ages, all counties. Gain invaluable experience, or mentor a young attorney, while helping someone in need. For more information or to sign up, contact 405-416-7086 or heroes@okbar.org.

RUBENSTEIN & PITTS, PLLC, EDMOND LAW FIRM SEEKS an Attorney with 2-5 years of experience to assist with business litigation matters in both state and federal court. Excellent writing, analytical skills, and interpersonal skills are required. Full range of benefits and competitive compensation. Send cover letter, resume, references and writing sample to TheEdmondlawfirm@gmail.com.

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

EXPERIENCED TULSA TITLE ATTORNEY WANTED. Job description: reading abstracts, issuing title opinions and title commitments, reviewing surveys, reviewing closing documents, issuing title insurance policies and preparing curative documents for various counties in the State of Oklahoma. Salary commensurate with experience. Please send resumes to "Box GG," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

BLANEY TWEEDY TIPTON & HIERSCHE, AN OKLAHOMA CITY FIRM, SEEKS AN ATTORNEY with 2-4 years relevant experience to work in its transactional practice area. Candidates must have a strong academic background, good research and writing skills, and the ability to work in a fast-paced practice with frequent deadlines. The ideal candidate would have experience in real estate, M&A, private equity or commercial lending transactions and general corporate transactional work. Salary commensurate with experience. Applications will be kept confidential. Send resume to Attn: Madison Noel, 204 N. Robinson Ave., Suite 1250, Oklahoma City, OK 73102 or email to madison@btlawokc.com.

# A Victory for the Rule of Law

By Bob Burke

N EVIL ACT STAGGERED Oklahoma City and the nation on the morning of April 19, 1995, when a bomb destroyed the Murrah Federal Building. Twenty-five years later, we pause to honor the 168 men, women and children who perished and the hundreds who were injured in the vile and senseless act.

We also reflect upon the investigation, prosecution and punishment of those responsible for the crime. That orderly process was a victory for the rule of law under which all are held equally accountable to publicly promulgated laws. Within minutes of the bombing, the FBI took the lead in what became the largest criminal investigation in history. With strict adherence to the constitutional rights of suspects and witnesses, the FBI began processing evidence.

Numbers from the axle of the Ryder truck traced its rental to Kansas. The fortuitous stop of Timothy McVeigh along Interstate Highway 35 for displaying no license plate on his vehicle resulted in his detention. Soon, the FBI tied the crime to McVeigh and his Army friend, Terry Nichols. McVeigh's rights were unquestionably protected in his federal court trial. Hundreds of pieces of competent evidence were introduced to show how two former soldiers, angry at their government, carried out the heinous act. The evidence traced the travels of McVeigh and Nichols as they gathered fertilizer and racing fuel from which to manufacture the deadly truck bomb.

McVeigh was convicted and sentenced to death, and he was later executed by lethal injection.

Another federal jury found Nichols guilty, and he was sentenced to life in prison. The federal convictions only involved the deaths of federal agents in the Murrah Building. However, there remained the question of the state prosecution for the murders of 160 victims and an unborn child.

Judge Steven Taylor presided over the state court trial of Nichols with meticulous regard to protection of the rights of the accused. After months of testimony in the trial in McAlester, Nichols was found guilty of 161 counts of first-degree murder and sentenced to life in prison.

Observance of the orderly rule of law resulted in a new law passed by Congress. Before, only an assault on a "federal officer" could be prosecuted under federal law. Now, "Whoever kills or attempts to kill any officer or employee of the United States government," can be indicted and tried in federal court. It was a positive addendum to a tragic chapter in American history.

The pain of the loss of human life from the bombing is still real, but the rule of law prevailed. As former Oklahoma Gov. Frank Keating said, "We found those responsible, gave them a fair trial, and they paid."



Mr. Burke, an author and attorney, practices in Oklahoma City.

oba : Cle

FRIDAY, MAY 1, 2020 9 A.M. - 3 P.M.

Oklahoma Bar Center 1901 N. Lincoln Blvd. Oklahoma City, OK 73106

# **MCLE 6/1**

This course qualifies for required DV training per 43 O.S. 120.7 for guardians ad litem, parenting coordinators, custody evaluators or any other person appointed by the court in a custody or visitation proceeding involving children.

## PROGRAM PLANNER:

G. Gail Stricklin

Oklahoma City

Ginger Decoteau, MS, M.Ed., Dir., Community Learning Council

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# UNDERSTANDING DOMESTIC VIOLENCE

# TO ENSURE THE BEST INTEREST OF CHILDREN

During this workshop, participants will hear from a licensed therapist, a child welfare specialist and an attorney. Each professional will discuss their role and the steps they take (individually and together) to help children and non-offending parents find a safe place as they work toward a healthy future.

#### LEARNING OBJECTIVES INCLUDE:

- · Define domestic violence, coercive control and trauma
- Review current facts and statistics of domestic violence
- · Classify the effects of domestic violence on children
- · Explain Intergenerational Violence
- Review and discuss safety planning
- Discuss expert testimony
- · Identify assessment tools recognized in court proceedings
- Review legislation and court actions protecting children and victims
- Outline best practices for juvenile and family court proceedings

**TUITION:** Early-bird registration by April 24, 2020 is \$150.00. After April 24th registration is \$175.00 and walk-ins are \$200.00. Registration includes continental breakfast and lunch. Members licensed 2 years or less may register for \$75 for the in-person program (late fees apply). All programs may be audited (no materials or CLE credit) for \$50 by emailing ReneeM@okbar.org to register.

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