

ALSO INSIDE: New Judicial Leaders • Taxation Law Section Note  
Material Changes to Deposition Testimony

# THE OKLAHOMA BAR Journal

Volume 92 — No. 1 — January 2021



## Meet Your Bar Association

President Mike Mordy

# DID YOU MISS THESE FALL 2020 PROGRAMS?

IF SO...  
NOW AVAILABLE IN OUR  
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ANYTIME  
CATALOG

[WWW.OKBAR.ORG/CLE](http://WWW.OKBAR.ORG/CLE)

## THE EXPRESSIVE ATTORNEY: DYNAMIC COMMUNICATION FOR TRANSACTIONAL AND TRIAL LAWYERS

Original Program Date: Sept. 17, 2020 - MCLE 2/0

## THE CRIME, THE TRIAL, THE RESPONSE: OBA REMEMBERS THE OKLAHOMA CITY BOMBING

Original Program Date: Sept. 18, 2020 - MCLE 7/0

## BUILD YOUR PRACTICE

Original Program Date: Sept. 24, 2020 - MCLE 3/3

## EXIT STRATEGIES FOR RETIRING LAWYERS

Original Program Date: Sept. 24, 2020 - MCLE 3/1

## LAWYER LIKE AN ATHLETE

Original Program Date: Sept. 30, 2020 - MCLE 1/0

## 2020 LABOR AND EMPLOYMENT LAW UPDATE

Original Program Date: Oct. 15, 2020 - MCLE 6/1

## GUARDIANSHIPS: THE NEW NORMAL

Original Program Date: Oct. 22, 2020 - MCLE 6/1

## THE ESSENTIALS OF MUSIC COPYRIGHT LAW

Original Program Date: Oct. 23, 2020 - MCLE 7/1

## 2020 BANKING AND COMMERCIAL LAW UPDATE

Original Program Date: Oct. 30, 2020 - MCLE 6/1

## MASTERING MODERN NEGOTIATIONS

Original Program Date: Nov. 13, 2020 - MCLE 7/0

## THE WORLD HAS CHANGED. LET'S SORT IT OUT.

Original Program Date: Nov. 19, 2020 - MCLE 3/3

## EVERYTHING I NEED TO KNOW ABOUT LEGAL ETHICS I LEARNED FROM THE KARDASHIANS

Original Program Date: Nov. 19, 2020 - MCLE 3/3

## 12 ROOKIE BLUNDERS GOOD LAWYERS OFTEN MAKE IN DRAFTING CONTRACTS

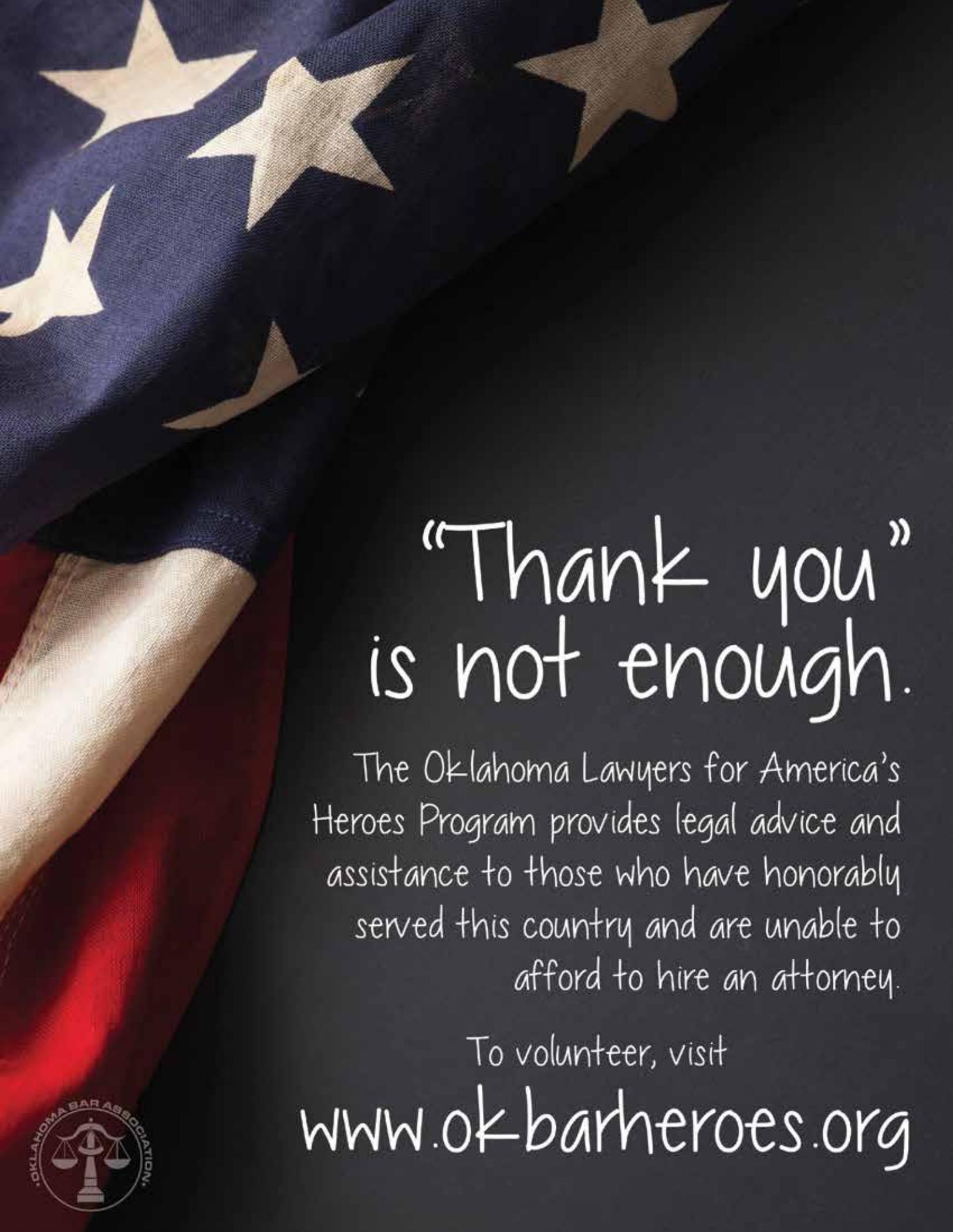
Original Program Date: Nov. 20, 2020 - MCLE 7/1

## 35TH ANNUAL ADVANCED BANKRUPTCY SEMINAR

Original Program Date: Dec. 3 & 4, 2020 - MCLE 8/1 (Both Days)

## 2020 LEGAL UPDATES (To be released on CLE Online Anytime NLT Dec. 23)

Original Program Date: Dec. 10 & 11, 2020 - MCLE 12/1 (Both Days)



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# THE OKLAHOMA BAR Journal

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# Kudos to Members for Showing Empathy and Compassion

By Mike Mordy

**I WANT TO THANK SUSAN SHIELDS** for her hard work this past year and for “watching our backs.” Susan, along with Executive Director John Morris Williams, showed the relevancy of the OBA this past year, especially when she and John made sure that Gov. Stitt included the legal profession as being “critical,” in his Amended Executive Order entered on March 25, 2020. You will remember Gov. Stitt issued his original Executive Order No. 2020-7 on March 24, 2020, declaring a state of emergency because of the COVID-19 pandemic, and ordered effective midnight of that day that all businesses not identified as critical, as defined by the U.S. Department of Homeland Security, be closed until April 16, 2020.

The U.S. Department of Homeland Security had not declared the practice of law as critical. I witnessed the hard work of the OBA leadership in making sure we were included in the governor’s Executive Order on March 25, 2020, as “critical,” and therefore exempt from the closing order. None of us needed to be further subjected to financial upheaval by not being allowed an exemption from closure.

I do not want to belabor the COVID issue, however, I would like to commend Oklahoma attorneys and the judiciary in showing empathy, compassion and loyalty to each other this past year in working through a difficult situation. Myself, and members of my office, have been the recipient of this understanding, and I hope we extended the same courtesy to others.

I received a phone call in March, after the COVID cases began to rapidly increase, from an attorney who is a friend and acquaintance with whom I have had cases but had not talked to in over a year. I realized during the conversation he had not called me to discuss a case or a legal matter, and at the end of the conversation he told me

he was calling various attorneys around the state he knew just to check on their well-being. This encouraged me to extend the same kindness to a couple of other attorneys, which I think surprised all of us.

I also received unsolicited judicial understanding and accommodations. I received a call from a judge’s bailiff in June who told me I did not need to make a two-hour trip to appear at a hearing on an unopposed motion I filed, but rather I could email a proposed order, which the judge would enter and return a filed-stamped copy. A law partner of mine received an email on a recent Sunday from a judge who told him it was not necessary that he appear for a hearing on a motion for a default judgment in a foreclosure action where no objection had been filed. I was allowed to appear virtually in a hearing to appoint a receiver and have been allowed to call a witness virtually because she was concerned for her health in appearing in a courthouse.

I mention all of this because I want to acknowledge that during this pandemic, we have shown we are loyal to each other and are loyal to our profession and association. We have shown compassion and understanding towards each other when our façade does not have that appearance. It has been said you can judge the character of a person by how he or she treats those who can do nothing for them in return. We often do that for some we periodically help on a pro bono basis, but we don’t always show that towards each other on a regular basis. I believe we have shown the depth of our character by how we have treated each other this past year during the COVID pandemic.



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# Ardmore Attorney Mike Mordy to Serve as 2021 President

By Lauren Rimmer

**IT IS CLEAR MIKE MORDY'S FAMILY** has shaped him into the person he is today and will continue to refine him in the years to come. Being raised in a close-knit family, Mike grew up with his younger brother in Ardmore. Although Mike remembers Ardmore as a great place to grow up, he swore he would never return once he left for college. However, today Mike is a successful and well-liked attorney and family man around the town.

### YOUNG MIKE

Michael "Mike" Mordy was born in Tulsa. "My parents moved to Anchorage, Alaska, when I was 1 year old, where my father was stationed in the U.S. Air Force. When I was five, my parents moved to Ardmore, where my mother's parents lived," he said. He continued growing up in Ardmore, where he went to grade school, junior high and high school.



Mike at age 2

While out of school for the summer, Mike would go water skiing on Lake Murray with his friends, and he kept busy working various jobs. "I always had summer jobs – I started working when I was 14 years old. I washed dishes at the local Holiday Inn, I mowed yards, I worked in the oil field, I worked in a manufacturing plant in Marietta, where they made pants and I had a firework stand with a friend," he said.

### A FAMILY LEGACY

Although Mike didn't always want to become an attorney, he grew up around the profession. Mike's father, Burke Mordy, was an attorney in Ardmore.

I remember going with my father out of town to court on occasion as a child, and I am sure that is what always piqued my interest in going to law school. I went with my father and spent a couple of days with him at trial in Muskogee, in federal court, when I was probably in junior high school or early high

school. I remember first going to federal court in Muskogee as a practicing attorney, and the same gentleman who was the court reporter when I was with my father was still the court reporter, probably 20 years later!

Not only was Mike's father an attorney, but so were his maternal grandfathers. "My mother's father, Charles Champion, was an attorney in Ardmore, and his father, my mother's grandfather, Thomas Champion, was also an attorney in Ardmore, where he practiced law with his twin brother and was later a judge," he said.

### BOOMER SOONER

Growing up, Mike enjoyed going to Norman to watch Sooner football games. When the time came for him to choose a college, OU was the logical choice.

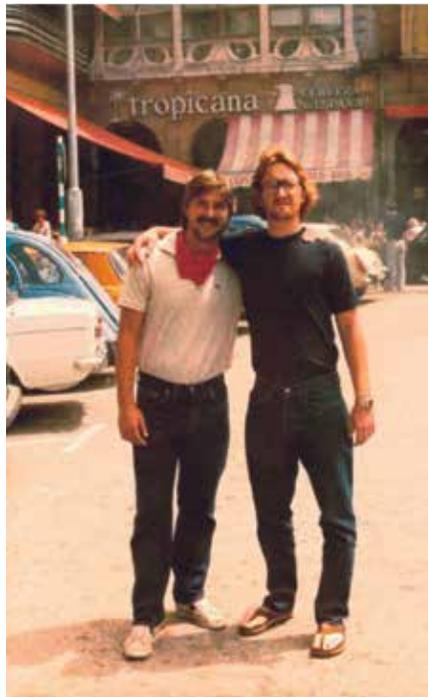
While working towards a degree in petroleum land management, Mike was active in his fraternity, Beta Theta Pi. He served as rush chairman and social chairman. He also met his wife, Christy,



*Mike and Christy (far right) at an OU sorority party in 1975*

during one of Beta Theta Pi's parties. "My father was also a Beta and was there one night at a party we were having. He claims to have introduced me to Christy," he said.

The summer after graduating from OU, Mike was ready for an adventure. He used what he learned from Arthur Frommer's book *Europe on \$10 a Day* and James Michener's book *The Drifters*, to travel overseas with his friends. "You could buy a Eurail pass for \$500 and ride the train across Europe all summer. Memorable stops in Europe included watching Stan Smith and Billie Jean King play tennis at Wimbledon, the San Fermin Festival in Pampalona, Spain, for the running of the bulls and dancing in Corfu, Greece."



*With a friend in Pampolona, Spain, for the running of the bulls in 1977*

## **TO LAW SCHOOL AND BEYOND**

After returning from Europe, Mike packed up and moved to Oklahoma City to attend the OCU School of Law. "I thought I wanted to go into the oil business when I was in college, but between my junior and senior years of college, I interned for an oil company and decided I wanted to go to law school and become an attorney. When I was in law school, I decided I wanted to be a trial attorney and try jury cases," he said.

While in law school, Mike worked for the Oklahoma County District Attorney's Office. He continued to work there after graduating to gain trial experience – even trying 16 jury cases his first year. After working at the district attorney's office for about

a year, he was ready for a new experience. He went to work at an oil and gas law firm and practiced at the Oklahoma Corporation Commission, preparing oil and gas title opinions and handling various oil and gas issues.

Mike returned to his hometown with Christy and his two children, Nataly and Chase, after practicing law in Oklahoma City.

I moved back to Ardmore and went to work with my father and another gentleman. I handled and tried miscellaneous civil cases and some criminal cases and evolved into my current area of practice handling bank and commercial litigation and oil and gas matters. I have been fortunate

in having handled and tried cases in courts around the state, including federal courts, up until about 10 years ago, when I started easing out of trial work.

Currently, Mike practices primarily in commercial and banking litigation, oil and gas law and *ad valorem* tax litigation with the Ardmore law firm of Mordy, Mordy, Pfrehm & Wilson PC.

### A FAMILY MAN

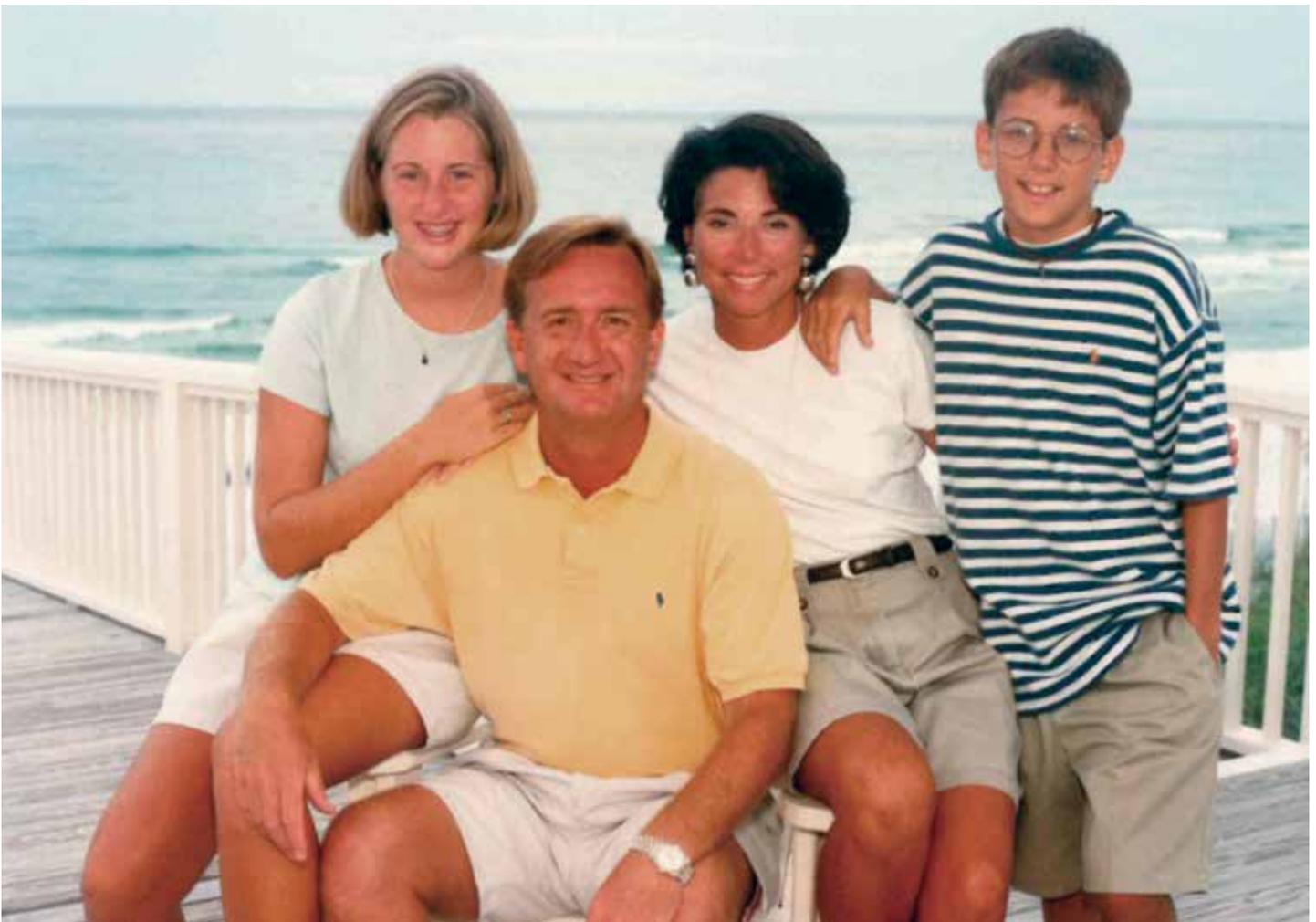
Mike's family is an important aspect of his life. "Someone once told me, 'You can't be a good attorney, a good parent and husband and a good golfer all at the same time,' so I conceded golf, which is my excuse for being a poor golfer." Throughout his career, Mike has

taken this advice to heart and has tried to find a work-life balance. While his children were growing up, he participated as much as he could in their activities. "I coached my son's soccer team and attended my daughter's dance recitals when they were little, and when they

*(continued on page 10)*



*Mike and his father at the Rose Bowl game in 1996*



*The Mordys at the beach in 1996*



Top left: *Wedding dress shopping with Nataly and Christy*

Bottom left: *Mike and Christy at the Hemingway Bar at the Ritz Hotel in Paris in 2018. "It was the best bar ever, but I could afford only one cocktail!"*

Top right: *With daughter, Nataly, skiing in 2019*

Right: *From left Chase, Jill, Mike, granddaughter Liv and Christy*



got older, we took them to tennis lessons and attended their tennis matches.” The Mordys took lots of trips to Colorado to ski in the winter and to the beach and summer camps during the summer.

His daughter, Nataly, now lives in Denver and works for Charles Schwab Corporation’s corporate office in management. Chase, Mike’s son, works as a construction manager in Santa Monica, California, where he lives with his wife and 3-year-old daughter, LivAnn, who lovingly calls Mike “Pops.” Although Nataly and Chase no longer live in Oklahoma, Mike and Christy still visit them regularly.

### **BIG FUN**

When he’s not working or spending time with his family, Mike enjoys working out, playing golf and “jogging,” previously referred to as “running.” He used to run a marathon every year.

The Los Angeles Marathon was one of my favorites because I ran it with my son, Chase. I had some great and funny experiences while running in other

marathons and met some fun and interesting people along the way. At the White Rock Marathon in Dallas, I ran up alongside two men holding hands and singing songs with smiles on their faces. One man was blind, and the other was his friend leading him along ... they always come to mind when I think of true friendship!

Although it’s been almost a decade since Mike laced up his sneakers to run another 26.2-mile race, he still believes a great year-end finale is to run a marathon.

He also enjoys traveling with Christy. Last summer, the two visited Paris, France. Before COVID-19, they would also make trips to see their children and granddaughter about every month and a half. During these trips, the Mordys like to take in all of the events, including local baseball games. “We were in downtown Denver visiting my daughter one Sunday. When church was over, we just walked over to the Rockies’ baseball stadium, drank beer, ate hotdogs and had big fun,” he said.



*Christy congratulating Mike after completing his first marathon in 1995*



*Mordy, Mordy, Pfrehm & Wilson PC’s 2019 Christmas outing*

### **PLANS FOR THE OBA**

As he steps into his role as president, Mike is focused on improving OBA communications. “I would like to figure out how to better communicate benefits and services from the bar association to attorneys.” Mike recognizes there are a lot of programs and cost-saving measures available to OBA members that many do not know about. He also believes the association’s communications might be more streamlined. “Things are changing in how people communicate. Rather than just blasting off emails, I’d like to try to find a better way to communicate to members of the OBA.” 2021 is sure to be a successful year under Mike’s capable leadership.



Ms. Rimmer is an OBA communications specialist.

# PRESIDENTIAL TRIVIA

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**Best advice you've ever received?**

Be compassionate, kind, humble, gentle and patient

**I wish I had invented...**

The Apple iPhone

**Favorite hole-in-the-wall restaurant?**

Bob's Pig Shop in Pauls Valley

**Strategy for coping with COVID?**

Don't dwell on it

**Best family tradition?**

Getting together for Thanksgiving

**What's your New Year's resolution?**

Be more organized

**What mistake did you learn the most from?**

Not being sufficiently prepared for a trial

**Favorite book/author?**

The Bible

**I collect...**

Photographs

# Volunteers Who Guide Your Association



**JAMES C. HICKS**  
President-Elect  
Tulsa



**CHARLES E. GEISTER III**  
Vice President  
Oklahoma City

**Background:** Born in Blackwell, lived in Norman for elementary school years and spent high school years in Denton, Texas. Married to Nancy since 1983; twin children: daughter Hannah and her husband Matt live in Tulsa with our granddaughters, Adrienne and Ellie; son Stan and his wife Caitlin live in Chicago.

**Education:** BBA in finance from OU and J.D. from the TU College of Law

**If a movie was made of your life, who would play you?** Superman or Inspector Clouseau

**Best advice you've ever received?** Take the time to listen, then listen some more and don't interrupt

**I wish I had invented...** A drier martini with blue cheese olives

**Favorite hole-in-the-wall restaurant?** Quincy's Steak & Spirits in Buena Vista, Colorado, and The Back Porch in Destin, Florida

**Strategy for coping with COVID?** Wear a mask, wash hands and avoid crowds

**Best family tradition?** Gathering for Thanksgiving and Christmas dinners in our home

**What's your New Year's resolution?** Eat healthier, lose weight and get more exercise

**What mistake did you learn the most from?** Gossiping

**Favorite book/author?** Since I love to read, it's hard to name a single book or author, but some of my favorites are *The Searchers: The Making of an American Legend* by Glenn Frankel, *A. Lincoln* by Ronald C. White Jr., *American Ghost* by Hannah Nordhaus and *Empty Mansions* by Bill Dedman and Paul Clark Newell Jr.

**I collect...** Golf balls from various courses playing around the nation and Ireland

**Background:** I was born in Cleveland, Ohio. Raised in Tulsa. Married to my wife and life partner Gerry for 43 years and counting. We've lived in Edmond for 36 years. Our wonderful daughter Jamie, son-in-law Trey and grandkids Linley and Chase live in Tulsa. I have practiced law, civil litigation, since 1980, in Oklahoma City. I have been a partner of Hartzog Conger Cason since 1998.

**Education:** Tulsa Bishop Kelley High School; B.A. in history from OU, 1977; and J.D. from the OU College of Law, 1980

**If a movie was made of your life, who would play you?** Tom Hanks

**Best advice you've ever received?** Hire a yard service

**I wish I had invented...** LEGO

**Favorite hole-in-the-wall restaurant?** Othello's in Edmond

**Strategy for coping with COVID?** Don't be stupid, but don't live in a bunker

**Best family tradition?** Disney World in December

**What's your New Year's resolution?** Live every day like it's my last

**What mistake did you learn the most from?** There are so many. Not staying in touch with friends

**Favorite book/author?** *Wicked* by Gregory Maguire

**I collect...** Cards/mementos from family and friends



**SUSAN B. SHIELDS**  
Past President  
Oklahoma City



**MICHAEL R. VANDERBURG**  
Governor - District No. One  
Ponca City

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

**Education:** Stanford University, 1986 and UCLA School of Law, 1989

**Best advice you've ever received?** This advice was not directed to me personally, but my favorite advice is from Dr. Maya Angelou to, "Do the best you can until you know better. Then when you know better, do better."

**I wish I had invented...** Zoom/BlueJeans/WebEx – all have come in very handy the last 10 months!

**Favorite hole-in-the-wall restaurant?** Tesuque Village Market, Tesuque, New Mexico

**Strategy for coping with COVID?** Lots of Netflix and hanging out with my dogs

**Best family tradition?** My sons and I like to travel and try to take at least one big trip together each year. We are hoping to make up for lost time in 2021!

**What's your New Year's resolution?** To write more letters to friends and family

**What mistake did you learn the most from?** Even if there are only 4 seconds left, the game may not be over (e.g., the 1982 Stanford-Cal football game)

**Favorite book/author?** *Tiny Beautiful Things* by Cheryl Strayed

**I collect...** Books and sunsets

**Background:** I was raised in Arkansas, married a lady from Oklahoma, and she brought me here. Six years in private practice, 39 years of service to local governments

**Education:** Bachelor's in political science and J.D. both from the University of Arkansas

**If a movie was made of your life, who would play you?** James Spader, but with hair

**Best advice you've ever received?** Think about a client's problems carefully. You may be able to give them what they need, even if they cannot describe it verbally and accurately.

**I wish I had invented...** A completely transparent submarine

**Favorite hole-in-the-wall restaurant?** China Restaurant in Tonkawa

**Strategy for coping with COVID?** Wear a mask when you go out, keep a distance and pray for a vaccine to be actually delivered and used

**Best family tradition?** Keeping the grandchildren while the children and their spouses have a date night or two

**What's your New Year's resolution?** As a retiree, learn to be a better gardener

**What mistake did you learn the most from?** Revenge can seem satisfying in theory, but in reality, that kind of anger will hurt yourself just as much. Every person deserves respect at all times – no matter who your opponent may be or what tactics they may use in any conflict. Anger and retaliation only hurts yourself.

**Favorite book/author?** Isaac Asimov's *Foundation Trilogy* or Robert Heinlein's *Stranger in a Strange Land*

**I collect...** Various things at different stages of my life. My coin collection helped pay for law school. Woodworking tools and equipment made toys and decorative items for the kids and the house, etc.



**MICHAEL J. DAVIS**  
Governor - District No. Two  
*Durant*



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

**Background:** I am a lifelong Oklahoman, raised in the small town of Cleora on Grand Lake. My family moved to Durant while I was in high school, and I remained in Durant to attend Southeastern Oklahoma State University. After law school at OU, I came back to Southeastern to work for my alma mater, where I have remained for almost 11 years. Currently, I am an assistant professor of criminal justice and special assistant to the president for compliance.

**Education:** B.A. from Southeastern Oklahoma State University, 2007; J.D. from the OU College of Law, 2010; M.S. from OU, 2018; and Ph.D. candidate at University of the Columbians, Kentucky

**If a movie was made of your life, who would play you?** Michael Douglas as a cranky professor

**Best advice you've ever received?** Buy experiences, not things

**I wish I had invented...** A way to stop glasses from fogging while wearing a mask

**Favorite hole-in-the-wall restaurant?** Clanton's Café in Vinita – a classic

**Strategy for coping with COVID?** Getting in touch with my inner introvert

**Best family tradition?** Watching football on Thanksgiving

**What's your New Year's resolution?** To compete in some 5K runs this year

**What mistake did you learn the most from?** I almost missed my evidence finals in law school because I didn't keep a calendar. Today, I am meticulous about writing down everything!

**Favorite book/author?** I really enjoy anything written by Erick Larson and Bill Bryson.

**I collect...** Historical postcards

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

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

**If a movie was made of your life, who would play you?** Michael Douglas

**Best advice you've ever received?** My dad always told me to never ask somebody to do something that you're not willing to do!

**Favorite hole-in-the-wall restaurant?** Cock O' the Walk in Oklahoma City

**Strategy for coping with COVID?** Simple, if I make sure I don't make anyone else sick by my actions, I'll keep myself healthy.

**Best family tradition?** Staying in constant contact is my best tradition. My family is close, and we speak almost daily.

**What's your New Year's resolution?** To relax more

**What mistake did you learn the most from?** I've learned there are 77 counties in Oklahoma, and if you do not know the court rules for each county you are practicing in, you will have trouble.

**Favorite book/author?** *Fear and Loathing in Las Vegas* by Hunter S. Thompson

**I collect...** Sports memorabilia



**TIM E. DECLERCK**  
Governor - District No. Four  
Enid



**ANDREW E. HUTTER**  
Governor - District No. Five  
Norman

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

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

**If a movie was made of your life, who would play you?**  
Daniel Craig

**Best advice you’ve ever received?** Never ever give up (from my dad)

**I wish I had invented...** Wireless technology

**Favorite hole-in-the-wall restaurant?** The Flamingo Lounge in Enid

**Strategy for coping with COVID?** Masks, social distance, stay out of restaurants and gyms, be smart!

**Best family tradition?** Cutting mistletoe from trees for the Christmas season and making spicy pecans!

**What’s your New Year’s resolution?** Every day is a gift. Don’t waste it.

**What mistake did you learn the most from?** Not listening to God

**Favorite book/author?** *Where the Red Fern Grows* by Wilson Rawls

**I collect...** Bicycle memorabilia

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

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

**If a movie was made of your life, who would play you?** Probably David Schwimmer (Ross from the TV show, *Friends*). I’m told there is a strong resemblance.

**Best advice you’ve ever received?** Treat others how you want to be treated

**I wish I had invented...** The internet, move over Al Gore

**Favorite hole-in-the-wall restaurant?** Kendall’s in Noble, it has the best chicken fried steak in the state

**Strategy for coping with COVID?** Adapt and overcome

**Best family tradition?** I really enjoy Thanksgiving. I know it is not specifically my family tradition, but the gathering of all my family over a nice meal without the distraction of gifts (sorry Christmas) is really enjoyable for me.

**What’s your New Year’s resolution?** To value every day. I have a bad habit of wishing for that next day to get here, whether it is the weekend, an event, a vacation or whatever else. You can miss a lot living that way.

**What mistake did you learn the most from?** In my opinion, all of life’s most impactful lessons come from mistakes. Let’s just say I have learned a lot, so it is hard to point to just one.

**Favorite book/author?** I really enjoyed all the *Killing* series by Bill O’Reilly and Martin Dugard. I like to read about history, and they find a way to write it where it won’t put you to sleep.

**I collect...** I’m not much of a collector.



**RICHARD D. WHITE JR.**  
Governor - District No. Six  
Tulsa



**BENJAMIN R. HILFIGER**  
Governor - District No. Seven  
Muskogee

**Background:** I was born and raised in Long Beach, California, before moving to Tulsa in January 1979 to attend the TU College of Law. After graduating from law school, I maintained a private practice for 21 years before joining the law firm of Barber & Bartz, where I have practiced as a shareholder since January 2002. I met my wife in the Amazon rainforest and have been married for almost 30 years. We have five children. I currently serve as a chair of the Tulsa City-County Library Commission and have held numerous positions with the Tulsa County Bar Association. I am currently the Professionalism Committee chair.

**Education:** B.S. from California State University at Long Beach in 1977 and a J.D. from the TU College of Law in 1980

**If a movie was made of your life, who would play you?** Harrison Ford

**Best advice you've ever received?** Marry that girl

**I wish I had invented...** The iPhone

**Favorite hole-in-the-wall restaurant?** Joe Jost's in Long Beach, California. Well known for its pickled eggs

**Strategy for coping with COVID?** I still go to work every day and follow the ever-changing rules and recommendations of our politicians and medical professionals.

**Best family tradition?** Even though the tradition is only a year old, I hope it will last – gathering with my children and their families on the coast of the Florida panhandle every June.

**What's your New Year's resolution?** Think before speaking, emailing or texting

**What mistake did you learn the most from?** I called a witness in a case that I had not previously interviewed and got more than I bargained for.

**Favorite book/author?** I enjoy David McCollough biographies, including the ones on John Adams and Harry Truman.

**I collect...** Books, mainly nonfiction, history and biographies

**Background:** I was born in Muskogee, where I graduated from high school. I met my wife Amber at a singles dinner on Valentine's Day in Austin, Texas. Three months later we were engaged. We have three kids and a dog. We spend most of our free time at our family cabin on the Baron Fork River. I work in private practice with my father, Roger Hilfiger, and Jay Cook. I practice in criminal and family law. I am also a certified mediator.

**Education:** J.D. from Loyola University New Orleans College of Law; M.S. in energy legal studies from OCU and B.S. in multi-disciplinary studies, commerce theory with a minor in communications from OU

**If a movie was made of your life, who would play you?** Chris Pratt

**Best advice you've ever received?** Become the most positive and enthusiastic person you know

**I wish I had invented...** A way to record my dreams

**Favorite hole-in-the-wall restaurant?** Chet's Dairy Freeze on the west side of Muskogee

**Strategy for coping with COVID?** Get my family out of the house on the weekends to state parks or our cabin

**Best family tradition?** Watching my dad's homemade movies on Christmas Eve

**What's your New Year's resolution?** Take a vacation

**What mistake did you learn the most from?** Self-reliance is far more effective than relying on others

**Favorite book/author?** *Pillars of the Earth*, *Fall of Giants* and *Winter of the World* by Ken Follett

**I collect...** Calories



**JOSHUA A. EDWARDS**  
Governor - District No. Eight  
Ada



**ROBIN L. ROCHELLE**  
Governor - District No. Nine  
Lawton

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

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

**If a movie was made of your life, who would play you?** Jonah Hill

**Best advice you've ever received?** When you are feeling stressed about a problem, ask yourself will it matter in one week? One month? One year? Ten years?

**I wish I had invented...** A food delivery app

**Favorite hole-in-the-wall restaurant?** Pepe Delgados in Norman

**Strategy for coping with COVID?** Reminding myself that I am fortunate to work in a profession that is able to continue working during this unusual time

**Best family tradition?** Watching *Die Hard* on Christmas Eve with my wife

**What's your New Year's resolution?** To take time to enjoy the important things in life

**What mistake did you learn the most from?** It is worth the extra time it takes to memorialize all of your communications with clients

**Favorite book/author?** *The Brothers Karamazov* by Fyodor Dostoevsky

**I collect...** Old vehicles to restore

**Background:** Native of Lawton and married with three adult kids

**Education:** Bachelor's in accounting, OU and J.D. University of San Diego School of Law

**If a movie was made of your life, who would play you?** Tom Cruise. In law school while attending a Halloween party, I arrived in a leather bomber jacket and simply put on my Ray-Ban sunglasses as I had no costume. I told everyone I was Top Gun. My class voted me the worst costume. I still have the plaque.

**Best advice you've ever received?** Secure your attorney fees up front. Clients will always promise to pay, like Popeye's friend, Wimpy: "I will gladly pay you Wednesday for a hamburger today."

**I wish I had invented...** Post-it Notes

**Favorite hole-in-the-wall restaurant?** Leo's BBQ in Oklahoma City

**Strategy for coping with COVID?** I failed. I came down with it on Thanksgiving.

**Best family tradition?** Labor Day Weekend at Texhoma with my extended family

**What's your New Year's resolution?** Spend more time with family. COVID has affected my family like nothing else in my lifetime. While life will never quite be the same, it has made me even closer to my three sisters and cousins. I have had four close family members hospitalized from COVID and lost an uncle in a nursing home.

**What mistake did you learn the most from?**

Leaving Oklahoma. I practiced nearly 20 years in California and have now practiced nearly 12 years in Oklahoma. The degree of civility is unparalleled here in Oklahoma. Should my car break down on the side of the road, five people will stop to assist. In California, I might be stuck on the side of the road for an hour.

**Favorite book/author?** John Grisham. All attorneys can use his writing style to improve their simplicity.

**I collect...** I try not to collect things. It is a challenge, but I keep trying.



**AMBER PECKIO GARRETT**

Governor - At Large  
Tulsa

**Background:** My hometown is McAlester, but I moved twice a school year from the third grade until the 7th grade. Then I went to high school in Savanna (south of McAlester), where I graduated. I have lived in Tulsa for the last 20 years.

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

**If a movie was made of your life, who would play you?** Amy Schumer or Kate Hudson

**Best advice you’ve ever received?** Say yes to new opportunities

**I wish I had invented...** Time travel

**Favorite hole-in-the-wall restaurant?** Isle of Capri in Krebs

**Strategy for coping with COVID?** Golf and my dogs (Who am I kidding? It really is wine and Netflix with Alex.)

**Best family tradition?** Thanksgiving at my grandmother’s house in McAlester. We have a great meal and then spend rest of afternoon in the backyard target shooting.

**What’s your New Year’s resolution?** Read for pleasure more

**What mistake did you learn the most from?** All of them

**Favorite book/author?** *The Alchemist* by Paulo Coelho

**I collect...** Books



**MILES T. PRINGLE**

Governor - At Large  
Oklahoma City

**Background:** I am a native Oklahoman and third-generation attorney. I live in Oklahoma City with my wife Andrea and son Fischer. I played basketball and ran track in high school and continue to be a big basketball fan – particularly the Thunder and Jayhawks. After graduating from law school, I moved back to Oklahoma City to practice with the firm my parents founded. Currently, I am SVP/general counsel for The Bankers Bank.

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

**If a movie was made of your life, who would play you?** Ed Helms

**Best advice you’ve ever received?** Never let them see you sweat

**I wish I had invented...** Zoom

**Favorite hole-in-the-wall restaurant?** Café Kacao in Oklahoma City

**Strategy for coping with COVID?** Family, meditation and Zoom happy hours with friends

**Best family tradition?** Vacations to Litchfield, South Carolina

**What’s your New Year’s resolution?** Eat healthier

**What mistake did you learn the most from?** One mistake that comes to mind is underpreparing for a moot court argument in law school. Typically, I am pretty good on my feet and able to handle active panels. Unfortunately, I drew a cold panel that asked almost no questions. I learned that I have to be prepared for every outcome, and then roll with the punches as they come.

**Favorite book/author?** Mike Duncan

**I collect...** Dad jokes



**KARA I. SMITH**  
Governor - At Large  
Oklahoma City



**APRIL MOANING**  
Governor - YLD Chair  
Oklahoma City

**Background:** I was born in Oklahoma City but moved to Newalla at an early age and attended and graduated from McLoud Public Schools. Following a brief stint in private practice, I continued my legal career as a public servant, as general counsel to the Oklahoma Office of Personnel Management up until my current position in Attorney General Mike Hunter’s office as chief assistant attorney general and chief of the Civil Rights Unit. I am also an adjunct professor of law at the OCU School of Law. I have two grown children, Marcel (grandkids: Jordan and Allayna) and Kameron (who is a sophomore at OSU) and two fur babies, Mojo and Travis.

**Education:** I received my B.A. in political science with a minor in legal studies (Price College of Business) from OU in 1999 and my J.D. from the OCU School of Law in 2002.

**If a movie was made of your life, who would play you?** Angela Bassett

**Best advice you’ve ever received?** You should put your best into your work so that if it ever appears on the front page of a newspaper you would be okay with what you read.

**I wish I had invented...** While this is not an invention, it sure seems like it should be – Amazon

**Favorite hole-in-the-wall restaurant?** Hobnobber Café in New Orleans

**Strategy for coping with COVID?** Projects around the house and then enjoying them

**Best family tradition?** Gathering for each person’s birthday

**What’s your New Year’s resolution?** Be my best self and vacation if safe to travel in 2021

**What mistake did you learn the most from?** Procrastination

**Favorite book/author?** *A Promised Land* by Barack Obama  
**I collect...** Shoes and greeting cards

**Background:** I was born and raised in Oklahoma City and attended high school at Classen School of Advanced Studies. While in high school, I participated in Youth & Government and participated in my first mock trial competition. It was during the competition that I quickly fell in love with the idea of a career in the legal field. After law school, I moved back to Oklahoma City and opened my solo practice.

**Education:** B.A. in economics from OSU in 2010 and J.D. from the TU College of Law in 2013

**If a movie was made of your life, who would play you?** Issa Rae

**Best advice you’ve ever received?** Persistence overcomes resistance

**I wish I had invented...** The Hyperloop

**Favorite hole-in-the-wall restaurant?** The Mule in Oklahoma City’s Plaza District

**Strategy for coping with COVID?** I am an extrovert and enjoy in-person interaction. It has been difficult limiting social gatherings. To cope with COVID and the new restrictions, I have started experimenting with DIY projects and developing new hobbies.

**Best family tradition?** Movie night is a tradition in my family. It is most enjoyable when we take a family trip to the movie theater after a holiday or birthday dinner. It is the perfect opportunity for everyone to decompress. I cannot wait to resume our tradition in the near future!

**What’s your New Year’s resolution?** Simple in theory but often quite difficult in practice. I simply want to work on enjoying each and every moment.

**What mistake did you learn the most from?** Early in my career I missed out on great opportunities because I was afraid to negotiate terms. I was always great at advocating for my clients or those who were in need of help, but I did not display the same zealous advocacy when it came to myself. I have since learned that you will never receive what you want (or need) if you do not ask.

**Favorite book/author?** Ralph Ellison

**I collect...** Wax seal stamps

## OBA Departments and Services

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

### OFFICE OF THE EXECUTIVE DIRECTOR

Phone: 405-416-7014

OBA Bylaws, Article IV, Section 4:

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

- (2) The Executive Director shall maintain at all times a fidelity bond executed by a surety company as surety, the amount thereof and the surety to be approved by the Board of Governors.

- (c) He shall supervise the office of the Association and its personnel and shall see that the work of the Association is properly performed. He or she shall also perform such other duties as the House of Delegates, the Board of Governors or the President of the Association may direct.

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

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



*John Morris Williams and Executive Assistant Debbie Brink*



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

## ADMINISTRATION AND MEMBERSHIP DEPARTMENTS

Administration Department Phone: 405-416-7000

Membership Department Phone: 405-416-7080

Membership Department Email: [membership@okbar.org](mailto:membership@okbar.org)

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

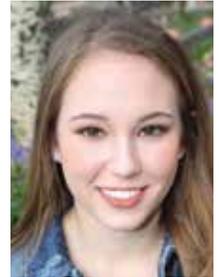
- Maintaining and updating the member roster
- Invoicing for senior and nonmember *Oklahoma Bar Journal* subscriptions
- Processing requests for certificates of good standing
- Assisting committees and sections with member communications
- Maintaining reports for all committees and sections
- Scheduling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



Director Dawn Shelton



Director Carol Manning



Lauren Rimmer

## COMMUNICATIONS AND STRATEGIC COMMUNICATIONS & MARKETING DEPARTMENTS

The departments have responsibility for member communications and public relations, including:

- Publishing the *Oklahoma Bar Journal*, including working with the Board of Editors, editing and proofreading articles, managing advertisements, graphic design support, as well as copywriting and editing information for news stories and the FYI and Bench & Bar Briefs sections
- Publishing the electronic Courts & More and eNews newsletters
- Managing and monitoring social media
- Issuing news releases and expediting information requests from the news media
- Updating and maintaining website information for [www.okbar.org](http://www.okbar.org) and other OBA websites
- Publicizing the Annual Meeting including designing the Annual Meeting logo and website and creating content for special programs like in memoriam and awards announcements
- Working with sections to publish short articles related to sections' focus
- Working with the Law Day Committee to conduct statewide student contests, support county Law Day chairpersons, coordinate and promote the statewide Ask A Lawyer day of free legal advice, produce the Ask A Lawyer TV program and implement public marketing strategies

- Assisting the Communications Committee in its projects, including publication and promotion of 15 legal-topic brochures
- Assisting additional entities, including Awards and Diversity committees and the Young Lawyers Division
- Sharing information with members regarding COVID-19 including, court closures and executive orders
- Publicizing programs for the OBA CLE Department and communicating information for MCLE
- Communicating with OBA members about members services, programs and events
- Surveying OBA members to gauge their communication needs

### CONTINUING LEGAL EDUCATION DEPARTMENT

Phone: 405-416-7029

Email: [clestaff@okbar.org](mailto:clestaff@okbar.org)

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

- Developing and producing in-person seminars and live webcasts as well as online, on-demand programs and audio seminars
- Offering recent seminar materials in print or electronic format
- Coordinating seminars and conferences with sections and committees for cosponsored events



Gary Berger



Melody Claridge

and administrative and webcast services for noncosponsored events

- Planning and coordinating the OBA Leadership Academy



Director Janet Johnson



Renee Montgomery



Mark Schneidewent

- Producing *MYOBACLE* print and digital catalog of programs
- Providing online CLE registration and access to materials through MyOKBar and timely application of attendance MCLE credit for OBA/CLE programs

### OFFICE OF THE ETHICS COUNSEL

Phone: 405-416-7055

Email: [ethics@okbar.org](mailto:ethics@okbar.org)



Ethics Counsel Richard Stevens

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

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

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

### OFFICE OF THE GENERAL COUNSEL

Phone: 405-416-7007

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

- Reviewing and investigating allegations of lawyer misconduct or incapacity
- Reviewing and investigating allegations of the unauthorized practice of law
- Prosecuting violations of the Oklahoma Rules of Professional Conduct



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



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



Support Staff Whitney Mosby, Ben  
Douglas and Melody Florence



Jen Brumage

- Administering the Clients' Security Fund
- Reviewing and investigating petitions for reinstatement

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

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

### **INFORMATION TECHNOLOGY DEPARTMENT**

Phone: 405-416-7045

Email: [web@okbar.org](mailto:web@okbar.org)

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

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



Cheryl Corey, Matt Gayle and Director Robbin Watson



Nickie Day



Director Jim Calloway



Julie Bays

## MANDATORY CONTINUING LEGAL EDUCATION DEPARTMENT

Phone: 405-416-7009

Email: [mcle@okbar.org](mailto:mcle@okbar.org)

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

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

- Reviewing more than 14,000 seminars for accreditation
- Maintaining a record of the Oklahoma-approved seminars attended by members
- Processing annual reports of compliance
- Responding to requests for clarification of the Rules of the Oklahoma Supreme Court for Mandatory Continuing Legal Education

## MANAGEMENT ASSISTANCE PROGRAM

Phone: 405-416-7008

Toll-free: 800-522-8065

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

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



Administrator Beverly Petry Lewis, Laura Brown and Johnny Floyd

### **Don't know whom to contact?**

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

The Ruby logo is written in a lowercase, purple, sans-serif font.

## MEET RUBY

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# Member Benefits and Discounted Services

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

### ONLINE SERVICES

**OKBAR.org** – Get news, updates on special projects, information on upcoming CLE and more at [www.okbar.org](http://www.okbar.org).

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

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



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

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

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

### PROFESSIONALISM SERVICES

**OBA CLE** – The CLE Department offers hundreds of in-person seminars, webcasts and audio programs, as well as webcast encores and on-demand programs available 24 hours a day. Members can also schedule group webcasts that allow five or more members to view a webcast together at their home or office. To schedule a group viewing, call 405-416-7029. See all available programs at [www.okbar.org/cle](http://www.okbar.org/cle). Please contact us at 405-416-7029 regarding in-person seminars, as many have been temporarily suspended.

**Ethics counsel** – The ethics counsel is available to assist members with ethical questions and inquiries on subjects such as conflicts, confidentiality and client concerns. All contact with ethics counsel is confidential per Oklahoma law. The ethics counsel also presents CLE programs on ethics and professionalism. Call 405-416-7055 or email [ethicscounsel@okbar.org](mailto:ethicscounsel@okbar.org). Find ethics tips and more information online at [www.okbar.org/ec](http://www.okbar.org/ec).

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



**OBA sections** – Get professional development tailored to your practice area and make new contacts across the state in one of the 28 substantive law sections. Benefits vary by section, with many offering free or discounted CLE to section members. Find a list of sections, their annual dues and a membership registration form on page 32 or at [www.okbar.org/sections](http://www.okbar.org/sections).

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

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

**Opening Your Law Practice program** – A free, one-day seminar to assist attorneys setting up new solo or small firm practices is held in both Oklahoma City and

Tulsa. Find additional resources and information on upcoming seminars at [www.okbar.org/OYLP](http://www.okbar.org/OYLP).

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



**Lending Library and discount book purchasing** –

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

**NETWORKING OPPORTUNITIES**

**Leadership and volunteering opportunities** – Boards, committees, sections and commissions

offer leadership, volunteer, career development and statewide networking opportunities. Members may volunteer to serve on a committee online at any time during the year at [www.okbar.org/committees](http://www.okbar.org/committees). You can also find a list of projects on the Outreach & Public Service Programs page at [www.okbar.org/outreach](http://www.okbar.org/outreach).

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

**Solo & Small Firm Conference** – The Solo & Small Firm Conference provides CLE programs, statewide networking and small firm-friendly vendors, all in a relaxed, family setting. The 2021 Solo & Small Firm Conference will be June 10-12 at the Choctaw Casino Resort in Durant.

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

## PRACTICE MANAGEMENT & BILLING SOLUTIONS



**Clio** – Clio is one of the most widely used

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



**CosmoLex** – CosmoLex

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



**LawPay** – The OBA endorses

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



**MyCase** – MyCase is an

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

with your clients. OBA members receive a free trial plus a 10% lifetime discount. See more information by clicking the “Practice Management Software Benefits” link on your MyOKBar page.



**PracticePanther** – Thousands of lawyers use PracticePanther

to automate their firms and get more done in less time. Work from anywhere, on any device, with the iPhone, iPad and Android apps. OBA members get 10% off for the first year on PracticePanther’s legal case management software. See more information by clicking the “Practice Management Software Benefits” link on your MyOKBar page.



**rocket matter**

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

and increase revenues by more than 20%. When law firms want to increase profits, go paperless or improve confidence in their trust accounting, Rocket Matter helps them achieve those goals. OBA members receive a 15% discount off the regular month-to-month pricing for life. See more information by clicking the “Practice Management Software Benefits” link on your MyOKBar page.



**TrustBooks** – Trustbooks is

a cloud-based service that makes trust accounting simple and is specifically designed for attorneys. With TrustBooks, common mistakes – like those made when filling out checks and deposit slips or reconciling bank statements – are caught, and the important trust account ledgers of all client balances are automatically generated. OBA members receive more than a 30% discount off monthly

pricing. See more information by clicking the “Practice Management Software Benefits” link on your MyOKBar page.



**Zola Suite** – Zola Suite’s cloud-based

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

## PUBLICATIONS

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

**Oklahoma Bar Journal** – Ten issues of the printed *Oklahoma Bar Journal* magazine are published annually, including practice area articles, member news and bar updates. Supplementing the magazine is a revamped court issue, *Courts & More*, that is debuting in January 2021. Access current and recent issues at [www.okbar.org/barjournal](http://www.okbar.org/barjournal). Additional archived issues are available through HeinOnline (see information below).

**Continuing legal education materials** – Seminar materials are available for purchase and are an affordable way to get quality, state-specific practice aids on a variety of legal topics. Call 405-416-7092 or visit the Oklahoma Bar Center, upon making an appointment, Monday through Friday from 8:30 a.m. to 5 p.m. to learn more. Electronic practice forms are also available by topic online.



**HeinOnline –**  
HeinOnline access to

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

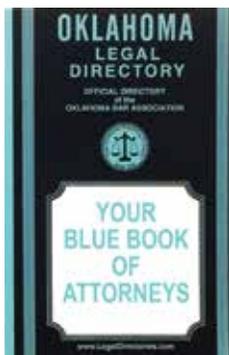
**Legal information brochures –**

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

**Oklahoma Legal Directory –**

This official directory of OBA members provides addresses and phone numbers, alphabetically and by county, includes a guide to county, state and federal offices plus departments of the U.S. and Oklahoma government and a complete digest of courts, professional associations, including OBA officers, committees and sections. It is published

by Legal Directories Publishing Co. Call 800-447-5375 ext. 2 to request an order form or purchase at [www.legal-directories.com](http://www.legal-directories.com).



**Title Examination Standards –**

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

**ENDORSED INSURANCE AND RETIREMENT SERVICES**

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

**3000 Insurance Group programs –**

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



**OAMIC**

**OAMIC programs –**

For professional liability, Oklahoma Attorneys Mutual Insurance Co. is the only insurer owned by OBA members. OAMIC can be reached at 405-471-5380 or 800-318-7505 or visit [www.oamic.com](http://www.oamic.com). They also offer a broad range of court bonds with more information at [www.oklahoma.online-courtbonds.com](http://www.oklahoma.online-courtbonds.com).

**TRAVEL AND OFFICE SERVICES**

**Hertz Car Rental –** Members receive discounted Hertz car rental with the code CDP 0164851. Call 800-654-3131 or visit [www.hertz.com](http://www.hertz.com) for reservations.



**Ruby –** Ruby builds great relationships, from

first impressions to lasting loyalty. Available 24/7/365, live, U.S.-based virtual receptionists answer calls so you can focus on your business, and their online chat specialists are ready to connect with your website visitors when they need it. Over 10,000 business owners trust Ruby with front-line communications. In return, they get increased sales inquiries and measurably better customer satisfaction. Call 866-611-7829 or visit [www.ruby.com/okbar](http://www.ruby.com/okbar) for more information. Members receive a lifetime 6% discount on both services, backed by a 21-day, money-back guarantee.



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

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

- 10%\* on UPS Next Day Air Early
- 50% on Domestic Next Day/Deferred
- 30% on Ground Commercial/Residential
- International: 50% on Export / 40% on Import / 25% Canada Standard
- Savings begin at 75%\* on UPS Freight shipments over 150 lbs.
- Free UPS Smart Pickup service

Open a new account or, if you are already taking advantage of a UPS savings program, re-enroll and apply the new discounts to your existing account by visiting [www.savewithups.com/oba](http://www.savewithups.com/oba) or call 800-MEMBERS (800-636-2377).

\*Visit [www.savewithups.com/oba](http://www.savewithups.com/oba) for specific services and discounts.

## TECHNOLOGY AND OTHER SERVICES



**Fastcase** – The OBA has contracted with Fastcase

online legal research software to provide national coverage with unlimited usage, customer service and printing at no cost to bar members as a part of their existing bar membership. Plus, Fastcase MobileSync allows members to link their account to a smart-phone or tablet and automatically

sync activity history and saved favorites on any of the Fastcase applications, so no work is ever lost. Access Fastcase through the link on your MyOKBar page. Free COVID-19 Case Alerts is a new added feature. Subscribe by logging in to Fastcase through MyOKBar and clicking on Apps & Tools, then clicking the link to the free subscription sign-up page.

**Legislative services** – The executive director works to support adoption of legislative issues approved by the OBA House of Delegates. Additionally, the Legislative Monitoring Committee publishes a legislative report on the status of select bills while the Legislature is in session, both in the *Oklahoma Bar Journal* and online at [www.okbar.org/legislative](http://www.okbar.org/legislative).

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



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

and brevity and instantly edits documents in Microsoft Word with the easy-to-install add-in, suggesting changes that eliminate unnecessary words and phrases. A free, seven-day trial is available, and annual licensing plans offer increased savings based on subscription duration. See more information by clicking the “Practice Management Software Benefits” link on your MyOKBar page.

**NEW!**

**OBA Newsstand** – A daily newsfeed

with practice-specific news, curated in partnership with Lexology. With OBA Newsstand, you’ll

receive valuable

**LEXOLOGY.**

news and information in your inbox from a wide range of global and national agencies and firms, targeted to the areas of law you are most interested in. Customization so OBA Newsstand is targeted toward your specific interests is a key to this service’s value. More than 450 articles are published every day from over 900 leading law firms and service providers worldwide, and the searchable archive contains more than one million articles. There is an option to unsubscribe.

## Connect with the OBA

**T**HE TOOLS OF TECHNOLOGY ALLOW OBA MEMBERS to be more connected and informed than ever. In 2021, the OBA is committed to finding ways to more effectively communicate with members. While the OBA communications staff is mindful of not overdoing it with emails and communication, we want all 18,000 members to be informed about the programs, information and services that are available.



Managing the onslaught of emails busy lawyers get from clients, colleagues, friends, retailers and organizations, not to mention those from the OBA, is a daily task in itself. The OBA communications staff monitors data including open rates, website traffic, clicks and even the dreaded (though relatively

small) number of unsubscribes to guide us on how to improve. Some OBA members share how managing their OBA communications has helped their law practices and increased the value of their membership.

“Usually, the CLE emails have the CLE topic in the subject. If that seems like it would be something interesting, I’ll open up the email to learn more. I am so glad I opened the email about the FREE CLE (and free swag bag!) at the Annual Meeting this year,” said April Kelso, associate with Pierce Couch Hendrickson Baysinger & Green LLP.

Ms. Kelso said involvement and engagement have been valuable and rewarding, “The OBA is what you make of it. You can just pay your dues and stay unengaged – or you can become involved in different sections and committees. Committee involvement is a good way to network with other attorneys interested in the same things, a good source of (often FREE) CLE

courses and a good way to give back to our communities through service opportunities.”

For other members like Kyndal Kliever, corporate counsel for Water’s Edge Services, she finds value in the digest emails. “I read the Estate Planning and Probate section. I don’t usually answer the emails, but the discussions about issues other attorneys face, typically in the probate area, are very interesting and helpful,” she explained.

Both Ms. Kelso and Ms. Kliever said they follow the OBA on social media, including Facebook and LinkedIn. They also check their MyOKBar accounts to search the membership directory, update their email preferences and join sections.

Tanner Rice, a solo practitioner in Oklahoma City, said he reads the OBA emails and visits the website. Mr. Rice said, “As someone who is trying to grow and expand my practice, I’m always looking for practical and helpful information that could help me grow.” He also visits the OBA website to access member services like FastCase and to make sure he’s current on CLE credits.



The OBA website is a great resource for online issues of the *Oklahoma Bar Journal*, calendar events and news. Visit [www.okbar.org](http://www.okbar.org) or scan the QR code using your smart phone camera!



## OBA Sections

**M**EMBERSHIP IN AN OBA SECTION is an excellent opportunity to collaborate and network with lawyers who share a common practice area. The investment in section dues is minimal and the benefits are huge. Member perks vary by section – including free or discounted CLE and some sections publish member newsletters. The OBA offers 28 substantive law sections that provide professional development and interaction. Section dues range from \$15-25 for the calendar year, but members may join at any time. Here is the list of those who will serve in 2021 as section leaders.



### ALTERNATIVE DISPUTE RESOLUTION

Michael E. Mayberry, Chairperson  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
405-521-3927

Retired Judge Linda G. Morrissey,  
Vice Chairperson  
1648 S. Boston, Ste. 1  
Tulsa, OK 74119  
918-382-8686

Charles C. Mashek,  
Secretary/Treasurer  
1530 N. Harrison, #243  
Shawnee, OK 74804  
479-477-0754



### APPELLATE PRACTICE

Randall Yates, Chairperson  
210 N. Wyandotte St.  
Locust Grove, OK 74352  
918-513-1301

Richard Goralewicz,  
Chairperson-Elect  
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Cashion, OK 73016  
405-488-6812

Keith A. Jones, Secretary  
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918-367-8500

Randall D. Young, Treasurer  
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Tulsa, OK 74135  
918-853-5903

Jana L. Knott,  
Immediate Past Chairperson  
104 N. Rock Island  
P.O. Box 157  
El Reno, OK 73036  
405-262-4040



### BANKRUPTCY AND REORGANIZATION

Brandon C. Bickle, Chairperson  
GableGotwals  
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100 W. Fifth St.  
Tulsa, OK 74103-4217  
918-595-4817

Jeffrey Tate,  
Chairperson-Elect/Secretary  
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405-232-2020

Therese Buthod, Treasurer  
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918-230-5012

John B. Jarboe, Treasurer Emeritus  
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918-582-6131

Brian Huckabee,  
Immediate Past Chairperson  
Huckabee Law PLLC  
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918-587-3000

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Roger D. Everett, Director  
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Ross Flourde, Director  
McAfee & Taft  
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405-235-9621

Honorable Janice Loyd, Director  
215 Dean A. McGee, Second Floor  
Oklahoma City, OK 73102  
405-609-5678

Honorable Sarah Hall, Director  
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918-587-0000

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405-476-8912

Herbert Graves, Director  
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405-821-7014



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## **BUSINESS AND CORPORATE LAW**

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Chairperson-Elect  
*See [okbar.org/sections](http://okbar.org/sections) for information*

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## **CRIMINAL LAW**

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Chris Boring, Chairperson-Elect  
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Benjamin C. Brown,  
CLE Chairperson  
Office of Juvenile Affairs  
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Trent Baggett, Legislative  
Committee Chairperson  
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Norman, OK 73069  
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BALA  
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Broken Arrow, OK 74014  
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Melissa Blanton,  
Immediate Past Chairperson  
Office of the Attorney General  
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405-522-0042



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## **DISABILITY LAW**

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Philip Ryan, Chairperson-Elect  
Ryan Bisher Ryan & Simons  
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Leah M. Kanne,  
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## **ENERGY & NATURAL RESOURCES LAW**

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Membership Director  
*See okbar.org/sections for information*

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## **ENVIRONMENTAL LAW**

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Treasurer

*See okbar.org/sections for information*

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## **ESTATE PLANNING, PROBATE & TRUST**

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# Leadership Changes for State's Highest Courts

## SUPREME COURT



*Chief Justice*  
Richard Darby

Richard Darby is the new Oklahoma Supreme Court chief justice. He has been a member of the Oklahoma Supreme Court since his appointment by Gov. Mary Fallin in April 2018 and just completed a two-year term as vice chief justice. He is a member of the Appellate Division of the Oklahoma Court on the Judiciary. Previously, he served for 23 years as district judge for the 3rd Judicial District, which includes five counties surrounding Altus. Prior to that, he served Jackson County as special judge for four years and associate district judge for four years.

Chief Justice Darby received his bachelor's degree in political science from Southwestern Oklahoma State University and his J.D. from the OU College of Law in 1984. Upon graduation, he practiced law in Altus before serving on the bench. He is married to Dr. Dana Darby, who is the superintendent of the Altus Christian Academy. They are proud parents of two adult sons, Ben and Jonathan.



*Vice Chief Justice*  
M. John Kane IV

M. John Kane IV of Pawhuska was elected to be the next vice chief justice. He was appointed to the Oklahoma Supreme Court in September 2019 by Gov. J. Kevin Stitt. Since 2005, he had been the district judge of Osage County, where he served in several leadership positions. He served as Oklahoma Judicial Conference president from 2013 to 2014, Northeast Judicial Administrative District presiding judge in 2019 and as Oklahoma Court on the Judiciary presiding judge in 2019.

Vice Chief Justice Kane started practicing law in 1987 with his father and grandfather at Kane, Kane & Kane Law Offices, which had offices in Pawhuska and Skiatook. He also served as an administrative law judge for the Department of Human Services Child Support Division from 1999 to 2005 and as an assistant district attorney from 1987 to 1989. He received his bachelor's degree in agricultural economics and accounting from OSU in 1984 and his J.D. from the OU College of Law in 1987. He and his wife, Cynthia, have been married for more than 30 years and have four children.

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

## COURT OF CRIMINAL APPEALS



*Presiding Judge*  
**Dana L. Kuehn**

Presiding Judge Dana Kuehn was appointed to the Oklahoma Court of Criminal Appeals Oct. 2, 2017, by Gov. Mary Fallin. A native of Tulsa, she attended OSU, receiving a bachelor's degree in political science in 1993. She received her J.D. from the TU College of Law in 1996 and served as a felony prosecutor for almost 10 years with the Tulsa County District Attorney's Office.

In 2006, she was elected associate district judge of Tulsa County. Initially, she presided over a felony docket and conducted more than 75 jury trials. In that capacity, she also worked closely with Women In Recovery for alternative sentencing options for women. From 2008 to 2017, she presided over a civil docket and conducted more than 100 jury trials.

In May 2017, she was inducted into the TU College of Law Hall of Fame and received the Thomas Coffman Community Service Award. She is a Mona Salyer Lambird Spotlight Award recipient, and in 2017, the American Board of Trial Advocates recognized her as Judge of the Year for the state of Oklahoma. She is a proud mother of four boys and the wife of Patrick Kuehn.



*Vice Presiding Judge*  
**Scott Rowland**

Judge Scott Rowland was appointed to the Court of Criminal Appeals, District 4, in November 2017 by Gov. Mary Fallin. He grew up in Wynnewood and earned his bachelor's degree in journalism and political science from OU in 1987. After receiving his J.D. *cum laude* from the OCU School of Law in 1994, Judge Rowland served as assistant attorney general for the state of Oklahoma, general counsel to the Oklahoma Bureau of Narcotics and Dangerous Drugs and first assistant district attorney in the Oklahoma County District Attorney's Office.

Since 1998, Judge Rowland has been an adjunct instructor of criminal and constitutional law at OSU-OKC, where he was named outstanding Adjunct Faculty in 2017. He was also named Outstanding Oklahoma Prosecutor for 2013 by the Oklahoma District Attorneys' Association and State Prosecutor of the Year for 2001 and 2004 by the Association of Oklahoma Narcotic Enforcers. In 2016, he was inducted into the Oklahoma Law Enforcement Hall of Fame. He and his wife, Shannon, live in Oklahoma City with their daughters, Caroline and Emma.

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

# Material Changes to Deposition Testimony Through Errata Sheet

By T.P. "Lynn" Howell



**HYPOTHETICAL: YOU ARE** finally able to take the deposition of the opposing party, and you are surprisingly successful. The plaintiff admits several times he knew about your client's so-called fraud about four years before he filed suit. Since the statute of limitations is two years, you promptly file a motion for summary judgment.

You are shocked when you get the witness's errata sheet a few days later and see he has reversed all the testimony you relied on in your motion. He has changed some dates and even switched "yes" to "no" several times. He has explained the changes by noting he had "misremembered" a few things or was "clarifying" his earlier testimony. Is this fair? Do you still have a chance to win your summary judgment motion?

In Oklahoma, 12 O.S. 2010 §3230(F) reads as follows:

F. REVIEW BY WITNESS; CHANGES; SIGNING. The deponent shall have the opportunity to review the transcript of the deposition unless such examination and reading are waived by the deponent and by the parties. After being notified by the officer that the transcript is available, *the deponent shall have thirty (30) days in which to review it and, if there are changes in form or substance, to sign a*

*statement reciting such changes and the reasons given by the deponent for making them.* The officer shall indicate in the certificate prescribed by paragraph 1 of subsection G of this section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

You can see the statute permits changes to a deposition transcript to be made "in form or substance." That would appear to *permit* the revisions made by your hypothetical opponent. Is that how our courts actually interpret that statute?

There are no published decisions in Oklahoma on the issue. If you were in Massachusetts, though, the alterations would be allowed. In *Smaland Beach Ass'n v. Genova*,<sup>1</sup> the Supreme Judicial Court noted, among other things, that one witness had made errata sheet revisions that changed "I'd say no," to "I'd say yes," and changed "I don't believe ..." to "I believe ..." He clearly contradicted his previous testimony. Nonetheless, the court ruled that because Massachusetts Rule of Civil Procedure 30(e) permits revisions "in form or substance," and because the "majority approach" in the federal courts permits such contradictory revisions, the witness's changes would be allowed to stand.<sup>2</sup>

The court did state it would guard against manipulation of the rule by requiring errata sheet revisions to be made in good faith and to contain a statement of reasons for the changes. Also, both the original answers and the revised answers could be used at trial, under certain circumstances the deposition could be reopened to permit questioning about the changes and attorney sanctions could even be considered.<sup>3</sup>

None of these measures, though, would prevent your opponent from blocking your summary judgment motion by altering otherwise dispositive testimony. You could challenge the good faith of the revisions, but that would call for briefing, a hearing and probably another deposition, and would put summary judgment far down the road.

On the other hand, many federal courts have held the analogous federal rule, Fed.R.Civ.P. 30(e), does *not* permit deponents to substantially change their earlier testimony via errata sheet, especially if a summary judgment motion is pending or the revisions appear to be lawyer-driven. In fact, contrary to the Massachusetts Supreme Judicial Court's opinion, the latter is the view now held by a majority of the federal courts of appeal, namely the 3rd,<sup>4</sup> 6th,<sup>5</sup> 7th,<sup>6</sup> 9th,<sup>7</sup> 10th<sup>8</sup> and 11th<sup>9</sup> circuits.

The leading case in the 10th Circuit is *Garcia*,<sup>10</sup> in which the court stated, “We are *dismayed* with [the defendant]’s reliance upon errata from deposition testimony where that errata strayed substantively from the original testimony.”<sup>11</sup> The court went on as follows:

We do not condone counsel’s allowing for material changes to deposition testimony and certainly do not approve of the use of such altered testimony that is controverted by the original testimony ... Of all these courts, perhaps the *Greenway*<sup>12</sup> court expressed the purpose of Rule 20(e) best:

The purpose of Rule 30(e) is obvious. Should the reporter make a substantive error, i.e., he reported “yes” but I said “no,” or a formal error, i.e., he reported the name to be “Lawrence Smith” but the proper name is “Laurence Smith,” the corrections by the deponent would be in order. *The Rule cannot be interpreted to allow one to alter what was said under oath. If that were the case, one could merely answer the questions with no thought at all then return home and plan artful responses. Depositions differ from interrogatories in that regard. A deposition is not a take home examination.*<sup>13</sup>

Following *Garcia*, in *Burns v. Board of County Comm’rs of Jackson County*,<sup>14</sup> the 10th Circuit found the district court properly disregarded the plaintiff’s “attempt to rewrite portions of his deposition,” analogizing the situation to one where a litigant proffers a “sham affidavit.”<sup>15</sup> “We will disregard a contrary affidavit ... when it constitutes an attempt to create a sham fact issue,” and a deposition revision should

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Since Oklahoma has enacted 12 O.S. §3230 to prevent lawyers from “coaching or bending” witnesses’ testimony *during* a deposition, our state should also adopt a rule to prevent such behavior *after* the deposition by strictly limiting revisions to testimony through errata sheets.

be subject to the same principle.<sup>16</sup> Our local federal district courts in Oklahoma have also applied this 10th Circuit precedent.<sup>17</sup>

Oklahoma has already adopted the 10th Circuit’s “sham affidavit” rule. In *Savage v. Burton*,<sup>18</sup> the Court of Civil Appeals ruled a trial court may reject an affidavit that contradicts prior deposition testimony and expressly followed<sup>19</sup> 10th Circuit law as set forth in *Franks v. Nimmo*.<sup>20</sup> *Savage*, in turn, was followed by *Ishmael v. Andrew*,<sup>21</sup> *Tortorelli v. Mercy Health Center, Inc.*<sup>22</sup> and *Kutz v. Deere & Co.*<sup>23</sup>

It would therefore be proper, and certainly consistent, for Oklahoma courts to also adopt the 10th Circuit’s similar rule that bars materially re-writing deposition testimony by means of an errata sheet. As stated by another court, the “sham-affidavit doctrine ... offers a close analog to the restrictive approach to errata sheets. It makes little sense to prohibit one but allow another, as this would provide an effective workaround to the sham-affidavit doctrine.”<sup>24</sup>

This approach also would accord with the Legislature’s statutory pronouncement that the goal of

the Oklahoma Discovery Code is “to provide the just, speedy, and inexpensive determination of every action.”<sup>25</sup> That is because:

Allowing the “make any changes you want” approach [to revising deposition transcripts] would lead to *substantial additional litigation expenses* by making it necessary to reopen the deposition to explore the altered testimony. And, the approach inevitably will lead to longer trials as counsel pursue the reasons for the changes on cross-examination. The result would be to inject significant confusion and delay into the trial itself. That also would cause trials to be longer and more costly. The rules may not be interpreted to that end.<sup>26</sup>

For the same reason – to promote efficient and inexpensive case resolutions – Oklahoma and other jurisdictions have recognized there can be a problem with lawyers coaching witnesses in depositions. The Legislature acted on that problem by enacting 12 O.S. §3230, which provides in pertinent part as

follows: “Any objection to evidence during a deposition shall be stated concisely and in a nonargumentative and nonsuggestive manner.”<sup>27</sup> As one court has commented:

A deposition is meant to be a question-and-answer conversation between the deposing lawyer and the witness. There is no proper need for the witness’s own lawyer to act as an intermediary, interpreting questions, deciding which questions the witness should answer, and helping the witness to formulate answers. *The witness comes to the deposition to testify, not to indulge in a parody of Charlie McCarthy, with the lawyer coaching or bending the witness’s words to mold a legally convenient record.* It is the witness – not the lawyer – who is the witness ...<sup>28</sup>

Since Oklahoma has enacted 12 O.S. §3230 to prevent lawyers from “coaching or bending” witnesses’ testimony *during* a deposition, our state should also adopt a rule to prevent such behavior *after* the deposition by strictly limiting revisions to testimony through errata sheets. A federal district court accurately summarized this view as follows:

The purpose of depositions is to determine the facts of the case while the witness is under the scrutiny of examination. The purpose is certainly not to find out how the witness answers questions with the ability to calmly reflect on the responses for 30 days in collaboration with counsel. *Under Plaintiffs’ theory that these errata are appropriate, the purpose of a deposition evaporates.*<sup>29</sup>

As noted above, there are no published decisions from the Oklahoma Supreme Court or Court

of Civil Appeals on this issue, but there is at least one unpublished decision in which the rule suggested above was followed. In *Stockard v. Stockard-Ware*,<sup>30</sup> the Oklahoma Court of Civil Appeals, Division II, held that a trial court can disregard a “material alteration to deposition testimony” contained in an errata sheet.<sup>31</sup> The court cited the 10th Circuit’s *Burns* case<sup>32</sup> and quoted the *Greenway* case to the effect that a “deposition is not a take home examination.”<sup>33</sup> One hopes we will get a *published* decision soon from one of our appellate courts that adopts this position or even a revision of the statute by the Legislature.

## CONCLUSION

Depositions are perhaps the most important part of the pretrial process. Their purpose is to “pin down” a witness’s testimony for trial and sometimes also to elicit admissions that can support summary judgment. This comports with the stated goal of the Oklahoma Discovery Code, which is “to provide the just, speedy and inexpensive determination of every action.”<sup>34</sup> To permit litigants to directly contradict their sworn deposition testimony by means of errata sheets undermines this goal and encourages dishonesty and protracted litigation.

Possible solutions include the Legislature amending 12 O.S. 2010 §3230(F) to bar that tactic, or the Oklahoma Supreme Court interpreting the statute in that manner in a published decision, as the 10th Circuit and the federal district courts in this state have already done.

## ABOUT THE AUTHOR



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Howell received his J.D. from the OU College of Law in 1983. He practices primarily in the areas of commercial and appellate litigation.

## ENDNOTES

1. 959 N.E.2d 955 (Mass. 2012).
2. *Id.* at 969.
3. *Id.* at 969-70.
4. *EBC, Inc. v. Clark Bldg. Systems, Inc.*, 618 F.3d 253, 267-70 (Third Cir. 2010), “A party may not generate from whole cloth a genuine issue of material fact (or eliminate the same) by simply re-tailoring sworn deposition testimony to his or her satisfaction.”
5. *Trout v. First Energy Generation Corp.*, 339 F.Appx. 560, 566 (Sixth Cir. 2009).
6. *Thorn v. Sundstrand Aerospace Corp.*, 207 F.3d 383, 388-89 (Seventh Cir. 2000), “A change of substance which actually contradicts the transcript is impermissible unless it can plausibly be represented as the correction of an error in transcription, such as dropping a ‘not’.”
7. *Hambleton Bros. Lumber Co. v. Balkin Enterprises, Inc.*, 397 F.3d 1217, 1225-26 (Ninth Cir. 2005), “Rule 30(e) is to be used for corrective, and not contradictory changes.”
8. *Garcia v. Pueblo Country Club*, 299 F.3d 1233 (Tenth Cir. 2002).
9. *Norelus v. Denny’s, Inc.*, 628 F.3d 1270, 1281 (Eleventh Cir. 2010).
10. See n. 8, *supra*.
11. 299 F.3d at 1242 n.5 (emphasis added).
12. *Greenway v. International Paper Co.*, 144 F.R.D. 322, 325 (W.D. La. 1992).
13. Emphasis added.
14. 330 F.3d 1275 (Tenth Cir. 2003).
15. *Id.* at 1282.
16. *Id.*
17. See *in re Vickers*, 2018 WL 6537128 (E.D. Okla. Dec. 12, 2018); *Saffa v. Oklahoma Oncology, Inc.*, 405 F.Supp.2d 1280, 1283-84 (N.D. Okla. 2005); *Ruleford v. Tulsa World Pub. Co.*, 2006 WL 2727860 (N.D. Okla. Sept. 22, 2006); *Fullbright v. State Farm Mut. Auto. Ins. Co.*, 2010 WL 455179 (W.D. Okla. Feb. 2, 2010); *Walker v. Kingfisher Wind, LLC*, 2016 WL 4532336 (W.D. Okla. Aug. 29, 2016).
18. 2005 OK CIV APP 106, ¶¶10-14, 125 P.3d 1249.
19. *Id.* at ¶¶11-13.
20. 796 F.2d 1230, 1237 (Tenth Cir. 1986).
21. 2008 OK CIV APP 82, ¶¶16-17, 137 P.3d 1271.
22. 2010 OK CIV APP 105, ¶¶18-19, 242 P.3d 549.
23. 2015 OK CIV APP 6, ¶¶8-11, 342 P.3d 1018.
24. *Jackson v. Teamsters Local Union 922*, 310 F.R.D. 179, 183 (D.D.C. 2015).
25. 12 O.S. §3225.
26. *E.I. du Pont de Nemours & Co. v. Kolon Industries, Inc.*, 277 F.R.D. 286, 297-98 (E.D. Va. 2011) (emphasis added).
27. 12 O.S. §3230(E)(1) (emphasis added).
28. *Hall v. Clifton Precision, Inc.*, 150 F.R.D. 525, 528 (E.D. Penn. 1993) (emphasis added).
29. *Blair v. CBE Group Inc.*, 2015 WL 3397629 at \*10 (S.D. Cal. May 26, 2015) (emphasis added).
30. No. 114,203 (Okla. Civ. App. Nov. 13, 2015).
31. *Id.*, slip op. at \*4.
32. 330 F.3d at 1282.
33. 144 F.R.D. at 325.
34. 12 O.S. §3225.

# 2020 Oklahoma Tax Legislation

By Sheppard F. Miers Jr.

**T**HE FOLLOWING IS A summary of some changes in Oklahoma law on state taxation enacted by the Oklahoma Legislature in the 2020 session of the Legislature. Certain tax bills passed by the Legislature in the 2020 session that were vetoed by the governor are also summarized.

## INCOME TAX

### *Credit for Cybersecurity Software / and Employees*

The Oklahoma income tax credit for amounts spent by a taxpayer for cybersecurity and employees working in cybersecurity was amended. The amendments modified definitions and removed a provision for taxpayers, which allowed the credit to be eligible for participation in certain economic development programs.<sup>1</sup>

### *Railroad Reconstruction Credit*

The Oklahoma income tax railroad reconstruction credit was amended. The amendments of the credit changed the description and kinds of items to which the credit applies, the time period during which the credit may be allowed and the amount of the credit a taxpayer may claim and be allowed.<sup>2</sup>

### *Collection of Income Tax from State Employees*

Oklahoma income tax collection procedures with respect to amounts of tax due from state

employees were amended to modify the penalty for nonpayment.<sup>3</sup>

### *Income Tax Withholding and Refunds*

The provisions of the Oklahoma Income Tax Act related to withholding of Oklahoma income tax were amended with respect to the release of the full social security number of taxpayers opting to receive a refund through a card-based disbursement system to an entity contracted with by the Tax Commission to implement the system.<sup>4</sup>

## AD VALOREM TAX

### *Exemption of Property Used for Religious Purposes*

The *ad valorem* tax exemption for property used exclusively and directly for religious purposes was amended. The amendments provide for exemption of church property that is allowed to be used by an entity without rent or a lease if the entity conducts instruction to children for grades preschool to 12th grade, including religious instruction consistent with the doctrines of the church. The exemption is allowed if the entity reimburses the church for utilities, janitorial services and similar expenses.<sup>5</sup>

### *Collection of Delinquent Ad Valorem Tax*

Procedures governing the collection of delinquent *ad valorem* tax were amended with respect to delinquent tax sales and resales in the event the governor declares a

Catastrophic Health Emergency pursuant to the Catastrophic Health Emergency Powers Act, including procedures for postponement of delinquent tax sales.<sup>6</sup>

## TAX PROCEDURE, ADMINISTRATION AND STATUTES

### *Tax Commission Requirements to Provide Information to Legislators*

The statutory provisions pursuant to which the Oklahoma Tax Commission upon request shall provide information to members or employees of the Legislature were amended. The written statements and estimates to be provided were amended to include a written statement outlining all analysis and methodology provided by or made available by the Tax Commission to the State Board of Equalization for purposes of influencing or serving as the basis for official action of the board. The requirements for timing for the Tax Commission to provide estimates and statements were modified.<sup>7</sup>

### *Legislation for Multiple Versions of Tax Statutes*

An act was enacted relating to multiple versions of statutes and for amending, merging, consolidating and repealing multiple versions of certain statutes on state taxes.<sup>8</sup>



## TAX BILLS PASSED BY THE LEGISLATURE AND VETOED BY THE GOVERNOR

The following bills on Oklahoma taxes were passed by the Legislature in the 2020 session and vetoed by the governor:

### *Ad Valorem Tax Five-Year Manufacturing Exemption*

A bill was passed by the Legislature, amending the *ad valorem* tax five-year new manufacturing facility exemption. The bill amended the statute to provide relief from requirements to maintain payroll levels, and other exemption requirements, in the calendar year 2020. The bill also provided for repeal of the exemption to become effective Jan. 1, 2021. The bill was vetoed by the governor.<sup>9</sup>

### *Affordable Housing Tax Credits*

A bill was passed by the Legislature amending the Oklahoma income tax credits allowed for qualified projects of

low-income buildings investments to reduce the total of credits allocated for all qualified projects for an allocation year from \$4,000,000 to \$2,000,000. The bill was vetoed by the governor.<sup>10</sup>

### *Sales Tax Exemption for University Hospital Trust*

A bill was passed by the Legislature to add to listed public entities that are eligible for sales tax exemptions entities that have entered into a joint operating agreement with the University Hospitals Trust. The bill was vetoed by the governor.<sup>11</sup>

## ABOUT THE AUTHOR

Sheppard F. Miers Jr. is a shareholder at the Tulsa office of GableGotwals and practices in the areas of federal, state and local taxation.

## ENDNOTES

1. SB 1204, amending 68 O. S. Supp. 2019, §2357.405, effective July 1, 2020.

2. SB 1322, amending 68 O. S. Supp. 2019, §2357.104, effective Nov. 1, 2020.

3. HB 3068, amending 68 O.S. Supp. 2019, §238.2, effective Nov. 1, 2020.

4. SB 1149, amending 68 O.S. 2011 §2385.16, effective May 21, 2020.

5. HB 2504, amending 68 O.S. 2011, §2887, effective Jan. 1, 2021.

6. HB 2740, amending 68 O.S. 2011, §§3102, 3103, 3104, 3105 and 3148, and 68 O. S. Supp. 2019, §3106, effective May 18, 2020.

7. HB 4142, amending 68 O.S. Supp. 2019, §118, effective Aug. 19, 2020.

8. SB 1948, amending 68 O.S. 2011, Section 1004, as last amended by Section 2, Chapter 168, O.S.L. 2019 (68 O.S. Supp. 2019, Section 1004); repealing 68 O.S. 2011, Section 1004, as last amended by Section 1, Chapter 266, O.S.L. 2019 (68 O.S. Supp. 2019, Section 1004); repealing 68 O.S. 2011, Section 2357.32A, as last amended by Section 1, Chapter 287, O.S.L. 2019 (68 O.S. Supp. 2019, Section 2357.32A, effective May 21, 2020).

9. SB 1595, amending and repealing 68 O.S. Supp. 2019, §2902; amendment effective upon approval and repeal effective Jan. 1, 2021. Vetoed by the governor May 21, 2020. See, [www.sos.ok.gov](http://www.sos.ok.gov), Oklahoma Secretary of State, Executive Legislation, Receiving List of House and Senate Bills and Resolutions, 2020, 57th legis. 2R Senate Bill:1595.

10. 10 HB 2760, amending 68 O.S. Supp. 2019, §2357.403, to be effective Jan. 1, 2020. Vetoed by the governor on May 18, 2020. See, [www.sos.ok.gov](http://www.sos.ok.gov), Oklahoma Secretary of State, Executive Legislation, Receiving List of House and Senate Bills and Resolutions, 2020, 57th legis. 2R House Bill: 2760.

11. SB 1703, amending 68 O.S. Supp. 2019, §1356, to be effective July 1, 2021. Vetoed by the governor May 18, 2020. See, [www.sos.ok.gov](http://www.sos.ok.gov), Oklahoma Secretary of State, Executive Legislation, Receiving List of House and Senate Bills and Resolutions, 2020, 57th legis. 2R Senate Bill 1703.

# Something Different

## OBJ Court Issue Evolves

By John Morris Williams

**WE ARE TRYING** something different at the OBA this year. For the past several years after we stopped printing the court opinions on paper, we continued to have the opinions formatted, so the digital version looked exactly the same as what we used to print. In order to continue that practice, the OBA retained the artist who formatted and put the print version together. This came at no small expense.

As we began building the 2021 budget, it became apparent the OBA would suffer some significant revenue losses due to the pandemic. One of the ways we could continue to provide the court opinions, with a cost savings, was to bring the publication of the digital court opinions publication totally in-house. By bringing the entire publication process in-house, it is

hoped we can realize savings of approximately \$40,000 a year. To achieve this end, we are launching a new publication called "Courts & More." It is our intent to send a more condensed and user-friendly publication containing links to the opinions and other valuable information weekly. We will continue to print and publish 10 issues of the monthly *Oklahoma Bar Journal* with scholarly articles and other great content.

In the past, we sent out an often rather large PDF digital publication that takes some time to download and required members to scroll through several pages to view the content. The new publication will be provided to members soon after opinions are released in a much shorter and user-friendly format. It is a work in progress, and it is our intent this year to

explore and develop this new publication into something that is easy to navigate and reduces the number of emails the OBA is sending out. Thus, the title of the new publication is reflective of



**Courts &  
MORE**



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It is a work in progress, and it is our intent this year to explore and develop this new publication into something that is easy to navigate and reduces the number of emails the OBA is sending out.

opinions and other information from the courts, plus other content that might otherwise have been sent out in separate emails.

Basically, the court portion of the new publication will contain a link to each of the new opinions every week and other information from the courts. Our vision is that members will receive a much shorter publication with links to all the published opinions and other items of interest. We know all of you are busy, and hopefully, this new format will allow you to quickly scan the content and select what information you wish to click on and fully review. The goal is to replace downloading a lengthy PDF file with a more condensed publication that is easy to review, similar to the eNews.

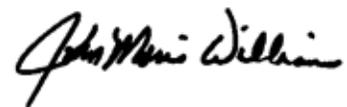
The publication deadlines will closely follow the weekly release of appellate court decisions. Although the information is readily available on OSCN.net, the new publication will continue to be a reminder and quick guide to the release of new opinions. It will also contain other information, such as links to CLE courses, classified ads and meeting reminders. A primary goal is to provide more of a one-stop source of information and eliminate some of the mass emailing by the CLE Department and others.

Obviously, this is a big change, and it will take some time for us to perfect and develop this new publication. During 2021, the OBA will be undertaking a review of its communication and marketing strategies. Therefore, it can

be expected this new publication, as well as other OBA communications, may undergo continuing change. I asked for your patience and feedback as we undertake this new endeavor. While we have other stated goals, our primary goal, as always, is to provide good member service and valuable information in a way that is most beneficial to OBA members.

2020 gave us many learning opportunities. One of the things that happened when the entire world went digital and virtual is that our email boxes got fuller and fuller. As we move into 2021, we will strive to have the OBA be more targeted (fewer emails) and useful (stuff you need or want) in its communications. If 2020 taught us anything, it is that something different can also be better. I hope this is one of those instances.

On behalf of all of us at the OBA, I wish you a safe, happy and prosperous new year.



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To contact Executive Director Williams, email him at [johnw@okbar.org](mailto:johnw@okbar.org).

# We Are All Virtual Lawyers Now

*By Jim Calloway*



**M**ANY LAWYERS learned to use new technology tools in 2020, and many learned to better use the technology tools they had at their disposal. While we all look forward to society returning to normal in 2021, some of the changes we have experienced will no doubt become permanent fixtures in business operations, with increased videoconferencing being one.

Most would not describe it this way, but law firms have been operating on a part-virtual, part-physical service delivery model for some time now. It is almost certain secure videoconferencing will now be a part of the virtual delivery of legal services. I recognize many of us are dealing with some version of “Zoom fatigue” and are ready to get back to increased face-to-face meetings. Representing clients who are not physically present is not new. Before the internet, lawyers represented out-of-state clients and service members on deployment without their physical presence in the law office.

We had been seeing developments leading to law practices being less tied to a physical location over the last decades. In the olden days of law practice, documents appeared in the law office because someone carried them in – a postal worker, a client or a courier. The only instantaneous electronic communication method was the telephone, attached firmly in place by a cord. Today, while lawyers are still regular users of the U.S. Postal Service, most documents and

communications today arrive in law offices via the internet.

The emergence of cell phones freed a lawyer from having to wait for a call next to a phone tethered to the wall. Then word processing tools and email changed the meaning of document itself to something digital, digitally created and reviewed, even though we often still printed and legal matters sometimes required a physical document. Today, our smartphones are used for email and (pun intended) virtually everything else.

### **WHAT IS A VIRTUAL LAW PRACTICE?**

I’ll use this definition of virtual for the moment: “occurring or existing primarily online.”<sup>1</sup>

One of the great things about attending ABA TECHSHOW is meeting so many smart people. At ABA TECHSHOW 2018, I was paired to speak with Brooke Moore, a lawyer from Arkansas who operates a virtual law practice. Her Twitter account is @virtuallawgirl. In Brooke’s law practice, legal services are not delivered face-to-face, but virtually. There is a physical location where mail is received, clients can pick up or leave documents, sign documents and get a signature notarized. But appointments with one of the firm’s lawyers are all online. Clients who have challenges taking off time from their employment are pleased it is easy to schedule an appointment in the evening or early morning.

By the way, ABA TECHSHOW is virtual this year, the week of March

8 to 12, and the registration fees are discounted this year. OBA members can use event promoters code EP 2109 for a discount on full registration.

After speaking with Brooke at ABA TECHSHOW and being very impressed, I invited her to speak at the OBA Solo & Small Firm Conference in 2018. There was quite a response to her presentation on operating a virtual law practice. She fielded lots of questions. I recall one lawyer saying to me after the program, “This is the way I want to practice law.”

A completely virtual law practice is not something I recommend to lawyers right out of law school. I think you need some real-world experience doing it the traditional way to round out your legal education first. But the main reason is solo practice can be isolating, and a virtual law practice is even more so because court appearances are rare. I think to succeed, you need a network of lawyers to talk things over with and meet for lunch regularly.

Brooke has since done presentations at other legal events about virtual law practice, including Clio Virtual Cloud Conference 2020. But as the pandemic hit, her business model was positioned well to serve clients concerned with limiting contact.

### **WHY SHOULD I BE A VIRTUAL LAWYER?**

As we look at our profession today, with many legal professionals still surrounded by stacks of physical files and paper documents, why would

I say we are all virtual lawyers now? One big reason is consumer preferences. More people are shopping and purchasing goods and services online. A tradition-steeped lawyer might view online legal service delivery as something unusual. But for many consumers, making purchases and purchasing decisions online is familiar and commonplace. They have no reason to view legal services, particularly “routine” services, as different from other online consumer shopping. Convenience is also a major factor for today’s consumer, whether it is not having to take off work for an appointment or just logging into the client portal during the evening after the children have gone to bed to review the legal documents and answer or ask questions.

What about the lawyer’s goals and career plans? Whether you grew up watching *Perry Mason*, *Matlock* or *The Practice*, the idea of spending time hitting send on an email or uploading documents to a client portal may not be your idea of a law practice. Although traditional practice settings already involve a fair amount of those digital daily tasks. But whatever fictional lawyer you may have read about or watched on the screen, the truth remains that lawyers help their clients and attempt to solve their legal problems. It is just that some commercial activities have been changed by technology. Just ask the travel agents!

Despite Brooke’s example, this need not be an all-or-none decision. Many small firm lawyers representing primarily consumer clients may decide to add a virtual services component to their law practice.

### WHO MIGHT CONSIDER OFFERING VIRTUAL LEGAL SERVICES?

Here are a few scenarios:

1) A lawyer who has moved across the state after living in one county for a long time. It may be a good business decision to offer virtual services in a place where many know the lawyer

and the lawyer knows the lay of the land. A regular ad in the local newspaper with the lawyer’s name, now offering virtual legal services, the phone number and the website address may spark a lot of interest.

2) A lawyer who has to have a more flexible schedule because of a family member’s medical needs or another situation. One’s schedule can be very flexible in a virtual practice.

3) A lawyer who loves their hometown and isn’t leaving but has noted a shrinking local population and few new businesses opening. It may be time to consider expanding into a broader geographical area with marketing and virtual legal service delivery.

4) An experienced family law practitioner who has decided they have fought their last courtroom battle, weary of the emotions of that practice setting. Instead of never using that experience again, maybe a restyled practice includes being an expert witness, being a paid strategic consultant to a lawyer building

### MANY LEGAL SERVICES CANNOT BE DELIVERED VIRTUALLY

I will concede that is true, but I’ll also note a year ago, most lawyers would have thought holding virtual court hearings was an impossibility.

Lawyers must be willing to innovate. Every study indicates there are large numbers of consumers who do not consult with lawyers because of a number of factors, including not recognizing they have a legal problem where a lawyer can help (i.e., this paycheck garnishment is a financial problem, not a legal one), don’t know how to look for a lawyer or believe lawyers are unaffordable. Instead of focusing on the competition the internet brings, it may be time to look at expanding your services to serve more of those individuals.

Let’s look at one legal service most lawyers would say should not be delivered virtually – the execution of a will and other estate planning documents.



their family law practice and doing several uncontested waiver divorces under a limited scope legal services model. Not all virtual law practices will offer limited scope services, but many will as we note below.

First, let me acknowledge the outstanding effort put forth by the OBA Estate Planning, Probate and Trust Section in 2020. When lawyers were considering how to accomplish the execution of these

important documents in the age of COVID-19, the section responded with a number of virtual discussions and numerous CLE programs for its members. Even if you have already paid your 2021 bar dues, it is not too late to join the section.

Lawyers appreciate that will executions need to go perfectly. So, a part of the service the lawyer provides is the execution ceremony in the law office, where a notary is available, and the lawyer could make certain everyone signs in the right places, and other formalities are observed. Letting a client execute estate planning documents on their own would be considered very risky. The lawyer receiving their copy and noting a serious mistake in execution at the same time they learn the client has unexpectedly died sounds like a nightmare law school hypothetical on liability and professional responsibility. But more importantly, it could mean the lawyer failed to deliver the service the client required. If only there were a way a lawyer could supervise a will execution remotely. Maybe using some device everyone carries.

Yes, a lawyer remotely viewing a will execution over FaceTime or any phone videoconferencing solution can make certain the legal requirements are observed, and the lawyer can review the executed document virtually before anyone leaves the room. Of course, there's still the notary issue, and in the event the documents are executed at a client's home, a copy machine may not be available. An innovation-minded lawyer might contract with a local notary to handle these tasks, providing the phone video link for the lawyer to observe, notarizing and either bringing a small portable copier or taking pictures of each page of the finalized documents and converting those to a PDF. Or, maybe one of the law firm staff becomes the will execution road trip warrior. Some lawyers may think this is still a risky

idea. Innovation entails some form of risk-taking, and some of these ideas are certainly not for everyone.

### **HOW DO LIMITED SCOPE LEGAL SERVICES FIT IN?**

In June 2017, the Oklahoma Supreme Court adopted District Court Rule 33, which sets forth the procedure for attorneys to use when drafting pleadings or other documents for self-represented litigants to present to a district court, without the lawyer entering an appearance. The rule requires attorneys to disclose the drafting assistance by indicating "their name, address, bar number, telephone number, other contact information and, optionally, a signature" along with a statement the attorney is not appearing as the counsel of record.

The OBA Management Assistance Program maintains an Oklahoma Limited Scope Legal Services Resources page at [www.okbar.org/map/lss](http://www.okbar.org/map/lss) with sample agreements and processes and other helpful information.

This court rule and the OBA-provided materials outline a process where agreed orders, decrees and other simple litigation processes can be handled by a client appearing without the lawyer physically being present but empowered by the lawyer's instructions and the paperwork the lawyer has prepared. Many lawyers wanting to deliver virtual legal services will make use of this procedure. Simply put, if you're a family lawyer practicing in Oklahoma City and your cousin needs an agreed waiver divorce in Atoka, it is no longer necessary for you to take a road trip to Atoka or recruit a local lawyer to help your cousin out. We are seeing more lawyers utilizing this rule – and not just to help out a cousin.

### **BUT WAIT, THERE'S MORE!**

If you will be delivering virtual services, whether as a small

or large part of your law practice, it is important to have an attractive internet presence that clearly explains your services. This site will most likely need to be promoted through social media. People familiar with online shopping are used to seeing fixed prices. Many of us have years of experience passing over websites that want you to set up a meeting for a quote. So, to the extent a lawyer offers fixed fees and list the amount of the fees (with appropriate disclaimers) on the website, there will be an advantage over others who do not.

A method for efficiently receiving and processing electronic payments is required. For those that offer a telephone, videoconference or in-office consultation as a part of their service delivery, there needs to be a way for new prospects to schedule an appointment online without waiting for the law office to open.

### **CONCLUSION**

Maybe we aren't all virtual lawyers yet, but we are all using more virtual tools today. No one thinks a videoconference meeting is novel now. Lawyers who primarily deliver legal services to individual consumers will see more opportunities ahead to deliver their services virtually. We've seen a lot of changes with both our profession and the delivery of all types of services by businesses over the last few decades. For some, being a virtual lawyer will be an opportunity to expand or redesign their business model.

---

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](mailto:jimc@okbar.org). It's a free member benefit.

#### **ENDNOTE**

1. [www.merriam-webster.com/dictionary/virtual](http://www.merriam-webster.com/dictionary/virtual)

# Attorney Discipline Decisions

By Gina Hendrix

**C**RIMINAL CONVICTIONS, embezzlement of estate funds and neglect of client matters have resulted in serious discipline for Oklahoma attorneys. The Oklahoma Supreme Court has recently issued attorney discipline opinions, which ranged from disbarment to lengthy suspensions in these recent 2020 disciplinary cases.

## *STATE EX REL. OKLA. BAR ASS'N V. PISTOTNIK, 2020 OK 93*

Oklahoma and Kansas licensed attorney Bradley Pistotnik pled guilty to three counts of accessory after the fact in violation of 18 U.S.C. §3 in the U.S. District Court for the District of Kansas. Respondent's indictment was quite lengthy, though, in the end, he pled to three counts of accessory after the fact and was sentenced to payment of a \$375,000 fine, restitution of \$55,200 and a special assessment of \$300, all due immediately in a lump sum of \$430,500. Respondent paid this amount in full on the day of his plea and sentencing.

Pistotnik had hired an individual to create an online presence for his new law firm. He paid the website developer \$5,000 to build a website, serve as an IT expert in a dissolution proceeding and assist with online reputation management. Pistotnik was concerned after the fallout at the firm his former law partner may

be publishing negative information about him online. Pistotnik gave the website developer full access to his office computers and passwords.

Pistotnik searched the web and found an article on RipoffReport.com describing him as a criminal. He immediately emailed the website developer asking him how to get rid of it. Pistotnik was told the developer had a friend who could "de-index" negative articles and build new, positive pages to make the unwanted content appear further down in the search results. Pistotnik testified he agreed only to this legal de-indexing service. The developer sent extortionate threats and initiated

a flood of emails to the servers of Ripoff Report (regarding the negative review), Leagle (which had hosted/published the Kansas Supreme Court's opinion imposing prior discipline upon respondent) and the Arizona law firm that represented Ripoff Report in an effort to frustrate the recipients and cause them to remove all information pertaining to Pistotnik. These emails impaired and crashed the servers of all three entities, rendering their communications and data inaccessible. Along with the emails, the website developer sent the following threat separately to all three victims, each reflecting the particular site's name:



Remove this page and we stop [link of subject article removed] ... [I]f you don't remove it we will begin targeting your advertisers and explain that this will stop happening to them once they pull their ads from leagle.com or leagle.com kills this page ... [link removed] You have 4 hours before we start hitting your advertisers.

As the communications were still inundating the businesses, two attorneys from the firm representing Ripoff Report contacted Pistotnik. The attorneys advised Pistotnik they were recording the phone call. Pistotnik denied having any knowledge or involvement and falsely stated he had never asked or hired anyone to help him with reputation management. The lawyers asked Pistotnik repeatedly if he knew any information that could help them in any way, emphasizing their servers were on the brink of crashing unless they identified the attacker.

Months later, Pistotnik learned the website developer had actually caused the publication of the negative articles in a larger ploy to also extort respondent in addition to the other three victims. At this point, respondent went to the FBI and reported the developer. Doing so, he described the events as if he was completely innocent in the scheme. The FBI agent who investigated the criminal case testified

that Pistotnik had excluded two incriminating emails from evidence. At this point, the FBI learned the full extent of Pistotnik's business relationship with the website developer.

The Oklahoma Supreme Court found the respondent accepted and helped conceal the fraud when he believed it was carried out to his benefit and reported it only after learning the larger scheme was against him as well. Respondent's dishonesty regarding the true nature of his and Dorsett's involvement in the attacks led to his criminal conviction. Pistotnik was suspended from the practice of law in Oklahoma for two years and one day. He still has a discipline case pending in Kansas.

#### ***STATE EX REL. OKLA. BAR ASS'N V. JANZEN, 2020 OK 98***

Greer County attorney Carolyn Janzen was admitted to the Oklahoma Bar Association in 1994 but was stricken from membership in 2004 for non-payment of dues.

In 2010, Janzen was paid \$7,000 in legal fees. She never appeared in court and requested continuances of hearing dates. In 2011, the district court was notified Janzen was not licensed to practice law. In 2012, a warrant for her arrest was issued for her taking of legal fees under false pretenses. Janzen moved out of state, and the criminal matter remained open.

On Feb. 20, 2020, Janzen entered her plea of no contest to the felony of false pretenses/con game, 21 O.S. O.S. 1541.2, wherein she admitted to representing herself as an attorney knowing her license to practice law was suspended. Janzen admitted she took money on the pretense of providing legal representation in a litigation matter with the intent to cheat and deprive the victims of \$7,100 for practicing as their lawyer. Janzen agreed to an eight-year sentence in the custody of the Oklahoma Department of Corrections, with all years suspended. She was ordered to pay a \$1,000 fine, restitution of \$7,100, with a notation she had already paid \$1,000 of restitution, and court costs. Janzen was ordered to make monthly payments to begin March 10, 2020.

The Oklahoma Supreme Court found Janzen's conviction demonstrated her unfitness to practice law and entered an order of disbarment. In doing so, the court stated:

Janzen's license to practice law had been stricken from the membership rolls since September 20, 2004. Almost eight years later, she knowingly misrepresented herself as a licensed attorney in order to obtain money under false pretenses for legal representation. Janzen's criminal conduct was intentional and moreover, she used her prior attorney

licensure status in creating this deception. Her actions resulted in a gross breach of trust and serious interference with the administration of justice. Janzen's plea to a felony involving intentional dishonesty regarding her licensure status for personal gain facially demonstrates her unfitness to practice law and her blatant disregard for the Bar and this Court. Janzen has not filed any response to this summary proceeding and has not provided any evidence to support the mitigation of the severity of discipline in this matter. The Bar Association has recommended disbarment. We hold that the appropriate discipline for Janzen's conviction is disbarment. It is the order of this Court that Janzen's disbarment is to be effective from the date of her suspension from the practice of law, March 27, 2020.

**STATE EX REL. OKLA. BAR ASS'N V. GIERHART, 2020 OK 72**

Choctaw attorney Douglas Gierhart's license to practice law was suspended for two years and one day due to his mismanagement of a probate matter that included the misappropriation of estate funds. Gierhart had obtained an order allowing final account without providing any notice to the client or administratrix. The order approved attorney fees but was vacated due to the lack of notice to the heirs. The trial court ordered the return of the estate funds in the amount of \$37,000. Gierhart failed to return the entire amount to the estate. The Oklahoma Supreme Court found evidence of an intent to deprive the estate of the funds through fraud and deceit. The court's discipline opinion stated:

Respondent's conduct in this regard amounts to misappropriation. Most notably, his attempt to obtain the Order Allowing Final Account without providing any notice to the client or administratrix is evidence of an intent to deprive the Felty estate of the funds in question through fraud and deceit. Based on the totality of the Respondent's behavior, we find that Respondent misappropriated the \$18,548.21 in violation of Rule 1.15.

**FREE ETHICS ADVICE**

Should you have an ethics question, take advantage of obtaining informal advice and interpretations of the rules of attorney conduct from Ethics Counsel Richard Stevens. It's a free member benefit. Advice given is memorialized through a confidential and protected database. You'll find more information at [www.okbar.org/ec](http://www.okbar.org/ec).

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Ms. Hendryx is OBA general counsel.



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## Meeting Summary

*The Oklahoma Bar Association Board of Governors met remotely and at the Oklahoma Bar Center on Friday, Nov. 6, 2020.*

### REPORT OF THE PRESIDENT

President Shields reported she attended multiple planning meetings for the OBA Annual Meeting and wrote her last president's message for the *Oklahoma Bar Journal*.

### REPORT OF THE VICE PRESIDENT

Vice President Nowakowski reported she recorded a welcome message for the Annual Meeting.

### REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he worked on the Annual Meeting and preliminary planning of Legislative Kickoff with Legislative Monitoring Committee Chair Miles Pringle.

### REPORT OF THE PAST PRESIDENT

Past President Chesnut reported he did a welcome video for the Annual Meeting and read a portion of the in memoriam tribute during General Assembly.

### BOARD MEMBER REPORTS

**Governor Hermanson** reported he videotaped his Annual Meeting welcome, sent trivia questions and taught a CLE program on the U.S. Supreme Court and Oklahoma Court of Criminal Appeals case update at the District Attorneys

Council Fall Conference. He attended multiple virtual DAC Legislative Committee meetings, DAC board meeting, Oklahoma District Attorneys Association board meeting and DAC/ODAA Fall Conference. **Governor Pringle** reported he worked with Executive Director Williams on planning for the Legislative Kickoff and presented at the Financial Institution and Commercial Law Section's Annual Banking and Commercial Law Update seminar. He attended the Oklahoma County Bar Association's Briefcase Committee meeting and wrote an article for the publication. **Governor Williams** reported he participated in a preparation session of Pupilage Group 3 of the Council Oaks/Johnson-Sontag American Inn of Court for an upcoming presentation to the inn.

### REPORT OF THE SUPREME COURT LIAISON

Justice Rowe reported everyone is well, and power was restored at the judicial center after several days of no electricity caused by the ice storm.

### REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported the Professional Responsibility Commission met last week, and it went well. There will be no November meeting, but it will meet in December. 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** event will take place next week during Annual Meeting. Governor Hermanson said the **Law Day**

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Governor Hermanson said the Law Day Committee sent out contest promotion postcards to teachers. The Law Day theme will be Advancing the Rule of Law Now.

**Committee** sent out contest promotion postcards to teachers. The Law Day theme will be Advancing the Rule of Law Now. Governor Pringle said the **Legislative Monitoring Committee** is gearing up for Legislative Kickoff.

### APPOINTMENTS

The board approved President-Elect Mordy's recommendations:

Board of Editors – reappoint Melissa DeLacerda, Stillwater, as chairperson with a term to expire 12/31/2021; reappoint associate editors Cassandra Coats, Vinita (Dist. 1) and Aaron Bundy, Tulsa (Dist. 6); and appoint David Eual Youngblood, Atoka (Dist. 2) with terms to expire 12/31/2023.

Professional Responsibility Commission – appoint Matthew C. Beese, Muskogee, and Heather Burrage, Durant, with terms to expire 12/31/2023.

### APPOINTMENTS

President-Elect Mordy announced he has made the following appointments:

Audit Committee – appoint Amber Peckio Garrett, chairperson with term expiring 12/31/2021; members Andy Hutter, Norman, with term expiring 12/31/2021; Michael Davis, Durant; and Joshua Edwards, Ada, with terms expiring 12/31/2022.

Board of Medicolegal Investigations – reappoint Glenn Huff, Oklahoma City, to a one-year term expiring 12/31/2021.

### ANNUAL MEETING UPDATE

Educational Programs Director Johnson said CLE programming has been recorded with two programs taking place live. The opioid panel presentation has been filmed by Reggie Whitten's award-winning film crew with the Q&A portion to be live. She reviewed the schedule of events. Five hours of ethics will be offered. Executive Director Williams reviewed the events to take place at the House of Delegates. Board members were asked to take photos of themselves watching Annual Meeting programming. Strong content and a combination of fun, social events will be offered.

### UPCOMING EVENTS

President Shields reviewed upcoming events. She said the board's holiday party may be delayed. Executive Director Williams said the Supreme Court has voted Justice Darby as chief justice. He also reported the Board of Governors swearing-in ceremony in January will be a virtual event, and the has been party will be postponed.

### NEXT MEETING

The Board of Governors met in December. A summary of those actions will be published in the *Oklahoma Bar Journal* once the minutes are approved. The next board meeting will be Friday, Jan. 15 via BlueJeans immediately following the swearing-in ceremony for new officers and Board of Governors members.



Hightower Building  
105 North Hudson Ave., Suite 100  
Oklahoma City, OK 73102  
405.232.6490

# Meet 2021 OBF Board President Jeffery D. Trevillion Jr.



## Jeffery D. Trevillion Jr.

**Law School:** University of Oklahoma

**Graduation Year:** 2007

**Current Employer:** Doerner Saunders Daniel & Anderson LLP

**Location:** Oklahoma City

### Why did you decide to be a lawyer?

I am a “career changer.” I was a CPA before starting law school and on track to get an MBA. I decided to become a lawyer because I have a passion for helping people in tough situations and to do my part to ensure people are treated as fairly as possible.

### Explain the leadership roles you hold in your profession or community and why these responsibilities are important to you.

I have had several opportunities for leadership, not only in our legal profession but also in the greater Oklahoma community as well. I was in the OBA’s inaugural Leadership Academy, YLD Board of Directors, chair of the Diversity Committee and president of the Oklahoma County Bar Foundation. In a nonlegal capacity, I have served on various committees in the OSCP, on the board of the Clara Community Health Center, as president of my neighborhood association and am a past master of the King Solomon Lodge No. 57 in Norman.

The leadership roles above were all important to me for various reasons. Generally, I try to give my time to activities that uplift us all, better our community or provide prospects for developing new friendships. All the above activities have achieved that criteria in one way or another.

### What would you tell current law students and young associates about the importance of professional and civic responsibility?

Like it or not, lawyers are leaders. First, you are an attorney 24 hours of every day and must govern yourself accordingly. You will be expected to know more than the average bear and to contribute to the growth and development of our society. Finally, we have all taken an oath to uphold the U.S. Constitution, and we must endeavor to do so, even when it is unpopular.

### What is your biggest pet peeve with modern technology?

I see many people missing out on full experiences and being present in the moment by trying to capture the “selfie” and share it on social media. We have nearly an entire generation of people who feel like, “If it isn’t on social media, it didn’t happen.”

### What is on your bucket list?

I would like to visit the ancient pyramids of Africa.

### What are your goals as 2021 OBF board president?

As the 2021 OBF board president, I would like to find a way to recognize our 75th year of supporting worthy programs that provide legal services to underserved communities despite the limitations due to the current pandemic. I would also like to better utilize technology to fulfill the mission of the OBF.



From left Shana, Jafari, Akwe and Jeff

7

## WAYS TO SUPPORT THE OKLAHOMA BAR FOUNDATION



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



### Event Sponsor

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



### Cy Pres Awards

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



### Unclaimed Trust Funds

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



### Memorials & Tributes

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# A Year of Commitment and Community

By April Moaning



2021 YLD Chair  
April Moaning

**O**N BEHALF of the YLD, I wish you health, wealth and happiness in the new year ahead! A new year brings new possibilities, and I am honored I have been entrusted

with an opportunity to lead the YLD under the supervision of OBA Executive Director John Williams and President Mike Mordy. I am also grateful for the young lawyers who have volunteered to serve on the YLD Board of Directors and further the goals and mission of the OBA. Please visit [www.okbar.org/yld/board](http://www.okbar.org/yld/board) for a complete list of the YLD Board of Directors.

## THE YLD THANKS YOU

I would be remiss if I did not start by acknowledging each attorney, judge and legal professional for their service to the community during this difficult time. Many of us have made the decision to sacrifice our health, safety and comfort in order to ensure our clients' rights are protected. In addition, many businesses and individuals in the legal community have encountered various financial obstacles. With that in mind, I wish to highlight the "Kick It Forward" program that was spearheaded by 2015 YLD Chair LeAnne McGill.

The program provides financial assistance to lawyers who are facing difficulty paying their OBA dues. I encourage you to submit an application if you are in need of assistance. Your sacrifices do not go unnoticed. We need you in our legal profession, and we desire to help alleviate a portion of your financial stress. Please visit [www.okbar.org/kif](http://www.okbar.org/kif) for additional information on ways to donate to the program, participate in the kickball tournament and/or complete the application process. The deadline to apply for assistance is Jan. 31.



## OUR COMMITMENT TO THE COMMUNITY

Serving the community is of the utmost importance to the YLD. Although we had to pause our community service efforts due to unprecedented times, we look forward to formulating creative ways to serve our community during this upcoming year. As a nation, we have to adjust how we conduct business. This rings true when it comes to re-envisioning how we serve the community.

One of our most impactful and requested community service projects has been our Wills for Heroes program. We hope to take steps to expand the program services to our nurses and medical professionals who have served on the front line during this pandemic. Additionally, the YLD

understands our ability to participate in traditional community service activities has been, and may continue to be, temporarily hindered. We intend to partner with various OBA committees, such as the Access to Justice Committee, to implement COVID-friendly projects that positively impact the entire socio-economic spectrum.

## WE LOOK FORWARD TO WORKING WITH YOU

We welcome all members of the OBA to join the YLD in our community service endeavors. Participation in YLD is extremely rewarding. Not only will you have an opportunity to meet life-long friends, but you will enhance your leadership skills and network with attorneys within the OBA and across the country. We encourage all lawyers who have been practicing for 10 years or less to join our monthly meetings and events. Information about our upcoming meetings can be located on our OBA website and the YLD Facebook page.

I am hopeful during the upcoming year, we will all have an opportunity to enjoy the in-person company of one another. May 2021 be an extraordinary year!

---

Ms. Moaning practices in Oklahoma City and serves as the YLD chairperson. She may be contacted at [aprilmoaninglaw@gmail.com](mailto:aprilmoaninglaw@gmail.com). Keep up with the YLD at [www.facebook.com/obayld](http://www.facebook.com/obayld).

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# FOR YOUR INFORMATION

## NEW OBA BOARD OF GOVERNORS OFFICERS AND MEMBERS TO BE SWORN IN VIRTUALLY JAN. 15



Chief Justice Richard Darby will swear in Mike Mordy of Ardmore as OBA president on Friday, Jan. 15. In light of pandemic safety precautions, the event will be conducted virtually. New officers to be administered their oaths of office will be Vice President Charles E. Geister III of Oklahoma City, President-Elect James R.

Hicks of Tulsa and Past President Susan B. Shields of Oklahoma City. New board members to be sworn in are Michael R. Vanderburg, Ponca City; Richard D. White Jr., Tulsa; Benjamin R. Hilfiger, Muskogee; Kara I. Smith, Oklahoma City; and April J. Moaning, Oklahoma City.

## LEGISLATIVE KICKOFF SET FOR JAN. 29

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 9 a.m. Friday, Jan. 29, remotely as they identify top bills of interest to the OBA and your practice area. Plus, earn six hours of MCLE credit for your participation. Topics will include bills concerning family law, government, civil procedure/courts, cannabis and corporate law. There will be a presentation by OBA Legislative Liaison Clay Taylor regarding how bills become laws in Oklahoma and a panel of legislators to discuss questions. To register, visit [www.bit.ly/37sRTpD](http://www.bit.ly/37sRTpD).

## COURT OF CIVIL APPEALS JUDICIAL ASSIGNMENTS ANNOUNCED

The Court of Civil Appeals judicial assignments have been announced. Barbara G. Swinton of Oklahoma City will serve as the chief judge, and John F. Fischer of Tulsa will serve as vice chief judge. The following have been selected to serve as presiding judge for their division Brian Jack Goree, Oklahoma City, Division I; Jane P. Wiseman, Tulsa, Division II; Trevor Pemberton, Oklahoma City, Division III; and Stacie L. Hixon, Tulsa, Division IV. These positions are all a one-year term that began Jan. 1.

## MARK YOUR CALENDARS FOR DAY AT THE CAPITOL MARCH 23

Oklahoma lawyers, let your voices be heard! The OBA will host its annual Day at the Capitol Tuesday, March 10, virtually from 9:30 a.m. to noon. The agenda will feature speakers commenting on legislation affecting various practice areas, and there will also be remarks from the judiciary and bar leaders.



## IMPORTANT UPCOMING DATES

Don't forget the Oklahoma Bar Center will be closed Monday, Jan. 18, in observance of Martin Luther King Jr. Day and Monday, Feb. 15, in observance of Presidents' Day. Also, be sure to docket the 2021 Solo & Small Firm Conference at the Choctaw Casino Resort June 10-12.

## OBA MEMBER RESIGNATIONS

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

Ellen Traub Martin  
OBA No. 13536  
10900 Research Blvd., Ste. 160C, #157  
Austin, TX 78759

Ann McNeil Threlkeld  
OBA No. 9006  
4201 Oakdale Forest Road  
Edmond, OK 73013

William Craig Barton  
OBA No. 14408  
6384 Hoochanectsa Blvd.  
Cochiti, NM 87083

Leann Bradley Donaldson  
OBA No. 2416  
3161 S. Mulberry Court  
Gold Canyon, AZ 85118

Mark A. Donaldson  
OBA No. 2417  
3161 S. Mulberry Court  
Gold Canyon, AZ 85118

Virginia M. Amis  
OBA No. 13934  
Gouras & Amis PLLC  
20415 S. 72nd St., Ste 420  
Kent, WA 98372

## BOARD OF BAR EXAMINERS HIRES NEW ADMINISTRATIVE DIRECTOR

Board of Bar Examiners Chair Tommy Dyer of Jay announces the hiring of Cary Pirrong as the administrative director to the board. Mr. Pirrong most recently worked for Oklahoma City Community College as its director of equity and compliance. He is a 1990 graduate of the OCU School of Law. He will succeed Cheryl Beatty, who will retire in the spring. Ms. Beatty has served as administrative director since 2008 and had previously served in various position with the OBA since 1984. Mr. Dyer said, "While the board wishes Ms. Beatty all the best on her well-deserved retirement, we look forward to the leadership of Mr. Pirrong as Oklahoma enters a new phase of bar admissions due to the recent adoption of the Uniform Bar Exam starting in Oklahoma in July 2021."



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## INDIAN LAW SECTION SCHOLARSHIP AWARD RECIPIENTS

The OBA Indian Law Section has selected Cody Minyard and Lauren Stafford as recipients of the section's 2020 G. William Rice Memorial Scholarship Award. The section developed the scholarship in order to encourage future OBA members to pursue practices within the field of Indian law. It honors and remembers G. William Rice, a distinguished Indian law practitioner, law professor and co-director of the Native American Law Center at the TU College of Law, who passed away Feb. 14, 2016.

Debra Gee, the Scholarship Committee chairperson, explained, "The Scholarship Committee selected Ms. Stafford and Mr. Minyard for this year's awards based on their academic record, their Indian law-related activities in law school and their commitment to practice Indian law after graduation." Mr. Minyard is a citizen of the Muscogee (Creek) Nation and attends the TU College of Law. Ms. Stafford is a citizen of the Chickasaw Nation and attends the OU College of Law.

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## LHL DISCUSSION GROUP TO HOST FEBRUARY MEETING



"Talking to Colleagues about Alcohol: Am I My Brother's Keeper?" will be the topic of the Feb. 4 meeting of the Lawyers Helping Lawyers monthly discussion group. Each meeting, always the first Thursday of the month, is facilitated by committee members and a licensed mental health professional. The group meets from

6 to 7:30 p.m. remotely using BlueJeans. There is no cost to attend. Email [debraj@okbar.org](mailto:debraj@okbar.org) for login information.

## ON THE MOVE

**Judge Michelle Lee Bodine-Keely** was appointed by Gov. Kevin Stitt to serve as district judge for the 14th Judicial District, which includes Tulsa and Pawnee counties. Judge Bodine-Keely served in the Oklahoma Air National Guard for 22 years. She retired from the military Dec. 2019 and was honorably discharged as a lieutenant colonel. She received her J.D. from the TU College of Law and served as the first assistant district attorney for Osage and Pawnee counties.

**Chase Gordon** has joined the Tulsa law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Fiasco. He received his J.D. from the TU College of Law in 2020 and currently practices as a civil litigator.

**Judge Bethany Stanley** was appointed associate district judge for Cleveland County by Gov. Kevin Stitt. A former deputy U.S. marshal and prosecutor, Judge Stanley has worked as an attorney and partner at Schumacher & Stanley since 2017, where she practiced family law, personal injury and criminal law. She received her J.D. from the OU College of Law in 2005.

**Tim Webster** was appointed by Gov. Kevin Stitt to serve as district attorney for District 19, which includes Atoka, Bryan and Coal counties. Mr. Webster was appointed District 19 assistant district attorney in 2003, where he served as a felony drug prosecutor and helped establish the Bryan County Drug Court Program. In 2006, he became the first assistant district attorney. Previously, he was a Durant private practitioner for 21 years. He received his J.D. from the OU College of Law in 1981.

**Carol Iski** was appointed district attorney for District 25, which includes Okmulgee and McIntosh counties, by Gov. Kevin Stitt. Ms. Iski has served as acting district attorney since Nov. 2018. She joined the District Attorney's Office in March 2009, first serving in McIntosh County and then moving to the Okmulgee office in Jan. 2010, where she served as first assistant district attorney for eight years. She received her J.D. from the TU College of Law.

**Anthony C. Winter** was named partner of the Oklahoma City law firm of Johnson Hanan Vosler Hawthorne & Snider. He practices primarily in the areas of medical malpractice

defense, civil rights defense, civil litigation and various in-house matters for corporate clients.

**Judge Jill Weedon** has been elected presiding judge of the Northwest-Panhandle Judicial Administrative District and will serve a two-year term beginning Jan. 2021. The administrative district includes the First, Second and Fourth judicial districts and 18 northwest Oklahoma counties. With 21 years of experience on the bench, Judge Weedon has served at every level of the district court judiciary. Currently, she serves as district judge for the Second Judicial District.

## KUDOS

**Thomas M. Askew** 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. Mr. Askew practices in the areas of business and civil litigation and commercial law at the Tulsa office of Riggs Abney.

### 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 March issue must be received by Feb. 2.*

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## IN MEMORIAM

**D**onn F. Baker of Tahlequah died Nov. 12. He was born Oct. 3, 1949, in Tahlequah. Upon graduating from Northeastern State University, Mr. Baker coached and taught at Hulbert High School. He received his J.D. from the OCU School of Law in 1980 and worked as an assistant district attorney. After becoming an assistant U.S. attorney for the Eastern District of Oklahoma in 1982, he was appointed by President Ronald Reagan as the U.S. attorney. He served in that position for three years before going into private practice in Tahlequah, where he practiced law for over 35 years. Mr. Baker also served as the Tahlequah city judge for 35 years.

**E**dward B. Carrier Jr. of Oklahoma City died Nov. 15. He was born Dec. 4, 1937, in Oklahoma City. After high school, he went to Oklahoma A&M College, which he paid for by hitchhiking to Idaho and working in the Forest Service during the summers. **In 1961, Mr. Carrier joined the U.S. Army and was called up to active duty to serve during the Berlin Crisis. He was honorably discharged as a Sergeant E5.** He received his J.D. from the OCU School of Law in 1969 and was a partner at the Oklahoma City law firm of White & Carrier and practiced law for nearly 50 years.

**J**ames Derrill Cody of Norman died Nov. 23. He was born July 5, 1963, in Ada. He received his J.D. from the OU College of Law. Mr. Cody spent the majority of his legal career working in the oil and gas industry. He was executive vice president and general counsel of the Kerr-McGee Corp. and president and CEO of Texas Eastern Corp. He also served as a regent at Seminole State College and on several Boards of Directors, including Barrett Resources Corp., CenterPoint Energy and TEPPCO Partners.

**J**udge David Mark Harbour of Paradise Valley, Arizona, died Nov. 19. He was born Sept. 19, 1939, in Iowa Park, Texas. In high school, Judge Harbour earned All-State honors in football, basketball and baseball and was a member of Oklahoma Boys State. He played football for one year at TU and then transferred to OU, where he earned his bachelor's degree in 1963. He received his J.D. from the OCU School of Law in 1966 and practiced law in Oklahoma City until 1988 when he was appointed a family and criminal court special judge. In 2002, he was appointed to serve as district judge of Oklahoma County. Memorial contributions may be made to the American Cancer Society or National Cowboy and Western Heritage Museum of Oklahoma City.

**T**revor W. Heaver of Tulsa died Nov. 1. He was born Feb. 2, 1953. Mr. Heaver received his J.D. from the TU College of Law in 1980.

**R**obert G. Hunt of Tulsa died Nov. 14. He was born July 26, 1930, in Little Rock, Arkansas. **Mr. Hunt was commissioned as a first lieutenant in the U.S. Army Reserves in 1954.** In 1957, he received his J.D. from the OU College of Law, where he was president of his law school class. He spent his entire career as a corporate attorney for Cities Service Oil Co., which later became CITGO. He served on the Gilcrease Museum board, was a director of the Campbell-Lepley-Hunt Foundation and volunteered for many organizations, including Montereau and Laureate Psychiatric Clinic and Hospital. Memorial contributions may be made to the Montereau Charitable Funds or the Asbury Methodist Church.

**E**velyn Harshman Hutchison of Tulsa died Oct. 7. She was born Dec. 19, 1950, in Tulsa. Following her graduation from TU in 1972, Ms. Hutchison taught history at Tulsa Community College and Cascia Hall Preparatory Academy. She received her J.D. from the TU College of Law in 1992. She practiced law for several years before becoming a professor of Legal Writing and Research and Family Law at the TU College of Law in 2001. She became the director of TU's legal writing program, served on multiple committees and received numerous awards for her teaching, including the TU Outstanding Teaching Award. She also served on the board of Tulsa Lawyers for Children. Memorial contributions may be made to the Evelyn Harshman Hutchison Scholarship Fund at the TU College of Law.

**Mary Blair Lewis** of Tulsa died Nov. 19. She was born Jan. 19, 1938, in Detroit, Michigan. Ms. Lewis earned a bachelor's degree in literature from Cornell University in 1960. She moved to Tulsa in 1963 and received her J.D. from the TU College of Law in 1982. She worked for the law firm of Holliman Langholtz and later became a partner in the new firm of Brune, Pezold, Richie and Lewis. Upon retirement, she continued to practice independently. Ms. Lewis was a board member for Family and Children's Services and was active in the Junior League of Tulsa.

**Junior D. Littlejohn** of Stilwell died May 13. He was born Nov. 11, 1943, in Stilwell. **Mr. Littlejohn enlisted in the U.S. Marine Corps. After 23 years of service, he retired as a 2nd lieutenant colonel.** He received his J.D. from the George Washington University School of Law in 1976 and practiced in the areas of civil and criminal law. He served as an assistant district attorney and later as a district judge for the United Kettoowah Band of Cherokee Indians. He also served as an Administrative Appeals Board member for the Cherokee Nation.

**James A. McCaffrey** of Edmond died Nov. 11. He was born Aug. 12, 1939, and grew up near the state capitol in northeast Oklahoma City. Mr. McCaffrey received his J.D. from the OU College of Law in 1964. He began his legal career at the Oklahoma City law firm of Barefoot and Moler and later worked for the Legal Aid Society and the Oklahoma Department of Consumer Affairs. In 1979, he established a private practice, which merged with what is now known as Phillips Murrah in 1989. He retired in 2011.

**Barry 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.

**Faith Orlowski-McMahan** of Tulsa died Nov. 8. She was born July 28, 1954, in Cape Girardeau, Missouri. She received her J.D. from the University of Texas School of Law in 1978. Upon graduation, Ms. Orlowski-McMahan became one of the first female attorneys hired by a major law firm in Tulsa when she was employed by Sneed Lang PC. Most recently, she worked for Moyers, Martin LLP. She was an active member of the Tulsa County Bar Association and served as president from 2011 to 2012. She also served as a board member on the Tulsa SPCA Board and the Board of Emergency Infant Services, volunteered for many animal rights and rescue organizations and was a founding member of the Executive Women's Forum. Memorial contributions may be made to the Tulsa SPCA.

**Richard William Riddle** of Tulsa died Nov. 23. He was born Oct. 7, 1944, in Tulsa. Mr. Riddle grew up in Sand Springs, where he played basketball and baseball for the Sandites. He later played baseball as a Cowboy while attending OSU. Following graduation, he worked at Bendix Corp. in Kansas City while attending law school at night. He received his J.D. from the University of Missouri at Kansas City School of Law and returned to Tulsa to start a private practice. Mr. Riddle served on the Board of Trustees of the Oklahoma United Methodist Foundation, the Board of Directors of the Tulsa Metropolitan Chamber of Commerce, the Board of Directors of the Metropolitan Tulsa Economic Development Foundation and established the Asbury Foundation. Memorial contributions may be made to St. Jude Children's Research Hospital.

**Amity Eileen Ritze** of Broken Arrow died Nov. 27. She was born July 30, 1980, in Tulsa. After earning an MBA *magna cum laude* from Saint Leo University in 2010, she received her J.D. from the OCU School of Law in 2015. During law school, Ms. Ritze received an Advanced Legal Research Award, was the SBA Outstanding Student of the Year and served as Phi Alpha Delta Law Fraternity's vice justice. She was a legal intern at the Tulsa law office of Sherwood, McCormick & Robert and helped establish a Tulsa chapter of Project 31, a community by and for breast cancer survivors.

**J**udge Preston A. Trimble of Norman died Nov. 30. He was born Aug. 27, 1930, in Wolf Creek. **Judge Trimble served in the U.S. Navy for four years. Later, in 1963, he joined the Air Force Reserves, serving in the judge advocate office at Tinker Air Force Base and retiring with the rank of colonel in 1986.** In 1952, through the GI Bill, he enrolled at OU. He earned a bachelor's degree in journalism in 1956 and worked at the Norman Transcript as an advertising salesman before receiving his J.D. from the OU College of Law in 1961. After graduation, he served as an assistant county attorney and later became the first district attorney for the 21st District in Jan. 1967. He was elected district judge in 1979, a position he held for 12 years. Memorial contributions may be made to the Society of St. Vincent de Paul.

**G**ina Kay Walker of Oklahoma City died Nov. 6. She was born Sept. 21, 1963, in Enid. After graduating from OU with a bachelor's degree, Ms. Walker held a variety of jobs, from making donuts at the OU student union to selling securities to working as a line cook. Later, she decided to return to school and received her J.D. *magna cum laude* in 1993 from the OCU School of Law. She represented the poor at the Oklahoma County Public Defender's Office for almost 25 years. Ms. Walker received the Pat Williams Indigent Defender of the Year Award in 2014 and the Robert A. Manchester Lifetime Achievement Award in 2019 for her work. Memorial contributions may be made to the homeless, Black Lives Matter, ecological conservation or the protection of animals.

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

### MARCH

#### Marijuana and the Law

Editor: Virginia Henson  
virginia@vhensonlaw.com  
Deadline: Oct. 1, 2020

### APRIL

#### Law Day

Editor: Carol Manning

### MAY

#### African American Legal History

Editor: Melissa DeLacerda  
melissde@aol.com  
Deadline: Jan. 1, 2021

### AUGUST

#### Personal Injury

Editor: Cassandra Coats  
cassandracoats@leecoats.  
com  
Deadline: May 1, 2021

### SEPTEMBER

#### Bar Convention

Editor: Carol Manning

### OCTOBER

#### Tax Law

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

### NOVEMBER

#### DUI

Editor: Aaron Bundy  
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Deadline: Aug. 1, 2021

### DECEMBER

#### Elder Law

Editor: Luke Adams  
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*If you would like to write an article on these topics,  
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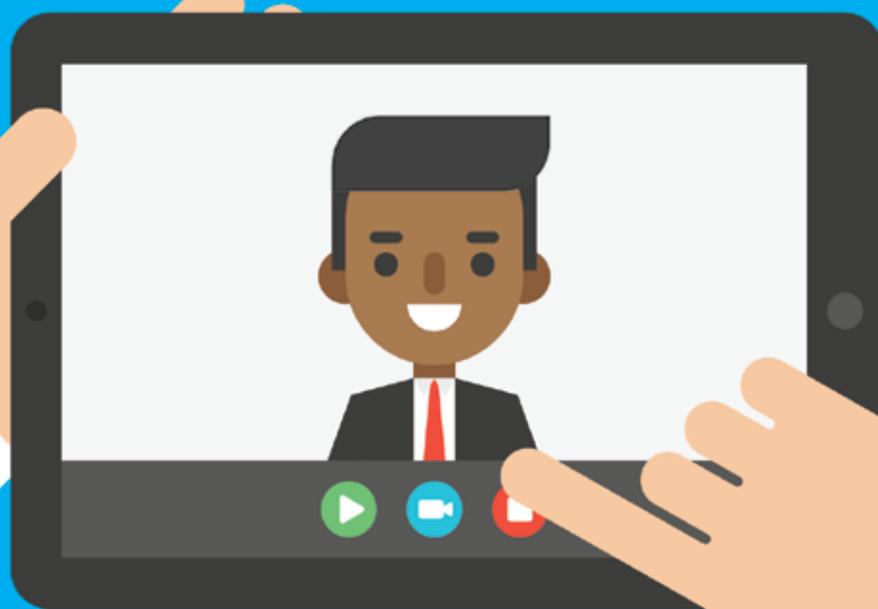
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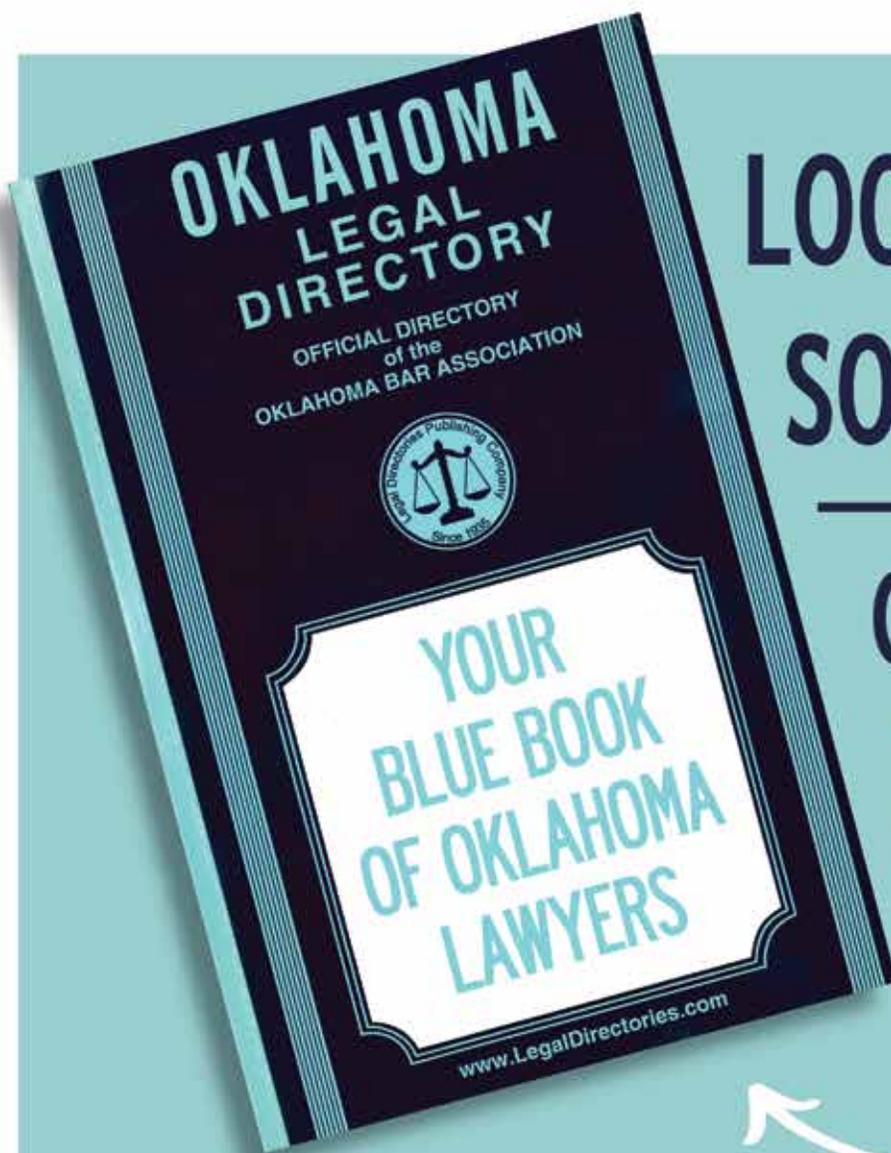


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Watercolor and ink artwork entitled *Lady Justice*. Artist: Amanda Lilley, who practices in Enid.



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