

ALSO INSIDE: Annual Meeting Highlights
New Member Benefits • Heroes Project Annual Report

THE OKLAHOMA BAR **Journal**

Volume 91 — No. 10 — December 2020

A photograph of a heart-shaped object, possibly a piece of stone or wood, resting on a surface of sand. The sand is disturbed around the heart, creating a series of concentric, circular ripples that radiate outwards. The lighting is soft, casting a gentle shadow from the heart onto the sand. The overall tone is calm and contemplative.

Wellness

FRIDAY., DEC. 18, 2020

9 - 11:40 A.M. MORNING PROGRAM

12:40 - 3:30 P.M. AFTERNOON PROGRAM



MCLE 3/0 MORNING PROGRAM

MCLE 3/1 AFTERNOON PROGRAM



FEATURED PRESENTER:

Cynthia Sharp, Esq.

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MORNING PROGRAM

THE LAWYER'S GUIDE TO FINANCIAL PLANNING

This program explores essential financial and tax concepts that all lawyers must know in order to properly guide clients as well as to secure their own economic futures. The content of the program is based upon my book *The Lawyers' Guide to Financial Planning* published by ABA Book Publishing in June of 2014.



AFTERNOON PROGRAM

SOCIAL MEDIA ETHICS IN THE AGE OF DOCUMENTED MISCHIEF

The phenomenon of social media has changed the landscape of the modern law firm. For many, the challenge of the learning curve prevents them from taking advantage of its potential benefits. Another perceived obstacle is that attorneys are rightfully concerned about compliance with the code of professional conduct. This timely session is designed to demystify these concepts and analyze ethics developments throughout the United States.

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A Year to Remember

By Susan B. Shields

WE PROBABLY CAN ALL AGREE that 2020 is a year we will remember as one of the most consequential of our lifetimes. The year began with massive wildfires in Australia, Prince Harry and Meghan Markle stepping down from royal life, an impeachment trial and the death of Kobe Bryant, his daughter and others in a helicopter crash – and all that happened in January. By March 11, when a Utah Jazz player tested positive for coronavirus before a Thunder game in Oklahoma City and the World Health Organization characterized the COVID-19 outbreak as a pandemic, all of our lives were changed. Since then we have had quarantines, toilet paper and hand sanitizer shortages, face

masks, shutdowns and many people sadly becoming ill and losing their lives due to COVID. Not to mention elections, protests, hurricanes and “murder hornets.”

It goes without saying that 2020 was not the year I planned as OBA president. When I decided to focus on attorney wellness at the beginning of the year, the goal was to highlight the services available through the OBA Lawyers Helping Lawyers Assistance Program and to bring additional awareness to lawyers struggling with substance use, depression and other mental health issues. No one expected by March we would be facing a global pandemic making an emphasis on attorney wellness

even more important. I am appreciative the Board of Editors agreed to dedicate this final issue of the 2020 *Oklahoma Bar Journal* to attorney well-being.

This year has provided many learning opportunities and chances to pull together as a legal community. We have always known that Oklahoma lawyers are resilient and step up to offer help when help is needed. OBA members and the judiciary have truly come together this year to help one another, our clients and the citizens of the state. And, in

spite of the year’s challenges, there have been a lot of successes.

The virtual (and free) OBA Annual Meeting in November had a record number of over 2,000 registered participants and more than 9,500 hours of free CLE reported. Janet Johnson, Dawn Shelton, Jim Calloway, Carol Manning, John Morris Williams and all of our bar

(continued on page 53)

The virtual (and free) OBA Annual Meeting in November had a record number of over 2,000 registered participants and more than 9,500 hours of free CLE reported.



Susan Shields

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DECEMBER WELLNESS TIP

The holiday season (and 2020 in general) can create additional stress. Release your shoulders from your ears, unclench your jaw, remove your tongue from the roof of your mouth and relax.

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Perceptions, Pills and Practicing

By Scott B. Goode

I WAS NOT BORN INTO, nor was I raised to be white collar. I am the son of a marine and boilermaker welder. I grew up in a little town in the south Grand Lake area called Ketchum. My first job was pumping gas and cleaning boats at the Arrowhead Yacht Club. I performed odd jobs mowing and weed eating lawns at the expensive lake homes in the area. I baled and stacked hay – the small, square ones that weighed 50 pounds each. I laid asphalt on the local roadways and helped pour concrete for foundations of new homes. Prior to practicing law, when I got home from work at night, I was dirty and slept like a baby. Not always so easy as a lawyer.

I needed out of that town. I had seen happiness on the faces of the wealthy families who would come to the lake for summers and weekends and was sure wealth would bring me the same. I had gotten into my own legal troubles as a juvenile and wasn't overly happy with the services I had received from my counsel. I formed a plan to become a lawyer and to actually help people instead of taking their money, seemingly, to do nothing. It would get me out of the area and undoubtedly bring the financial success I so hungered for.

I joined the U.S. Navy at 17 and left for bootcamp within a few days of graduating high school. I spent my time after bootcamp working on the flight deck of the U.S.S. Enterprise, launching and recovering aircraft. Hot, wet and sometimes freezing cold, exceedingly long shifts in the climate of the Atlantic and Persian Gulf. When my time was up, I was ready

for school. I had never been more motivated in my life.

In December 1999, I attended Northeastern State University in Tahlequah and completed my bachelor's degree in three and a half years. I started law school at TU in August 2003 and graduated with a certificate in Native American Law in just under two and a half years. I left TU with expectations of changing the world and becoming wealthy to boot.

I had been interning at the Tulsa County Public Defender's Office and was immediately hired as an attorney after passing the bar exam. I was in more debt than I had ever been, and between my student loans and all my other monthly living expenses, I was barely able to make ends meet. Something just wasn't right. This wasn't the way it was supposed to be. I saw the private bar in their custom suits and brand-new, imported cars and wanted to be

them. I plugged away for another year with the Public Defender's Office and finally decided I had learned enough procedure and had gained enough courtroom experience to hang my own shingle.

In 2007, I leased an office, bought a computer and printer and had some business cards printed. I was ready to alter the legal landscape of my state and community. I truly had no idea what I was in for, nor was I in any way prepared to handle what the private practice of law would entail. It was both the best and worst decision of my life.

In 2008, I got married, paid for a wedding, bought our first house and purchased two foreign-made cars. While I was making more money than I had been as a public defender, the expenses began to steadily grow beyond our means. In August that same year, my father was diagnosed with late-stage lung cancer. Within a

couple of months, he contracted pneumonia and had to be hospitalized. I sat with him during the last week of his life and watched him suffer greatly. He gasped for air with each breath and cried out at night, not knowing where he was. He was the strongest man I had ever known. He was a U.S. Marine during the Korean War and an overly tough disciplinarian who became docile and overly kind later in life. I had never in my life seen him so frightened and, unbeknownst to me, it seriously affected me to have witnessed his death.

I was back at work the day after my father died. After missing a week to be by his side, I could not afford to miss much more. It was only me. I not only did all the lawyering but also all the other work that comes with starting and running a law firm. To say I was busy when I returned was an understatement. I didn't have anyone to help me – no mentor to teach me the areas of law I had not previously dealt with, and due to me not billing hourly, my caseload was skyrocketing. My fear of failing, malpractice and bar complaints was unbearable, and all I could do was keep opening new cases in order to put food on the table and pay all the debt I had just incurred. The pressure was intense, and I felt like I was suffocating, just like my father, gasping to stay alive just a few more moments.

I didn't even realize the amount of change I had experienced in my life during those 12 months. In hindsight, any one of those experiences was more than enough change for one year. I remember walking out of my house, headed to work one morning before sunrise in December that year. I stopped, halfway to my expensive car, and looked back at the house I had just bought. My mind went to my new wife, still asleep,

depending on me to bring money home that night. I looked back at my new car. I realized I was terrified. I wanted to call my father, but he was gone. I knelt down and cried, alone in the dark. I needed something to help me deal, and I was about to find what I thought was the cure-all.

I remember seeing a commercial on television. It asked if I was feeling well. No, I don't feel well at all. It asked if I was always unhappy or anxious. Yes, I'm constantly unhappy and anxious. Then it told me to go see my doctor, so I did. A few medications were prescribed at first, but none seemed to do anything for me at all. After a few months of going in and telling the doctor I didn't feel any better, he prescribed Xanax. The first time I took a Xanax, I distinctly remember thinking, "I will never be unhappy again!" It was like a nuclear bomb went off in my life. Within a few months, I was running out of my prescription in the first or second week, but the doctor wouldn't prescribe me anymore. So, I found what I needed on the streets. Very soon, and by way of which I will not discuss, it became very apparent to me that obsessive use of Xanax and the practice of law do not mix well. I still hadn't learned any other healthier coping mechanisms, so, of course, my attention moved to another substance. Opiates didn't have the drowsy, slurred speech effect. Within a few years, I was unable to sustain the necessary high, and I began supplementing with methamphetamine. Today, as I write this, I weigh 180 pounds. In May 2015, I weighed 135 pounds – if you can imagine what the loss of 45 pounds looks like on a 5'9" frame. My skin was grey. My eyes were sunk into my head. I had sores on my arms. I was your typical meth-head but in a suit.

My wife gave me an ultimatum. Rehab or divorce with sole

custody to her and supervised visitation to me. I had "come to" after a week-long binge and blackout and saw fear on my wife's face, as opposed to anger, for the first time. I finally gave up. I broke down. I sobbed uncontrollably. I begged for someone to tell me how to make it stop. I couldn't make it stop. I had utterly failed and had finally realized I could not do this on my own. I like to say I finally became teachable.

A few years earlier, in an attempt to appease my wife, I had contacted Lawyers Helping Lawyers, and my sponsor took me to my first 12-step meeting. I didn't really want to be there but couldn't help, like us 12-steppers say, but to learn a few things by osmosis that would eventually ruin my drug and alcohol career. They said, "Go out and try some controlled using – drugs ... alcohol ... it doesn't matter. Just keep in mind what we have told you about ourselves." When I "came to" that day, to see the fear on my wife's face, I knew what I was, and I was finally willing to go to any length to fix it.

In-patient treatment was quite literally exactly what I needed. They took away my cell phone and laptop. They forced me to stop worrying about my clients and their problems and to concentrate on myself. For the first time in my life, I became introspective and capable of seeing what issues I had and what I could do to help me in dealing with them. My Lawyers Helping Lawyers sponsor had told me living my life only to practice law was simply not sustainable. The Alcoholics Anonymous group he introduced me to was a way to get out of my own head and gain some proper perspective. I just hadn't listened, but now I was ready to hear it. I had always sworn to my wife I would never go to rehab. I couldn't. Don't you

know who I am? What if someone there knew who I was? Now I knew I couldn't afford not to go.

After I completed treatment and returned to my practice, I realized my career choice had played a major role in the decline of my mental and physical health. The emotional toll we lawyers pay on a daily basis is quite substantial. It was clear I not only needed to make personal lifestyle changes at home but also professional changes at work too.

PROFESSIONAL CHANGES

Support Staff

As soon as I could, I hired a full-time paralegal. I needed someone there to answer the phone, schedule appointments and draft simple documents. In short, I needed someone to help share the load. This allowed me to be more productive, and in turn, I was able to hire additional support staff and attorneys. It's extremely important for me to have someone to talk to who knows my cases even if I only need to vent about a client being unreasonable. I need colleagues for camaraderie. I cannot be alone for long periods of time. I simply needed to swallow my fear of being responsible for paying someone and just do it. Now, I couldn't function without my paralegal, Trina. She has 24 years of experience and brings more to the table than even I do in a lot of situations. Money very well spent.

Proper Office Management

I started keeping a digital calendar and actually using it. I now do my absolute best to keep from overloading my weekdays. I distinguish between "big" items like jury trials, bench trials, mediations, depositions, etc. from the "small" items like status conferences, arraignments, no-issue settings and initial consultations. Big items go in first and smaller

items have to be worked in. If my calendar is full, I will schedule an initial consultation two or three weeks out. If I lose the potential client due to this, that's OK. There will be others, and my emotional well-being is more important than the few thousand dollars I might have made. Also, I am no longer afraid of relaying to a judge I am booked on some specific morning. They will work around it.

Hourly Billing

My previous practice was to quote an amount of money I considered fair based on industry norms for each specific part of a case. For example, \$2,500 to get to a temporary order in a divorce or paternity case or through the preliminary hearing in a criminal matter. \$3,000 for the discovery process to be completed or to get through motions. Then some other amount for trial on the merits. More often than not, I ended up making much less money than I would have if I would have put the retainer in the IOLTA and billed it out at a fair, hourly rate. Also, by

I was broke and could not pay it back? This caused extreme anxiety for me. Finally, when I took a case with all my money upfront, I wasn't incentivized to close it as much as I was to get another new client so I could get more money. By properly billing hours, I now have more incentive to work on and eventually close files than I am in getting new ones, and if someone decides to not move forward or retain someone else, I don't have any worry regarding reimbursement. This one change reduced my stress and anxiety more than any other and helped my bottom line in the process.

Be Selective

I became picky as to what I got involved in. I stopped accepting cases in areas of law I didn't have knowledge of and stopped accepting clients I knew were going to be problematic. Just like why I had no healthy personal boundaries and why I was fearful to place retainers in the IOLTA and bill hourly, due to my perceived need for money, I tended to accept anything and

If I lose the potential client due to this, that's OK. There will be others, and my emotional well-being is more important than the few thousand dollars I might have made.

taking money upfront and considering it earned as of paid, I took the chance of having to get into my own account for reimbursement if the client decided not to move forward or if they decided to retain someone else. What if

anyone that would walk through my front door. Dealing with a client who, no matter how hard you work for them, will never be happy and/or is abrasive or disrespectful can affect my well-being. I now refuse to allow my need for a paycheck

to dictate if I take cases and clients I shouldn't. By referring cases in areas of law I have no knowledge of to other attorneys, I lessen my stress and anxiety, I make new friends in areas of law I need training in and, every now and then, I get a nice referral fee with no strings attached. There's just no need to lose sleep and get a bar complaint for any amount of money.

I have now started using my initial consultation more to screen my prospective clients than to sell them on me. If they came to my office, they are already in need of my services. No sale required. Again, no amount of money is worth the loss of sleep and possible bar complaints. I also find making sure my clients have reasonable expectations of what I can do for them is helpful. I am not that attorney who just tells people what they want to hear to get paid. I will take their circumstances and apply them to the law and relay what I think a reasonable outcome is. If they don't fully agree, I will not take their money. Instead, I offer them names of other attorneys I trust and send them home to think about it. In short, I no longer allow my need for money to put me in situations where I despise answering my phone, checking my emails or going to court. It is simply not worth it to me anymore.

Set Healthy Boundaries

I began to set healthy boundaries between my work and private life. More often than not, I get to the office early and stay late. In our line of work, this can be necessary. However, when I leave my office, I do not bring work with me – neither physically nor mentally. I typically do not check my emails, nor do I accept work-related phone calls while I am off work. This means I have to turn off my email notifications on my cell phone, and

I do not typically give out my cell phone number to clients. I even went so far as to change my voice-mail message to say, "If this is a work-related call, I will not return it." Of course, if I never really stop working, I get burned out very quickly. It hadn't even dawned on me I never really stopped working before. When I am at work, my clients get all my attention, but when I am not at work, my attention is on my family or my hobbies. If I don't ever take my attention off work, my work quality suffers. I would rather my clients get a little less attention than to get attention that does them no good. They usually agree with this. My attention is expensive. I actually tell my prospective clients this in the initial consultations while we discuss after-hours calls. Most understand and agree. The ones that don't would've been problem clients anyway, and I'm better off without them.

Ask for Help

I am no longer afraid to ask for help. I'm sure there are a handful of attorneys who roll their eyes every time they see my name pop up on their phone. You know who you are, and I want to thank you. You guys are the best. I used to worry too much about my peers possibly thinking I'm inept as a lawyer. I used to worry too much about what other people thought. There will always be haters. There will always be those out there who want to judge. They do so because of their own insecurities. They're more scared than you. Don't worry about them. I am not the absolute best at what I do. No one's perfect. I have months when I feel like I can't lose, and I have months when I feel like I can't win. So is life. What I do know is my clients are more often than not happy with my work.

Asking for help keeps me from learning through trial and error. Trial and error are at my clients'

expense. Please don't think I can keep from learning the hard way all the time. I still find myself surprised in court on occasion. It's the PRACTICE of law. The ability to ask for help was the toughest for me. I'm a southern man raised by a marine. Dig in your heels, square your shoulders and push through is how I was taught. I still do that. Now I just am willing to get help from others on my way through. Come to find out, I have support everywhere in my life – my wife, mother, staff, colleagues, Lawyers Helping Lawyers, therapist, even judges. I take pride in letting these people know how I need them in my life, and they are valuable to me. In return, I am given even more respect than I used to get when I acted like I didn't need anyone. This, I think, is one of my journey's most beautiful gifts.

Take Pride in Yourself

I began presenting myself professionally. This might seem odd to some, but how I present myself professionally also makes me feel better. I have made it a habit to iron my dress shirts every night and polish my dress shoes as often as possible. Not only do I gain respect from others by presenting myself appropriately while at work, but the acts of ironing and shining shoes, as well as other mindless hobbies, have an extremely therapeutic result on my emotional state. I need to shut my frontal lobe down at least once or twice a day. These tasks can do that for me, allowing me to regain proper perspective and, a lot of times, simply get to sleep at night.

PERSONAL CHANGES

Maybe even more important than the changes I have instituted in my professional life are the changes I put into practice in my private life in order to better my emotional well-being and, due to

my history of substance abuse, help ensure I don't have a relapse. Even if substance abuse is not a problem in your life, the following items can do nothing but good for you.

Physical Exercise

I spend at least one hour physically exerting myself per day. Every evening, Sunday through Thursday, I get my gym bag and suit ready for the next day. This allows me to get up at 5:15 a.m., splash some water on my face, put on my gym clothes and arrive at the gym a few minutes before 6 a.m. From 6 to 7 a.m. I either work with my trainer or work out on my own, but either way I make sure to get my heart rate up and to break a sweat. After my workout, I sit in the steam room or sauna for 10 to 15 minutes and mentally prepare myself for the day. This might consist of meditation or talking football with the other guys. Whatever makes me feel better. After I shower, shave and suit up, I head to the office and arrive around 8 a.m., wide awake and fully prepared to take on the day. I grew up laboring all day and coming home dirty and sleeping like a baby. When I started practicing, I wasn't able to sleep. My body wasn't tired, and my brain wouldn't shut off. This really helps to make sure my body is tired and, when coupled with the mental exercises I've discussed, now I can fall asleep within minutes and stay asleep through the night.

Group Therapy

I attend group therapy 12-step meetings at noon each day. I try to do this daily but, of course, because of work, sometimes I only make it two or three times per week. Some, when told this, will say they don't have a history of substance abuse problems and don't need it. Actually, the point of Alcoholics Anonymous and



Narcotics Anonymous is to help anyone handle life on life's terms. When it comes to us addicts, this helps ensure long-term sobriety, but anyone stands to gain from what comes from attending these meetings and following the 12 steps. Ask any addict or alcoholic with long-term sobriety, and they'll tell you there's a point where we come to find we are luckier than most for having gone through our addiction and finding the 12 steps and a great AA or NA group. This is because of many things, but, in general, it's because we are now more capable of dealing with the ups and downs of our daily lives with a smile on our face more often than a frown.

First and foremost, we learn when we feel fear, anger, sadness, resentment or any other negative emotion, we have to ask ourselves if we have any control over whatever is causing that emotion within us. If we do, we know to plan appropriately and execute as soon as possible. If we do not, simply coming to that conclusion and letting it go brings on almost immediate relief. Learning healthy coping mechanisms is an absolute must when it comes to alcoholics, drug addicts and, I have found, for

most lawyers who don't already have them as well. Finding a manner in which to let go of causing us grief that we have no control over can be tough. The conscience breathing exercise and meditation I spoke of earlier comes in very handy here; however, simply walking around the block a few times can work. Just find something that works for you.

Second, attending the meetings gets us out of our own heads. When I walk into my group meeting after a morning of court, initial consultations with people in the worst time of their lives or arguing with opposing counsel, I find by sitting and listening to the other members of my group, I always leave feeling better. My perspective needs readjusting as often as possible because I deal with conflict all day, every day. Constant competition is taxing on me. Hearing other members of the group talk about what they went through, how they found the group and the help they needed and came out happier and more content than they had ever been before resets my perspective, gets me level and makes me feel better. I am then more prepared to complete my day with a smile on my face.

Finally, my group allows me to feel as if I am part of something much bigger than me. In a way, I am closer to each and every person in that group meeting room than I am to my own family. The big book of Alcoholics Anonymous says it this way, "We

sessions, both personally and professionally. I use my time with my therapist to unload those items, and in doing so, it becomes easier to no longer obsess over them. For those of us who doubt if this could help, ask yourself, "Could it hurt?" At best, you'll feel and sleep better,

feeling in my chest. I have found if I turn my office light off, tell my staff I need some "do not disturb time," shut my office door, turn off my cell phone and laptop and close my eyes for a few moments, I can come out of that drowning feeling. I'll concentrate on my breathing – a deep breath in the nose, followed by releasing the breath, twice as slow as I drew it in, through the mouth. By concentrating on my breathing, my mind leaves all the issues I had going on when I first started. I come out of the practice rejuvenated. I have started practicing meditation. It does not come easy for me, but I'm getting better. I suggest doing a little research and trying meditation yourself. It really helps with stress, anger, anxiety and frustration. I will do this breathing exercise in court if I feel it necessary or simply shut my eyes and take my thoughts off whatever is bothering me. On occasion, I have had a judge think I was sleeping. A big "closed eye" smile and explanation I am meditating will usually bring a laugh. Do yourself a favor and try this the next time you feel overwhelmed at work.

Leisure Time/Date Night

I always have a trip planned. When I don't have something to look forward to, I tend to burn out quicker, and my attitude can become problematic. My family and I take a beach vacation (COVID-19 did not help this) and a ski vacation every year. In between the two big trips, we do weekends of camping or riding dirt bikes, or we will rent a cabin at the river and go floating. My wife and I have date night each week. We get a sitter for the kids, and we go have dinner just her and me. She gets to dress up, and I get to dress casually. Those are the rules. Always having something to look forward to is a must for

Our society is quickly changing its views on mental health and starting to realize our mental health is just as important as our physical health.

are like the passengers of a great liner the moment after rescue from shipwreck when camaraderie, joyousness and democracy pervade the vessel from steerage to captain's table." This is the one place in my life where the hugs, "I love you's" and smiles I see and hear everyday are, without a doubt, genuine. Just being a part of that raises me up. I crave it now like I used to crave substances.

Individual Therapy

I attend individual therapy at least once a week. The one thing I did differently this time than all the other times I tried for sobriety and happiness before was to employ the services of a talk therapist. Due to my upbringing, I had always viewed the use of a therapist as a sign of weakness. I now see it is a sign of courage and honesty. To be honest enough with yourself to admit something isn't right and to have the courage to actively search out a professional to talk to isn't easy, but I have found it is definitely worth it.

There are a few certain things I don't want to discuss in my group

and at worst, it will have no effect at all. My opinion is this, the idea our society teaches us that women should "hide their crazy" and men should "man up" and grin and bear it is exceedingly dangerous and possibly even deadly in some circumstances, especially for overly cerebral individuals like lawyers who are forced to deal with what we deal with on a daily basis. Is it overly surprising a person who deals with people in the worst spot in their lives and is in constant competition and conflict would need to discuss how they might feel with a professional? It isn't for me anymore. Just try talking through it. What could it hurt?

Meditate

I take "time-outs" from work when necessary. Like all of us, I'll have days where nothing goes right. Where four clients have emergencies, and I forget to complete the draft of that motion that is due by close of business tomorrow. I notice during those days it seems bad stuff just keeps happening. "When it rains, it pours." Again, I get that suffocating

me and helps me get my mind off whatever may be bothering me in my professional life.

Emotional Support Animals

We have two dogs, a 14-year-old lab-heeler mix named Mac and an almost 2-year-old lapdog named Vinny. We have a large, shorthaired Russian Grey cat named Oscar, and my daughter has a guinea pig named Rosie. I have three sugar gliders named Gizmo, Buddy and Maggie. All the other pets are for the family as a whole, but the gliders are specifically meant for me to help with my stress and anxiety. Unlike Rosie, the guinea pig, the gliders have very apparent personalities. Gizmo, being a young boy, is rambunctious and does flips in his cage. Buddy is chubby and likes eating more than anything and Maggie, the mother, is docile and kind – just holding her and petting her will immediately lower my stress and anxiety. No matter how I feel that day, when I take them out of their cages, I feel almost immediate relief. I know what you are thinking: sugar gliders, that's just weird. At first, I felt the same. Now, I realize what they are doesn't really matter. It is well known animals have a demonstrable effect on the emotional well-being of their owners. Pet owners out there will most definitely agree. If you don't already own a pet, you might want to look into one. Be picky. Pick the one that fits you and your life.

Filter

I stopped watching or listening to the news at all times of the day. I don't know about you, but I like the news. I need to know what is going on in my city, state, country and around the world at all times. I used to never turn it off. It was the first thing I turned on in the morning and the last thing

I watched before bed at night. Although doing this kept me very well informed, it caused more harm than good. I found I was getting upset all the time about issues barely even relevant to me. Now, I listen to NPR during my workday, but when work is over, the news is turned off. I treat my diet of news exactly like I treat my job. I am there during my 9 to 5, but before 9 a.m., it is my time at the gym and after work is for my family. I do not let the news interrupt my personal or family time. Yes, on occasion, I will not know of some issue the moment it becomes public, but my mental health is better off, and that is more important to me.

These items are just a few of the changes I have instituted in my professional and personal life that have helped me. Our society is quickly changing its views on mental health and starting to realize our mental health is just as important as our physical health. We are starting to realize they are one and the same. I am no expert. I know most of the points I have discussed above are obvious, and most of us are already doing these things and others in order to help ourselves feel better and be able to function properly in our professional and personal lives.

I was frightened to write this article. I have never shared my story in written format, and the fact I am doing so for the first time, and to the entire Oklahoma Bar, is beyond scary for me. I do so only in hopes there is a lawyer out there who can connect to my story. Someone who feels they are drowning in their life, and there is no way out. You are not alone. You are not so unique in your failings that you are destined to lose everything or die. There are those of us who have been there before you and not only survived but came out better than we ever were. Those

of us who can honestly say we are better off for having fallen than we would've been if we had not ever fallen at all. If you have fallen, if you are embarrassed because of something you have gone or are going through and are too scared to admit it even in an attempt to get help, there is a quote by Teddy Roosevelt I think may have saved my life. For my 43rd birthday, my wife commissioned a local artist to create a piece of art based on this quote for my office wall, where it hangs today.

“It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly.”

-Theodore Roosevelt

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A Resilient Mindset: Take Stock of What You Lost and What You Gained to Move Forward

By Laura Mahr



WHAT IS A RESILIENT MINDSET?

I don't know of a single person in our profession who has not dealt with a personal or professional setback. While most of us have honed a few coping skills for trying times, many of us are finding our skills are falling short during the pandemic and its aftermath – the unknowns are too vast and the tragedy too great. As we move forward, a resilient mindset may be what allows us to stay afloat mentally, emotionally and financially in these rocky waters. Ultimately, a resilient mindset may mean the difference between holding steady with an anchor and being tossed around in the waves.

Resilience is our ability to bounce back from a setback and adapt when things don't go as planned. It arises through a process of understanding our emotional response to the setback and by making meaning of what we learn while recovering. Our mindset is a compilation of our beliefs, attitudes and mental states that orient us to what is going on and what we should do (or not do) about a given situation. A resilient mindset allows us to adapt our beliefs, attitudes and mental states such that we can bounce back from setbacks and unanticipated changes. A resilient mindset is one that both allows space for "what is real" in the moment – including difficult emotions such as fear, sadness and loneliness – and space for something new and improved to emerge.

No one yet knows what the full impact of the coronavirus and

its aftermath will be; however, our mindset will determine how we remember and talk about what happened and will determine what we make of our lives now. If we strive to have a resilient mindset, we will be able to adapt and bounce back from all we have lost and make the most of what we have gained in the past few months.

During quarantine, in the peak of the pandemic, I received an email from a client, Jessica Yañez, a North Carolina attorney and owner of Yañez Immigration Law in Greensboro. Her email so clearly illustrates the power of employing a resilient mindset during challenging times that I asked her for permission to excerpt from it here.

"Hi Laura," her email began, "I wanted to share some of my personal thoughts about the current coronavirus situation. We are

definitely in unprecedented times, and lots of people are suffering. There was one day that I worried myself sick and ended up having a good, long cry because I just felt so bad for all of the people suffering and my fear of the unknown."

As I read the opening lines of Jessica's email, I could feel her distress and concern due to the trauma and uncertainty of the times. And yet, when I read her next sentence, I started to smile: "Once I got past that day, things have been so much better." As I continued to read her email, it was apparent that Jessica had adopted a "resilient mindset" to help her and her family cope with pandemic-related setbacks. Her email went on to exemplify ways she and her family were adapting both their attitudes and their lives in resilient ways.

"I am embracing the unknown and enjoying so many new things," she wrote. "I always said I wanted to work less and spend more time with my kids. Now I am staying home two days a week with them and spending so much quality time with them. I am embracing

open us up to deepening our relationships with ourselves and those we love. Jessica's email continued: "I gardened for the first time and even got a bike myself! I've connected more with my husband, and we have taken time to talk about things that really matter to us."



technology and all of the things it has to offer. I did a painting class online Friday evening; I started having the kids do photography scavenger hunts. Our son turned 12 at the end of March and finally learned to ride the bike we got him when he was six years old! He learned to mow the lawn, too. My daughter is doing an online art class, and we do free online education and yoga lessons together. I also signed them up for a virtual book club and an online cooking club. We made a home gym in the garage and work out together. It's like we are finally able to do all the things I've always wanted to do but was too tired or too stressed to do."

Embracing the unknown is a useful approach to cultivating a resilient mindset, and oftentimes creativity emerges as a result, just as Jessica and her family discovered. A resilient mindset can also

Cultivation of a resilient mindset can be done at both work and home. When we foster a resilient mindset toward our home life, it crosses over into our work and vice versa. The adage, "The way you do anything is the way you do everything," applies to our mindset, and we can reap the benefits of resilience in both places, as Jessica's email illustrates. "As for the firm, we are still steady, and we now have time to do everything we wanted to but didn't have the time before. At the end of this month, we are going to do a complete file review for every case in the office. We will reach out to everyone with a pending case to say hello and check in. We will use the time after that to get ahead on every case."

Most importantly, a resilient mindset makes meaning out of what we lost and connects it with what we gained. The closing lines

of Jessica's email illustrate she was doing that. "I know everyone processes this differently, but this has been a blessing in disguise for me. Some people may feel overwhelmed and not want to be given a laundry list of things to do, but I feel like now the world has given us the much-needed gift of slowing things down and letting us take time to rest and do things we always wanted to do." I was touched to read Jessica's email and felt proud of her for investing her time in cultivating a resilient mindset long prior to the pandemic. It was clear she had "done her homework," and her resilience kicked into gear when she needed it.

Months now into the pandemic, we know that not everyone is experiencing it in the same way, and not everyone is naturally embracing adversity with resilience. Many of us are finding we cope better in some areas than in others, and our resilience ebbs and flows. I checked back with Jessica in October and asked about her experience since the beginning of the pandemic. She replied, "Looking back on the past seven months, there have been major challenges in our world and in my life – frustrations with remote learning and worrying about our children's education, retirement accounts fluctuating, worrying about clients who have COVID, fearing for the future of the firm, concerns about racism and the upcoming election ... wondering when this will all end. There also have been many losses, including missing out on the joys of gathering to celebrate important life events and experiencing the sorrows of people dying and not being able to gather together to mourn.

She continued, "While my family, firm, community and our world have experienced a lot of setbacks and numerous losses, this is the year we also showed our

strength. This year, as a society, we have been through an ongoing and unprecedented challenge together. It's allowing us to talk openly about things that previously we bottled up inside. 2020 is the year we are being called to create a new normal in our personal lives by slowing down and reflecting on what we want to prioritize."

I asked Jessica what she's gained this year and what is meaningful to her about what she's learned from the losses. She shared: "I have found great meaning in trying new things. If I liked the new thing, I did more of it, and if I didn't, I let it go. I used to joke about never working out, and now it's a regular part of my life. I have come to understand I have the ability to focus on what is within my control and to be informed about the world around

me without letting it make me feel helpless. I learned with each new challenge I have the strength and capability to find solutions. I'm realizing while there have been a lot of losses, they are making way for new gains. This is an empowering time where we each can discern what is important to us and make the changes in our daily lives over which we have control. I have come to appreciate that while we cannot control the pandemic, we can begin to design the lives that we've always wanted but never had time to make happen."

Not everyone is experiencing the pandemic in the same way, and not everyone will naturally embrace adversity with resilience. Most people will find they are coping well in some areas and not as well in others. Many of us are finding that as the pandemic

continues on, our resilience ebbs and flows. If you are struggling right now, know it is normal to be challenged professionally and/or personally during such tumultuous times, and you are not alone. It's possible to draw inspiration from others' stories – it may spark an idea that resonates with you or inspire you to seek help from a therapist or resilience coach to realign with your goals in life.

If You Would Like to Begin Cultivating a Resilient Mindset Right Now, Try This:

Step One: Account for What You Lost – As you process your experience with COVID-19, take a moment to acknowledge how it set you back and what you lost. Perhaps professionally you lost something that gave you security –

FEELING OVERWHELMED?

When you're feeling overwhelmed, pause. Take a few minutes to identify the following:

1. What are the things that are challenging me *in this moment*? For example, "I don't have enough time to write this brief to my satisfaction because I am simultaneously thinking about trying to finish x, y, z today."
2. What are the predominant emotions I'm feeling right now? For example, frustration, fatigue, confusion, mental disorganization.
3. What's going well *in this moment* or with each of these challenges? For example, "I know the law, I am clear on the facts, I have a few hours to focus on the brief this afternoon, I don't have to do this alone – my co-counsel said she'll be able to review and edit the brief tomorrow morning."
4. What resources do I have at my disposal that can help me get through this? Resources may be internal – like a sense of humor or a feeling of clarity – or external – like a quiet place to work or another person who can help.
5. What feels better, even in a little way, after identifying each of these resources? For example, "I just took a deep breath when I realized I had time and help. My head cleared when I remembered I have a good grasp on the argument."
6. What are three steps I can take right now to help alleviate the overwhelm? For example, "Set a timer for an hour and focus on writing for that hour. Ask my family if they will give me space to work until the timer goes off. Schedule a time to do the other things on my to-do list tomorrow after the brief is finished."

This information is excerpted from "Unpacking Overwhelm," published in the North Carolina State Bar Lawyer Assistance Program's Sidebar Publication, Sept. 8, 2020, and is reprinted with permission.

like your job or your firm, the benefits you receive from full-time work or your confidence in being able to run a business. Maybe you lost something that gave you satisfaction or joy – like having a routine, writing a brief, going to court or winning a case. Perhaps the biggest thing you lost was your face-to-face connection to your colleagues, your clients or the people you saw in court. You may even have experienced a loss of identity as a professional as your work calendar cleared and clients stopped calling.

There may also be numerous personal losses to account for as well. You may have lost someone you know to COVID-19 or suffered another loss, like not being able to attend your child's graduation, a family celebration or your own retirement party. Or perhaps you missed out on a vacation or travel for spring break. It's OK to account for smaller, daily losses, too, like the loss of freedom to travel, leave your home, grocery shop with ease, get a haircut and so on.

Note that you also may be experiencing "anticipatory grief" – fear of the loss of things to come. If that is the case, account also for what you're afraid you may lose in the future.

Make a List Now of Your Losses and Setbacks

Step Two: Make It Manageable –

Choose one of the losses from your list and focus on that as you go through the next steps in this process. You can do steps two through five for each item on your list if you'd like. Part of having a resilient mindset is giving yourself the opportunity to digest and process your setbacks in small chunks so you don't feel overwhelmed.

Step Three: Acknowledge

Your Feelings – Acknowledge the feelings that came up when you experienced the loss and may still be coming up now as you account for what you lost (or what you fear losing in the future). For example, "I feel doubt, fear, sadness, confusion, disillusionment and/or shock because when I got furloughed, I lost my confidence, security, peace, sense of accomplishment and control, and I felt alone." As challenging as it can be to feel the uncomfortable feelings that accompany your loss, doing so is a key step to being able to process your emotions and move through the grief that arises from the loss.

Step Four: Give Yourself

Support – This is one of the most important steps, even though it can be the most difficult for us as lawyers and judges to seek and receive support. Giving yourself support can be as simple as saying something kind and understanding to yourself like, "Ouch. That hurt. Of course, I feel all of those feelings because that was a big loss, and it set me back." Taking a deep breath, sighing or going outside may also help. You may want to find additional support by talking to a friend, colleague or loved one about what you've lost and the feelings that come up when you think about it. If you feel inconsolable after trying a few different avenues for self-support, reach out to a mental health care provider and/or the Lawyers Helping Lawyers Assistance Program for professional support.

Step Five: Reflect on What You Gained and Make Meaningful Connections Between What You Lost and What You Gained – This is the pinnacle step in creating a resilient mindset. To bounce back from a setback better than you were before it occurred, make a connection between what you lost and a skill, belief, attitude or

To bounce back from a setback better than you were before it occurred, make a connection between what you lost and a skill, belief, attitude or mental state you gained as a result of what you lost.

mental state you gained as a result of what you lost. For example, “I lost the ease of going to work and seeing clients in person, but I figured out how to work from home and use video conferencing to connect with clients in a new way.” Or, “I lost the financial security I got from my job, but I found out I can budget and cut back when I need to.” Or, “Because I live alone, I lost my normal sense of connection with my friends, but I feel like I know myself better now, and I made new connections with my neighbors and learned to cook.” Or, “I lost someone I love during COVID, but I gained a greater understanding of how to cope with loss by reaching out to a therapist virtually for support.” If you can, see if you can feel gratitude or appreciation for what you’ve gained. Don’t push it, though – if feelings of gratitude and appreciation don’t naturally arise, it’s OK. You may be too close to the loss and setback right now to feel much appreciation. In that case, just stick with what you gained and its meaning for you.

Step Six: Envision a Future

You – This is the pinnacle step in creating a resilient mindset. Giving the mind a future good to focus on can prevent fear-based rumination that can lead to feeling stuck right now. To effectively envision a future you, invite your imagination in to help. Think about a scene that represents that you or your circumstances have changed for the better. You may wish to envision a time in the future where you feel safe and peaceful, a sense of joy and connection and a sense of meaningful purpose. For example, if you are unable to gather with family for the holidays, envision a time in the future when you will be able to celebrate together, how joyful it will feel and how relaxing and

meaningful it will be to feel a sense of belonging and connectedness. Even if there are currently obstacles in the path to having what you’re imagining, set the obstacles aside and enjoy imagining where you’re headed.

As you rebuild over the next few months and find yourself looking for an anchor, check in with your mindset. Try on a resilient mindset for an hour, or a day or a week, and see if employing it calms the waters and improves your perspective, well-being and productivity. If you like how it feels, keep at it. The more you practice, the easier cultivating a resilient mindset becomes, and the sooner it turns into a habit that improves your whole outlook on life’s setbacks.

Author’s Note: Thank you to Jessica Yañez and her family for their willingness to share their experiences.

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Lawyer Suicide and Its Survivors

By Travis Pickens

THE VOICE ON THE OTHER END OF THE PHONE was one I recognized but had never heard. It was my anguished father, his voice weak and halting, calling to tell me my older brother Doug, another lawyer and someone I had followed around in one way or another since I was old enough to walk, was dead. My father had found him at his home after he had killed himself with a shotgun, having finally lost the struggle with his demons, a bipolar disorder and alcohol.

Doug was an aircraft title attorney with a good firm in Oklahoma City and had successfully been through an addiction program at a local hospital. He had been treated by a psychiatrist, was on medication and surrounded by supportive and close friends at his firm and in his personal life. The family was hopeful for a full recovery. Still, he lived alone, and one of the things you learn as a suicide survivor is that a person committed to hurting themselves most often can do so.

Doug's story is not unique. Lawyers choose to end their lives every year. Each of them leaves a group of survivors, that is families, relatives, friends and coworkers, who must deal with the aftermath and their own emotions.

LAWYERS AND SUICIDE

Information to guide and help lawyers with mental health challenges is abundant.¹ However, the reasons why lawyers are disproportionately at risk to die by suicide, and the impact on the survivors, is less well documented, as is what other lawyers should do to help. Knowing and understanding more about the unique causes and contributors to

bad mental health among lawyers – and effective responses – will lead to reduced suicides.

Nationally, reported suicide rates have trended upwards since 2012, from 12.4 to 14.5 deaths per 100,000 in 2019.²

The most recent annual statistics from the American Foundation for Suicide Prevention³ reflect in the general U.S. population:

- Suicide was the 10th leading cause of death
- 132 people on average died each day by suicide
- 90% of suicides involved a diagnosable mental health condition (this is “diagnosable,” not “diagnosed.” Mental health issues have historically been under-diagnosed and undertreated)
- The rate of suicide was highest among middle-aged white men⁴ (although as to men and women, the rates of *attempted* suicide appear to be much closer)
- Firearms were involved over 50% of the time (ready access to lethal weapons increases the risk of suicide).

Depression and substance abuse are primary and well-known contributors to suicide. And, compared to nonlawyers, lawyers:

- Are 3.6 times more likely to suffer from depression
- More likely to abuse substances.⁵

Lawyers also routinely suffer from many of the other contributing factors for suicide including:

- Anxiety
- Job stress
- Marital issues.

Further and less obvious, lawyers often have the additional vulnerabilities that go with higher social standing and public notice:

- Unfulfilled expectations
- Perceived sense of failure.⁶

Adding to the unique challenges of lawyers and suicide is simply the personality profile of many lawyers. Pessimistic thinking is common among lawyers. While that tendency may be a healthy skepticism that is helpful



and effective for critical thinking, it may also go too far affecting the lawyer's overall mental well-being and resilience.⁷

Lawyers also tend toward perfectionism, which is often caused by a deep-seated fear of judgment,⁸ and is again double-sided. It can lead to excellent work and high ethical standards, or it can devolve into feelings of inadequacy and even paranoia when impossible self-expectations (or those of a client) cannot be met.

THE NATURE OF LAW PRACTICE ADDS DIFFICULTY

In addition to psychological and emotional tendencies common within the legal profession, there are additional challenges in law practice itself that increase the difficulty in successfully navigating the risks to mental health.⁹ For example, many lawyers routinely work in adversarial situations, with unpredictable schedules they do not fully control.¹⁰ Reflect upon the reality of our profession that one may argue with another advocate directly, perhaps daily, and where there are consequences, sometimes very large for both the client and the lawyer, for how a matter resolves. Reflect further upon a profession where the case, transaction or amount of money at issue may be in the several millions of dollars or a family business or custody of a child may be at stake. Lawyers assume their clients' burdens, sometimes even

their freedom or lives, and are commonly expected to perform flawlessly, with no room for mistakes, and often in public.

Most lawyers depend directly upon their reputations for getting business and are naturally reluctant to reveal uncertainty or weakness for fear they might suffer in a highly competitive profession. That often leads to denial or avoidance of diagnosis or treatment.

In addition, the pressure related to being a fiduciary and the necessary oversight of lawyers that is required to protect the public can unavoidably cause lawyers additional stress. Lawyers risk being sued for malpractice and defending bar complaints and sometimes even adverse media exposure. While accountability is necessary, and ultimately a good thing, it can significantly increase a lawyer's anxiety.

THE SURVIVORS OF SUICIDE

There are others who suffer from a suicide – the people who survive the deceased.¹¹ Their sufferings are like other bereaved groups but are overlaid with intensified characteristics. The families experience higher levels of rejection, shame, stigma and sometimes the perceived need to conceal or misrepresent the loved one's cause

of death.¹² As bad as these factors are to live with in the present, they also make the overall healing process for survivors more difficult and lengthy. A survivor often has feelings of failure or embarrassment as if other people are looking at the death as some sort of collapse or defeat, a failure to deal with a humiliating personal issue based on drugs, dishonesty, money or sex, for example.

Other emotions survivors may have are rejection, abandonment and anger.¹³

Survivors often feel they missed something with the deceased or that the suicide would not have happened "if only" the survivor had done, or not done, something. The finality of death and the mystery of its cause, the loss of the chance to fully know what drove the person to suicide, is often present, magnifying the survivor's inevitable analysis of events. Not every suicide is explained with a note, nor is every note the full or complete story. The note may include hurtful comments or judgments of family members or others.

The manner of death may worsen these feelings as it is often violent. There is no third-party perpetrator to blame. The deceased is the perpetrator.

Others beyond the family may also suffer due to a suicide. The lawyer may have worked in a firm, agency, association, company or court. Because of day-to-day interaction, firm ties or the often intense and time-consuming nature of legal practice, strong relationships among co-workers are common. But this familial aspect, which provides so many positives to a workplace, can also result in profound heartache as the suicide of a member of a work group often has the same impact upon the others as it does upon an actual family. The impact is deeply personal and can lead to guilt, self-blaming, embarrassment, anger, shame and all the other magnified emotions that come with suicide.

GUIDELINES FOR DEALING WITH THE POTENTIALLY SUICIDAL AND SURVIVORS

Consider these guidelines¹⁴ for dealing with persons who may be at risk. Note that some of these guidelines may seem counter-intuitive:

- Pay attention to signs. A person contemplating suicide may talk about it or feelings of hopelessness or worthlessness; or may lose

Most lawyers depend directly upon their reputations for getting business and are naturally reluctant to reveal uncertainty or weakness for fear they might suffer in a highly competitive profession.

interest in usual passions; or may engage in risk-taking and self-destructive behavior.

- Be direct. Asking someone if they have suicidal thoughts will not make them worse.
- Listen. You usually know little to nothing about what another person is feeling. Do not assume or guess. Empathize, let them know you care.
- Remain calm. The person is emotionally fragile and needs an easy moment, not a dramatic event or escalated emotion.
- Be nonjudgmental. You will not be seen as an all-knowing God by the suicidal person, and it will lead to resentment even if you are right. Avoid arguing in a way that makes the person feel worse.
- Do not agree to be sworn to secrecy (unless you have a privileged relationship with the person, but even then, there are ethical exceptions to confidentiality)¹⁵ but do agree to be available and helpful for whatever is needed.
- Redirect thoughts. Assist the person to remove threats like guns and alcohol. Help them get professional help.
- Slow things down. Encourage the person to not make impulsive irreversible decisions while in crisis. This is an acute situation, climaxing in as few as 10 minutes. Getting past the worst moment is critical.
- Call in others or call 911. Do not leave the person alone if they are in an immediate emotional crisis. Enlist spouses, friends or caring co-workers. You want to give the sense that the crisis is temporary, passing, they

are not alone, help is available and they will survive the pain.

- Realize that ultimately a decision to live must be made by the person, and you are not responsible for their decision.

In dealing with survivors, consider the following:

- For close friends, it may be difficult not to ask a survivor what happened, and survivors may feel you are owed some explanation. Accept whatever they say, and do not offer your own theory.
- Do not speak to survivors in a way that assumes they are embarrassed or ashamed.
- Realize the unique nature of suicide survivor emotions and that there may never be emotional “closure” for that person. However, that does not necessarily mean lifelong fragility.
- Do not speak in hushed tones when talking about the deceased.
- Stay close and keep reasonable contact with survivors who are close to you but do not suffocate them. Ultimately, they want to successfully manage on their own.
- Avoid hollow reassurance or mentioning some sort of higher purpose at work. Even deeply religious people do not see suicide in any way as a “God thing,” and certainly not at the time. Suicide can prompt reevaluation of personal spirituality and you should not assume the survivor agrees with your world view, even if they did before the death.

- Remember suicide ends a life but does not erase it. If a lawyer, the deceased has typically led a life full of accomplishments, however short. Do not avoid reminiscing about the achievements of the person, and do not “define” them by their last act. Survivors will appreciate it.
- If the suicide and emotions are still fresh, it is sometimes best to simply do things for the survivors without being asked. Many times, the lawyer who died had ongoing files and work. If a solo practitioner, volunteering to help and close the lawyer’s practice is one way to contribute.¹⁶

What Employers Can Do for Legal Staff

Firms, governmental agencies, companies, associations, office-sharers and courts can help their legal staff by creating a supportive environment for lawyers to get help. Realize the world has changed for the better regarding mental health awareness and treatment. Still, there are remnants of the previous thinking, where lawyers ignore their own issue or that of their colleagues or see addiction treatment as a personal and professional failure. This moribund thinking is dangerous. Employers should be proactive and transparent regarding issues of mental health.

As partners, managing or supervisory lawyers, lead from the top and eliminate the stigma of seeking professional help. This may be the most important factor of all. Openly use counselors and therapists yourself as necessary or helpful. It is an important part of general health. Do not be embarrassed to discuss its benefits with others.

Also, realize that partners, managers and supervisory lawyers have ethical duties that must be considered. Such leaders “shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the *Oklahoma Rules of Professional Conduct*.” When a lawyer is experiencing mental health issues that affect their competence, for example, that becomes an ethical issue not only for that lawyer, but for the work group.¹⁷



The following suggestions could contribute toward those measures as well as a better work environment overall.

- Destigmatize mental health issues. Openly promote the benefits of counseling and good mental health practices available through the Lawyers Helping Lawyers Assistance Program and other providers.
- Encourage respect, inclusion, professionalism (the un-self-important kind) and collegiality among all attorneys and staff.

- Provide in-house education a few times a year on issues of mental health, work-life balance and wellness. There are many digital sources for this at little to no expense, e.g., TED talks, ABA or OBA programs, podcasts or YouTube programs.
- Require at least one hour of mental health CLE each year.¹⁸
- Provide mentors to young attorneys to assist them not only be better practitioners but to also find and use their legal “gifts.”

- Provide employee assistance coverage to your staff.
- Consider retaining a mental health clinician part-time or on an “on call” basis for your firm or work group. Make this person a known visible friend of the firm. This is becoming more common nationally.
- Reconsider minimum billing requirements and work arrangements. Look for options for lawyers to work different hours (for different compensation) and in different ways. Many younger lawyers appear to value flexibility,

informality and creativity. They rightfully view overwork and debilitating stress as dangerous and undesirable. The COVID-19 pandemic has taught us there are other ways, and places, to work.

- Make it safe for a lawyer to get help. If a lawyer has an issue, help them get assistance. Do not punish them personally or professionally; if possible, help them financially to enroll in a program. Welcome them back when they have successfully completed treatment and can again perform competently.
- Realize that guns are everywhere in America but should typically not be readily available in any office other than law enforcement.
- Institute a program of periodic sabbaticals. The truth is almost everyone takes a sabbatical during their career whether they call it that or not. Lawyers get burned out or have one or more “life” crises, deal with medical issues and a host of other things. Anticipate and plan for these periods so neither the firm nor the lawyer will be financially devastated by missing work.
- Most lawyers acknowledge some sort of spirituality, whether traditional or uncommon. A workplace is not the place for worship or to proselytize, but it is also not the place to demean or disrespect religious belief of whatever kind, or none. Respect it.

*Awareness of Others as a
Deterrent to Lawyer Suicide*

When someone is contemplating suicide, he or she is usually focused entirely on themselves, their pain, their illness, their shame, whatever the emotional driver is. They are not thinking as much about the people who will be left behind. That is understandable, but the reality is the survivors left behind will also be changed by what is done.

I have often hoped that lawyers who died by suicide had realized how much pain and loss would ensue for others – people who loved them, people who worked with them, people they had helped in life and admired them. It may have prevented the suicide.

Besides strong mental health practices, a deterrent now for those contemplating suicide should be the awareness – the certainty – that it is never a solitary act. It has been 31 years, but I can still hear the pain of my father's voice on the phone that horrible day. As much as I loved and miss my brother, Doug, the hardest part, by far, was watching my parents grieve and suffer for the rest of their lives.

**THE PROMISE OF BETTER
LIVING AND LAWYERING
AHEAD**

The world is rapidly coming to realize the importance of mental health as an equal concern with that of physical health. Mental health advocates are more prevalent every year, and newsmakers, celebrities, sports figures, musical artists and others in the public eye are increasingly and visibly discussing mental health issues and their own challenges. Lawyers are beginning to do the same.

We help others. Let's continue to help ourselves as well, and let's not harshly judge (the humanity) of others or ourselves. If you are

struggling, there are people and programs almost instantly available that will help you get past the worst of moments and getting past that moment often makes all the difference.

We must always remember that behind every lawyer is simply a person.

ABOUT THE AUTHOR

Travis Pickens is a civil litigation, collaborative and ethics lawyer in private practice in Oklahoma City. From August 2009 to January 2015, he served as ethics counsel for the Oklahoma Bar Association and as an OBA liaison to the Lawyers Helping Lawyers Assistance Program Committee. For many years he served as an adjunct professor of law practice at the OCU School of Law, and currently serves on the board of the Oklahoma Academy of Collaborative Professionals.

ENDNOTES

1. For Oklahoma lawyers, the best place to start is the Lawyers Helping Lawyers Assistance Program, 800-364-7886 or www.okbar.org/LHL. Deanna L. Harris, LCSW, is the primary contact. The OBA Office of Ethics Counsel, Richard Stevens, is helpful in navigating ethical issues that may arise. Mr. Stevens' article "Change is Hard, Not Changing is Even Harder" in the November 2020 issue of this journal is an excellent general background regarding lawyers' mental health and efforts by the ABA and lawyer assistance programs. For more specifics, see the 2017 ABA National Task Force Report entitled *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* found at www.american-bar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFinal.pdf.
2. America's Health Rankings' Annual Report for 2019. p. 26, www.AmericasHealthRankings.org.
3. American Foundation for Suicide Prevention www.afsp.org and Centers for Disease Control and Prevention Data and Statistics Fatal Injury Report for 2018, as of March 1, 2020.
4. *Id.* Women may attempt suicide as often as men but survive the attempt more often according to the American Foundation for Suicide Prevention.
5. Jeena Cho, referencing the American Psychological Association in www.abajournal.com/magazine/article/attorney_suicide_what_every_lawyer_needs_to_know, p. 2.
6. *Id.* at p. 2. Alex Yufik, clinical rehabilitation coordinator for the State Bar of California's Lawyer Assistance Program. Being a lawyer typically means higher social standing and potential public exposure.
7. *Id.* at pp. 2-3. Rachel Fry, clinical psychologist, Birmingham, Alabama.

8. Deanna L. Harris, LCSW, Oklahoma City, OK, interview Nov. 10, 2020.
9. As a lawyer and suicide survivor, I have my own experiences and insights, some of which are included here.
10. See endnote 5, p. 3.
11. In addition to the insights of mental health experts, I have my own experiences and insights as both a lawyer and a survivor of my brother's suicide. Some of them are included here.
12. Sween CA, Walby FA, "Suicide survivors' mental health and grief reactions: a systematic review of controlled studies," *Suicide Life Threat Behav.* 2008; 38 (1):13-29 as referenced in Yasgur, Batya Swift MA, LSW, *Those Left Behind: Working with Suicide-Bereaved Families*, www.psychiatryadvisor.com/home/topics/suicide-and-self-harm/those-left-behind-working-with-suicide-bereaved-families.
13. *Id.* at pp. 1-3. Dr. Sidney Zisook, MD, professor of psychiatry, University of California, San Diego, as reported in Psychiatry Advisor.
14. In addition to the sources listed in these endnotes, information was obtained from R. Murali Krishna, M.D., President and Co-Founder, James L. Hall Center for Mind, Body and Spirit; Founder, Health Alliance for the Uninsured; Distinguished Life Fellow, The American Psychiatric Association; Member, Oklahoma State Board of Health; Co-Founder Arcadia Trails Addiction Recovery Center at Integris Health. Dr. Krishna was an early advisor and supporter of the Oklahoma "Lawyers Helping Lawyers" program and has been on the forefront of a holistic approach to health. Also, Deanna L. Harris, LCSW, Oklahoma City, OK and Harvard Medical School, Harvard Women's Health Watch, "Left behind after suicide" published July 2009, updated May 29, 2019.
15. See *Oklahoma Rules of Professional Conduct*, Title 5, Appendix 3-A, Rule 1.6.
16. A suicidal lawyer may become incapacitated. *Oklahoma Rules Governing Disciplinary Proceedings*, Title 5, Appendix 1-A, Rules 12.1 *et seq.* addresses the legal duties of those aware of the incapacity and sets out a framework for assistance of the impaired lawyer.
17. The *Oklahoma Rules of Professional Conduct*, Title 5, Appendix 3-A, Rules 5.1 *et seq.* address the responsibilities of partners, managers, supervisory lawyers and their subordinates regarding compliance with the rules. Essentially, the obligation to ensure compliance extends down from the partners, managers and supervisory lawyers to the subordinate lawyers to the nonlegal staff.
18. There is an additional ethics requirement in Oklahoma, effective Jan. 1, 2021. The total required credits are still 12 hours, but beginning then, two of the 12 credits must be approved for legal ethics. And, in addition to programs on legal ethics, legal malpractice prevention and professionalism, presentations dealing with mental health and substance abuse disorders can now be approved. OK MCLE Rule 7, Regulation 3.6.

The Evolution of Lawyers Helping Lawyers

By Deanna Harris and Ben F. Rogers

THE OKLAHOMA LAWYERS HELPING LAWYERS ASSISTANCE PROGRAM has a long history of supporting legal professionals through difficult times. From the beginning, as an informal network of attorneys in recovery to the current structure of a formalized committee, the purpose and mission has remained a constant – be there for each other.

In the early days, an Oklahoma City lawyer named Bob Looney got sober in the late 1960s or early 1970s. He determined there might be other lawyers with the same problem that he could help, using what he had learned in Alcoholics Anonymous. Bob made it known throughout the Oklahoma legal community that he was willing to be of assistance to other lawyers struggling with alcoholism, so they might also have sobriety.

Bob got calls from judges and lawyers around the state concerned about impaired lawyers. He would practice law all week, then spend his weekends traveling all over the state, helping fellow lawyers in need.

With the help of Executive Director John Morris Williams, Bob's committee of one became Lawyers Helping Lawyers of Oklahoma, an official committee of the Oklahoma Bar Association.

Starting out, the program's sole focus was helping those with addiction issues. As awareness increased around dual diagnosis, the focus broadened to include mental health. Currently, the committee has expanded to roughly 40 volunteer members, many of whom serve as mentors to attorneys with mental health issues, addiction, work-related struggles and a variety of other problems confronting attorneys. This broad



approach encompasses a more global perspective of overall lawyer well-being.

As is often the case, LHL comes into contact with attorneys when a problem or issue has taken over and becomes out of control. The workload that has now led to burn-out and depression, the drinking that is now causing trouble at home or work or the casino trips that now occupy the mind daily.

As part of the well-being initiative, through LHL, the OBA offers confidential access to addiction and mental health professionals as well as resources to support well-being efforts.

MEMBER BENEFIT: FREE COUNSELING

OBA members get six free sessions every year as part of their benefits. That is six free sessions to collaborate with a therapist on setting goals, focus on minor behavior change to reduce stress, problem solve an issue or get coaching with a certified life coach.

Lawyers Helping Lawyers has contracted with A Chance to Change in Oklahoma City to answer calls and to provide counseling services statewide. A Chance to Change is a local nonprofit counseling agency with a long history of providing services in Oklahoma. When an OBA

member calls the confidential 800 number, an intake is conducted to determine what services are desired. Based on this information, a member will be referred to a therapist, certified life coach and/or peer support/mentor. A Chance to Change provides telemental health or video sessions as well as face-to-face sessions. This also applies to members in non-metro areas. If counseling is requested, therapists are selected based on presenting issues, specialty areas and location. Every effort is made to accommodate requests and make the best referral possible.

The overall idea is taking care of yourself along the way prevents the unmanageable crisis point. Another option is calling and getting connected with a mentor or peer support. This is also confidential and can be a great way to connect. At no point in the process do you have to be in crisis. The services are there, confidential and available, at any point.

ABOUT THE AUTHORS

Deanna Harris is a licensed clinical social worker in Oklahoma City. She has worked with the Lawyers Helping Lawyers Assistance Program for nine years as a clinician and the past five years helping the committee administer the program. She also manages her own private practice.

Ben Rogers is a practicing attorney and business consultant in Norman. He has mentored men and women struggling with substance abuse, eating disorders, gambling and depression for more than 35 years. Additionally, he has been a member of the Lawyers Helping Lawyers Assistance Program Committee since 2017.

Five Steps to Support Your Lawyer's Soul

By Angie Hooper

IF HUMANS ARE SPIRITUAL CREATURES having a human experience,¹ lawyers are also spiritual creatures having a lawyering experience. The next phase of mental wellness for lawyers will include care for a lawyer's spiritual nature. Below are five ways to support your soul through the practice of law and not in spite of it. Before the action steps, consider why supporting your spiritual nature matters.

Symbolically, lawyers can be seen as guardians of the foundation of society, like Roman temple priests of the modern age. At licensing, we take vows of service and loyalty to the constitutions of our state and country. At the courthouse, we are admitted to the bar, the area of the courthouse set apart to access justice directly. In the conference room, we handle the contracts that are esoteric writings that form the underpinning of our economy. We use mysterious language only we understand. We ask our novitiates to serve as associates for years before being admitted to law firm partnership, and we have special privileges to hear the secrets of our clients. But while the lawyer's role is guardianship of civic and secular power, the lawyer's soul may be ignored in favor of logic and argument.

For some lawyers, a disconnect between mind and soul will result in spiritual malaise unless they can successfully map their practice of law to their soul's purpose. But what would it mean to practice

law from the soul? Could any lawyer ask the question without the risk of being thought a little *unusual*? If we buy into the stereotypes of lawyers as litigious, argumentative, sharp dealing contract drafters working for an unfair advantage, it might be difficult to entertain the idea of practicing law as a sacred journey. For some lawyers, though, who are meeting their professional obligations but failing to find happiness and fulfillment, addressing the needs of their soul could be the resolution.

Consider whether there is a general idea in our society that asking questions about the soul's purpose is like a thought experiment but not part of the "real world" made up of our physical circumstances. This may be especially true for lawyers whose practices are rewarded most strongly for logical argument. In court, unless evidence can be proffered, it did not happen. If a contract did not record the promise, it was not made. The focus on documentation, argument, logic and proof

suits the competent practice of law, but it may leave some lawyers feeling empty. That feeling of emptiness is not sustainable over decades of legal practice. We lose talented lawyers when the payoff for practicing law is outweighed by competing values and life goals. At some point, the "why" of a legal career must sync with the "how" to be able to joyfully remain in the profession.

At our best, lawyering is a vocation, not just a job. Lawyers shepherd our country's sacred core values of individual rights, property ownership, justice and others. One area to notice the competition between professional goals and the less tangible needs of the soul emerges whenever you hear a lawyer reminisce about going to law school "because they had good grades and were too squeamish for medical school" or because "they didn't know what else to do with their liberal arts degree." This is one way we protect ourselves from the truth that we were called to the bar. This allows us to



avoid wrestling with the needs of our souls for another day.

A lawyer who denies the influence of their soul on their legal practice will be at war with themselves. Constantly wondering what other profession they should have chosen, what other law firm they should join or whether they should go in-house. Tempted to find an external solution to an internal disquiet, constantly directing their attention outward to find the set of circumstances that will quiet the noise in their mind. It is more socially acceptable to have a career crisis than a spiritual crisis.

Talking about supporting the needs of the lawyer's soul as part of a career conversation is a daunting prospect. Although lawyers, as a profession, become astute in psychological vocabulary, self-help tips, scientific principles, religious

motivations and human behavior, a conversation about the state of one's soul can seem beyond the pale. Unfortunately, rather than feeling empowered to use such vocabulary for a career conversation about vocation and purpose, we hesitate to recognize and support a lawyer having a spiritual crisis, particularly when the lawyer is an employee or colleague. When having a soul conversation with my coaching clients, I have the advantage of being able to ask what type of religious symbolism and vocabulary is comforting to them and what feels unhelpful. Those are not conversations we typically have at work.

A spiritual crisis is different than a mental health crisis or even a really bad day. A spiritual crisis shakes the foundation of who you think you are and asks you to

rebuild a deeper and stronger foundation. This can follow a personal tragedy, a professional setback, a seismic shift across society or all of these. Oklahomans have experienced the 2020 triple threat of social distancing, the 25th anniversary of the Murrah Building bombing and a chaotic economy. Life feeling turned upside down is common, but not required, to kick off a spiritual crisis. A spiritual crisis can also begin with the thought that arrives at a quiet moment, seemingly out of nowhere, asking, "Why am I here?"

The question, "Why am I here?" puts the questioner on the path of self-examination and can invite the questioner to view their practice as a calling instead of a career. It is very difficult to stop knowing what you know and to un-ask what you have asked. All lawyers

know it is impossible to un-ring a bell. The tricky part for anyone accustomed to being an expert is feeling able to embrace the twin companions of curiosity and uncertainty. This question, “Why am I here?” is a Pandora’s box of a question, emerging as heartache but always ending with hope.

creating chaos for other lawyers. Tougher penalties would not help much in that situation. Such a lawyer will continue to engage in incivility even in the face of sanctions and call it zealous advocacy.

Rather than resistance, contemplate the question while simultaneously not needing to understand

who do that work. You have to be where you are *now* before you can go anywhere else.

- 2) **Assume your soul has a strategy.** Your soul has a strategy to help you become the person you were created to be. Think of this as the way you create a case strategy or negotiating strategy toward the outcome you want for your client. Notice if the same archetype sits across the negotiating table from you wearing different suits, so you have a chance to create a new way of responding. Or you may feel like suddenly all your clients show up with the same issue because that issue reminds you of something that needs to be healed in your own soul.
- 3) **Name your higher power.** If you have an existing religious practice, this may be easy for you. Choosing a name for a higher power gives you the vocabulary to wrestle with the symbolic. If you are not sure what name to choose, consider: God, Creator, Benevolent Universe, Lovingkindness, Source, Choice, Higher Self, Natural Law, Beloved or Cause and Effect. Theologians and philosophers have wrestled with the nature of the divine for centuries, so allow yourself to choose this name as a symbol that works for you.
- 4) **Trust your gut.** The soul speaks in metaphor and symbolism. That makes intuition powerful but also makes it easy to think ourselves out of following intuition. Great lawyers tend to have mastered using their intuition. If you are self-conscious about talking about an intuitive nudge, most people are comfortable with a gut feeling as a starting point, even if they want to fill in the

Once a lawyer, or any person, begins to ask the question of their soul’s purpose, every part of life must weigh in – personal and family relationships, community obligations, choice of clients and manner of relating to opposing counsel.

Once a lawyer, or any person, begins to ask the question of their soul’s purpose, every part of life must weigh in – personal and family relationships, community obligations, choice of clients and manner of relating to opposing counsel. Judges have been telling lawyers for years that civility in the profession is a problem. I suggest a lack of civility is actually a symptom of lawyers whose pain leaks out in their professional actions. Not to excuse lack of civility but to give us a basis as a profession to acknowledge common humanity alongside our zealous advocacy. If I am unable to acknowledge humanity sitting across the negotiating table and only feel powerful when I attempt to belittle or obstruct others, my actions will be uncivil. Ostensibly on behalf of clients, a lawyer who engages in incivility may be simply acting out an existential crisis by

the entire answer in order to move forward. And ultimately, the willingness to have an answer, whether clarity comes or not, may be the resolution. Typically, we are not taught how to deal with a dark night of the soul or anything related to our soul’s well-being.

FIVE STEPS TO SUPPORT YOUR LAWYER’S SOUL

- 1) **Stop the wobble.** Let yourself off the hook of wondering if you should be doing something different with your career. Decide right now to be OK that being a lawyer in your current role is your current expression of your soul’s journey. Maybe you could be working as a public defender advocating for wrongly accused death row inmates or maybe you could be the general counsel of the Fortune 500 company that funds those

logic behind it. If you begin with the assumption your intuition is correct to inspire you to look again at a situation, new ideas will appear.

- 5) **Map your values to your practice.** Reinvigorate your purpose by mapping out how your core values² match up to the way you practice law. Because there are so many professional rules governing the practice of law, it is easy to assume the professional rules are the same as your values or to make a false distinction between your values at work and your values for your personal life. If you can see how you express your core values in your professional activity, you will feel more aligned in your practice. For instance, you may have a personal value of compassion and not see immediately how this plays out when you are negotiating. To begin mapping your personal values to your practice, choose one core value, and ask yourself these questions:

- What actions do you take when you are expressing this value?
- How do you feel when you are living this value in your practice?
- What do you consume (that is, what do you eat, wear, use)?
- How do you communicate verbally and nonverbally with other lawyers? With support staff? Clients?
- What judgments or assessments are you making (about your clients, opposing counsel, colleagues, support staff) when you live this value?

These steps can help you become more aware of being a spiritual creature having a lawyer experience. Each of us has a daily opportunity to experience the practice of law as a grind or a great adventure.

ABOUT THE AUTHOR

Angie Hooper, Happy at Law LLC, helps attorneys find happiness while practicing law. She has represented international energy, mining and manufacturing companies and is a professionally trained executive coach. She received her J.D. from the Southern Methodist University Dedman School of Law and is licensed in Oklahoma and Texas.

ENDNOTES

1. The saying, "We are not human beings having a spiritual experience, we are spiritual beings having a human experience," has been variously attributed to Pierre Teilhard de Chardin, Wayne Dyer and others. <https://quoteinvestigator.com/2019/06/20/spiritual/>.

2. You can find lists of values online to choose your core values or work with a coach to go through an exercise to identify your core values.

The Importance of Exercise for Mental Health

By Geoffrey A. Tabor

IT IS NO SECRET THE LEGAL SECTOR LAGS behind many other white-collar professions in terms of general well-being. In 2016, working alongside the Hazelden Betty Ford Foundation, the ABA Commission on Lawyer Assistance Programs conducted national research on lawyer impairment. The aim of the study was to assess both substance use and mental health trends among lawyers.¹ After assessing a representative cross-section of 12,825 licensed, employed attorneys, the study found in part that “mental distress is also significant. These data underscore the need for greater resources for lawyer assistance programs and also the expansion of available attorney-specific prevention and treatment interventions.”² As many readers likely know, exercise has tremendous benefits for our overall well-being. Thus, if there was ever a profession that should highly encourage its practitioners to exercise regularly, it is certainly the legal sector.

It is common knowledge exercise is incredibly important for us, and staying regularly active can lead to a happier and healthier life. But what are the *specific scientific grounds* for these conclusions, and how can they relate to the statistical trends of mental illness and substance abuse in our profession? In other words, *why exactly* is exercise good for our mental health? I ask this seemingly basic question because the scientific findings may further encourage us all to prioritize physical activity not only for our physical health but for mental well-being as well.

THE PHYSICAL BENEFITS

First, and as many are more familiar with, the physical benefits of exercise have been well documented for generations. Despite this well-known knowledge, some

of the more recent and narrowed scientific findings may still surprise many readers. Specifically, researchers have found regular physical activity reduces many major mortality risk factors, including hypertension, Type 2 diabetes prevention and management, coronary heart disease (the leading cause of death in the U.S.), stroke and various types of cancer.³

Overall, scientific literature has found people who regularly exercise can experience a 30% to 35% drop in all-cause mortality compared with those who are physically inactive.⁴ The good news does not stop there. The threshold to reap serious benefits from exercise is not as high as many may think. Indeed, Harvard researchers have found that even as little as 15 minutes of physical activity a

day can boost one's life expectancy by three years.⁵ Although it is clear exercising and leading a healthier lifestyle for a longer period of time will reap higher benefits in the end, new research has concluded that increases of exercise for middle-aged and even senior populations will still result in at least some longevity and preventative benefits across the board.⁶ In other words, there are two important points we are well guided to always remember: 1) it is never too late to start exercising and to get instant results and 2) you don't have to exercise as much as you may think to reap positive health benefits.

THE MENTAL BENEFITS

The mental and emotional benefits of regular exercise are just as important and far-reaching

as the physical ones. While most people are quite familiar with the benefits exercise has for the heart, muscles and joints, some may be surprised to learn about the extent of the mental and emotional benefits of exercise.

Studies from Harvard have shown exercise can be just as effective as pharmaceuticals for many people fighting milder forms of depression.⁷ However, researchers are quick to note that people with severe clinical depression cannot simply be treated by exercise or lifestyle changes alone, but rather a combination of these practices with prescribed medications. Why does exercise help treat depression? The simple answer is two-fold.

First, exercise releases our bodies' "feel good" chemicals called endorphins. Endorphins are morphine-like chemicals that are naturally released by our pituitary glands that help diminish pain while simultaneously triggering positive feelings. At the molecular level, the chemical structure of endorphins share similarities with morphine and other opioids.⁸ Indeed, people with chronic pain conditions such as fibromyalgia and chronic fatigue syndrome often have much lower than normal levels of baseline endorphins in their bodies.⁹ Second, regular exercise supports nerve cell growth in the hippocampus portion of



the brain, which improves nerve cell connections, and in turn helps relieve depression.¹⁰ In other words, regular exercise helps stimulate and keep healthy the parts of the brain that directly control and affect depression.

Research has shown similar conclusions regarding the ability of exercise to treat anxiety. In a recent publication, Harvard psychiatrist John J. Ratey, M.D., wrote about the importance of exercise in treating anxiety:

[L]acing up your sneakers and getting out and moving may be the single best nonmedical solution we have for preventing and treating anxiety ... As a psychiatrist who studies the effects of exercise on the brain, I've not only seen the science, I've witnessed firsthand how physical activity affects my patients. Research shows aerobic exercise is especially helpful. A simple bike ride, dance class, or even a brisk walk can be a powerful tool for those suffering from chronic anxiety. Activities like these also help people who are feeling overly nervous and anxious about an upcoming test, a big presentation, or an important meeting.¹¹

Perhaps most importantly, Dr. Ratey also provided a short list of tips to maximize the benefits of exercise to treat anxiety:

- Choose something enjoyable so you will do it repeatedly, building resilience.
- Work toward getting your heart rate up.
- Work out with a friend or in a group to reap the added benefit of social support.
- If possible, exercise in nature or green space, which further lowers stress and anxiety.¹²

WHAT DO I DO FROM HERE?

Many people I talk to who are not physically active but want to start exercising more often feel intimidated on where to start, how to eat better and what type of exercises to do. It is wonderful that our current technology allows us to educate ourselves so easily and rapidly on topics such as exercise and nutrition, but like anything else, this comes with some negative baggage. Particularly in the fitness and nutrition industry, many times there seem to be conflicting “experts” on what type of exercise is best and what current dietary trend is the healthiest. A quick glance through social media or a Google search on these topics may leave some feeling overwhelmed in terms of the amount of information and vast array of opinions. Is steady-state cardio the best? What about weightlifting? High-intensity interval training (HIIT)? Swimming? Brisk walking?

For those simply looking to get started or back on track, my advice, much like Dr. Ratey's, is this – find something you like. It's no surprise that over the long term, people are going to stick with something they enjoy more often than something they do not enjoy. If you love running, then run! If you love weightlifting, then lift! Just be consistent and find a plan that works for you. It does not matter if you can only exercise for 20 minutes a day. What matters is that *20 minutes is more than zero minutes*.

From a biological perspective, exercise is a magic pill with arguably the most diverse set of benefits any singular activity or treatment can offer a person. From a mathematical and investment perspective, exercise is a must-buy stock, given that fairly minimal capital contributions (by way of us taking the time to exercise) reap serious dividends *many times over the initial investment*. Better yet, the drastic

positive returns on our investments are guaranteed time and time again.

Also, given that exercise improves our sleep, mental clarity and daily functions, it makes us more professionally productive. The value of our labor, down to the billable hour or task, immediately becomes more valuable because our efficiency has improved. Over time, what seem like small increments in our exercise routines will grow with compound interest and reap great dividends for our physical health, mental health and abilities as attorneys.

ABOUT THE AUTHOR

Geoffrey Tabor is a trial attorney at Ward & Glass LLP in Norman. He is originally from Ardmore and was the four-time state champion in both the shot put and discus throw in high school from 2005-2008. In college he was named a two-time NCAA All-American (2011-2012) and was the 2011 PAC-10 champion in the discus throw at Stanford University.

ENDNOTES

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12. *Id.*

CONSUMER BROCHURES

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

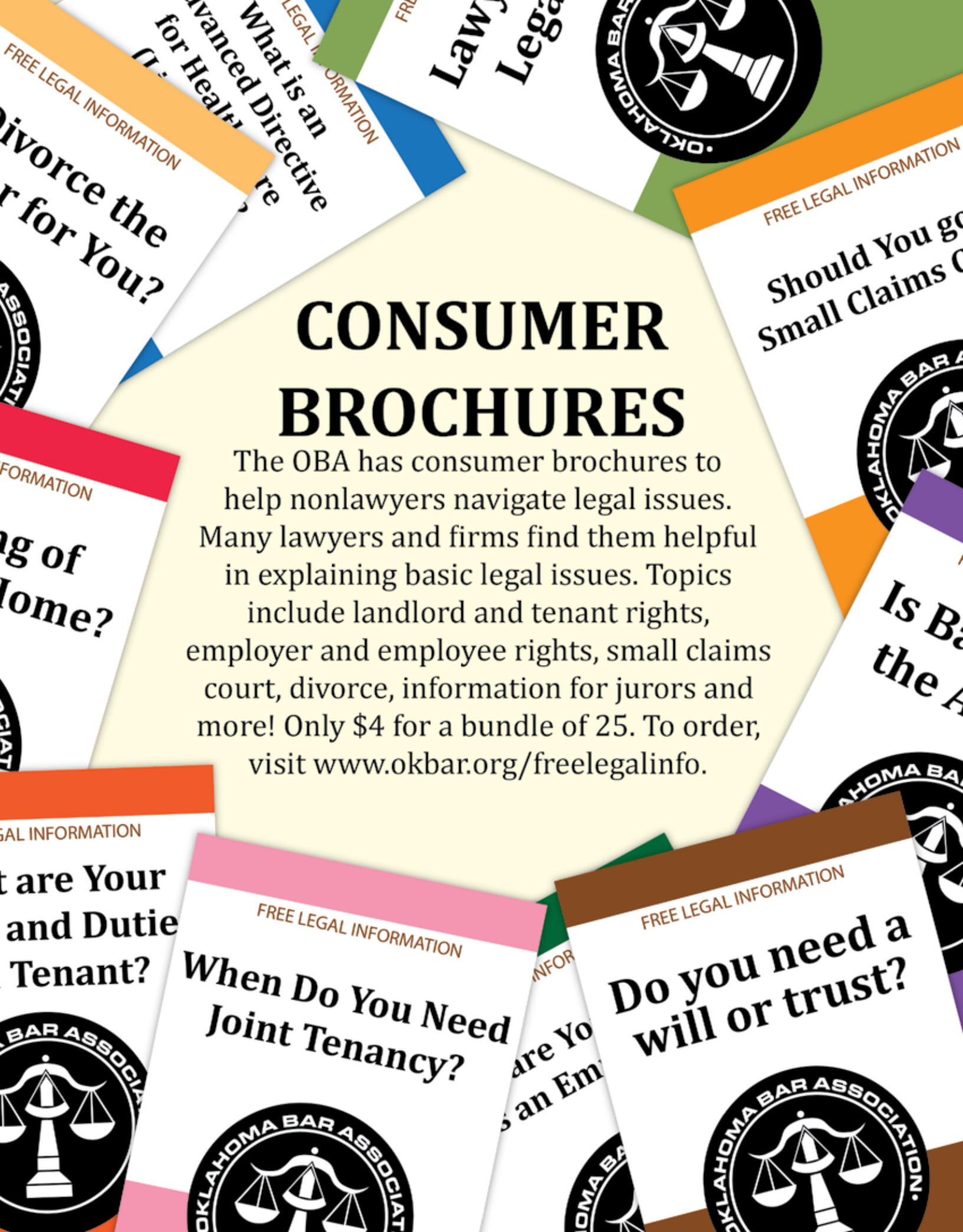
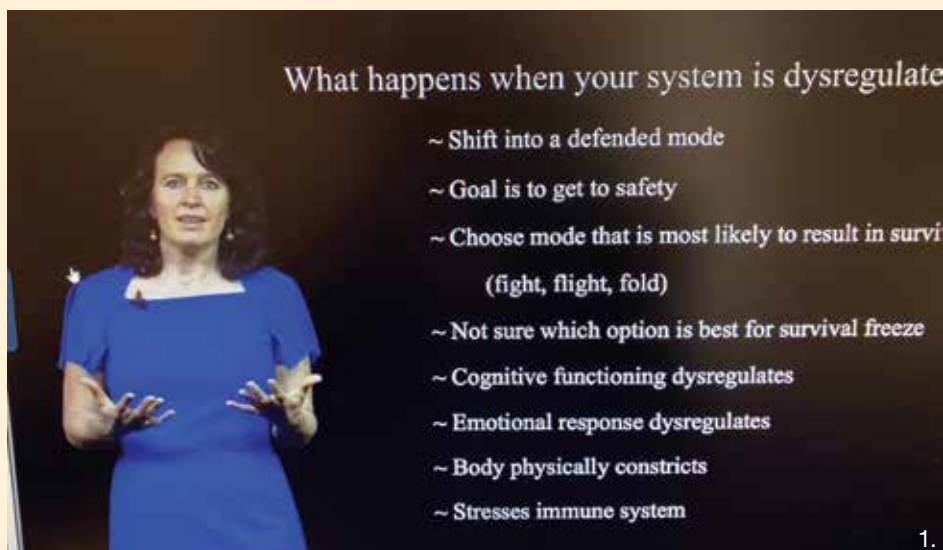


PHOTO HIGHLIGHTS



1. North Carolina and Oregon lawyer Laura Mahr was the meeting's keynote speaker, who gave three presentations related to the meeting theme of Bouncing Back.

2. From left panel speakers Amy Fischer, Larry Ottaway, Mike Burrage and Reggie Whitten discuss Oklahoma's opioid trial during a presentation filmed in advance and followed by a live Q&A session.

3. Jessica Dark watches the opioid panel discussion.

4. Mixologist Diana Pittet demonstrates the finer points of making three cocktails with or without alcohol, plus describes the history of the libations. Participants, who shared their comments and questions during the live event, were encouraged to have ingredients on hand in advance.

5. Oklahoma Bar Foundation Executive Director Renée DeMoss (left) and OBA President Susan Shields enjoy following the steps to making cocktails. Happy Hour recipe cards with the cocktail and mocktail ingredients were among the registration gifts.

6. Stillwater law partners Jimmy Oliver and Melissa DeLacerda participate in the virtual President's Happy Hour from their office. Their masks were one of the early registration gifts.

7. OBA employee Doc Lattimore prepares boxes for mailing to the first 500 bar members who registered. Boxes contained an assortment of fun items, including an OBA face mask, wellness exercise bands, koozie, Happy Hour recipe cards, stress star, ear buds and Annual Meeting tote bag. A record-breaking 2,089 members registered for the OBA's Annual Meeting, its first virtual bar convention.





2.



7.



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5.



6.



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9.



11.



10.



8. OBF President Patrick O'Hara interviews his sister and Tony award-winning star Kelli O'Hara about their lives growing up on a farm and her successful Broadway career.

9. April Kelso watches Gretchen Latham's CLE program about foreclosures, which was part of the COVID-19 track.

10. President Shields holds her President's Award for Stephen Beam. Others she awarded this special honor to are Brandi Nowakowski, Chuck Chesnut, Melissa DeLacerda, Bob Burke, Susan Damron, the Lawyers Helping Lawyers Assistance Program, John Morris Williams and OBA employees.

11. Katherine Mazaheri Franze watches the employment law CLE program.

12. Committee Chair Telana McCullough wraps up the Diversity Committee event by thanking participants and the Cutlers for sharing their motivational presentation on the topic Never Say Never.

13. President Shields chats with speaker Dana Cutler during the Diversity Committee's Awards event that featured Dana and Keith Cutler, hosts of the nationally syndicated daytime TV show, *Couples Court with the Cutlers*.



HOUSE OF DELEGATES ACTIONS

Friday, November 13, 2020

President-Elect Mike Mordy, Presiding

ELECTION TO BOARD OF GOVERNORS (UNCONTESTED POSITIONS)

President-Elect: James R. Hicks, Tulsa

Vice President: Charles E. Geister III, Oklahoma City

SC Judicial District One: Michael R. Vanderburg, Ponca City

SC Judicial District Six: Richard D. White Jr., Tulsa

SC Judicial District Seven: Benjamin R. Hilfiger, Muskogee

ELECTION TO BOARD OF GOVERNORS (VOTING BY BALLOT)

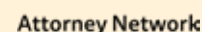
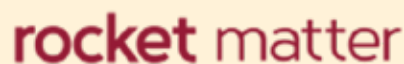
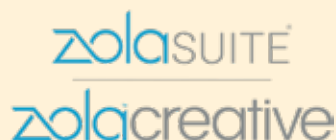
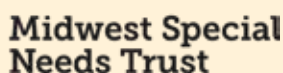
Kara I. Smith, Oklahoma City

TITLE EXAMINATION STANDARDS

Revisions and additions to the Oklahoma Title Examinations Standards published in the OBJ 91 1239 (Oct. 16, 2020) and posted online at www.okbar.org/annualmeeting were approved and are effective immediately.



THANK YOU TO OUR SPONSORS



NOTICE: DESTRUCTION OF RECORDS

Pursuant to Court Order SCBD No. 3159, the Board of Bar Examiners will destroy the admission applications of persons admitted to practice in Oklahoma after 3 years from date of admission.

Those persons admitted to practice during **2016** who desire to obtain their original application may do so by submitting a written request and \$25 processing fee. **Bar exam scores are not included.** Requests must be received by **December 28, 2020.**

Please include your name, OBA number, mailing address, date of admission, and daytime phone in the written request. Enclose a check for \$25, payable to Oklahoma Board of Bar Examiners.

Mail to: Oklahoma Board of Bar Examiners, PO Box 53036, Oklahoma City, OK 73152.



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option to expand your content to include international content.

"Investing a few moments to customize this service to focus on your particular interests is the path to turn this from a good service to an outstanding one," said Jim Calloway, OBA Management Assistance Program director. "Begin by focusing on a few subjects of importance to you so the update will be shorter in length. You can add more areas later."

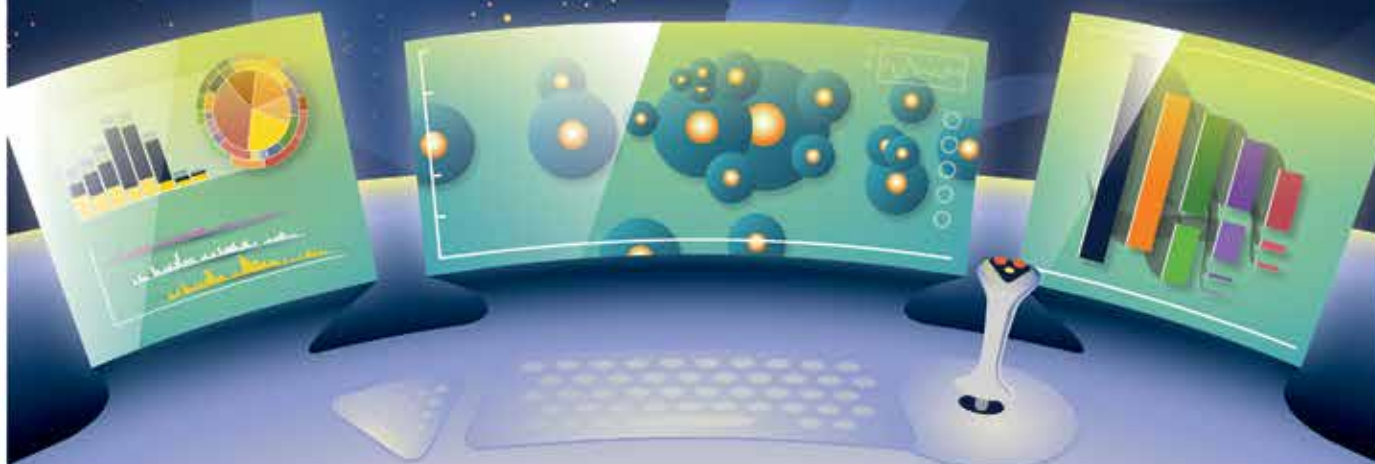
To remove or add areas of interest or jurisdictions once the service is launched in January, you'll request an emailed code to access your account page. All changes must be made on the Lexology site. Your personal data will remain confidential at all times.

There's no need to sign up to receive emails; you'll receive this service free of charge as part of your OBA membership. You will receive no more than one daily newsfeed of current legal analysis. You are free to change your settings or cancel your subscription at any time.

FREE COVID-19 CASE ALERTS AVAILABLE FOR OBA MEMBERS FROM FASTCASE

Fastcase has launched COVID-19 Case Alerts, a free email alert service to keep subscribers aware of new civil opinions, selected pleadings, breaking news and analyses of legal issues related to the coronavirus pandemic. The service is free to Fastcase subscribers who, like you, receive their Fastcase service through their bar association. For others, the service is \$295 per year. OBA members can subscribe to the COVID-19 Case Alerts by logging in to Fastcase through MyOKBar and clicking on Apps & Tools, then clicking the link to the free subscription sign-up page to receive the email alerts. More information is available from the Fastcase blog at www.fastcase.com/blog/fastcase-providing-covid-19-legal-developments-via-email.

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Oklahoma Lawyers for America's Heroes Program Celebrates Ninth Anniversary

By Edward Maguire

THE OKLAHOMA LAWYERS for America's Heroes program is a free legal assistance program for all veterans and active duty personnel who meet certain criteria. They must be an E-6 or lower if on active duty, and they must make no more than the 100% compensable rate for disabled veterans. This equates to approximately \$42,000 a year in household income. The program offers reimbursement of funds to volunteers on a limited- and prior-approved basis.

The Heroes Program has maintained a significant presence over 2020. As we approach year end, we still maintain a large volunteer base; however, attrition has hurt our numbers significantly.

We have lost many volunteers due to retirement. We started out the year with 721 and are ending up with 643 -- a loss of 78 volunteers.

A concerted effort and support from all lawyers is needed to help bring in additional volunteers.

Currently, we have 350+ Honorary Volunteers. They are individuals who have left the practice of law. To them we say, "Thank you." This program was built by members like you. We should continue to maintain a relationship with these individuals. Many can continue to mentor and lead others. In addition,

many have offered to recruit for the program. Let us keep all in our loop.

Overall, volunteers continued to step up to help veterans. Many individuals worked tirelessly within their own areas. As a result, the hours of service have gone up, while the number of those available to serve those hours has decreased. This is a trend that we can reverse. Remediation efforts were thwarted by the lack of public gatherings. This has been our main recruitment source in the past, and that avenue is no longer available for the immediate future.

This means we should find other avenues for the program to conduct recruitment. We call out to all concerned and ask them to place someone in your firm as a designate for our state's heroes. In addition, we will hopefully have pages established on approved social outlets. This will be done within established parameters. But, with approval and your continued support, this will bring in the necessary talent to keep our program going.

Another trend that should stand apparent is we have seen a surge in the number of nonqualified veterans seeking our service. These are usually 100% disabled



veterans whose income is too high for consideration.

The Military and Veterans Law Section and Military Assistance Committee met in the early part of the COVID-19 crisis to adjust this parameter. At that time, the household income eligibility threshold was increased to meet the current 100% disability rating with one dependent as defined by the Veterans Administration. That recommendation was approved unanimously and equates to an increase from the previous income threshold of \$40,000 a year. The new threshold level is listed at around \$42,000 a year per household.

Additional work needs to be done to address those who are still in need and seeking our services. These are individuals in crisis who can't qualify for other services and don't have enough disposable

resources to hire an advocate. Please go to www.okbarheroes.org and sign up to volunteer today!

The billable hours members volunteered this year exceeded expectations due to COVID. Many volunteered for veterans and other services. The hours have been based on the call volume and case load, but it still well exceeds \$1 million in free legal services! Equally impressive is the total of \$7,371,000 in free legal services donated by bar members since the program was created in September 2010.

Hopefully, in 2021 we can add an additional category for Mentored Volunteers. Many new attorneys want to help but don't know where to start. The necessity of 2020 has created new avenues for the program. We must further explore these avenues.

In summation, there have been numerous challenges this year. Most have been overcome. We have made changes to the assignment of cases. We have made threshold adjustments, and we continue to serve veterans. In 2021 we must seek out new volunteers. We must be social in our approach.

Mr. Maguire is the OBA Heroes Program coordinator. You can reach him at 405-416-7086 or email him at heroes@okbar.org.



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CONSIDER STARTING AN EMPLOYER GROUP PLAN!

The typical requirements for starting a
group plan are:

- 75% participation AND 50% premium contributions.
 - For **waived participation** and premium contributions, enroll during open enrollment!
 - (*certain carriers apply*)
- Proof of **entity and ownership**, such as articles of organization.
- At least **two people** in your entity- can both be owners, or one owner and one employee (part-time employees may meet this requirement) OR **Owner and spouse** who both file a K-1 1065.
- Proof of **employees on payroll**, such as OESC quarterly wage and tax reports or payroll stubs.

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Be Involved – Join a Committee!

OBA COMMITTEE membership is good for you, good for our organization and therefore good for all! OBA committees cover a wide range of subject matter and topics.

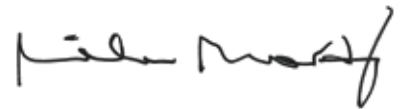
OBA committee membership helps you make new acquaintances and creates collegiality amongst its members. Involvement will help you become better known in the legal community and develop referral and mentoring relationships with attorneys across the state. Working with other attorneys on a committee will further promote pride in your profession and remind you of what great colleagues you have.

Committees are currently meeting remotely but will hopefully have occasional in-person meetings sometime in the future, allowing you to get to know your fellow committee members even better. Some committees are devoted to service in the communities where we live and practice, which will enhance the image of our profession in your community.

I promise your participation will be a rewarding experience and not a burden. You will give less of your time than you might think and gain far more than you contribute. Committee membership is like great experiences in life – you think participation will

be burdensome but winds up being enjoyable and rewarding. You owe it to yourself and your profession.

Sign up now! Go to www.okbar.org/committees and click “Committee Sign Up.” We will be making appointments soon. Thank you for your participation.



Michael C. “Mike” Mordy
President-Elect

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

- **Access to Justice**
Works to increase public access to legal resources
- **Awards**
Solicits nominations for and identifies selection of OBA Award recipients
- **Bar Association Technology**
Monitors bar center technology to ensure it meets each department's needs
- **Bar Center Facilities**
Provides direction to the executive director regarding the bar center, grounds and facilities
- **Bench and Bar**
Among other objectives, aims to foster good relations between the judiciary and all bar members
- **Civil Procedure & Evidence Code**
Studies and makes recommendations on matters relating to civil procedure or the law of evidence
- **Communications**
Facilitates communication initiatives to serve media, public and bar members
- **Disaster Response and Relief**
Responds to and prepares bar members to assist with disaster victims' legal needs
- **Diversity**
Identifies and fosters advances in diversity in the practice of law
- **Group Insurance**
Reviews group and other insurance proposals for sponsorship
- **Law Day**
Plans and coordinates all aspects of Oklahoma's Law Day celebration
- **Law Schools**
Acts as liaison among law schools and the Supreme Court
- **Lawyers Helping Lawyers Assistance Program**
Facilitates programs to assist lawyers in need of mental health services
- **Legal Internship**
Liaisons with law schools and monitors and evaluates the legal internship program
- **Legislative Monitoring**
Monitors legislative actions and reports on bills of interest to bar members
- **Member Services**
Identifies and reviews member benefits
- **Military Assistance**
Facilitates programs to assist service members with legal needs
- **Professionalism**
Among other objectives, promotes and fosters professionalism and civility of lawyers
- **Rules of Professional Conduct**
Proposes amendments to the ORPC
- **Solo and Small Firm Conference Planning**
Plans and coordinates all aspects of the annual conference
- **Strategic Planning**
Develops, revises, refines and updates the OBA's Long Range Plan and related studies
- **Women in Law**
Fosters advancement and support of women in the practice of law

What You All Should Know

By John Morris Williams

WHEN THE PANDEMIC first started showing signs of its enormity, I must admit the task ahead seemed a bit daunting. It has been my experience that most things can be handled with a bit of ingenuity and luck. So, I just said to myself, “We have no real problems, just an incredible learning opportunity.” I came to this conclusion based upon the fact the OBA was in good financial shape, and I am blessed to work with an incredible team of really smart people.

But my real ace in the hole was having Susan B. Shields as the OBA president. Not only is Susan one of the smartest people I have ever met, she is also so cool under fire that nothing stops her from providing exceptional leadership and advice even under the most trying circumstances.

My December article every year usually contains the things I have learned from the OBA president over the year. I have worked with some incredible OBA presidents who have taught me many valuable lessons. I can say we have all been blessed to have had the absolutely perfect leader for the times we have been through. Susan Shields has been tested in ways no other OBA president has been tested and remains as unflappable today as she was months ago when we were first confronted with the initial challenges of the COVID pandemic.



President Susan B. Shields

To say we've not had some challenges would not be truthful. To say President Shields led us through each of them with brilliance and grace would be an understatement. Every OBA member is indebted to her for her tireless dedication to our profession and her overwhelming care for our association. If you saw the video her firm produced for the Annual Meeting, you know Susan approaches everything in life with the same compassion and grace.

I must confess during the course of this year, we've had a few good laughs and shared information reassuring each other that other corners of the world were at times less sane than we were. Having the opportunity to

work with Susan Shields this year has been incredibly enriching both professionally and personally. All of us owe her a huge debt for her contributions and undying dedication to the OBA. She taught me plenty. Foremost, she showed me when you care about people, you never need to prioritize, you just execute to meet needs as they arise with your best resources and work to improve every time.

There is a sad reality in the fact President Shields was unable to participate in many of the events that are fun for bar presidents. As is her nature, she took each of the learning opportunities for which we were presented and turned them into an enjoyable and enriching experience. While this year was different, it was not less.

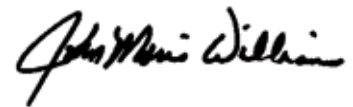
Here are some of the things President Shields helped make possible for the OBA this year. Not only did she work with our Lawyers Helping Lawyers Assistance Program in bringing a record-breaking attendance mental health program early into the pandemic, she also participated in a Facebook Live conversation with Deanna Harris, the mental health professional who works with our Lawyers Helping Lawyers Assistance Program, to ensure Oklahoma lawyers she was present and available for those who might need help. These are just a couple of examples of how Susan leads, and she is not afraid to roll

up her sleeves and do whatever is necessary to achieve success. Also, this year, in spite of all the barriers, Susan was able to make sure the 25th anniversary of the Oklahoma City bombing program was beyond spectacular. She also worked with bar association staff to help ensure we had a robust, free CLE season last spring. Additionally, during this time, with a bit of innovation, the OBA created procedures to help our committees and sections produce online CLEs and ensure the mandatory continuing legal education credit was recorded.

Because of Susan's vision, we had record-breaking attendance for this year's Annual Meeting. Her passion for lawyer wellness and well-being enabled the OBA to reach more members than ever before on these important topics. While we could not be physically together, her determination ensured we all knew we were not alone.

Space here does not allow me to tell you all the details on so many things she touched and made better because of her leadership. Trust me, it was a lot. Each of us owes her a debt of gratitude for her tireless work on behalf of the

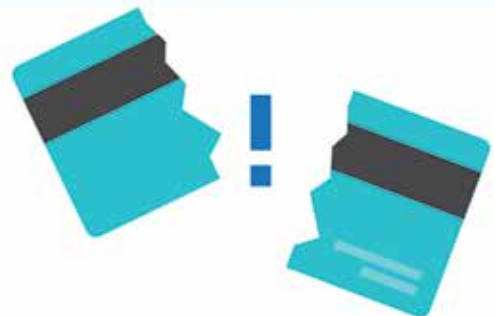
OBA and for providing us an outstanding example of true servant leadership. Thank you, President Susan B. Shields! We all are better for knowing you and having you serve as our president this year.



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

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Planning the Year Ahead: Being Nice as a Strategy

By Jim Calloway

RARELY CAN I WRITE something believing 100% of readers will enthusiastically agree. But we are all done with 2020. It is time for a new year.

Some lawyers have practices that hum in December, often trying to close deals before the end of the year. Others tend to have things slow down as clients either focus on the holidays or decide they shouldn't open a new legal front until the new year. Partners in law firms want everyone to continue billable activities and finish the year financially strong. But partners also focus on collecting receivables. If the legal fees are a deductible business expense to the client, a lawyer would be almost negligent not to point out that paying the firm's bill in full this year lets the client deduct the expense this year, right? Holiday giving and celebrating drives much economic activity in December. It's not as if people give gift certificates for pre-paid legal services.

This year New Year's Eve falls on a Thursday. Many years ago, I learned some larger law firms have a special practice when New Year's Eve falls on a Saturday. They dispatch a few from the accounting department, often the CFO, to scan the Saturday mail for checks from clients. They deposit those and apply the firm's partnership formula to generate and

mail additional partnership bonus checks. Depending on the haul from the mail, these checks can be somewhat small, but they represent additional firm profit earned during the calendar year – even though the partners will not receive them in the mail until the new year. Solos and those in smaller law firms operating under a cash basis for tax purposes would be more likely to let the money sit in the mailbox over the holiday weekend and let that be the first revenue of the new year. Note: this is not tax advice to the reader, just reporting on my observations.

December is a traditional time to plan and focus on the next year. That is a more challenging endeavor this year with more uncertainty ahead to begin the year. Today we urge lawyers to be more data-driven and look at their past performance, and yet, 2020 has been an atypical year – to understate the case. Firms should make revenue and expense projections, but there are many uncertainties ahead.

While there are undoubtedly many things your firm could focus on to improve in 2021, I will suggest something a little different in this article. Let's talk about doing some nice things that make good business sense.

Almost every negative adjective I have in my writer's toolbox could be attached to the year 2020.

So many people are frustrated, tired, angry, depressed and experiencing many other challenges. For the next 60 days, including the holiday season, I suggest your law firm focus on being nice, kind and sympathetic, particularly to those who matter the most for your firm's success. Many firms are already doing this, but it doesn't hurt to intentionally make an extra effort.

Every law firm is different. But most would acknowledge some part of their success is due to three groups of people: clients, referral sources and staff.

CLIENTS

Most of your days are spent attempting to serve and satisfy your clients. What would be something nice and "special" you could do that the clients would notice? Some law firms are setting up "client only" online document repositories. These could be accessible to every client with an ongoing matter with the firm and those who have concluded a matter within the last six months.

The contents of the repository could include papers written by lawyers in the firm about common legal questions and issues. Legal self-help forms could be included. I understand many lawyers reading this will immediately think of potential liability and conclude they would never give a client a



form to use themselves. First, I see negligible risk in posting statutory forms in a more convenient location for your clients as opposed to them searching across the internet (you do need to calendar to check the form periodically to make certain it hasn't been updated). I also see limited risk in posting some other self-help forms with your client and your client repository. One can use disclaimers and explanations to limit potential liability, including such blunt language as, "If you fill this out on your own, you're on your own. If you'd like us to help you, contact us." I must note a client of the law firm who consciously decided to do something themselves using a form instead of consulting their lawyers may not be the most attractive plaintiff, but a discussion with your professional liability carrier may also be in order. That is just

one idea. There are many extras one could do for clients. The reason I mentioned this kind of client portal is it is low impact on the lawyer's time after it is set up.

Even if your style is old school, like printing the law firm name and address on 2021 calendars to give away or sending fruit baskets to clients, you will never have a better opportunity to do something nice for your clients during a time when they may really appreciate it.

REFERRAL SOURCES

If social distancing has meant you have not stopped by a referral source's place of business to chat or taken them out to lunch recently, now is the time to think about doing something "special" for those individuals who regularly send you referrals. This might be an appropriate gift, or

it might just be catching up on a phone call with someone you used to talk to more frequently.

If your firm represents small businesses, have you thought of putting on your own "seminar" for them? Small businesses are still coping with many COVID-related challenges. You might schedule a briefing. It is also relatively simple now to record a video (with retakes if necessary), review it, post it and send out a link to a Special End-of-Year Briefing from Smith & Smith Law Firm.

Referrals have always been important for a healthy law practice. Even in a time where an increasing number of potential clients are turning to the internet to search for a lawyer, good referral sources are more important than ever before in my judgment. When a potential client gets your name from someone they

But it is always good to be nice, and doing some “extra” nice things for those important to your future success is a good business practice as well.

trust, the confidence level they approach you with is much higher. Not only should you try to contact your referral sources and do something nice for them during the next few months, but calendar regular outreaches during the next year. Another item for next year is considering how to expand your referral sources. That planning will differ greatly depending on the firm, its location and practice areas.

STAFF

If you have great people on your team, your professional life is easier. I’m sure most readers appreciate that and express their appreciation to those who work for them how important they are to the law firm’s success. They are experiencing a challenging year just like everyone else.

The end of the year is a traditional time for gifts or bonuses to staff. If one of your holiday traditions is an office holiday party or staff luncheon, you may consider whether this year is one where a cash bonus is more appreciated and appropriate. In smaller law firms, lawyers tend to work with all others in the firm frequently. Larger law firms operate differently. But in a time of uncertainty, every signal their efforts are appreciated and their

employment is secure will be appreciated.

I still urge smaller law firms to consider using a virtual reception service, at least for a few hours a week. If your phones are being answered at lunch by a person, you have an advantage over those firms that put an answering machine on during lunch. This is particularly true if you have given the virtual reception service your schedule and empowered them to schedule appointments for prospective clients on certain types of matters. But some days, it is good to let everyone take an hour, free from telephone interruptions, to complete a project. An external virtual receptionist can be a huge asset if an unexpected absence occurs. Your team can be the basis of your success, whether you work in a small law firm or a larger one. Take some time to make sure they know you understand their importance.

GOING FORWARD

There are many other considerations in planning your law practice’s future. Many lawyers know their online marketing needs to be improved. As an ongoing business concern, revenues and profitability are always a critical matter. I talk with many lawyers each week about proposed technology

upgrades and workflow improvements. But it is always good to be nice, and doing some “extra” nice things for those important to your future success is a good business practice as well.

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.

FROM THE PRESIDENT

(continued from page 4)

association staff did an outstanding job planning the meeting. They, and the speakers, sponsors and volunteers exceeded all expectations in putting together a week of high-quality programming and some fun online social events for Oklahoma lawyers. During the year, the LHL committee extended its outreach and assisted OBA members with free counseling and hotline services, and when COVID hit, quickly pivoted to online meetings. CLEs and other member services continued virtually, and many of our sections and committees regularly met online beginning in March and worked to solve problems due to courthouse closings and other challenges.

This is my last column as president of the Oklahoma Bar Association, and as I prepare to make my exit, my overwhelming feeling is one of gratitude. I am extremely grateful to be an Oklahoma attorney and positive about the future of the OBA and its leadership. My thanks go to Past President Chuck Chesnut, Vice President Brandi Nowakowski, the members of the Board of Governors and the board's Supreme Court Liaison Justice Dustin Rowe and the OBA staff for all of their assistance, guidance and hard work this year.

Thanks also to the Oklahoma Supreme Court and other members of our judiciary for their creativity and diligence in navigating the COVID crisis and to Chief Justice Noma Gurich and the other members of the court for always being available to take my calls. My heartfelt appreciation also goes to my law firm, McAfee & Taft, for its support of me and the OBA this year. I also want to offer special thanks to Executive Director John Williams for his continued leadership of our bar

association. Finally, I send love and thanks to my sons, Sam and Ethan, my partner John Ford, my mother, my brother and my friends for all their support and encouragement.

Congratulations to incoming OBA President Mike Mordy and President-Elect Jim Hicks. I look forward to serving with President Mordy next year and know the OBA is in good hands with his steady and committed leadership.

Thank you so much for the honor of serving as your president this year. I will always remember it and be grateful for the opportunity. In the words of songwriter Dan Fogelberg, "Glimpses of laughter are treasured along the road." I hope that all of you will continue to be well and stay well, and I look forward to seeing you along the road.



OKLAHOMA BAR ASSOCIATION
2020 VIRTUAL ANNUAL MEETING
NOV. 9-13 | **BOUNCING BACK** | [OKBAR.ORG/ANNUAL MEETING](https://okbar.org/annual-meeting)

Thank you again to all the speakers, sponsors, bar association staff and the many volunteers who contributed welcome messages, music and other talents to the Annual Meeting. Thanks also to all of the OBA sections, committees and members who participated in the Annual Meeting.

ALL OF YOU MADE THE OBA's 2020 ANNUAL MEETING A SUCCESS!

Speakers and Contributors:

Elizabeth Bowersox	Laura Mahr
Michael Burrage	Jack Newton
Alison Cave	Kelli O'Hara
Jake Crawford	Patrick O'Hara
Dana and Keith Cutler	Larry Ottaway
Claude Ducloux	Candice Pace
Amy Sherry Fischer	Diana Pittet
Isaac Fraim	Charlie Plumb
Phil Fraim	Catherine Sanders Reach
Chief Justice Noma C. Gurich,	Stacey Ann Tovino
Oklahoma Supreme Court	Gyi Tsakalakis
Gretchen Latham	Collin Walke
Presiding Judge David B.	Reggie Whitten
Lewis, Oklahoma Court of	
Criminal Appeals	

Obligations Under Rule 1.2: To Avoiding Assistance in a Crime Fraud

By Richard Stevens

INCREASING ATTENTION in the legal profession has focused on the risk clients or prospective clients could attempt to use a lawyer's services to further a criminal or fraudulent enterprise or transaction. A client could use a lawyer's assistance for a purchase or a series of purchases of properties that will be used to launder money. A client may seek a lawyer's help with an all-cash transaction, where proceeds may be deposited in a jurisdiction where they may be used to finance illegal activities. ABA Formal Opinion 491 addresses a lawyer's obligation to inquire when a client may seek to use the lawyer's services to commit a crime or fraud. A lawyer's obligation to inquire is based in the ORPC 1.2 (d) and rules on competence, diligence, communication and honesty.

THE DUTY TO INQUIRE UNDER ORPC 1.2 (D)

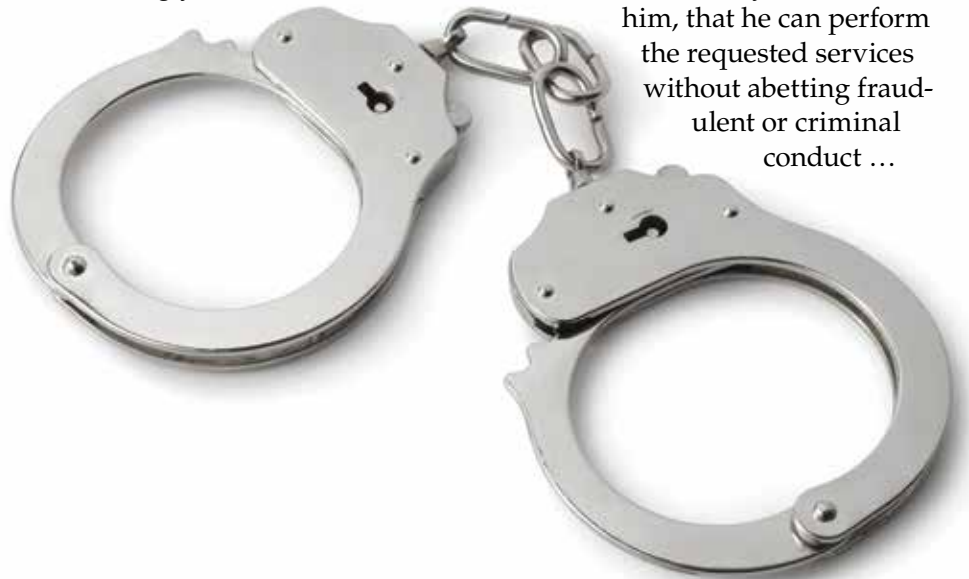
ORPC 1.2 (d) states, "A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent." Under ORPC 1.0 (f), "'Knows' denotes actual knowledge of the fact in question." When a lawyer has actual knowledge of the facts that constitute a crime or

fraud, the lawyer must consult with the client about the limitations of the lawyer's conduct. The lawyer will ordinarily seek to determine whether there is no misunderstanding about the facts. If there is none and the client seeks to continue this course of action, the lawyer must withdraw. A lawyer faces discipline for participating in transactions where the facts suggest impropriety or outright illegality.

If the facts of which the lawyer is aware indicate a high probability a client is using or seeks to use the lawyer's services to commit a crime or fraud, the lawyer has a duty to inquire. The lawyer may not knowingly and

deliberately turn a blind eye to those facts and doing so amounts to "actual knowledge." ORPC 1.0 (f) also provides, "A person's knowledge may be inferred from circumstances." ABA Formal Opinion 491 cites ABA Formal Opinion 1470 (1981) as follows:

A lawyer should not undertake representation in disregard of facts suggesting that they might aid the client in perpetrating a fraud or otherwise committing a crime ... A lawyer cannot escape responsibility by avoiding inquiry. A lawyer must be satisfied, on the facts before him and readily available to him, that he can perform the requested services without abetting fraudulent or criminal conduct ...



Under such circumstances, a lawyer may face discipline, civil liability or even criminal charges for such conduct.

THE DUTY TO INQUIRE UNDER OTHER RULES

A lawyer may have a duty to inquire under other rules. ORPC 1.1, 1.3, 1.4, 1.13, 1.16 and 8.4 may require inquiry to meet the duties of competence, diligence, communication, honesty and withdrawal. Facts and circumstances that might trigger such a duty include the identity of the client, the lawyer's familiarity with the client, the nature of the matter and the nature and depth of the lawyer's expertise in the field of practice.

The lawyer's duty of competence, diligence and communication will often require the lawyer to be sufficiently advised of the facts and law to be able to seek the client's objectives and, if necessary, attempt to persuade a client not to commit a crime or fraud.

ORPC 8.4 (b) provides:

It is professional misconduct for a lawyer to:

- a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

Providing legal assistance to a client who seeks to commit a crime or fraud may violate each section cited above.

ABA Formal Opinion 491 gives a great deal more information than is contained in this summary. I encourage you to read the opinion for guidance about avoiding ethical issues under ORPC 1.2 (d).

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.



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Meeting Summaries

The Oklahoma Bar Association Board of Governors met remotely and at the Oklahoma Bar Center on Sept. 25.

REPORT OF THE PRESIDENT

President Shields reported she attended the OBA Budget Committee meeting, OBA CLE on the Oklahoma City bombing and swearing-in ceremony for new admittees. She also participated in multiple meetings and worked on planning for the OBA's first ever virtual Annual Meeting.

REPORT OF THE VICE PRESIDENT

Vice President Nowakowski reported she attended the Clients' Security Fund meeting and Oklahoma Bar Foundation meeting.

REPORT OF THE PRESIDENT-ELECT

President-Elect Mordy reported he met with Administration Director Combs and Executive Director Williams concerning the OBA budget. He also chaired the OBA Budget Committee meeting and attended the Lawyers Helping Lawyers Assistance Committee meeting, Oklahoma Attorneys Mutual Insurance Co. board meeting and Financial Institutions and Commercial Law Section quarterly meeting.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he met with President-Elect Mordy regarding the budget

and attended the Budget Committee meeting, YLD meeting and various meetings for Annual Meeting planning.

REPORT OF THE PAST PRESIDENT

Past President Chesnut reported he attended the Budget Committee meeting and Lawyers Helping Lawyers Assistance Program meeting.

BOARD MEMBER REPORTS

Governor Edwards reported he attended the OBA Budget Committee meeting and Clients' Security Fund meeting. **Governor Hermanson** reported he gave a presentation at the OBA CLE on the Oklahoma City bombing and attended the OBA Budget Committee meeting, DAC Technology Committee meeting, DAC board meeting and ODAA board meeting. **Governor McKenzie** reported he gave a one-hour CLE presentation on the Oklahoma City protests and the First Amendment to the Ruth Bader Ginsburg Inn of Court. **Governor Morton** reported he attended the Lawyers Helping Lawyers Assistance Program meeting. **Governor Pringle** reported he attended the Financial Institution and Commercial Law Section meeting. **Governor Rochelle** reported he attended the Comanche County Bar Association meeting. **Governor Williams** reported he attended the OBA Budget Committee meeting, Council Oak/Johnson-Sontag Inn of

Court Pupillage Group III's presentation planning session and Tulsa County Bar Foundation Board of Trustees monthly meeting.

REPORT OF THE SUPREME COURT LIAISON

Justice Rowe reported the court's caseload is busy, and everyone is well.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported the Professional Responsibility Commission and Professional Responsibility Tribunal held their annual meeting that was a combination of virtual and in-person meeting. A written report of PRC actions and OBA disciplinary matters for August was submitted to the board for its review.

BOARD LIAISON REPORTS

Governor Rochelle said at the **Access to Justice Committee** meeting it was noted the OU College of Law has isolated its first-year class in a bubble away from the law school. He said other COVID procedures were in place at the TU and OCU law schools, so attorneys may not have access to those buildings. Governor Edwards said the **Clients' Security Fund** met to review claims and will hold another meeting in November. Recommendations will be presented to the board at its December meeting. Governor Beese said the **Legal Internship Committee** has

extended the waiver of required hours for interns. Governor Hermanson said the **Law Day Committee** has started to work on next year's activities. Governor Morton said the **Lawyers Helping Lawyers Assistance Program** will hold a CLE during Annual Meeting. He said participation numbers are down in the monthly virtual discussion groups. Governor Garrett said the **Women in Law Committee** has started its clothing drive, and she shared details. It was noted there will be an ad about the event in the upcoming October bar journal magazine. President Shields said the recipients of the Mona Salyer Lambird Spotlight Awards have been announced. They will be honored in the November *Oklahoma Bar Journal*.

LEXOLOGY NEWSSTAND

Management Assistance Program Director Jim Calloway noted board members have been receiving

samples of the Lexology newsletter that would be provided to bar members at no cost. The service's revenue model is linked to content providers rather than subscribers. If approved, he suggested the service start in January to prepare bar members and to educate them on the importance of customizing the information received. Discussion followed. It was noted opting out of the service is an option. The board authorized execution of the contract to provide the Lexology newsletter to OBA members.

SUSPENSION OF SECTION BYLAWS

Executive Director Williams explained the need to suspend section rules requiring in-person meetings to elect officers and transact their business due to the pandemic. The board voted to suspend section bylaws to allow remote meetings and the use of other technology, including electronic voting, to transact necessary section

business and conduct elections for the remainder of the year.

ANNUAL MEETING

President Shields said Annual Meeting planning continues. Registration is to go live October 1. She reviewed the general plan for events over five days, Nov. 9-13. Executive Director Williams said ballots for the contested at large position have been mailed to delegates. There are four candidates for the position, and he reviewed the election process, which could include a runoff. President Shields said she sent an email to board members asking for a welcome video that will be used throughout the meeting. She said a number of fun items, including an OBA face mask and a tote bag, will be mailed to the first 500 bar members who register. Everything will be free including CLE. The impact on the budget was discussed. President Shields shared the ideas for social events, and MAP Director Calloway described the tech programs. It was noted CLE programs will remain available free for a limited period.

EXECUTIVE SESSION

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

The board voted to suspend section bylaws to allow remote meetings and the use of other technology, including electronic voting, to transact necessary section business and conduct elections for the remainder of the year.

General Counsel Hendryx has seen an increase in the death of bar members, some of which require the closing of a law office. She said some of the deaths are attributed to COVID, and she explained the options utilized for closing an office.

The Oklahoma Bar Association Board of Governors met remotely and at the Oklahoma Bar Center on Oct. 23.

REPORT OF THE PRESIDENT

President Shields reported she attended multiple meetings with staff and speakers regarding OBA annual meeting planning, wrote an *Oklahoma Bar Journal* article and met with Patrick O'Hara and Renée Demoss regarding an Oklahoma Bar Foundation Annual Meeting event.

REPORT OF THE PRESIDENT-ELECT

President-Elect Mordy reported he worked on OBA committee appointments and virtually attended the budget hearing.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he participated in a directors meeting to discuss the Annual Meeting and the current COVID situation. He attended the 2021 budget hearing and has been engaged in numerous calls and other Annual Meeting planning activities.

BOARD MEMBER REPORTS

Governor Hermanson reported he attended the OBA Law Day Committee meeting, Elected District Attorneys Conference, District Attorneys Council board meeting and Oklahoma District Attorneys Association board meeting. He also led domestic violence awareness ceremonies in Newkirk and Perry, spoke both in person and virtually on numerous occasions on State Question 805 and testified before the Oklahoma House of Representative's Judiciary Committee regarding its Interim Study on Discovery and the Open Meeting Act. **Governor Hutter**, unable to attend the meeting, reported via email he attended the monthly Cleveland County Bar Association CLE program and recorded a welcome message for the Annual Meeting. **Governor Pringle** reported he attended the Oklahoma County Bar Association *Briefcase* Committee meeting, recorded a welcome message for the Annual Meeting and wrote an article published in the *Briefcase*. **Governor Williams** reported he attended the memorial service for Sandra Cousins, long-time Tulsa County Bar Association/Tulsa County Bar

Foundation executive director, TCBA virtual Board of Trustees meeting and OBA Diversity Committee virtual meeting.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported the OBA is not involved in any new outside litigation. She said the department is looking at new and different ways to hold disciplinary hearings using a blend of in person and remote technology with early efforts going well. She has seen an increase in the death of bar members, some of which require the closing of a law office. She said some of the deaths are attributed to COVID, and she explained the options utilized for closing an office. A written report of PRC actions and OBA disciplinary matters for September was submitted to the board for its review.

BOARD LIAISON REPORTS

Governor Williams said the **Diversity Committee** met to prepare for its virtual event during Annual Meeting. Governor Hermanson said the **Law Day Committee** is working on the contests for school children being

promoted this fall and planning for next year. Governor Pringle said the **Legislative Monitoring Committee** is getting ready to start up. Governor Garrett said the **Women in Law Committee** fundraising and business clothing drive event for nonprofit organization Suited for Success went well. Outdoor fall social mixers were held in October in Oklahoma City and Tulsa. Planning is underway for a Christmas event in December and a suffrage ERA event in January.

PROPOSED AMENDMENT TO FAMILY LAW SECTION BYLAWS

Section Chair Brita Cantrell reviewed the proposed section bylaws changes, which are mostly clean up. She said the section has more than 1,000 members, and they decided to eliminate the option for voting via mail. They also eliminated subcommittees that were not being utilized. She noted the section has a strong judicial presence, which has strengthened the section. The board approved the bylaw amendments.

PROPOSED OBA BUDGET FOR 2021

President-Elect Mordy called board members' attention to the proposed budget for the next calendar year. He said a hearing was held with no bar members showing up to attend. The board approved the proposed budget and to send it to the Supreme Court for its approval.

2021 BOARD OF GOVERNORS MEETING SCHEDULE

President-Elect Mordy presented the schedule of meeting dates for 2021.

ANNUAL MEETING UPDATE

Executive Director Williams reported registration numbers are near 1,200. A sample of the items in a box being mailed to the first 500 bar members who registered was shown. Half of the boxes are being mailed today. The second 500 people who registered are receiving an OBA face mask and Happy Hour recipe cards.

He said most meeting programs have already been recorded or are planned for filming. Links to the programs will be included in the daily emails going to those who register. More than 12 hours of free CLE will be offered, and programs will remain available for free until November 30. Sponsors were recruited for four days. Social event details were reviewed. President Shields encouraged participation by all board members.

NEXT MEETING

The Board of Governors met in November. 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, Dec. 11.



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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:

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Bank of Commerce (Duncan) • Herring (Altus) • Grand Savings (Grove)
The First State Bank (MWC, OKC) • NBC • First National Bank (Okmulgee)
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Western Plains Youth & Family Services Receives Grant

WESTERN PLAINS YOUTH & Family Services (WPYFS) in Woodward has received a \$15,000 grant from the Oklahoma Bar Foundation to further the WPYFS program of using juvenile detention as a stepping-stone to productive lives.

WPYFS Executive Director Kevin Evans said, “We are deeply grateful to the Oklahoma Bar Foundation for the grant. Their help and financial assistance are invaluable to us as we make every effort that we can to improve the lives of our young people so that they can have a better life. This grant will allow WPYFS to provide programs and services we could not otherwise do.”

The foundation believes Oklahoma’s communities are strong when everyone has fair and equal access to the justice system. Each year, the OBF funds nonprofit organizations



providing legal services and aid to low-income populations in the following categories: legal services and advocacy for abused and neglected children, juvenile offender programs, civil legal aid for low-income Oklahomans, immigrant legal services, domestic violence prevention services, teen legal education and diversion programs. The foundation’s

mission is to ensure justice is possible for all.

Brooke Havel, director of the Northwest Oklahoma Juvenile Detention Center, which is operated by WPYFS, said, “The purpose of this project is to prove that when children are placed in an individual, carefully designed program, they leave the facility with a new look on life and hope for the future. We believe that assignment to juvenile detention should not be thought of as punishment but as an opportunity to receive training and rehabilitation that will lead the children to productive lives.”

Western Plains Youth & Family Services is a community-based nonprofit organization that provides education, preventative counseling, emergency shelter, juvenile detention services and health home services to individuals in need, focusing on children from birth to 17 years, including a goal of keeping the family unit together. The organization is based in Woodward but provides services to a larger region through offices in Laverne and Guymon. WPYFS is also a Certified Healthy Business, a designated youth service agency and in 2019, was listed by *The Oklahoman* as the 25th best place to work in the state among small businesses.



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End-of-the-Year Gift

Support OBF grantee partners like Western Plains Youth & Family Services by making an end-of-the-year contribution at www.okbarfoundation.org/donate.

Winding Up An Unusual Year

By Jordan Haygood

IT SEEMS LIKE YESTERDAY I was writing my first article for the journal – and just like that, I am on my final article. This year has been like any other year. It has had its ups and downs, but unfortunately for the YLD, we have not gotten to participate, conduct or host events like we have in the past. One of my favorite things about the YLD is all the philanthropic work we are able to do in communities across Oklahoma. Hopefully, the board next year will try to find some creative ways to be able to give back to the community that don't require face-to-face interactions. As all lawyers do, we adapt, and I have full faith our board will take what we have learned from this year and adapt to a new way of life.

ELECTION RESULTS

The YLD had its final virtual meeting of the year at the virtual Oklahoma Bar Association Annual Meeting. At that meeting, the YLD announced the results of the contested elections. I would like to congratulate Kellie Laughlin, District 3; Eleanor Burg, At Large; Margaret Cooke, District 7; and

Chase McBride, At Large Rural, on winning their elections. To the new members on the board, we would like to extend a warm welcome. Hopefully, in the near future meetings can resume in-person, but until then, we will get to see each other's smiling faces on some video meeting platform.

KICK IT FORWARD

With COVID-19 numbers reaching their highest in Oklahoma, this can bring on several different issues for attorneys who fall ill, whose families fall ill or whose businesses are suffering from the pandemic. Many attorneys, particularly young attorneys, find themselves struggling to keep up with their expenses, climbing further into debt while still trying to provide legal services to their clients.

This is why I am urging each of you to donate to the Kick It Forward fund. The money you donate goes directly to helping an attorney struggling to pay their bar dues. Who should ever be put in the position of whether they need to pay a gas bill, medical bill or bar dues? No one, which is why it is crucial we all support each other and the fund.

If you don't know about Kick It Forward, the YLD set up the fund in 2014 because we saw a need for

a financial assistance program for attorneys struggling to pay their annual bar dues. This pandemic is a perfect example of a time when the fund is such an important thing. Attorneys must apply to receive this assistance, and the OBA reviews those applications on an annual basis. The number of attorneys who receive assistance depends on the funding available. More details are online at www.okbar.org/kif.

AND MY FINAL THOUGHTS

Beginning my position as chair in January, I never would have imagined we would only have one in-person meeting. However, despite the changes and bumps along the way, it has been an absolute honor to serve as the YLD chairperson. It will be something I never forget. I urge each and every one of you to find a way to become more active in the division. There are so many committees, liaison positions and activities to be part of. Check out the opportunities at www.okbar.org/yld/committees. A final thank you to my entire board and my executive board. I could not have done it without the support from each of you. Godspeed.

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.



Laughlin



Burg



Cooke



McBride

FOR YOUR INFORMATION

SAVE THE DATE! LEGISLATIVE KICKOFF JAN. 29, 2021

The Oklahoma Legislature reconvenes in February, and hundreds of bills will be prefiled. Much of the proposed legislation could affect the administration of justice, and some will undoubtedly affect your practice.

Join the OBA Legislative Monitoring Committee at 10 a.m. Friday, Jan. 29, 2021, remotely as they identify top bills of interest to the OBA and your practice area. Plus, earn MCLE credit for your participation. Watch for registration info coming soon.



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.

MEMBER DUES STATEMENTS AVAILABLE ONLINE

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

Members can pay their dues by credit card online at MyOKBar or by mailing a check to the OBA Dues Lockbox, P.O. Box 960101, Oklahoma City, OK 73196. Dues are due Saturday, Jan. 2, 2021.

MCLE DEADLINE APPROACHING

Dec. 31 is the deadline to earn any remaining CLE credit for 2020 without having to pay a late fee. The deadline to report your 2020 credit is Feb. 15, 2021. Not sure how much credit you still need? You can view your MCLE transcript online at www.okmcle.org. Still need credit? Check out great CLE offerings at www.okbar.org/cle. If you have questions about your credit, email mcle@okbar.org.

OBA MEMBER REINSTATEMENTS

The following members 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:

Julianna Gail Deligans
OBA No. 19792
3101 Walnut Rd.
Norman, OK 73072

Terri Dill Chadick
OBA No. 17855
681 N. Razorback Rd.
Fayetteville, AR 72701-3056

OBA MEMBER RESIGNATIONS

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

Sara Williams Hurst
OBA No. 10155
P.O. Drawer M
Sheridan, WY 82801

Jessica Bates Meredith
OBA No. 22485
30 El Perero Dr.
Saint Peters, MO 63376-1127

Eleanordawn Rose Hughes
OBA No. 31308
3520 Arcadia St.
Norfolk, VA 23502

Katie Lynn Peters-Larson
OBA No. 22272
7585 E. Oologah Rd.
Oologah, OK 74053-6219

ON THE MOVE

Judge Gina Lowe has been appointed by District Judge Kory Kirkland to serve as special judge of Grady County, effective Nov. 2. Judge Lowe served as an assistant district attorney and has spent much of her legal career representing children in Grady and Caddo County deprived cases. She received her J.D. from the OU College of Law.

Nicholas A. Elliott has joined the Oklahoma City law firm of West, Ylla, Gosney. He practices primarily in the areas of personal injury litigation and trials. Previously, Mr. Elliott was a trial attorney for Allstate Insurance Co.

Tony A. Scott has joined the Edmond accounting firm of Arledge & Associates as the director of business development. He received his J.D. from the OCU School of Law in 1991 and previously served as vice president of relationship management at Heritage Trust Co. in Oklahoma City.

James R. Reynolds has joined the Norman law firm of Barnum & Clinton PLLC as an associate attorney. Mr. Reynolds received his J.D. from the OCU School of Law in 2019 and will practice primarily in the area of workers' compensation defense.

Judge Mark Barcus, a former Tulsa County district judge, has been named assistant chief immigration judge by the U.S. Department of Justice. In this position, he will oversee the Immigration Adjudication Center located in Fort Worth, Texas. Judge Barcus has served as an immigration judge in California and Texas since 2017.

Judge James Robert Huber has been appointed district judge for Tulsa County by Gov. Kevin Stitt. He has been a Tulsa County special judge since 2019, overseeing domestic and family law disputes. Previously, Judge Huber was president and managing partner of Collier & Huber from 2005 to 2019.

Burns Hargis, president of OSU, announced he will retire July 1, 2021. He became OSU's 18th president March 10, 2008, and is the second OSU alumni to serve as president. During his tenure, OSU has raised \$2.2 billion, developed more than 2.5 million square feet of new or enhanced facilities on its Stillwater and Tulsa campuses and has had five of the largest freshman classes in the university's history. Previously, Mr. Hargis practiced law in Oklahoma City for 28 years. He is a former president of the Oklahoma County Bar Association and the Oklahoma Bar Foundation and is a fellow of the American Bar Foundation. In 2009, he was inducted into the Oklahoma Hall of Fame.

John M. Matheson has joined the St. Thomas, U.S. Virgin Islands, law firm of Marjorie Rawls Roberts PC as of counsel. Mr. Matheson practices in the areas of the tax incentive programs. He received his J.D. from the Georgetown University Law Center in 1992.

Jaycee Booth, Katie Campbell, Garrett D. Lessman and Baxter Lewallen have joined the Oklahoma City office of Crowe & Dunlevy. **Greg Buzzard** has joined the firm's Tulsa office. Ms. Booth is a member of the firm's Labor and Employment and Litigation and Trial practice groups. Ms. Campbell is a member of the firm's Labor and Employment Practice Group. Mr. Lessman is a member of the firm's Private Wealth and Closely Held Business, Corporate and Securities and Taxation practice groups. Mr. Lewallen is a member of the Litigation and Trial and Securities Litigation, Enforcement and Compliance practice groups. Mr. Buzzard is a member of the Indian Law & Gaming Practice Group.

Nicole Longwell has joined the Tulsa office of Hall Estill as special counsel, and **Natalie Sears** has joined as an associate. **Bryan Lynch** has joined the firm's Oklahoma City office as an associate. Ms. Longwell practices primarily in the areas of commercial, services and procurement contracting, construction, civil litigation and energy law. Ms. Sears practices primarily in the areas of general civil litigation, family law,

KUDOS

and trusts and estate litigation. Mr. Lynch practices primarily in the areas of commercial litigation, corporate and employment law.

Landon Long has joined Evans & Davis in Edmond as a partner. Mr. Long practices primarily in the areas of estate planning, corporate transactions and income and estate tax planning.

Micah Cartwright has joined the Oklahoma City office of Merlin Law Group. Ms. Cartwright practices primarily in first-party insurance litigation as a policyholder advocate.

Jim Buxton was voted a member of the American Board of Trial Advocates, a national association of experienced trial lawyers and judges dedicated to the preservation and promotion of the civil jury trial right provided by the Seventh Amendment. ABOTA is an invitation-only organization.

Malcolm E. Rosser IV was named an American College of Mortgage Attorneys Fellow. He was selected based on professional experience, qualifications and community involvement. Mr. Rosser is co-chair of Crowe & Dunlevy's Real Estate Practice Group and primarily practices in the areas of commercial real estate acquisitions, development, construction, finance and lending, zoning and land use, leasing and loan workouts.

Jami Rhoades Antonisse has been elected president, and **Andrew J. Morris** has been named president-elect of the Oklahoma Foundation for Excellence, a statewide nonprofit that recognizes and encourages academic excellence in Oklahoma's public schools. Ms. Antonisse was one of five seniors from Midwest City High School to be selected to the foundation's inaugural class of Academic All-Staters in 1987. She received her J.D. from the OU College of Law and is a partner of the Oklahoma City law firm of Miller & Johnson PLLC. Mr. Morris is an attorney at the Oklahoma City office of McAfee & Taft. He has served on the foundation's Academic Awards Committee since 2011, including twice as committee chairman.

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:

Lauren Rimmer
Communications Dept.
Oklahoma Bar Association
405-416-7018
barbriefs@okbar.org

Articles for the February issue must be received by Jan. 2.

IN MEMORIAM

Judge Marion Fred Austin of Oklahoma City died Oct. 26. He was born May 16, 1940, in Clyde, Texas. After graduating from McMurray State University, where he was a football letterman, he sold insurance while attending law school. Judge Austin received his J.D. from the OCU School of Law in 1969. He was a private practitioner for 30 years and served as a judge for Oklahoma City Judicial Systems for 20 years. He worked with the Oklahoma Shriners and was a 33rd degree Scottish Rite Mason, past potentate in 1982, and held the role of Shrine treasurer for the last couple decades. Memorial contributions may be made to the Shriner's Hospital for Children in Shreveport, Louisiana.

Hal Davison Balyeat Jr. of Austin, Texas, died Oct. 19. He was born Sept. 27, 1974. After graduating from the University of Colorado, Mr. Balyeat received his J.D. from the OU College of Law in 2001. Memorial contributions may be made to the mental health or substance abuse facility of your choice.

Charles Alan Coddling of Edmond died Oct. 9. He was born May 26, 1939, in Oklahoma City. In 1962, Mr. Coddling earned his bachelor's degree in electrical engineering from OSU. He received his J.D. from the OCU School of Law in 1970. Upon graduating, he co-founded Dunlap Coddling Intellectual Property Law in Oklahoma City, where he practiced law for more than 30 years.

Catharine Ewing of Norman died June 20. She was born Aug. 11, 1944, in Washington, D.C. Ms. Ewing graduated *cum laude* from Rice University. After receiving an M.A. from Vanderbilt University and a Ph.D. from OU, she taught political science at Phillips University in Enid from 1972 to 1998. She received her J.D. with honors from the OU College of Law in 2001 and practiced with a Chickasha law firm until retiring in 2016. Ms. Ewing was a member of the First Presbyterian Church of Norman, where she served as deacon, elder, trustee, thrift shop worker, clerk of session and on several committees. Memorial contributions may be made to the First Presbyterian Church of Norman Thrift Shop, Stephenson Cancer Center or a charity of your choice.

Sharon G. Fore of Oklahoma City died Oct. 23. She was born June 7, 1946, in Oklahoma City. Ms. Fore attended OU, where she was a member of the engineering honor society Tau Beta Pi. She received her J.D. from the OCU School of Law in 1980. During her 40-year legal career, she was inducted into the Bar of the Supreme Court of the U.S. She was also a member of the Oklahoma City Daughters of the American Revolution chapter. Memorial contributions may be made to the OBA's Oklahoma Lawyers for America's Heroes Program.

Gregory E. Garstang of Louisville, Kentucky, died Dec. 29, 2019. He was born Feb. 2, 1947, in Warrensburg, Missouri. Upon graduating from the University of Missouri, Mr. Garstang received his J.D. from the TU College of Law in 1974. He practiced primarily in the area of oil and gas law.

Harold Lee Heiple of Norman died Oct. 20. He was born March 12, 1935, in Oklahoma City. After graduating from high school in New Orleans in 1952, Mr. Heiple returned to Oklahoma to attend OU. **He received his bachelor's degree in 1956 and was commissioned into the Air Force, where he served a three-year active duty term.** Mr. Heiple received his J.D. from the OU College of Law in 1961. The same year, he began his law practice in Norman, where he worked until his retirement in 2019. He helped found the OU Associate Plan, Norman Public School Foundation and Norman American Legion Baseball Inc. He also served as board attorney for Moore Norman Technology Center for 40 years, Oklahoma Electric Cooperative for 35 years and the Norman Developers Association for 25 years. He was a member of Norman City Council for two years, chaired or co-chaired five Norman City Charter Review Committees and authored several Norman city ordinances. Memorial contributions may be made to St. Thomas More St. Vincent de Paul Society or Food and Shelter for Friends.

Dan Ross Kramer of Tulsa died Oct. 25. He was born May 18, 1946, in Tulsa. Mr. Kramer received his J.D. from the TU College of Law in 1974. Throughout his legal career, he was passionate about helping people as a defense attorney. Memorial contributions may be made to the Humane Society of Tulsa.

Joseph Morgan LeMasters Jr. of Checotah died Oct. 25. He was born June 6, 1943, in Okmulgee. He graduated from Checotah High School in 1961 and earned his bachelor's degree from Northeastern State College. **Mr. LeMasters served in the Army Reserves.** He received his J.D. from the TU College of Law in 1971. In 1981, he was appointed an associate district judge and served in that position for 10 years. He later served as city attorney for Checotah for 35 years, where he also had a private practice. Mr. LeMasters was involved with the Masonic Lodge and was a member of the Royal Order of Jesters as well as the First United Methodist Church.

Wayne Leroy McBeath of Claremore died Sept. 26. He was born Oct. 3, 1948, in Claremore. Upon graduating from Claremore High School in 1966, he attended the Oklahoma Military Academy and entered the U.S. Marine Corps in 1967. **Mr. McBeath served in the Marines for four years, including a tour of duty in Vietnam. During his service, he reached the rank of sergeant.** He received his J.D. from the TU College of Law in 1980 and served as assistant district attorney of Mayes County. Mr. McBeath was a member of the Oklahoma Gold and Numismatic Association and the First United Methodist Church of Claremore. Memorial contribution may be made to the First United Methodist Church of Claremore.

Earl D. Mills of Yukon died Oct. 16. He was born Feb. 18, 1931, in Chalk, Texas. Mr. Mills began his education in a two-room schoolhouse near Ringling, where he was taught by his parents. He received his J.D. from the OCU School of Law in 1959 and became an assistant county attorney. He entered private practice as a trial attorney in 1963 and was a partner at the Oklahoma City law firm of Foliart, Mills and Niemeyer for 21 years. Later, he started his own firm with two of his sons. Mr. Mills retired in 2000 but became a mediator at Dispute Resolution Consultants in 2004. Memorial contributions may be made to the Alzheimer's Association.

Berry D. Mock of Edmond died July 10. He was born Jan. 16, 1935, in Guthrie. Mr. Mock received his bachelor's degree from OSU and his J.D. from the OU College of Law. He stewarded the Oklahoma City law firm of Lamun Mock Cunyningham & Davis for nearly 40 years and practiced all types of litigation, real estate lending and title, corporate transactions and documents and commercial loan transactions.

Tom T. Pruitt of Tecumseh died Oct. 25. He was born March 23, 1935, in Oklahoma City. **Mr. Pruitt served in the U.S. Army from 1955 to 1957 and was honorably discharged.** He received his J.D. from the OCU School of Law in 1972 and established a private practice in Tecumseh, where he practiced law for 47 years. He was a member of the First Baptist Church in Shawnee. Memorial contributions may be made to the American Kidney Fund.

Donald Ray Roberts of McAlester died Oct. 9. He was born Jan. 11, 1937, in Chandler, Arizona. Mr. Roberts received his J.D. from the OU College of Law in 1963 and served as district attorney of District 18 for 24 years.

Laurey Dan Tucker of Hot Springs Village, Arkansas, died June 21. He was born Oct. 23, 1936, in El Dorado. Mr. Tucker received his bachelor's degree in chemical engineering from OU and his J.D. from the OU College of Law in 1962. **He served two years in the U.S. Army in Germany.** Upon returning to the U.S., Mr. Tucker worked as a patent attorney for Phillips Petroleum and Monsanto and later as a private practitioner in Dallas for 32 years. Memorial contributions may be made to Holy Trinity Episcopal Church in Hot Springs Village, Arkansas, or the nonprofit of your choice.

Scott Lynch Tully of Broken Arrow died Oct. 5. He was born Aug. 6, 1965, in Ottumwa, Iowa. After graduating from Jefferson High School in Cedar Rapids, Iowa, he attended Coe College. Mr. Tully received his J.D. from the TU College of Law in 1990. He began his legal career at a large Tulsa law firm and, in 2007, founded the Tully Law Firm. Although primarily practicing in Oklahoma, he was also admitted to practice in Iowa and Alabama. Memorial contributions may be made to Toys for Tots.

2021 ISSUES

JANUARY

Meet Your Bar Association

Editor: Carol Manning

FEBRUARY

Marijuana and the Law

Editor: Virginia Henson
virginia@vhensonlaw.com
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.
com
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

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SMALL SOUTHEAST OKLAHOMA LAW OFFICE in County seat for sale. Attorneys in County have gone from 10 to only 4 left. Excellent opportunity. Everything you need, including clientele. If interested, please reply by email to bunn27@yahoo.com or call 918-967-3131 for pricing and terms.

POSITIONS AVAILABLE

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

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

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.

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.

SOUTH OKLAHOMA CITY LAW FIRM has opening for attorney with Workers' Compensation experience and attorney with Social Security experience. Please send replies to Box CP, Oklahoma Bar Association, P. O. Box 53036, Oklahoma City, OK 73152.

POSITIONS AVAILABLE

VACANCY ANNOUNCEMENT

The Wyandotte Nation Tribal Court is in search of an individual to fill the position of Supreme Court Justice. To be eligible for selection or confirmation as a Justice of the Supreme Court, a person shall: is an attorney, be a licensed attorney who is in good standing with the licensing authorities where licensed; who possesses a demonstrated background in tribal court practice and have demonstrated moral integrity and fairness in their business, public and private life; and have never been convicted of a felony or an offense, except traffic offenses, for a period of two years next preceding their appointment. The two-year period shall begin to run from the date the person was unconditionally released from supervision of any sort as a result of a conviction. The candidate must have regularly abstained from the excessive use of alcohol and use of illegal drugs or psychotic chemical solvents. The candidate must not be less than twenty-five (25) years of age.

Indian preference will apply for qualified candidates. Please submit your resume or CV to Samantha Proctor, Court Administrator via email to sproctor@wyandotte-nation.org by Dec. 20, 2020.

MANSELL ENGEL & COLE is hiring paralegals for its beautiful office in downtown Oklahoma City. The firm focuses in plaintiff's insurance bad faith litigation. Firm is a laidback atmosphere and does not require billing time. Previous civil litigation and federal filing experience is preferred, but not required. Willing to invest in someone talented and eager to learn this area of the law. Competitive salary, health insurance and 401K available. Please send a cover letter and resume to Adam Engel (aengel@meclaw.net) and Jordyn Cartmell (jcartmell@meclaw.net).

OKC AV RATED LAW FIRM SEEKING ASSOCIATE with excellent litigation, research, and writing skills, 1-5 years experience for general civil/commercial defense practice, health care law. Must have solid litigation experience for all phases of Pretrial discovery and Trial experience with excellent research and writing skills. Submit a confidential resume with references, writing sample and salary requirements to Box BC, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

POSITIONS AVAILABLE

ESTABLISHED OKLAHOMA CITY CIVIL LITIGATION LAW FIRM seeks a legal secretary/legal assistant. Must be detail oriented, organized and experienced with docketing. Transcription experience is a plus. Firm offers a competitive salary and benefits package. Resumes should be sent to Cheek & Falcone PLLC, Attn: Angela Hladik, 6301 Waterford Blvd., Suite 320, Oklahoma City, OK 73118 or ahladik@cheekfalcone.com. All applications will remain confidential.

ESTABLISHED OKLAHOMA CITY CIVIL LITIGATION LAW FIRM seeks an associate attorney with at least three (3) years civil litigation experience to assist with business transactions, employment law matters and litigation. Must have experience in civil litigation discovery matters. Must be self-motivated, organized and able to handle caseload independently. Strong analytical writing and oral advocacy skills are required. Firm offers a competitive salary and benefits package. Resumes should be sent to Cheek & Falcone PLLC, Attn: Angela Hladik, 6301 Waterford Blvd., Suite 320, Oklahoma City, OK 73118 or ahladik@cheekfalcone.com. All applications will remain confidential.

JUDGE ADVOCATE GENERAL'S (JAG) CORPS for Oklahoma Army National Guard is seeking qualified licensed attorneys to commission as Judge Advocates. Selected candidates will complete a six-week course at Fort Benning, Georgia followed by a tenand one-half week Military Law course at the Judge Advocate General's Legal Center on the beautiful campus of University of Virginia in Charlottesville, Virginia. This is not a full-time employment position.

Judge Advocates in the Oklahoma National Guard will ordinarily drill one weekend a month and complete a two-week Annual Training each year. Benefits include low cost health, dental, and life insurance, PX and commissary privileges, 401(k) type savings plan, free CLE, and more! For additional information contact CPT Rebecca Pettit, email Rebecca.l.pettit.mil@mail.mil or call 405-228-5052.

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The qualified candidate will possess a Juris Doctorate degree from an ABA accredited law school and 4+ years' experience in a private law firm or similar experience within the banking or real estate industry; and must be a member in good standing with the Oklahoma Bar Association. The salary range is \$65,000-95,000 and will include a benefits package. Actual placement will be determined individually based on the selected candidate's education, experience, and specific qualifications relative to organizational needs.

Please submit Resume, Cover Letter, and Salary Requirements no later than 5pm December 11th, 2020 to okfresume@gmail.com.



Tulsa's Boston Avenue from the corner of Fourth Street looking south. Photographer: Lynn R. Anderson, who practices in Tulsa.

THURSDAY,
DECEMBER 17, 2020
9 A.M. - 3:15 P.M.



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FEATURED PRESENTER:

Rick Horowitz,

Writing Coach, Prime Prose, LLC

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