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THE OKLAHOMA BAR Journal

Volume 93 — No. 1 — January 2022

Meet Your Bar Association

President James R. "Jim" Hicks

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Ulihelisdi Atse Udetiyusgu (Happy New Year)

By Jim Hicks

AS A PROUD MEMBER OF THE CHEROKEE Nation, I wish everyone a Happy New Year. I want to thank 2021 OBA President Mike Mordy for his hard work this past year in guiding the association through the depths of the COVID pandemic along, with the gradual reopening of the courts and life in general. As he mentioned in his January 2021 message, "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." In a profession that sometimes lacks civility, the pandemic has shown the need for character and compassion toward our fellow attorneys.

Longtime Executive Director John Morris Williams has announced his retirement at the end of 2022. John has been a stalwart champion of the attorneys in this state and has represented our association well in his interactions with the Supreme Court, the Legislature and local and national bar associations. In a recent meeting with the justices of the Oklahoma Supreme Court, many commented on the wonderful relationship

John has forged with the court and how difficult it will be to replace him as executive director. Nevertheless, that will be the goal of 2022.

The Board of Governors will likely engage the services of the Oklahoma Center for Nonprofits to help guide the selection process. It is envisioned that a survey of the entire membership will be undertaken to better understand the wants, needs and goals of our diverse membership. From Guymon to Poteau, Miami to Lawton and everywhere in between, every attorney's voice needs to be heard so that a comprehensive

assessment can be made of the association. From that data, we can then proceed with a search process to find John Morris Williams 2.0. Our goal is to identify and hire a new executive director by this fall so they can "shadow" the OBA Annual Meeting to be held at the new Oklahoma City Convention Center in November.

The 2021 Annual Meeting was a blend of virtual and in-person meetings. A special highlight was presenting the Liberty Bell Award to Carol Manning, who recently retired as OBA Communications Director after 26 years of service to the association. Lori Rasmussen has ably taken over Carol's position, and we look forward to many years of positive impact going forward. Another retirement is Debbie Brink, the longtime assistant to the executive director. Debbie has trained her replacement, Alisha Davidson. Finally, the Diversity Awards Dinner was a stunning success with each honoree regaling the audience with stories of their journey for inclusion in the profession. Fellow member and author Hannibal Johnson gave a fascinating and thought-provoking discussion of the 1921 Tulsa Race Massacre. I especially enjoyed the Ton-Kon-Gah: Kiowa Warriors Black Legging Society who presented the colors on Veterans Day.

2022 is shaping up to be a bright new year for the OBA, and I urge everyone to become involved in the committees and sections of our organization. I am deeply honored and humbled by the opportunity to lead this organization and will do my best to bring empathy, compassion and loyalty to every member.



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Meet 2022 OBA President Jim Hicks

Executive Search, Member Outreach are Goals for Presidential Year

By Dawn Shelton

THEY SAY THESE THINGS COME IN THREES. Although newly sworn in OBA President James R. “Jim” Hicks did not anticipate his leadership year would be defined by the search for a new association executive director, here he is. With John Morris Williams’ announced retirement at the end of 2022, Mr. Hicks said input will be sought from as many members as possible as part of the search process. He’s up to the challenge. Turns out he’s been in a similar position twice before.

When Tulsa County Bar Association Executive Director Sandra Cousins announced her retirement in 2013, Mr. Hicks was the incoming TCBA president

and led the task to procure a fair and sound process to find her successor. And as a senior warden of his local church, he served for eight years, leading a major capital

project and a two-year search process when Saint John’s Episcopal Church in Tulsa sought a new priest. For his service, he was honored to receive the Bishop’s Cross awarded by the Episcopal Bishop of Oklahoma. And now the search for a new OBA executive director.

For such a time as this. This search for the new paid leader of the bar hits a little different. Not only will this decision help chart the next season for the Oklahoma Bar Association, but Mr. Hicks will be tasked with finding “John Morris Williams 2.0,” as he jokingly referred to the upcoming process. “From my view, John has done an excellent job.”

They are contemporaries and friends. Executive Director Williams led the OBA Young Lawyers Division, and Mr. Hicks was chair just a few years later. “I was very involved and chair of the



Jim hikes at Grizzly Lake.



Jim and Nancy attend an OU football game.

Right: An early photo of Jim and Nancy's twins, Stan and Hannah.

YLD way back. Then when Nancy and I were raising our twins, I didn't do a lot in those years. They went off to college, and I got reinvolved when I had more time."

A LITTLE NUDGE

As YLD chair, he remembers the group trying something a little controversial for the times in 1994.

"We were having our YLD meeting at Shangri-La, and we had a lot of trouble getting our proposed CLE approved," Mr. Hicks said. "Back then, they weren't doing any type of

what you would call mental health or Lawyers Helping Lawyers type of things. Our speaker's topic was about personality tests and how you deal with people. Now that is qualified content, but back then, it wasn't. We took it to the board, and they approved it for CLE. If it didn't deal strictly with civil procedure or rules of evidence, which are important skills, or traditional CLE, it would have been denied. I'm proud we were nudging it."

He said an emphasis on self-care and mental health for members



helps elevate the profession as much as it helps individual members.

"It's a high-stress profession, and you must have some outside interests," he said. "If it's running. Golf. Tennis. You've got to take time away. Being involved in the bar association shows you're involved in a profession, more than just showing up at your office to do your job every day. It's not just you. There's a whole statewide organization trying to make us better."

The OBA is an organization made up of dozens of committees, from the Lawyers Helping Lawyers Assistance Program to Membership Engagement, Awards, Disaster Response and Relief and more. That's a reality brought home to Mr. Hicks as he spent the last few weeks of 2021



Proud alumnus of Beta Theta Pi Fraternity

asking members to lead and serve on those committees.

"You feel bad reaching out to people and asking them to volunteer," he said. "Everyone, with very few exceptions, has been very



Enjoying a ski vacation with friends and family.

generous and wanted to help, and if they didn't, they had a good reason. It was never, 'No, I'm not interested.' There were a few who never called back, so I figured, okay, I've got the message!"

The experience helped him focus and appreciate all the work the bar association does on the various committees.

"It's amazing," he said. "If you're not involved, it's easy to ignore and not focus on it."

Still, Mr. Hicks recognizes that younger attorneys crave more out of their volunteer service beyond attending meetings.

He said, "They want to be involved in charitable legal clinics, handing out coats and food, giving of their time. If you're not involved in a group doing that, it's kind of *ad hoc*. At least we can try to coordinate those programs. If it works in Oklahoma City, you can replicate it in Lawton or Guymon. That's helpful to society at large, and it makes an attorney feel good."

THE GOOD, THE BAD AND THE UGLY

As a prelude to the search for a new executive director, a membership survey will be sent via email soon. The Center for Nonprofits has been hired to craft and distribute the survey to gauge members' opinions and ideas about the OBA and its future.

2022 OBA President James "Jim" R. Hicks is of counsel at the Tulsa law firm of Barrow & Grimm PC. He practices business and construction-related litigation in state and federal courts. He met his wife, Nancy, when they were undergraduates at the University of Oklahoma, and they married in 1983 while Mr. Hicks was in law school at TU. He was chair of the OBA YLD when their twins were toddlers. Now, the twins are adults. His daughter, Hannah, and her husband, Matt, live in Tulsa with their daughters, Adrienne and Ellie; his son, Stan, lives in Chicago with his wife, Caitlin, and are expecting a baby girl, Mr. and Mrs. Hicks' third grandchild, in April.

Mr. Hicks, an involved member of the Cherokee Nation, was born in Blackwell, where his namesake great-grandfather made the Land Run of 1893. His father was a B-17 pilot during WWII, flying missions over Germany from a base in Ipswich, England. On his mother's side, his ancestors were "old settlers" in Adair County and enrolled members of the Cherokee Nation on the Dawes Rolls of 1906. After living in Norman, Mr. Hicks' family moved to Denton, Texas, where he finished high school. He crossed the Red River again to pursue his undergraduate degree at OU. Mr. and Mrs. Hicks live in Tulsa, where they are active members of Saint John's Episcopal Church. They love to travel and look forward to visiting as many county bars and lawyers as possible this year.

Right: Jim spends time with granddaughters Adrienne and Ellie.

Middle right: Jim and Nancy's dogs, Lola and Stella.

Middle: Jim and Nancy toast nearly 40 years of marriage.

Middle left: Avid golfer Jim and friends admire a luxury car during a golf outing.

Bottom left: Jim and friends commemorate his hole-in-one.

Bottom right: Jim and his team celebrate their first-place win in a golf tournament.





Jim attends a wine tasting in Assisi, Italy.



Enjoying a trip to Cinque Terre on the Italian Riviera



Jim and Nancy gather with their family for a beach holiday.

"It is a big undertaking and an exciting time," he said. "A survey of the membership will help us find out the good, the bad and the ugly. We will be surprised by some of the stuff, but it's good to know because if you don't know about issues or certain thoughts, you can't address them. That will help us focus on the type of executive director we need. After we hire that person, he or she

can take that info and help develop a new strategic plan. It's especially helpful to do this after the pandemic because life has changed so dramatically for so many people, and the practice of law especially."

He added that one change the pandemic brought on is the normalization of online tools, whether they be used for court hearings, depositions, client meetings or

even taking part in bar work. It's a time and money saver.

"I live in Tulsa. I might drive an hour and a half to Oklahoma City for a one-hour meeting and then drive home. It's now so easy to do it by Zoom – you get the same amount of work accomplished, and it's just like you're across the table from each other. You can do it at your office, and I think that's been helpful for members to become involved with committees because now they can do it maybe on their lunch hour and not devote so much time to traveling to the bar center in Oklahoma City. Before the pandemic, that didn't happen."

VIRTUAL IS HERE TO STAY

For two years, the OBA has offered a virtual component to the Annual Meeting: In 2020, the meeting was all virtual, and the 2021 meeting offered a mixture of programming both in person and online. Mr. Hicks says the 2022 meeting will have both online options and in-person networking and programming at the Oklahoma City Convention Center and Omni Hotel.

Finding a way to continue the successful tradition of networking among members is important to Mr. Hicks. After all, those YLD meetings and early bar work helped fill up his Rolodex with names of valued friends who are also colleagues. Those friends are now contacts on his smartphone. And colleagues who do more than just a job but are part of a profession and members of the bar.

President Hicks will lead the OBA through a transformational year dominated by the search for a new executive director. He plans to embrace the task and enjoy the experience. For such a time as this.

ABOUT THE AUTHOR



Dawn Shelton is OBA strategic communications & marketing director.

PRESIDENTIAL TRIVIA



What is your most important goal during your service on the OBA Board of Governors?

Guiding the organization in the selection of a new executive director given the retirement of John Morris Williams at the end of 2022.

What is something you wish you knew about practicing law before you entered the profession?

The amazing opportunity to meet people from all walks of life and learn about their lives, professions and employment.

What's your favorite OBA member benefit?

Online resources.

In a post-pandemic world, what are you most looking forward to?

Traveling and eating out again.

What is the biggest challenge facing the legal profession?

Use of technology and 24/7 communications expectations of clients via email, cell phone and social media.

What phone app could you not live without?

Camera.

Best way to beat stress?

Getting outdoors to hike, playing golf or drinking a glass of wine.

What's the best book you've read this year?

The Compleat Victory: Saratoga and the American Revolution by Kevin Weddle.

If I weren't a lawyer, I'd be a...

Ski lift operator and whitewater rafting guide.

Volunteers Who Guide Your Association



BRIAN T. HERMANSON

President-Elect
Ponca City

Background: Born in Milwaukee, Wisconsin, moved to Oklahoma in 1975. Married Ruslyn in 1981; two daughters: Brianna, an illustrator in Northampton, Massachusetts, and

Charley, director of music for Community Christian Church and lives in Stillwater. He and his family raised and bred quarter horses for about 25 years before selling the ranch in 2017.

Education: B.A. in history and political science from Carroll College in Waukesha, Wisconsin. J.D. from the OU College of Law.

What is your most important goal during your service on the OBA Board of Governors? My first goal is to find an outstanding replacement for our retiring Executor Director John Morris Williams. He will be hard to replace. During my year as president, I plan on holding Board of Governor meetings throughout the state of Oklahoma. I want the attorneys of Oklahoma to have an opportunity to meet the new executive director. I also want to allow the Board of Governors to show bar members that we want to meet with them, get to know them and want to listen to their thoughts and concerns.

What is something you wish you knew about practicing law before you entered the profession?

Before I started practicing law, I wish I had known how important the business of practicing law is to a successful practice. When I started practicing, I was ill-prepared for the running of a small business and all the financial decisions necessary to make it successful. Learning how to properly run a law office was sometimes learned the hard way. That

is why I believe so strongly in the need for continued emphasis on the OBA Management Assistance Program to aid the lawyers of our state in tackling those issues as they arise.

What is your favorite OBA member benefit? As I said above, I am a big fan of the Management Assistance Program. While in private practice, I relied on the information provided by MAP and the programs they presented. The ability to be able to pick up the phone and find out information from an expert was and is an outstanding member benefit.

In a post-pandemic world, what are you most looking forward to? I have not eaten out at a restaurant in over a year and a half. That, along with finally having the ability to get rid of the masks, are high on my list of things I look forward to the most.

What is the biggest challenge facing the legal profession? I believe the lack of professionalism between lawyers is my biggest concern. All lawyers must understand that they must be truthful to the court at all times. Also, some attorneys try to bully their opponents to create an advantage in the courtroom. While I believe aggressive advocacy is certainly appropriate, advocates need to show respect to the opposing counsel and not try to demean or run over them.

What phone app could I not live without? I probably use my Garmin app more than anything else.

Best way to beat stress? I use the television to relax at the end of the day. It may be with television shows, movies, news or sports. I find it lets me put out of my mind the things I have been dealing with during the course of the day.



MILES T. PRINGLE

Vice President
Oklahoma City

Background: I am an Oklahoma City native and third-generation attorney. I live in Oklahoma City with my wife, Andrea, and two sons, Fischer and Harrison. I played bas-

ketball and ran track in high school and continue to be a big basketball fan – particularly the Thunder and Jayhawks. After graduating from law school, I moved back to Oklahoma City to practice with the firm my parents founded. Currently, I am general counsel for The Bankers Bank.

Education: I earned my bachelor's degree from the University of Kansas, where I double majored in political science and history. I received my J.D. from the University of Missouri – Kansas City, where I was a member of the National Moot Court Team.

What is your most important goal during your service on the OBA Board of Governors?

Enhancing attorneys' prestige in our Oklahoma community and meeting as many lawyers as I can.

What is something you wish you knew about practicing law before you entered the profession? How much I would need to know about IT to do the job.

What's your favorite OBA member benefit?

Fellowship and the fantastic CLE programs.

In a post-pandemic world, what are you most looking forward to? Shaking hands and less hand sanitizer. My hands are really cracking.

What is the biggest challenge facing the legal profession? Administrative burdens on small law offices. Between staying on top of technology, payroll and other administrative issues, it can be difficult (and very stressful) for smaller offices to obtain clients and actually practice the law.

What phone app could you not live without? Spotify. I love a good history podcast.

Best way to beat stress? Meditation, yoga, a glass of wine and/or a good workout.

What's the best book you've read this year? *Hero of Two Worlds: The Marquis de Lafayette in the Age of Revolution* by my favorite history podcaster, Mike Duncan. This book details the inspiring life of the Marquis de Lafayette and his relationship to multiple revolutions.

If I weren't a lawyer, I'd be a... High school basketball coach and history teacher.



MICHAEL C. MORDY

Immediate Past President
Ardmore

Background: I was born in Tulsa and grew up in Ardmore. My wife, Christy, and I were married in Oklahoma City in 1978 while I was in law school at OCU. We moved to Ardmore

in 1985, where we currently reside. My daughter, Nataly, and her husband, Michael, live in Denver and are expecting a baby boy in April or May. My son, Chase, and his wife, Jill, live in Los Angeles with their 4-year-old daughter, Liv.

Education: I graduated from OU in 1977 and the OCU School of Law in 1980.

What is your most important goal during your service on the OBA Board of Governors? I would like to disseminate to the membership the free benefits that are available to OBA members.

What's your favorite OBA member benefit? The membership directory.

In a post-pandemic world, what are you most looking forward to? Regular travel.

What is the biggest challenge facing the legal profession? Discovery issues.

What phone app could you not live without? Weather app.

Best way to beat stress? Go for a jog.

What's the best book you've read this year? The Bible.

If I weren't a lawyer, I'd be a... Park ranger.



MICHAEL R. VANDERBURG

Governor – District No. One
Ponca City

Background: Born in Little Rock, Arkansas, currently residing in Ponca City. Seven years in private practice, 39 years of service to local governments. Family: wife

is Linda; adult children Robert and Lauren; and grandchildren Isaac, Cort and Ellie.

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

What is your most important goal during your service on the OBA Board of Governors? Working to improve the OBA's communications with county bar associations and various municipal organizations.

What is something you wish you knew about practicing law before you entered the profession?

I wish I knew how so much good can be accomplished through government service and how personal it is at the local government level.

What's your favorite OBA member benefit? The *Oklahoma Bar Journal*.

In a post-pandemic world, what are you most looking forward to? Personal travel and live theater.

What is the biggest challenge facing the legal profession? Bringing young people into the profession to replace an aging and retiring group of individuals.

What phone app could you not live without? Email and messaging.

Best way to beat stress? Taking time to play with children and dogs.

What's the best book you've read this year? *Six Amendments: How and Why We Should Change the Constitution* by John Paul Stevens or *Caste: The Origins of Our Discontents* by Isabel Wilkerson.

If I weren't a lawyer, I'd be... (with glasses) a teacher, (without glasses) a pilot.



MICHAEL J. DAVIS

Governor – District No. Two
Durant

Background: I am from Durant, where I am involved with the Durant Rotary Club and serve on the Durant Industrial Authority Board of Trustees. I am happily married to my wife, Katy,

who is from Antlers. In my free time, I cheer for the University of Oklahoma Sooners and volunteer with nonprofit organizations.

Education: I am a graduate of Southeastern Oklahoma State University, and I received my J.D. from the OU College of Law in Norman. I also have a Ph.D. in criminal justice leadership from the University of the Cumberland in Williamsburg, Kentucky.

What is your most important goal during your service on the OBA Board of Governors? My goal has been to serve my fellow attorneys with integrity and diligence, prioritize systems that protect the professionalism and esteem of the legal profession

in Oklahoma and support the continued relationship between legal academia, including the three law schools of the state, and the bar association to the best of my capacity.

What is something you wish you knew about practicing law before you entered the profession?

Traditional lawyering is litigation, but you are just as much of a lawyer when you work in compliance, real estate and other transactional or risk management roles. Never let anyone tell you otherwise!

What's your favorite OBA member benefit? The *Oklahoma Bar Journal* and the brilliant essays and research articles contained within have been a primary source of professional development for me, and I look forward to each monthly issue. I think every practicing attorney should carve out some time to contribute to the journal. Seeing your name in print on a scholarly document that benefits the profession is a heartwarming reward for the work it involves.

In a post-pandemic world, what are you most looking forward to? I expect to travel to both France and Germany.

What is the biggest challenge facing the legal profession? On the civil side, the challenges of big data, prohibitively large digital discovery files and restrictive shackles of tort reform have been serious hurdles. On the criminal side, the high frequency of light-handed plea agreements has placed domestic violence victims in danger repeatedly.

What phone app could you not live without? The New York Times Crossword app.

Best way to beat stress? The New York Times Crossword app.

What's the best book you've read this year? *Where the Crawdads Sing* by Delia Owens.

If I weren't a lawyer, I'd be a... Storm chaser.



S. SHEA BRACKEN

Governor – District No. Three
Edmond

Background: I grew up and graduated high school in Stillwater. I joined the U.S. Marine Corps after high school, which included a deployment to Fallujah, Iraq. Following deployment,

I completed my education and started practicing law. I work with Maples, Nix & Diesselhorst and primarily practice catastrophic injury and medical

negligence cases. I have an amazing wife, Lindsay, and two wonderful daughters, Makenna and Teagan.

Education: B.A. from OSU in 2008; J.D. from the OCU School of Law in 2011.

What is your most important goal during your service on the OBA Board of Governors? To get members more involved with the OBA, especially us young lawyers and millennials.

What is something you wish you knew about practicing law before you entered the profession?

Every single family member, friend and distant relative would need “legal advice” on a daily basis.

What’s your favorite OBA member benefit? The wonderful events and networking.

In a post-pandemic world, what are you most looking forward to? Being around people and traveling, especially OSU and Thunder games.

What is the biggest challenge facing the legal profession? Dealing with bad internet connections during Zoom depositions and hearings.

What phone app could you not live without? ESPN and Bleacher Report.

Best way to beat stress? Turn off the Oklahoma State game, go for a run and listen to relaxing music.

What’s the best book you’ve read this year? *A True History of the United States* by Daniel Sjsursen.

If I weren’t a lawyer, I’d be a... Guest Host on TV shows like *Booze Traveler* – travel the world and try different craft beers.



DUSTIN E. CONNER

Governor – District No. Four
Enid

Background: I was born and raised in Garfield County. I attended Garber schools, graduating in 2002. After law school, I came back to Garfield County to serve the community and have been with Gungoll Jackson

Box & Devoll since graduating from law school. I have two daughters, Averly and Emerie, and a son, Charlie. I enjoy working with community groups, attending Oklahoma State athletic events and spending time chasing my kids to school and athletic events.

Education: B.S. from OSU in 2006; and a J.D. from the OCU School of Law in 2011.

What is your most important goal during your service on the OBA Board of Governors? Learn all of what the association has to offer and spread that

knowledge to members in my district and across the state.

What is something you wish you knew about practicing law before you entered the profession? Not able to easily take time off.

What’s your favorite OBA member benefit? The OBA forums for discussion of various topical issues and questions.

In a post-pandemic world, what are you most looking forward to? Traveling and the reduction in back-ordered items.

What is the biggest challenge facing the legal profession? The loss of civility.

What phone app could you not live without? Email and calendar.

Best way to beat stress? Woodworking and spending time with family and friends.

If I weren’t a lawyer, I’d be a... Professional traveler.



ALLYSON E. DOW

Governor – District No. Five
Norman

Background: I am from Tulsa. I graduated high school from Metro Christian Academy and attended college at the University of Oklahoma. I graduated with a bachelor’s degree in account-

ing as well as human resource management in May 2007. Then, I moved to Texas to work as an internal auditor and accountant for two different firms. I began law school at the OU College of Law and graduated in May 2012. Since then, I have practiced primarily in family law and have a firm with my brother, Shane Henry. I am married to Mick Dow, and we have two little boys, Max and Beau. We currently live in Norman.

Education: B.A. in accounting and human resource management from OU; J.D. from the OU College of Law.

What is your most important goal during your service on the OBA Board of Governors? I hope to reach more members of the bar and the local community to bring assistance to any areas needed.

What is something you wish you knew about practicing law before you entered the profession? Time management is crucial. Work can take over your life if you allow it to do so. I believe in the saying, work to live rather than live to work.

What's your favorite OBA member benefit? The community. I have met wonderful friends and mentors through the OBA, and I would not have had the opportunity to connect with them without the OBA.

In a post-pandemic world, what are you most looking forward to? I am most looking forward to seeing how people, communities and the world define the "new normal."

What is the biggest challenge facing the legal profession? I truly believe the work-life balance is such a struggle for a lot of attorneys. Work is wonderful, and it is a way we can truly help the community, but our own mental health and personal boundaries are also very important. It is difficult to prioritize our time.

What phone app could you not live without? Venmo.

Best way to beat stress? Having a consistent relationship with the Lord, exercise and scheduled time off.

What's the best book you've read this year? *The Judge's List* by John Grisham.

If I weren't a lawyer, I'd be an... Accountant. Boring, I know.



RICHARD D. WHITE JR.
Governor – District No. Six
Tulsa

Background: I'm from Long Beach, California, and I currently reside in Broken Bow. I'm married and have five children and 10 grandchildren.

Education: Bachelor's degree in criminal justice from California State University Long Beach; J.D. from the TU College of Law.

What is your most important goal during your service on the OBA Board of Governors? To provide leadership in participation in the governance of our bar association during a time of change in our profession and our professional associations.

What is something you wish you knew about practicing law before you entered the profession? The time demands to properly prepare a case for trial. They make it look so easy on television.

What's your favorite OBA member benefit? Continuing legal education offerings.

In a post-pandemic world, what are you most looking forward to? Getting rid of masks.

What is the biggest challenge facing the legal profession? Inadequate judicial resources. Justice delayed is often justice denied.

What phone app could you not live without? Google Maps.

Best way to beat stress? Maintain a balanced lifestyle that sets aside sufficient time for family, hobbies and other interests.

What's the best book you've read this year? *The Last Lion*, a biography of Winston Churchill by William Manchester and Paul Reid.

If I weren't a lawyer, I'd be a... College professor.



BENJAMIN R. HILFIGER
Governor – District No. Seven
Muskogee

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, and 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, and 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.

What is your most important goal during your service on the OBA Board of Governors? To represent my district as best as I can.

What is something you wish you knew about practicing law before you entered the profession? How fun it is to be in the courtroom.

What's your favorite OBA member benefit? Fastcase! Free legal research!!!

In a post-pandemic world, what are you most looking forward to? Taking my family on vacations and social interaction in large groups.

What is the biggest challenge facing the legal profession? Adapting to technology.

What phone app could you not live without? Professionally, Clio.

Best way to beat stress? Walking around my neighborhood with my wife and kids.

What's the best book you've read this year? *Lonesome Dove* or *Beneath a Scarlett Sky*.

If I weren't a lawyer, I'd be a... Professional student.



JOSHUA A. EDWARDS
Governor – District No. Eight
Ada

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. 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.

What is your most important goal during your service on the OBA Board of Governors? I would like to increase our community's knowledge of the services that attorneys provide.

What is something you wish you knew about practicing law before you entered the profession? That, for the most part, other lawyers are very helpful with advice and responsive to questions from new lawyers. In other words, to not be afraid to ask for help.

What's your favorite OBA member benefit? I appreciate the ability to call the OBA Ethics Counsel for advice when dealing with unusual situations.

In a post-pandemic world, what are you most looking forward to? I am looking forward to traveling without restrictions or COVID tests.

What is the biggest challenge facing the legal profession? Protecting the community from non-lawyer "legal" advice and informing the public of the need to seek quality legal representation.

What phone app could you not live without? Google Maps.

Best way to beat stress? Being creative in the kitchen.

What's the best book you've read this year? *The Book Thief* by Markus Zusak.

If I weren't a lawyer, I'd be a... Barbecue-circuit champion!



ROBIN L. ROCHELLE
Governor – District No. Nine
Lawton

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

Education: Bachelor's degree in accounting from OU and J.D. from the University of San Diego School of Law.

What is your most important goal during your service on the OBA Board of Governors? Bringing local concerns of the bar to the board.

What is something you wish you knew about practicing law before you entered the profession? The great camaraderie of our bar and attorneys in Oklahoma.

What's your favorite OBA member benefit? CLE.

In a post-pandemic world, what are you most looking forward to? Getting back to traveling.

What is the biggest challenge facing the legal profession? Burnout.

What phone app could you not live without? Google Calendar.

Best way to beat stress? My dogs Boo, Belini and Paisley.

What's the best book you've read this year? *The Whistler* by John Grisham.

If I weren't a lawyer, I'd be a... Teacher.



ANGELA AILLES BAHM
Governor – At Large
Oklahoma City

Background: I was born in Berlin, Germany, and was raised in an Air Force family. Altus is my "hometown." My husband, Mark, has a public accounting firm. Our daughter, Isabella, is

about to graduate from the Savannah College of Art and Design.

Education: Undergrad at OU with B.A. in economics and BAC in accounting. Law school also at OU.

What is your most important goal during your service on the OBA Board of Governors? To learn, to educate and to represent. And to hire a first-rate executive director (big shoes to fill!).

What is something you wish you knew about practicing law before you entered the profession? Not to make lawyer jokes.

What's your favorite OBA member benefit? The Legislative Monitoring Committee's information and free CLEs.

What is the biggest challenge facing the legal profession? Lack of confidence due to politics in the judiciary.

What phone app could you not live without? My contacts list – and yes, Candy Crush.

Best way to beat stress? Talking to my hubby.

What's the best book you've read this year? *Killers of the Flower Moon*.

If I weren't a lawyer, I'd be a... Teacher.



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 seventh 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 from TU in 2007.

What is your most important goal during your service on the OBA Board of Governors? To serve an organization that has given so much to me.

What is something you wish you knew about practicing law before you entered the profession? How to set boundaries and thereby preserve space for me to just be.

What's your favorite OBA member benefit? Fastcase and discounts on so many different legal services like Ruby.

In a post-pandemic world, what are you most looking forward to? Solo and Small Firm Conferences, like the next one at the Choctaw Casino and Resort in Durant.

What is the biggest challenge facing the legal profession? Upholding the rule of law.

What phone app could you not live without? Twitter.

Best way to beat stress? I haven't found one yet, but I'm using the Lawyers Helping Lawyers Assistance Program to find out.

What's the best book you've read this year? I don't think I have gotten to finish one yet.

If I weren't a lawyer, I'd be an... Art gallery owner.



KARA I. SMITH
Governor – At Large
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, chief assistant attorney general and chief of the Civil Rights Unit at the Oklahoma Attorney General's Office and now as general counsel with the Oklahoma Health Care Authority. I am also an adjunct professor of law at the OCU School of Law. I have two grown children, Marcel (grand-kids Jordan and Allayna) and Kameron (who is a junior 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.

What is your most important goal during your service on the OBA Board of Governors? To honor my duties as a member of the OBA Board of Governors and contribute to the efficient and diligent governance of this most esteemed organization. I strive to best represent the members of this wonderful organization.

What is something you wish you knew about practicing law before you entered the profession? I am a first-generation lawyer in my family, and I wish I had a better understanding of the legal community and the profession before entering it. Do not get me wrong, I have had some wonderful mentors and colleagues who have really helped shape my experiences and career paths, and to experience things within this great profession on your own is something we all have to navigate. What I am saying is, there are certain aspects of it that if I had better knowledge would have had a more meaningful impact on my life in this legal profession.

What's your favorite OBA member benefit? I would have to say the ability to be connected to lawyers from all over the state through bar service, whether it be volunteering for OBA programs or being involved with sections and committees. I have met lawyers who I have gotten to know better, like Charles Chesnut, who I would have probably not met if not for my involvement with the OBA and OBF.

In a post-pandemic world, what are you most looking forward to? Normalcy, unrestricted vacationing (I am oh so missing the beach), no mask, a better appreciation in our society for each other regardless of our diverse cultures and backgrounds.

What is the biggest challenge facing the legal profession? Diversity and attracting and retaining talent.

What phone app could you not live without? Text messaging app.

Best way to beat stress? Find time to enjoy life and unwind. The pandemic has put some restrictions on this, but my advice is to find new ways to relax that may be right in your own backyard. For me, during the height of the pandemic, I focused on projects in my backyard and enhanced my backyard space.

What's the best book you've read this year? The best has to be reading various books of the Bible, then next, I would have to say reading *A Promised Land* by the 44th President Barack Obama.

If I weren't a lawyer, I'd be a... Veterinarian.



DYLAN D. ERWIN
Governor – YLD Chair
Oklahoma City

Background: I was born and raised in Lawton. My family has been in south-west Oklahoma since the land lottery, and I have the privilege of calling myself a fifth-generation Oklahoman. Growing

up, my dad practiced at a small firm in Lawton; so I spent my young life being slowly marinated in the profession that would ultimately be my own. I currently live in Oklahoma City with my wife, Leslie, who is also an attorney, and our daughter, Eloise, who is not an attorney but, rather, a newborn. In my free time, I enjoy writing and reading fiction.

Education: After graduating from Lawton High School in 2007, I attended the University of Oklahoma and graduated in 2011 with a bachelor's degree in English

literature and a minor in classical cultures. A few months after graduating college, I began my legal studies at the OU College of Law. I obtained my J.D. in 2014.

What is your most important goal during your service on the OBA Board of Governors? My main goal, and the idea that will flavor all my decisions, is inclusion. I want the OBA to be for everyone, and I want everyone to feel welcome in the OBA.

What is something you wish you knew about practicing law before you entered the profession? Being right and being clever can rarely co-exist peacefully in the same oral argument.

What's your favorite OBA member benefit? I'm a very big fan of the Lawyers Helping Lawyers Assistance Program. A lot of people don't realize that as OBA members, we have access to up to six hours of *free*, short-term, problem-focused or crisis counseling. It's so comforting to know we aren't alone, and there's always help if we need it.

In a post-pandemic world, what are you most looking forward to? I'm excited to travel again. Leslie and I had tickets to go to Italy and Scotland in September 2020, but the world had other plans. Instead, we ate pizza and watched *Outlander*. Same thing, right?

What is the biggest challenge facing the legal profession? Perception. Both our perception of ourselves and the country's perception of us. As they say, there's a reason there are a lot more lawyer jokes than doctor jokes.

What phone app could you not live without? My "Podcasts" app keeps me sane and helped me through 2020.

Best way to beat stress? Physical activity has always been one of the only things that can truly help me beat stress. My wife and I joke that the better shape I'm in, the more stressed I am.

What's the best book you've read this year? As hum-drum as it sounds, the best book I read in 2021 was *Les Misérables* by Victor Hugo. I tackled a chapter a day for Lent, and it completely changed my outlook on life, faith and sacrifice – truly no hyperbole here.

If I weren't a lawyer, I'd be a... College literature professor. I *distinctly* remember standing in my backyard senior year of college on the phone with my dad, trying to determine if I wanted to register for the LSAT or the GRE. Spoiler: I chose the LSAT.

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Oklahoma Bar Association
Lawyers Helping Lawyers
Assistance Committee

OBA Departments and Services

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

OFFICE OF THE EXECUTIVE DIRECTOR

Phone: 405-416-7014

OBA Bylaws, Article IV, Section 4:

- (a) The Executive Director shall keep the roster of the members of the Association and of the House of Delegates entitled to vote therein. He or she shall record and be the custodian of the minutes, journal and records of the Association and of the House of Delegates and of the Board of Governors.
- (b) The Executive Director shall act as Treasurer, and be the custodian of the funds of the Association. No funds shall be withdrawn except in the manner approved by the Board of Governors.
 - (1) The expenditures of the Association shall be in accordance with the provisions of the Rules Creating and Controlling the Oklahoma Bar Association as promulgated by the Oklahoma Supreme Court.
 - (2) The Executive Director shall maintain at all times a fidelity bond executed by a surety company as surety, the amount thereof and the surety to be approved by the Board of Governors.
- (c) He shall supervise the office of the Association and its personnel and shall see that the work of the Association is properly performed. He or she shall also perform such other duties as the House of Delegates, the Board of Governors or the President of the Association may direct.



*Executive Director John
Morris Williams*



*Executive Assistant Alisha
Davidson*

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.



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

ADMINISTRATION AND MEMBERSHIP DEPARTMENTS

Administration Department Phone: 405-416-7000

Membership Department Phone: 405-416-7080

Membership Department Email: membership@okbar.org

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

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



Director Lori Rasmussen, Kiel Kondrick, Lauren Rimmer and Dawn Shelton

COMMUNICATIONS & MARKETING DEPARTMENT

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

- Publishing the *Oklahoma Bar Journal*, including working with the Board of Editors, editing and proofreading articles, managing advertisements, graphic design support, as well as copywriting and editing information for news stories and the FYI and Bench & Bar Briefs sections
- 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 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 Member Engagement 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

- Producing MYOBACLE 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

CONTINUING LEGAL EDUCATION DEPARTMENT

Phone: 405-416-7029

Email: clestaff@okbar.org

The CLE Department is the state's leading continuing legal education provider. The staff works to provide relevant programs to meet members' needs. To suggest programs, contact Director of Educational Programs 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 and administrative and webcast services for noncosponsored events
- Planning and coordinating the OBA Leadership Academy

OFFICE OF THE ETHICS COUNSEL

Phone: 405-416-7055

Email: 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



Renee Montgomery, Gary Berger, Director Janet Johnson and Mark Schneidewent



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



*Investigators (back row) Jamie Lane, Les Arnold and Krystal
Willis; (front row) Kurt Stoner and Rhonda Langley*



*Support Staff Whitney Mosby, Melody Florence, Jen Brumage
and Ben Douglas*

- 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

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



Matt Gayle, Director Robbin Watson and Cheryl Corey



(Back row) Director Jim Calloway; (front row) Julie Bays and Nickie Day

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 and free, 45-minute consultations at the bar center or via videoconference for those setting up a new practice or who desire a more detailed discussion
- Providing onsite law office “Health Checks.” Check with MAP for fees
- Maintaining the Lending Library, making law practice management and technology books available for OBA members to borrow
- Providing practice management and technology posts for OBA’s *Courts & More*
- Writing *Law Practice Tips* Blog at www.lawpracticetipsblog.com and “Law Practice Tips” *Oklahoma Bar Journal* column
- Presenting at OBA/CLE and 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
- Managing the OBA Solo & Small Firm Conference
- Serving as a resource for OBA members on delivery of limited scope legal services. Liaise with the OBA Access to Justice, Member Services and Bar Association Technology committees on various projects



Administrator Beverly Petry Lewis, Laura Willis and Johnny Floyd

MANDATORY CONTINUING LEGAL EDUCATION DEPARTMENT

Phone: 405-416-7009

Email: mcle@okbar.org

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

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

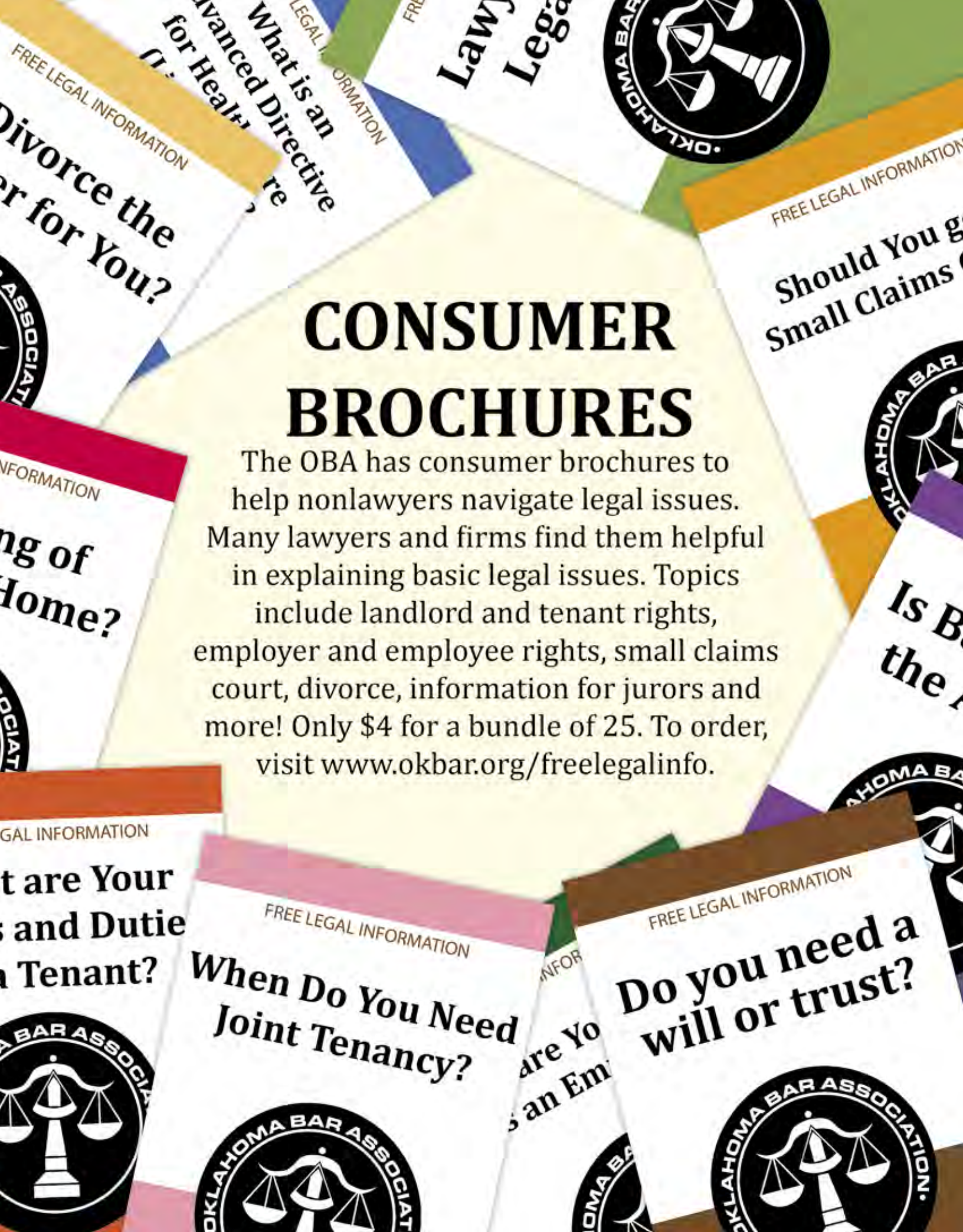
- Reviews more than 14,000 seminars for accreditation
- Maintains a record of the Oklahoma approved seminars attended by members
- Processes annual reports of compliance
- Responds to requests for clarification of the Rules of the Oklahoma Supreme Court for Mandatory Continuing Legal Education

Don't know whom to contact?

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

CONSUMER BROCHURES

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



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

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

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



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

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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. 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. Find ethics tips and more information online at www.okbar.org/ec.

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



NETWORKING OPPORTUNITIES

Leadership and volunteering opportunities – Boards, committees, sections and commissions offer leadership, volunteer, career development and statewide networking opportunities. Members may volunteer to serve on a committee online at any time during the year at www.okbar.org/committees. You can also find a list of projects on the Outreach & Public Service Programs page at www.okbar.org/outreach.

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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 2022 Solo & Small Firm Conference will be June 23-25 at the Choctaw Casino Resort in Durant.

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

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PUBLICATIONS

OBA Courts & More – Beginning in 2022, the bi-weekly OBA *E-News* email will merge with the weekly *Courts & More* digital publication. Members can now expect to receive one weekly digital news digest from the OBA every Wednesday that highlights Oklahoma appellate court information and news for the legal profession.

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

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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 and PDFs of the brochures are available at www.okbar.org/freelegalinfo.

Oklahoma Legal Directory –

This official directory of OBA members provides addresses and phone numbers, alphabetically and by county, includes 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.



Title Examination Standards –

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

ENDORSED INSURANCE AND RETIREMENT SERVICES

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

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

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TECHNOLOGY AND OTHER SERVICES



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

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

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OBA Newsstand – A daily news-feed with practice-specific news, curated in partnership with Lexology. With OBA Newsstand, you'll receive valuable 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.

OKBar.org: Your Virtual HQ

By Dawn Shelton

HAVE QUESTIONS ABOUT THE OKLAHOMA BAR ASSOCIATION? If you need to know it fast, you can find it at www.okbar.org. As the OBA's online headquarters, the website is a comprehensive and informative destination to manage your membership. Whether you're looking for a CLE program, the next LHL meeting, information about sections and committees or the handy online calendar, it's all there for you.

The OBA traces its roots back to 1904. From those pre-statehood days, the bar established a rich history of serving lawyers and the public. Adhering to that long commitment and bolstered by transparency and service, the OBA continues to transform, adopting new technology to better serve you and add value to your membership.

"In our efforts to continually improve services, we are using a data-driven approach as we update many of our communications methods," said OBA Communications Director Lori Rasmussen. "Communicating in the 21st century means meeting our members where they are and delivering the content they want, where and when they want it. The feedback we receive informs our decisions, helping to further refine our processes. And we have learned our online presence provides a wealth of current, relevant information at the touch of your fingers."

A MILLION VISITS

The OBA website was visited nearly 1.3 million times in 2021, a 52% improvement over the previous year according to analytics.



2022 OBA SECTION LEADERSHIP

Membership in an OBA section is an excellent opportunity to collaborate and network with lawyers who share a common practice area. Your section dues investment, ranging from \$15 - \$25 for the calendar year, is minimal and comes with a return on your investment with perks that vary by section. Choose from 29 substantive law sections, including the new Women in Law Section established in 2021. Join anytime! Use the signup form on the next page or visit www.okbar.org to see a list of sections and leadership.



The addition of the *Oklahoma Bar Journal* digital publication, *Courts & More*, factored into those numbers with almost 92,000 visits over the year. *Courts & More* is a weekly, digital publication that provides a digest of the latest appellate news from the Oklahoma Supreme Court, Court of Criminal Appeals and Court of Civil Appeals, as well as information shared from the Judicial Nominating Commission and the OBA Office of General Counsel regarding hearings. Distributed via email on Wednesdays, the "More" part of the publication features news and events, law practice tips from OBA Management Assistance Program Director Jim Calloway, upcoming CLE courses and other information of value to OBA members.

Courts & More is a successor publication to the court material that was previously printed semi-weekly, developed to save members time and to steward our resources away from the costs associated with traditional publishing. "We know our members are busy, and this new format allows readers to quickly scan the content and select the most relevant information," said OBA Executive Director John Morris Williams.

FOR MEMBERS AND THE PUBLIC

The OBA website's member resources include the Career Center, established in 2021 to offer online classified advertising, employment opportunities, services and office space availability. Links to other bar-related news and the Office of Ethics Counsel are additional features. The website is also designed for public use – online brochures such as "Methods for Resolving Conflicts and Disputes" and "Your Rights and Duties as a Tenant" are two of the most popular public resources, visited nearly 100,000 times in 2021. The website also houses portals for popular programs like the Oklahoma High School Mock Trial Program and Law Day contest information for students and teachers.

The virtual headquarters for your OBA membership is at www.okbar.org. We are mindful of making it a great, user-friendly experience for you and a repository of the information you are tracking down. As always, if you have ideas or suggestions, let us know!

ABOUT THE AUTHOR



Dawn Shelton is OBA strategic communications & marketing director.

OBA SECTION DUES

To sign up for a section online, login to MyOKBar, go to Online Store, Shop for Section Membership.

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☐ Please update my OBA roster information to reflect the above changes.

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P.O. Box 53036

Oklahoma City, OK 73152

Or fill in the information below:

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Notes: Section memberships are for the current calendar year and are not prorated.

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Filing a ‘Reservation of Time’ May Waive Certain 12 O.S. §2012 (B) Defenses Because the Rule Under *Young* May Have Been Superseded by Statute

By Kraettli Q. Epperson

DEFENDANTS IN A CIVIL case often desire an extension of time to prepare and file their answer to the plaintiff’s petition beyond the standard 20 days,¹ but they want “to have their cake (more time) and eat it too (not waive any 12 O.S. §2012(B) defenses).” Since 1991, defendants have relied on *Young v. Walton*² to achieve this miracle. The defendant usually files a “special appearance” or an “entry of appearance” that states (something like):

Defendants [ABC] (“Defendants”) enter their special appearance herein and reserve an additional 20 days from [Date 1] until and through [Date 2], within which to answer or otherwise respond to the allegations contained in Plaintiffs’ Petition on file herein.

By appearing specially and reserving additional time within which to answer or otherwise respond to said Petition, Defendants do not waive any

defenses or objections and expressly reserve their right to assert any and all defenses enumerated in 12 Okla. Stat. §§2008 (C), 2012(B), and other Oklahoma laws, including, but not limited to, failure to state a claim upon which relief can be granted and any other matter constituting an avoidance or affirmative defense. See *Young v. Walton*, 1991 OK 20 ¶4, 807 P.2d 248, 249-250 and 12 Okla. Stat. §2005.2(A). (Filing an entry of appearance as required by this section does not waive any defenses enumerated in subsection B of Section 2012 of Title 12 of the Oklahoma Statutes).

This recitation, relying on the *Young* case, arguably allows the defendant to unilaterally (*i.e.*, without a court order) achieve this result.

Several cases, decided soon after this 1991 holding in *Young*, have echoed such ruling.^{3 4} Any reliance on the 1991 *Young* case, at the current time, is possibly misplaced because the relevant statute, 12 O.S.

Supp. 1984 §2012, was subsequently amended in 2000, 2002 and 2004 and, most significantly, was split into two separate statutes in 2002. There is a recent case, *Smith v. Lopp*,⁵ that follows the holding in the *Young* case. However, this case fails to acknowledge such legislative changes and, consequently, does not explain how the holding in *Young* survived these subsequent express substantive legislative amendments.

The law is clear: “Further, the Legislature will not be presumed to have done a vain and useless act in the promulgation of a statute [*Cunningham v. Rupp Drilling, Inc.*, 783 P.2d 985, 986 (Okla.Ct.App.1989)] ...”⁶ If the Legislature changes an existing statute, the courts must recognize and implement such pronouncement by treating the law as being changed/alterd or clarified.⁷ Because the meaning of this statute (§2012) had been “judicially determined” in *Young*, “The [post-1991] amendment may reasonably indicate that the intention of the legislature was to *alter* the law.”⁸



To understand the impact of such legislative changes to this particular statute, it would perhaps be helpful to review the sequence and content of such changes.

At the time of the 1991 decision in *Young*, the statutory language dealing with filing an “appearance” and an “answer” (aka a “response”) in a civil matter was found *combined* in a single statute.⁹ That statute required that there be *two* distinct pleadings filed within 20 days of service of the petition: the appearance and the answer.

The answer was required to list every defense, except that certain specified defenses could be asserted, in the same 20-day period, in a *motion* instead of in the answer. Such itemized defenses included, among others, “Failure to state a claim upon which relief could be granted.”

A general appearance could be filed within that initial 20-day window to avoid filing both an appearance and an answer. Filing an appearance was for the purpose of, and with the result of, extending the time to file that answer (by another 20 days); however, such unilateral extension (without a court order and between 1984 to 2002) came at a “cost”:

WHEN PRESENTED. A defendant shall serve his *answer* within twenty (20) days after the service of the summons and petition upon him, except as otherwise provided by the law of this state. Within twenty (20) days after service of the summons and petition upon him, *a defendant may file an appearance which shall extend the time to respond twenty (20) days from the last*

date for answering. The filing of such an appearance waives defenses of paragraphs 2, 3, 4, 5, 6, and 9 of subsection B of this section.^{10 11}

In the *Young* case, the defendant did not file an answer but an appearance; the appearance filed by the defendant was titled a Special Appearance and Request for Enlargement of Time in Which to Further Answer and Plead. It contained an express request to the court for an extension of time. A review of the trial court file shows the trial court entered an order granting such request for an extension of time. Such request was based on extenuating circumstances: The defendant’s attorney, an assistant Oklahoma attorney general, was sick, and he asserted the need for more time to prepare a full answer. This was not a

free-standing, *unilateral* (self-executing) “appearance with a reservation of time.”

The *Young* appellate court distinguished a “general” (or “unspecified”) appearance from a “special” appearance. A *special* appearance could apparently be filed to challenge the plaintiff’s right to be in court by asserting improper venue and failure to state a claim:

The plaintiff argued on appeal that when the defendants responded to the original petition by making a ‘special appearance,’ they waived the defenses of improper venue and of failure to state a claim upon which relief can be granted. The terms of 12 O.S. Supp. 1984 § 2012(A) do provide that the filing of ‘an appearance’ within the twenty-day period after service of process extends the time to respond and operates as a waiver of certain challenges. *This statute, though, applies only to a defendant’s general or perhaps to an unspecified appearance, not to one that is explicitly qualified.* The defendants were not precluded by law from either objecting to venue or questioning the sufficiency of the allegations to state a claim for relief.¹²

If this 1984 statute¹³ had remained intact thereafter, the holding in the *Young* case might still be the existing law (*i.e.*, a general appearance would waive certain defenses, but a special appearance would not). However, after 1991, this statute was amended several times. The current version of §2012 (last amended in 2004) makes no mention of an appearance, special or general, and now provides:

A. WHEN PRESENTED.

1. Unless a different time is prescribed by law, a defendant shall serve an answer:

- a. within twenty (20) days after the service of the summons and petition upon the defendant,
- b. *within twenty (20) days* after the service of the summons and petition upon the defendant, or within the last day for answering if applicable; provided, a defendant may file a *reservation of time* which shall extend the time to respond twenty (20) days from the last date for answering. The filing of such a *reservation of time* waives defenses of paragraphs 2, 3, 4, 5, 6, and 9 of subsection B of this section.

B. HOW PRESENTED. Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: ***

6. Failure to state a claim upon which relief can be granted.¹⁴

In 2002, 12 O.S. Supp. 1984 §2012 was amended, and the language was changed substantively, so the pleading known as an appearance (whether general or special) was totally removed from Section 2012 and placed into a separate, new statute: 12 O.S. Supp. 2002 §2005.2. *The totally new §2005.2 made it clear that the filing of this “entry of appearance” did not waive any defenses: “Filing an entry of appearance as required by this section [2005.2] does not waive any defenses enumerated in subsection B of Section 2012 of Title 12 of the*

Oklahoma Statutes.” However, significantly, such amendment of §2012, which included the availability of the *unilateral* right to take an additional 20 days to file an answer, came with explicit, negative consequences.

The new appearance statute, 12 §2005.2, had a limited new purpose and provided:

A. ENTRY OF APPEARANCE.

Every party to any civil proceeding in the district courts *shall file an entry of appearance* by counsel or personally as an unrepresented party when no other pleading or other paper in the case by that counsel or party has been filed, but no later than the first filing of any pleading or other paper in the case by that counsel or party. In the event a party changes, adds, or substitutes counsel, new counsel must immediately file an entry of appearance as set forth in this section. *The entry of appearance shall include the name and signature of counsel or the unrepresented party, the name of the party represented by counsel, the mailing address, telephone and fax numbers, Oklahoma Bar Association number, and name of the law firm, if any. Copies shall be served on all other parties of record.*^{15 16}

Consequently, any attempt to seek a 20-day extension was no longer related to an appearance but was changed to be achieved by the filing of a new pleading called a “reservation of time” (done in lieu of filing the answer) under the surviving, but amended, statute, §2012. This amended surviving statute no longer included any language providing for an appearance

at all. Instead, such unilateral reservation of time was separated from the appearance statute and, instead, such extension was triggered by the new reservation of time pleading (in lieu of filing the answer) and was covered under this 2002 amended version of §2012.¹⁷

The result is that this current version of 12 O.S. Supp. 2004 §2012 deals exclusively with the filing of an answer (the response) and provides that if the defendant desires to unilaterally (without court order) file a reservation of time in order to be allowed to take an additional 20 days to file a formal answer, *then there is a consequence*:

WHEN PRESENTED. 1. Unless a different time is prescribed by law, a defendant shall serve an answer:

- a. within twenty (20) days after the service of the summons and petition upon the defendant,
- b. within twenty (20) days after the service of the summons and petition upon the defendant, or within the last day for answering if applicable;

provided, a defendant may file a *reservation of time* which shall extend the time to respond twenty (20) days from the last date for answering. *The filing of such a reservation of time* waives defenses of paragraphs 2, 3, 4, 5, 6, and 9 of subsection B of this section.¹⁸

Such reservation of time clearly is not an appearance (special or general) because 1) it is in a different statute and 2) it does not contain the same content and does not serve the same purposes as an appearance (solely to identify the attorney or *pro se* defendant and their contact information). So it seems easily argued that under the current statutes 1) filing an appearance cannot and does not extend the answer date and does not waive any defenses, but 2) filing a reservation of time does waive certain defenses, including “failure to state a claim.”

What is the result now, under the new statutes, when the defendant combines such appearance and reservation of time into the

same pleading? The Legislature clearly took steps to separate the two pleadings between two distinct statutes, with each pleading serving a different distinct purpose and to expressly provide that if the unilateral reservation of time is filed, certain defenses were definitely waived. To allow the simple act of combining the two distinct pleadings, appearance (special or general) and the reservation of time, into a single pleading to avoid the consequences explicitly mandated by the terms of the statutes would be treating the legislative amendments as a nullity.

As noted above, the law is clear: Every action of the Legislature in amending an existing statute must be treated as being done with the intention to *alter or clarify* the existing law. In this instance, after the statute’s “meaning had been judicially determined” in the *Young* case, such amendment was presumably intended to *alter* the law. Therefore, it would appear to be a reasonable conclusion that it was the intent of the Legislature to *alter* the law existing in 1984 to now provide:

So it seems easily argued that under the current statutes 1) filing an appearance cannot and does not extend the answer date and does not waive any defenses, but 2) filing a reservation of time does waive certain defenses, including “failure to state a claim.”

- A. the filing of an “Appearance” (special or general), in itself, *does not waive* any defenses, but
- B. the filing of a “Reservation of Time” (even if combined with a Special Appearance) *does waive* such specified defenses.

Consequently, it appears that the principle announced in *Young* may have been expressly overruled by the Legislature.

ABOUT THE AUTHOR



Kraettli Q. Epperson is a partner with Mee Hoge PLLP in Oklahoma City. He received his J.D. from the OCU School of Law

in 1978 and practices in the areas of mineral and real property title disputes. He chaired the OBA Title Examination Standards Committee from 1988 to 2020 and taught Oklahoma Land Titles at the OCU School of Law from 1982 to 2018.

ENDNOTES

1. 12 O.S. §2012(A).
2. 1991 OK 20, 807 P.2d 248.
3. *First Texas Savings Ass'n v. Bernsen*, 1996 OK CIV APP 24, 921 P.2d 1293; *Grazier v. First National Bank of Nowata*, 1998 OK CIV APP 117, 964 P.2d 950; and *Campbell v. American International Group, Inc.*, 1999 OK CIV APP 37, 976 P.2d 1102.
4. In the *Young* case, the defendant filed a request for an extension of time (due to extenuating circumstances), and there was an order granting

such extension. However, these later cases apparently did not include such facts. Any Oklahoma cases decided after *Young* but before the amendment of 12 O.S. §2012 in 2002 cannot be relied upon to interpret the new (2002) statute.

5. 2020 OK CIV APP 24, FN2, 466 P.3d 642.

6. *TRW/Reda Pump v. Brewington*, 1992 OK 31, ¶15, 829 P.2d 15, 20.

7. *Magnolia Pipe Line Co. v. Oklahoma Tax Commission*, 1964 OK 113, ¶11, 167 P.2d 884, 888: “Where a statute is amended, the Legislature may have intended either, (1) to effect a change in the existing law, or (2) to clarify that which was previously doubtful ... Which purpose was intended by a particular amendment is to be determined to some extent from the circumstances surrounding its enactment ... Where the former statute was clear, or where its meaning had been judicially determined, the amendment may reasonably indicate that the intention of the Legislature was to alter the law ... On the other hand, where the meaning of the former statute was subject to serious doubt, or where controversies concerning its meaning has arisen, it may be presumed that the amendment was made to more clearly express the legislative intention previously indefinitely expressed ...”

8. *Magnolia*, ¶11.

9. 12 O.S. Supp. 1984 §2012(A).

10. *Id.*

11. 12 O.S. Supp. 1984 §2012(B), “(B) HOW PRESENTED. Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: ... (6) Failure to state a claim upon which relief can be granted.”

12. *Young*, ¶4.

13. 12 O.S. Supp. 1984 §2012(A).

14. 12 O.S. Supp. 2004 §2012.

15. 12 O.S. Supp. 2002 §2005.2(A).

16. The original statute (12 O.S. Supp. 1984 §2012) was amended in 2000 for the sole purpose of acknowledging that, due to the enactment of the Federal Debt Collection Procedures Act, in any collection lawsuit, the answer deadline is extended from 20 days to 35 days to allow for a mandated exchange of communications between creditor and debtor.

17. 12 O.S. § Supp. 2002 §2012 again was amended in 2004, but such amendment did not affect this relevant language but only changed the arrangement of the subparagraphs.

18. Including: “Failure to state a claim upon which relief can be granted.”

MANDATORY CONTINUING LEGAL EDUCATION CHANGES

OK MCLE RULE 7, REGULATION 3.6

Effective **Jan. 1, 2021**, of the 12 required instructional hours of CLE each year, at least two hours must be for programming on Legal Ethics and Professionalism, legal malpractice prevention and/or mental health and substance use disorders. For more information, visit www.okmcle.org/mcle-rules.



The background of the top half of the image is a close-up, slightly blurred view of the American flag, showing the stars and stripes in shades of blue, white, and red. A white rectangular frame is superimposed over the flag, containing the text.

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At-Home Injuries: The Blurry Line Between Compensability and Deniability

By D. Wade Christensen



AT THE BEGINNING OF 2020, roughly 40% of U.S. employers offered remote work. However, the COVID-19 outbreak has greatly changed the work situations for millions of people throughout the United States.

On March 24, 2020, Oklahoma declared a health emergency and issued an executive order pertaining to all 77 Oklahoma counties. Pursuant to the order, state agencies were directed to establish and implement a remote work policy that balanced the safety and welfare of state employees with the critical services they provide. Likewise, the order directed all businesses outside of the defined critical infrastructure sector and located within a county experiencing community spread of COVID-19 to close.¹ The vast majority of businesses in the state complied with the order. However, by May 2020, the governor's office began to issue reopening guidelines. Despite these precautions, the number of confirmed positive cases of the virus continued to rise.

As the impact of COVID-19 continues to spread alongside the fast-paced evolution of telecommuting software and virtual meeting platforms, the number

of employees working from home is vastly increasing. With the increased number of employees working remotely, employers are likely to see a significant increase in the number of questionable workers' compensation claims that arise from within the employee's home. Handling these claims can be complicated from a defense perspective because the primary defense that the off-premises injury was not work-related can now be largely ignored. Additionally, employers who are concerned with employee safety have little to no control over the employee's home environment. These concerns will be addressed later in this article.

In Oklahoma, a compensable injury is one that arises out of the course and scope of the employment. The term "course and scope" is defined as an activity of any kind and character for which the employee was hired, relates to the business, trade or profession of the employer and is performed by an employee in the furtherance of the affairs of the employer. This broad definition includes activities conducted on the premises of the employer or at other locations designated by an employer,² such as the home office.

At-home injuries alleged to be work-related have rarely been litigated in Oklahoma. In general, Oklahoma law has a three-prong process to determine whether an off-premises injury is work-related. One factor is whether the activity was at the direction of the employer. The second considers whether the activity inures to the benefits of the employer. Finally, whether the employee deviated from the directions of the employer during the injury-causing activity.

DEVIATIONS FROM EMPLOYMENT

As a general rule, if an employee deviates from performing their job duties for a personal benefit and is not furthering the affairs of their employer, any injury that occurs during the period of deviation is usually not considered a compensable injury. Most of the exceptions for deviations from employment will apply in the home office. However, in many instances, courts have upheld a personal comfort exception for injuries that occur during a work break.

PERSONAL COMFORT EXCEPTION

In *Munson v. Wilmar/Interline Brands*, No. WC08205 (Dec. 2008), a Minnesota Workers' Compensation Court of Appeals determined an employee working from home could be compensated for an injury they sustained while working at home. At the time of the accident, the employee was walking down the stairs after getting a cup of coffee. The employee argued he was performing work for his employer at the time, but he was taking a break. Minnesota extended its personal comfort exception to situations in the home just as if the employee was in the office taking a break. The *Munson* court found it especially important that the employee was required to maintain a home office by his employer.

In a closely similar case, an employee in Pennsylvania was on the phone with her supervisor when she fell down the stairs. The reason she was on the stairs at all, however, was because she had gotten something to drink before heading back to her home office. Again, that court invoked the personal comfort doctrine to determine that her injuries were compensable.

In contrast, if the employer can show that an employee was injured during an activity that has little connection to their work activities or does not expose the employee to a greater risk than they would normally be exposed to, they may be able to avoid compensation. For example, in *Wait v. Travelers Indem. Co. of Ill.*, 240 S.W. 3d 220 (Tenn. 2007), the Tennessee Supreme Court determined that a woman who was assaulted in her home while working and making lunch could not receive workers' compensation benefits. In that case, the woman worked entirely from home and even hosted remote meetings with other co-workers and supervisors from her home.

The court denied compensation for her injuries due to a lack of inherent connection to the employment. During her lunch break, the woman's neighbor entered the home and assaulted her. The court found it important that the woman's neighbor had no connection with her employment, although she was assaulted in her workplace.



In Florida, the Florida Court of Appeals denied workers' compensation benefits to a Florida insurance adjuster when she sustained injuries after tripping over her dog while working from home. In its well-reasoned opinion, the court decided the issue on whether the employment, wherever it takes place, necessarily exposes an employee to conditions that substantially contribute to the risk of injury.³ The court reasoned the relevant risk that the employee might trip over her dog while reaching for a coffee cup in her kitchen would be present regardless of whether the employee is or is not working. Such a risk existed before she took her job, and it will exist after her employment ends – provided she continues to own a

dog. Since the risk did not arise out of the employment, the Florida Court of Appeals announced that her injury did not occur within the course and scope of employment.

Likewise, in Oklahoma, an employee must show an employment-related nexus. This means the workers' compensation claimant has the onus of presenting evidence

that the risk underlying the injury was either an actual risk of the employment or if a risk common to the general public, that the employment exposed the claimant to a heightened risk of injury.⁴ But like the courts in Minnesota and Pennsylvania, Oklahoma courts have long held that an employee's activity is work-related if the employer's purposes are being carried out or the employer's interests are being directly or indirectly advanced; this principle is the foundation for the doctrine that work-connected activity reaches beyond the direct services performed and includes ministrations to the personal comfort and needs of employees,⁵ irrespective of the situs of the injury.

MAJOR FACTORS TO CONSIDER

Although Oklahoma courts have rarely discussed remote-workplace injuries, it is anticipated our courts will turn to reason and case law from other states such as Minnesota and Pennsylvania, given the expansive nature of the Oklahoma statutory definition of a compensable injury. Nevertheless, each case will involve a fact-specific, case-by-case analysis. In any event, the claimant will carry the burden to prove by a preponderance of the evidence that the injury sustained, and any subsequent disability resulting therefrom, arose out of and in the course of the occupation or employment.

As mentioned *supra*, the primary factors the Oklahoma Workers' Compensation Commission will consider in determining whether an at-home injury occurred within the course and scope of employment involve whether the work being performed was at the direction of the employer, whether the activity engaged in at the time of injury was in furtherance of the employer's affairs or business and whether the injury involved was an inherent risk of the occupation. Still, it is never a given that a work-related injury in the home is compensable. There are a number of additional factors Oklahoma courts might consider while addressing work-from-home injury claims in addition to the instruction of the employer, including the very specific activity the employee was engaged in at the time of injury, the quantity and regularity of work performed at the home, the time the employee's normal work activities commenced, deviation from normal working hours, longer than usual breaks in work time, the presence of work equipment in the home and whether the accident or injury

involved another person unrelated to the employee's job duties or employment.

Even if the employee's home can be qualified as a workplace, the employee must show the workday has commenced, and they were fulfilling their work duties at the time of the injury.

FRAUDULENT CLAIMS

The increase in the number of employees working from home, the employer's lack of control and inability to properly inspect the conditions of the employee's home office, coupled with the likelihood of few objective witnesses to these injurious events sets the stage for an increase in the likelihood of fraudulent claims. However, there are a number of practices employers can implement to reduce the number of fraudulent claims.

The impact of the virus is likely to continue throughout the foreseeable future, making the fears of a second economic shutdown more realistic. It is important to know your rights as an employer for defending at-home work-related injuries.

ABOUT THE AUTHOR



D. Wade Christensen is the managing director of Christensen Law.

His practice focuses on workers' compensation and other civil matters. He provides assistance to Oklahomans and Oklahoma companies doing business in Oklahoma who need representation or advice. He was formally the first gentleman of Oklahoma.

ENDNOTES

1. www.sos.ok.gov/documents/executive/1919.pdf.
2. 85A O.S. §2(13).
3. *Sedgwick CMS v. Valcourt-Williams*, 271 So.3d 1133 (Fla. App.).
4. *K-Mart Corp. v. Herring*, 188 P.3d 140 (2008).
5. *Richey v. Commander Mills, Inc.*, Okla., 521 P.2d 805 (1974).

Happy New Year as I Prepare to Leave My Post

By John Morris Williams

IT'S THE BEGINNING OF A new year. A new year often brings renewed hope, dreams and goals. The events of the last 20 months have certainly challenged us to think differently and work differently. However, the core of our work mission has not changed. The Oklahoma Bar Association will this year reexamine its mission and core values to ensure it is doing everything possible to enhance the professional lives of its members.

I anticipate that our Strategic Planning Committee will be meeting shortly to develop a road map for the future. This will be an exciting and necessary process to move our association forward. Since it has been publicly announced on more than one occasion, I'm sure most are aware that it is my intent to retire at the

end of the year. Like you, this is my association, and I want to see it thrive and be there for the generations of lawyers to come.

The final plans have not been developed on all the processes that will be utilized in updating our strategic plan. It is anticipated that there may be some surveying of the membership. If you are like me, filling out surveys is not one of my favorite pastimes. However, I would ask that you do take the time to fill out any surveys you may receive. Research has shown that information gathered from surveys is most helpful if a broad range of members participate. Otherwise, it is just data from people who are inclined to fill out surveys. The OBA is made up of busy lawyers who often sell time for a living. I know that it is asking you to give of your time, but I promise

you it will be time well spent in helping guide your association.

As new leadership is being recruited for the association, I do hope every member will take the opportunity to help guide and move us forward. As the hired help, I have had a unique perspective and opportunity to engage in the work of the association. First and foremost, like you, I am a lawyer. I know the challenges of juggling multiple cases and meeting overhead every month. Whether you are a solo practitioner or a member of a large firm, the commonalities that unite us are immense.

For the past several years, I mentioned in my comments and conversations with our elected leadership that in the next couple of years our association will be losing almost 200 years of combined experience with the retirement of several of the



professional staff. Although there are many changes coming to the OBA, I am certain that our future is bright because we have a dynamic and engaged membership. The job of the professional staff is to assist the elected leadership and members in carrying out the mission and goals of the association. As long as we have committed and talented leadership from the ranks of our membership we will prosper. We can always find new and better ways to serve our members, and fresh eyes often are necessary to take things up a notch.

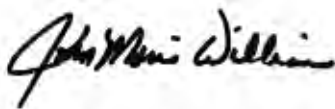
I call upon every member of the association to be engaged, especially during this time of change, to let your voice be heard and to help shape our future. In the meantime, we will continue striving to meet the challenges ahead and provide the best member service we can under the circumstances and with the resources we have. The association is in good financial condition for the time being. We have not had dues increase in 17 years. The only thing that is the same price as it was 17 years ago for me is my OBA dues amount! We have a competent staff and some new employees who have injected new energy and ideas.

As the calendar pages turn this year, it is my fervent hope that we continue to provide good service and value to our membership. It is

my equally fervent prayer that our members reach out to us and let us know what they need and want from our association as we plan for the future.

I'm often reminded of a speech by Retired Justice Joseph Watt. He said a turtle on top of a fence post did not get there alone. I must admit sometimes I feel like that turtle: in a place with a great view, wondering what the heck next to do. Fortunately, the members and leadership of the OBA have always given me the help, wisdom and direction to move from one post to the next. So as I prepare to move to the next post, please join me in helping our leaders chart the future of the OBA.

I want to wish everyone good health and prosperity in this new year. Let us know at the OBA how we can continue to demonstrate our commitment and provide value to your professional life. I see 2022 as a great year for the OBA and hope to hear from you and see you as I move from one post to the next.



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

New Year's Resolutions and Goal Setting for Lawyers

By Jim Calloway

IT'S THE TIME OF YEAR FOR New Year's resolutions. Well, since this comes out in mid-January, it is the time when many New Year's resolutions have already been made and broken. But with the new year ahead, it is an appropriate time to reflect on your law firm and the goals you have for the year. So instead of calling your plans for the year resolutions, let's frame this discussion as goal setting. If you really want to be effective at setting goals, enlist others in your project, and set a review date a few months down the road to see how you're doing on your plans partway through the year.

Rather than drafting goals for you, we will cover some broad areas so you can create your own law firm's goals for the new year.

MARKETING AND CLIENT DEVELOPMENT

Marketing and client development, for most law firms, is an ongoing process. It seems like you have to market all the time because the return on lawyer marketing efforts is often more long term than immediate.

We will assume for the purposes of this article that you have the basics down. You have a law firm website that directs others to your physical office, provides the law firm phone number and lists

some areas of law of your normal practice. We assume you have claimed the Google My Business profile for your current address, and we assume you have invested time in training your staff how to positively deal with potential new clients who call.

This year, consider adding to your client outreach efforts by selecting a few targets for individual, one-on-one focus. Who is your ideal potential client? Design your marketing efforts to appeal to that client profile. For firms representing primarily individual clients and fewer long-term clients, target your best sources of referrals. Given the last couple of years, you may not have had as much personal contact with some of your good referral sources as you previously would have enjoyed. Invite them to lunch as a thank you, but also ask how you can help them with the clients they send now. Maybe a brochure or something similar would be helpful – perhaps they just need some of your business cards. You never know unless you ask.

Determine your goals for client development for the year. Maybe you'll have lunch with a referral source every month, or maybe something else entirely works better for your practice. Other items to consider include freshening up

your law firm website and posting new content, working on an improved social media strategy, reviewing the thank you letter you send to those who refer cases to the firm or other actions.

EXAMINING IMPERFECTION

Nobody likes to make a mistake. Lawyers, by our nature, are often critical of even the smallest mistake. But sometimes, it is OK to dwell on the past and look at previous shortcomings. With the legal profession, if a mistake is made, we tend to focus on fixing it. When that is done, however, there is more work waiting for you. Look at your lowest moments in the past year and see if some changes should be made to prevent the problem from cropping up in the future. Hopefully, there were few low points.

It takes a bit of courage but asking a sample of your clients (after the representation is concluded) what they thought of your services and where you could have improved will provide you with information that is literally unattainable anywhere else. If you don't have a mechanism now for obtaining client feedback, you should strongly consider adding that to your list of goals for the year, even if it's just simply having your staff call 10% of clients a



month after their file closes to see if they will agree to a short interview about their experiences as a client. Simply ask a former client what the best and worst things were about the firm's representation in their matter. Most will appreciate that you asked.

COPING WITH CHANGING TIMES

A profession that is guided by legal precedent from the past has sometimes proven to be challenged by dealing with rapidly changing circumstances in the world today. Some very large law firms have even hired directors of innovation to push their firm

forward with needed changes. There is significant agreement that there are generational differences in how individuals respond to certain marketing outreaches.

Precedent and inertia are powerful influences to keep things at the status quo; however, every type of business today, including law firms, is dealing with rapid change. Reflecting on where you want your practice to be at the end of the year and after five years is a good way to prioritize what changes you want to approach first. Many individuals now expect more and different things in client services from every professional service provider. As I've

mentioned earlier in this space, you may really hate videoconferencing after the last two years, but you may have some clients who would greatly appreciate not having to drive to your office for short meetings or who still have concerns about in-person meetings.

A PRE-YEAR-END CHECKLIST FOR SOLOS AND SMALL FIRMS

Attorney Megan Zaviech shares some ideas in "A Pre-Year-End Checklist for Solos and Small Firms,"¹ posted on the website Attorney at Work. Although the author focuses on limiting ethical risks, her sample list of key business areas and suggestions for reviewing are useful for any type of solo and small law firm business reassessment, from financial planning to improving client services. If you have never done a review of your business operations, Ms. Zaviech's short outline is an excellent starting place.

ABOUT LAW OFFICE TECHNOLOGY

Proper use of technology can yield great benefits. Your staff has likely communicated to you what hardware should be replaced, but technology is not always a solution to every problem. Many law firms invest in the proper technology but then fail by not providing

You already have many goals and deadlines related to your current client files, but it's important to represent yourself and your law firm as well by taking the time to consider what changes and improvements you can make each year.

appropriate training for the staff and lawyers on how to get the most benefit out of the technology.

If everyone in the office is working on old computers with delays, crashes and other problems, the firm clearly needs to consider investing more in its technological tools. Inexpensive computers have about a three-year lifespan before their performance starts diminishing. More expensive computers can go a bit longer. Contact the OBA Management Assistance Program staff for assistance with law office technology information.

IMPROVING THE CLIENT EXPERIENCE

Lawyers focus on the legal issues about their clients' matters, justifiably so. But as many have observed, what causes clients to return for more legal services or to refer your law firm to their friends and acquaintances is often not so much the result but how the clients feel they were treated during the representation.

Invest some time in examining the client experience you provide and improving it. Do you provide appropriate handouts? Many individuals prefer to watch videos instead of reading text. While I

haven't seen it happen extensively yet, I still believe it will be common in the near future for law firms to have a library of videos recorded by lawyers in the firm. These videos will explain simple, legal concepts about representation and will be hidden behind a firewall and reserved only for the law firm's clients. A few years ago, that would have cost many thousands of dollars to produce. Now, almost every lawyer carries a mobile phone capable of recording high-quality videos. This does not mean that everyone can record professional-quality videos with their phone. Proper attention to good audio and appropriate lighting is critical. Just remember, there's no such thing as a great video with the sound so weak you can't understand it without effort.

We all appreciate what we like when we are receiving professional services from another. Being on time for client appointments, avoiding interruptions during a conference with a client and giving clients plenty of time to ask all their questions are great starting points for good client relations.

Some law firms are providing extras that clients do not expect and therefore greatly appreciate. I

once saw a lawyer discuss how he sends boxes of chocolates personalized with his law firm's branding to new clients. Family lawyers have long provided blank calendars to their clients in high-conflict divorce cases so the client can easily document each problem on the day it occurs. This cuts down on "billable" calls to the law firm about relatively minor items.

CONCLUSION

You and your clients are the experts on how well your law firm provides legal services. You already have many goals and deadlines related to your current client files, but it's important to represent yourself and your law firm as well by taking the time to consider what changes and improvements you can make each year.

Now that you have finished reading this column, it is up to you to pick the first items you want to review and improve. For most of us, we have more things that we would like to accomplish than time to accomplish them. But consistently making positive changes on a regular basis will yield great benefits in the future. It's like the old saying, "How do you eat an elephant? One bite at a time."

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

ENDNOTE

1. www.attorneyatwork.com/a-pre-year-end-checklist-for-solos-and-small-firms.

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UPCOMING ADDITIONS TO THE APPELLATE SERIES:

February 4, 2022

A REFEREE'S ROLE IN THE APPEALS PROCESS

Featured Speakers: Kyle Rogers and John Holden, Referees, Supreme Court of Okla.

February 11, 2022

MORE THAN JUST DRAFTING AND DEADLINES

Featured Speaker: Keith A. Jones, Divorce Law

February 18, 2022

CREATING BRIEF TEMPLATES

Featured Speaker: Barron Henley, Esq., Founding Partner, Affinity Consulting Group

February 25, 2022

LEGAL WRITING FROM A JUDGE'S PERSPECTIVE

Featured Speaker: The Honorable Robert Bacharach, U.S. Court of Appeals, 10th Circuit

Meeting Summary

The Oklahoma Bar Association Board of Governors met Nov. 10, 2021

REPORT OF THE PRESIDENT

President Mordy reported he attended the Southern Conference of Bar Presidents meeting in Florida, prepared for the OBA Annual Meeting and wrote his final president's message for the *Oklahoma Bar Journal*.

REPORT OF THE VICE PRESIDENT

Vice President Geister reported he attended the virtual Oklahoma Access to Justice Summit on Oct. 22 and said the meeting was outstanding and very informative.

REPORT OF THE PRESIDENT-ELECT

President-Elect Hicks reported he attended the Southern Conference of Bar Presidents meeting in Florida, worked with OBA staff on 2022 committee appointments and prepared for the OBA Annual Meeting and House of Delegates.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the Southern Conference of Bar Presidents meeting in Florida, the Young Lawyers Division board meeting, a conference with YLD Chairperson Moaning and OBA staff regarding the Young Adult Guide, numerous meetings regarding Annual Meeting and discussed 2022 appointments with President-Elect Hicks.

REPORT OF THE PAST PRESIDENT

Past President Shields reported she attended a panel discussion with Justice Dana Kuehn and participated in planning the OBA Past Presidents' Dinner held in conjunction with Annual Meeting.

BOARD MEMBER REPORTS

Governor Davis reported he attended the Oklahoma Academy Town Hall on Mental Health. **Governor DeClerck** reported he attended the Garfield County Bar Meeting and praised the Lawyers Helping Lawyers Assistance Program for its contributions. **Governor Edwards** reported he attended the Annual Court Improvement Program CLE. During the OBA Annual Meeting, he plans to attend the Annual Luncheon, Diversity Awards Dinner and Delegates Breakfast. **Governor Garrett** reported she attended the OBA Annual Meeting and the TU College of Law alumni luncheon. **Governor Hilfiger** reported he attended a meeting of Muskogee-area lawyers and Oklahoma Attorney General John O'Connor. **Governor Pringle** reported he presented on "Faster Payments" at the Financial Institutions and Commercial Law Section's Annual Banking and Commercial Law Update and presented on "Virtual Currencies" at multiple Oklahoma Bankers Association events around the state. **Governor Rochelle** reported he attended a farewell party for District Judge

Irma Newburn. **Governor Smith** reported she attended the OBA Annual Meeting and participated in OBA Awards presentations. **Governor Vanderburg** reported he attended the Government and Administrative Law Practice Section meeting in October, the Oklahoma Association of Municipal Attorneys Board of Directors (virtual) meeting and the Oklahoma Municipal Judges Association fall conference. He also reported he will be developing a panel discussion on employment issues for the City Management Association of Oklahoma in January. **Justice Dustin P. Rowe** thanked all attendees and recognized the significance of the in-person meeting.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Moaning reported she attended the Western States Regional Summit of ABA YLD Affiliates in Santa Fe, New Mexico. The event included CLE on cannabis law as well as neuroscience and the law. It also featured a diversity, equity and inclusion-themed "hackathon" to reveal vulnerabilities and develop ideas for proposals for the ABA House of Delegates. She also chaired the October YLD board meeting and plans to attend all major events during the OBA Annual Meeting.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported the General Counsel's Office received nine formal grievances and 45 informal grievances during the month of October. These numbers compare with 18 formal grievances and 52 informal grievances respectively for the same time period last year. As of Oct. 31, there were 201 grievances pending investigation by the Office of the General Counsel for future presentation to the Professional Responsibility Commission. A written report of PRC actions and OBA disciplinary matters for the month was submitted to the board for its review.

BOARD LIAISON REPORTS

Governor Edwards reported the **Clients' Security Fund Committee** will meet in November. Governor DeClerck reported the former Communications Committee has shifted its focus to membership communications and has been renamed the **Membership Engagement Committee**. President-Elect Hicks reported that the **Diversity Committee** is hosting the annual Diversity Awards Dinner on Nov. 11 with OBA member and author Hannibal Johnson as keynote speaker and encouraged all to attend. Governor Pringle reported the **Legislative Monitoring Committee** will meet Nov. 11 in conjunction with Annual Meeting. Governors Hutter and Moaning reported the **Solo & Small Firm Conference Planning Committee** will meet in December.

Governor Garrett invited all to the new **Women in Law Section** meeting Nov. 10 where the new section's slate of officers will be announced.

INVESTMENT COMMITTEE REPORT AND RECOMMENDATION REGARDING CHANGE OF INVESTMENT ADVISORS

At the recommendation of the Investment Committee to lower costs, the board approved a motion naming Bank of Oklahoma as the investment advisor for the OBA Clients' Security Fund. The board also discussed investment strategy changes and policy recommendations involving the Reserve Fund. The board approved a motion to table further discussion until February 2022.

PRESIDENT-ELECT HICKS' APPOINTMENTS

Board of Editors – The board passed a motion to approve the reappointment of Melissa DeLacerda, Stillwater, as chairperson; term expires Dec. 31, 2022.

Clients' Security Fund – The board passed a motion to approve the reappointment of Micheal Salem, Norman, as chairperson and the appointment of Peggy Stockwell, Norman, as vice chairperson; terms expire Dec. 31, 2022. The board passed a motion to approve the appointment of Austin Siegenthaler, Tulsa, as layperson; term expires Dec. 31, 2024.

MCLE Commission – The board passed a motion to approve the appointment of Kim Hays, Tulsa, as chairperson; term expires Dec. 31, 2022. The board passed a motion to approve the reappointment of members Jon Ed Brown, Hugo; Kim Hays, Tulsa; and April Fox, Tulsa; terms expiring Dec. 31, 2024.

Professional Responsibility Commission – The board passed a motion to approve the reappointment of Karen Henson, Shawnee, to a term expiring Dec. 31, 2024.

Governors Hutter and Moaning reported the Solo & Small Firm Conference Planning Committee will meet in December.

LAW DAY REPORT

Committee Chairperson Ed Wunch reviewed Law Day activities that took place in 2021 and reviewed its plans for 2022. He reported that 2021 was the 70th year for Law Day and the 46th year for Ask A Lawyer activities held in conjunction with Law Day. He also reviewed budget expenditures, results and the purpose and objectives of the activities. He encouraged OBA governors to provide ideas and input to improve and modernize Law Day activities.

COMMUNICATIONS COMMITTEE CHANGE OF NAME TO MEMBERSHIP ENGAGEMENT COMMITTEE

President-Elect Hicks discussed his plan to shift association communications priorities to association members with the objective of meaningful membership engagement.

APPOINTMENT OF OBA STANDING COMMITTEE CHAIRS, VICE CHAIRS AND BOARD OF GOVERNORS LIAISONS

President-Elect Hicks provided a list of the chairs, vice chairs and Board of Governors liaisons he appointed to the standing committees and announced the following appointments:

Audit Committee – President-Elect Hicks reappoints Amber Peckio Garrett, Tulsa, chairperson; term expires Dec. 31, 2022. President-Elect Hicks appoints members Robin Rochelle, Lawton; term expires Dec. 31, 2022; Benjamin Hilfiger, Muskogee; Kara Smith, Oklahoma City; and Richard White, Tulsa; terms expire Dec. 31, 2023.

Board of Medicolegal Investigations – President-Elect Hicks appoints Robert Hoisington, Oklahoma City, to a one-year term expiring Dec. 31, 2022.

Investment Committee – President-Elect Hicks reappoints Joe Crosthwait, Midwest City, as chairperson and reappoints Kendra Robben, Oklahoma City, as vice chairperson; terms expire Dec. 31, 2022. President-Elect Hicks reappoints Renee DeMoss, Tulsa, and appoints Harrison Smith, Tulsa; terms expire Dec. 31, 2024.

Legal Ethics Advisory Panel – President-Elect Hicks reappoints Steven Balman, Tulsa, as panel coordinator; term expires Dec. 31, 2022. President-Elect Hicks appoints three to the Oklahoma City Panel with terms expiring Dec. 31, 2024: Susan Bussey, Norman; Paige Masters, Edmond; and Rex Travis, Oklahoma City. President-Elect Hicks appoints three to the Tulsa Panel with terms expiring Dec. 31, 2024: Mbilike Mwafulirwa, Tulsa; Leonard Pataki, Tulsa; Joseph V. Allen, Tulsa.

UPCOMING OBA AND COUNTY BAR EVENTS

President Mordy reviewed upcoming bar-related events, including the Board of Governors holiday party on Dec. 9, Board of Governors swearing-in ceremony on Jan. 13, 2022, Legislative Kickoff on Jan. 29, 2022, and OBA Day at the Capitol on March 22, 2022.

NEXT BOARD MEETING

The Board of Governors met Friday, Dec. 10, 2021, at the Oklahoma Bar Center, Oklahoma City. A summary of those actions will be published in the *Oklahoma Bar Journal* once the minutes are approved.

Meet 2022 OBF President Valerie Couch



Valerie Couch

Law School:	University of Oklahoma College of Law
Graduation Year:	1983
Current Employer:	Dean Emeritus of Oklahoma City University School of Law
Location:	You can find me in our Putnam Heights neighborhood in Oklahoma City — or on my family's farm in Pottawatomie County. I also maintain a faculty office at OCU Law.

Why did you decide to be a lawyer?

Reading great literature in college created in me a strong desire to be in the middle of the action — *in medias res*. As a lawyer, I knew I would be able to jump into the arena and find purposeful work — in the middle of the action.

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

I'm glad I had the opportunity to live in Los Angeles, California, while I was in college. But I was also so happy to return home to Oklahoma. I still love to visit big coastal cities, but I would never live in one again.

Are there any social norms that completely baffle you?

Almost all of them.

What is your biggest pet peeve with modern technology?

Why haven't we figured out how to "Beam me up, Scotty!"?

What is on your bucket list?

I don't have a bucket list. No doubt it's time to get one!

Explain the leadership roles you hold in professional and/or community settings and why these responsibilities are important to you.

I have played a variety of roles in the legal profession: practicing lawyer, mediator, judge, law school dean, and law professor. And fortunately for me, I have been befriended along the way by many generous, big-hearted people and, through their example, encouraged to live a full and engaged life. Looking back, I see that taking on leadership responsibilities in the legal community, county bar, state bar, federal bar association, inns of court, and other professional organizations deepened my knowledge of and appreciation for our legal profession. Being involved also created key relationships that led to opportunities to do meaningful work and serve on problem-solving teams.

Recently, I have served on the OKC National Memorial Board of Trustees, the Oklahoma City Public Schools Foundation Advisory Board, the advisory board for the Oklahoma Innocence Project, the Western District Historical Society, Oklahoma City Mayor David Holt's Human Rights Commission Task Force, and other groups whose missions serve our communities.

Service on the Oklahoma Bar Foundation Board of Trustees has been one of the most absorbing of these recent responsibilities. I have grown to love the Bar Foundation and all it does — quietly, without fanfare, and with great efficiency — to help people and assist the legal profession in fulfilling its responsibilities to those in need.

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

Relationships are crucial to your happiness and success. Taking on professional and civic responsibilities will create lasting friendships that will broaden your understanding of life's complexities and develop your capacity for solving problems. A life of service helps you find your place in the arena.

What are your goals as 2022 OBF Board President?

My goals are to help our board grow the foundation's endowment, celebrate the foundation's 75-year history, build upon the foundation's alliance with the Oklahoma Bar Association, and increase public awareness of the foundation and its work. Most of all, I want to help the foundation continue to address the needs of Oklahomans for access to justice, high quality legal services, legal education, scholarships and programs that strengthen democracy. In other words, I hope to stay in the middle of the action!

THANK YOU for helping raise \$60,000 for our Grantee Partners!

OKLAHOMA BAR FOUNDATION



Diamonds & Disco might have been postponed but that didn't stop our amazing legal community from showing up for this year's OBF Grantee Partners! Thank you for your support, and we can't wait to celebrate our 75th with you next year.

It is not too late to help fund our Grantee Partners this year. 100% of all donations will go to fund programs providing legal services and education to Oklahomans across the state. Please visit diamondsanddisco.swell.gives to donate.

Special thanks to our Sponsors!

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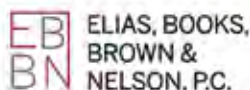
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- ♦ Valerie & Joe Couch

Next Year's Words

By Dylan D. Erwin

THE OLDER I GET, THE sneakier the years become. It seems like it was only yesterday that 2019 had turned into 2020. Lo and behold, I turn around to hang my coat up, and it's already 2022. Regardless of the endless and increasingly rapid march of time, I hope each one of you had a safe and restful holiday season. Each new year brings its own set of trials and tribulations, but it also brings potential and excitement. 2022 is no exception, and in my honest opinion, this coming year is going to be an amazing one for the OBA Young Lawyers Division.

As the 2022 YLD chair, I feel as though I am merely riding on the coattails of my predecessor. Our 2021 YLD chair, April Moaning, did an amazing job navigating the YLD through an interesting and confusing time. Thanks to April's selfless leadership, we were able to turn what became yet another "Zoom year" into one replete with memorable and fulfilling experiences. This coming year, I hope to build on her goals, as well as adopt a few of my own. As this is my first article for you all in a promised set of 10, I wanted to take the time to discuss some of those goals.

THE BEST PROGRAM IS A CO-PROGRAM

As lawyers, we are social creatures. More than anything, working from home and the

introduction of the "virtual happy hour" has cemented that fact. In that spirit of social camaraderie, one of my main goals for the YLD in 2022 is an emphasis on co-programming. Whether it is with different practice sections within the OBA, different OBA committees or even county bar associations around the state, I'm a firm believer in the power of a good co-program. Not only does co-programming allow for the pooling of resources, but it also helps unify us as an association.

THE SERVICE ARM OF THE BAR

Ever since my halcyon days as the District 9 director under the leadership of LeAnn McGill, a constant refrain within the YLD has always been that we, as a division, are the "service arm" of the bar. This is a job I took to heart and ultimately served four years as the head of the YLD Community Service Committee. One of my goals for 2022 is one I've had since becoming a member of the division. As attorneys, we are in a unique position to help our community in a very specific way. In the words of Liam Neeson, we have a very particular set of skills. It is my belief that the best way the YLD can serve the community is by using those skills and providing aid in a way no one else can.

OKLAHOMA IS MORE THAN OKLAHOMA CITY AND TULSA

Growing up in Lawton and spending my first year of practice as an assistant district attorney for Comanche and Cotton counties, I'm very aware of how easy it is to feel excluded from bar activities if you aren't practicing in Oklahoma City or Tulsa. In the past, we've done a number of community service events and held meetings in other parts of the state. This is a trend I hope to continue. Some of the closest friendships I've made as a member of the YLD are with attorneys I wouldn't have had the opportunity to meet but for my membership. I want everyone else to have the same opportunity. In this spirit, my lode-star for the year is ensuring that each action taken by the YLD buttresses the idea that we are a division within the OBA, not just the Oklahoma City and Tulsa Bar Association.

As T.S. Eliot reminds us, "Last year's words belong to last year's language. And next year's words await another voice." It is in that spirit that I am thrilled and honored to serve as the voice for Oklahoma's young lawyers as the 2022 YLD chair. Until next we meet, onward and upward.

Mr. Erwin practices in Oklahoma City and serves as the YLD chairperson. He may be contacted at derwin@holladaychilton.com. Keep up with the YLD at www.facebook.com/obayld.

FOR YOUR INFORMATION



NEW OBA BOARD OF GOVERNORS OFFICERS AND MEMBERS TO BE SWORN IN JAN. 14

Chief Justice Richard Darby will swear in James R. Hicks of Tulsa as OBA president on Friday, Jan. 14 at the Oklahoma Bar Center. New officers to be administered their oaths of office will be Vice President Miles T. Pringle of Oklahoma City, President-Elect Brian T.

Hermanson of Ponca City and Past President Michael C. Mordy of Ardmore. New board members to be sworn in are S. Shea Bracken, Edmond; Dustin E. Conner, Enid; Allyson E. Dow, Norman; Angela Ailles Bahm, Oklahoma City; and Dylan D. Erwin, Oklahoma City.

LEGISLATIVE KICKOFF SET FOR JAN. 29

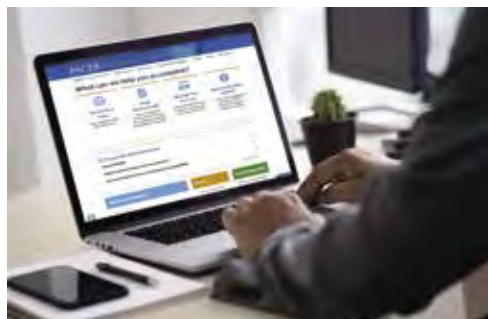
The Oklahoma Legislature reconvenes in February, and hundreds of bills will be pre-filed. Much of the proposed legislation could affect the administration of justice, and some will undoubtedly affect your practice.

Join the OBA Legislative Monitoring Committee at 10 a.m. Saturday, Jan. 29 at the Oklahoma Bar Center, 1901 N. Lincoln Blvd., as they identify top bills of interest to the OBA and your practice area. Plus, earn two hours of MCLE credit. Lunch will be provided. RSVP to Alisha Davidson at alishad@okbar.org if you'd like to attend.



2020 Legislative panel

'FREE PACER' BILL APPROVED BY SENATE JUDICIARY COMMITTEE



On Dec. 9, the Senate Judiciary Committee unanimously voted to approve the Open Courts Act of 2021, also known as the "Free PACER" Bill. The bill, which seeks to modernize the federal judiciary's case management system and make access to court filings free within the next three years, will now be sent to the Senate for consideration.

PACER, or Public Access to Court Electronic Records, is run by the Judicial Conference of the United States. Currently, users pay \$0.10 per page with a maximum of \$3 per document, not including transcripts. Under the bill, however, non-government agencies that spend over \$25,000 per quarter on PACER would still be charged a fee for accessing documents. Federal agencies would also be subject to fees. If the Open Courts Act is passed and enacted, these fees and appropriations from Congress would finance PACER's operational costs.



OBA COURTS & MORE: YOUR SOURCE FOR WEEKLY NEWS; E-NEWS TO RETIRE

We recognize your time is valuable, and so is the available space in your email inbox! Beginning in 2022, the bi-weekly OBA *E-News* email will merge with the weekly *Courts & More* digital publication. Members can now expect to receive one weekly digital news digest from the OBA every Wednesday. The goal of this merger is to reduce the frequency of email communications our members receive, while continuing to deliver the important news and information you expect. Look for a redesigned *Courts & More* page this month at www.OKCourtsAndMore.org. If you have questions or feedback, contact OBA Communications Director Lori Rasmussen at 405-416-7016.

CONNECT WITH THE OBA THROUGH SOCIAL MEDIA



Have you checked out the OBA LinkedIn page? It's a great way to get updates and information about upcoming events and the Oklahoma legal community. Follow our page at www.linkedin.com/company/OKBarAssociation and be sure to check out the OBA on Twitter, Facebook and Instagram.

INDIAN LAW SECTION SCHOLARSHIP AWARD RECIPIENTS

The OBA Indian Law Section has selected Michael Vincent “Vinnie” Amato, Arizona State University College of Law; Jessica Goodwin, OU College of Law; and Emilee Morris, TU College of Law, as recipients of the 2021 G. William Rice Memorial Scholarship Award. The section, led by Co-Chairs Debra Gee and Brian Candelaria, developed the scholarship to encourage future OBA members to pursue practices within the field of Indian law and to defray the costs of bar examination preparation courses. 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 in 2016.

Debra Gee explained, “This is the first time in recent years that we’ve awarded three scholarships, and the pool of candidates was outstanding. The scholarship, activities and interests of each recipient showed a long-standing commitment to and passion for Indian law. The committee believes Vinnie, Jessica and Emilee are on track to make positive contributions in our field and in service to Tribes and tribal members.” This year’s winners were recognized at the Indian Law Section’s annual meeting held during the OBA Annual Meeting.

ASPIRING WRITERS TAKE NOTE

We want to feature your work on “The Back Page!” Submit articles related to the practice of law, or send us something humorous, transforming or intriguing. Poetry, photography and artwork are options too. Email submissions of about 500 words or high-resolution images to OBA Communications Director Lori Rasmussen, lorir@okbar.org.

NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT OF BYRON EARL HARVISON, SCBD # 7166 TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION

Notice is hereby given pursuant to Rule 11.3(b), Rules Governing Disciplinary Proceedings, 5 O.S., ch. 1, app. 1-A, that a hearing will be held to determine if Byron Earl Harvison should be reinstated to active membership in the Oklahoma Bar Association.

Any person desiring to be heard in opposition to or in support of the petition may appear before the Professional Responsibility Tribunal at the Oklahoma Bar Center at 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma, at 9:30 a.m. on **THURSDAY, JANUARY 27, 2022**. Any person wishing to appear should contact Gina Hendryx, General Counsel, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152, telephone (405) 416-7007.

PROFESSIONAL RESPONSIBILITY TRIBUNAL

ON THE MOVE

Joe Hampton has joined the Oklahoma City law firm of Tomlinson McKinsty PC. Mr. Hampton has extensive experience as a litigator, mediator and arbitrator. His litigation practice includes the representation of clients as lead counsel in complex jury trials, non-jury trials and arbitration hearings. His ADR practice includes multi-party mediations; presiding over commercial, construction and employment arbitration cases as sole arbitrator, panel member and chair; and serving as a court-appointed special master.

McKayla Hendrix has joined the Tulsa office of Conner & Winters LLP as an associate attorney. She will practice in the litigation group with a focus on commercial and construction matters. Ms. Hendrix received her J.D. with distinction from the OU College of Law in 2021. While in law school, she was a member of the Phi Delta Phi Legal Honor Society, the National Health Law Moot Court team and served as an editor of the *American Indian Law Review*.

Seth Killman has joined the Oklahoma City office of Hall Booth Smith PC as an associate. Mr. Killman protects the rights of clients in aging services and medical malpractice disputes in both state and federal courts. Previously, he was an associate attorney with GEICO staff counsel, where he handled multiple first-chair jury trials with defense verdicts in admitted liability lawsuits. Additionally, he was an associate at a boutique plaintiff's law firm in Tulsa that specialized in personal injury, vehicular accident and nursing home abuse and neglect litigation.

Judge Susan Nigh was appointed to serve as Rogers County Associate District Judge. She began her career as an assistant public defender in Tulsa County and later worked in private practice as an associate attorney before becoming a Tulsa County assistant district attorney. She has served as an assistant district attorney since 2011. She was an assistant district attorney in Oklahoma's 12th District beginning in December 2018. There, she furthered her experience as a prosecutor and oversaw a range of felony and misdemeanor cases. Her experience also includes time as an assistant district attorney in both Washington and Tulsa counties. She received her J.D. from the TU College of Law in 2005.

AT THE PODIUM

Marty Ludlum, a professor at the University of Central Oklahoma, gave two presentations to the Oklahoma Funeral Directors Association on disposition rules in Oklahoma and FTC regulation of funeral homes.

KUDOS

Kennis Bellmard was recognized as a 2021 Indian Elder Honorees by AARP. Mr. Bellmard is a distinguished member of the Kaw Nation and a respected practitioner of Native American law. He served as chair of the OBA Indian Law Section and negotiated the first federally approved Class III gaming compact in Oklahoma. He currently serves the Kaw Nation as the government relations director and president of Kaw Gaming Inc. and previously served as a drum keeper for the Kaw In-Lon-Shka ceremonial dances.

Jennifer King was sworn in as Yukon's municipal judge during a Nov. 16 ceremony. She began presiding Nov. 23 at twice-monthly municipal court hearings. Ms. King began her legal career in 1992 as a bailiff. In 1995, she became an administrative assistant for

Oklahoma Court of Criminal Appeals Judge Reta M. Strubhar. She then served as a Canadian County assistant district attorney from 1997 to 2000 before opening the Law Office of Jennifer M. King. As a private practitioner, Ms. King specializes in guardian *ad litem* appointments, adoptions, divorces, child custody modifications and guardianships. She is an associate bar examiner for the Oklahoma Board of Bar Examiners, member of the Canadian County Juvenile Bureau's Citizens Advisory Committee and past president of the Canadian County Bar Association. She also served on Yukon Public Schools' Citizens Advisory Committee, Canadian County Child Abuse Response Team and Canadian County Domestic Violence Task Force.

OBA members **Tricia Everest, Sue Ann Arnall, Natalie Shirley, Senator Kay Floyd, Rachel Holt, Justice Noma Gurich, Judge Aletia Timmons, Jari Askins, Stacy McDaniel and Mary Pointer** were named among the 50 most powerful women in Oklahoma City for 2021 by *OKC Friday*. The list was determined through a poll of 250 civic, cultural and business leaders.

Mike Voorhees has been elected a lifetime director of the South Oklahoma City Chamber of Commerce. Mr. Voorhees is a long-term member of the South Chamber board, Executive Committee, various committees and most recently, vice president for government affairs. He has served in many other roles over the years. Mr. Voorhees' lifetime term began Jan. 1. He is a member of the south Oklahoma City law firm of Voorhees & Voorhees PC.

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. 1.

IN MEMORIAM

William Henry Campbell of Oklahoma City died Nov. 7. He was born Feb. 6, 1949. Mr. Campbell received his J.D. from the OCU School of Law in 1981.

Truman Andrew Carter of Shawnee died Oct. 31. He was born Jan. 16, 1949, in Pawnee and graduated from Shawnee High School in 1967. Mr. Carter received his J.D. from the OU College of Law in 1987 and worked as an attorney until his death. He found his passion by serving Indian tribes and Indian people. Memorial contributions may be made to St. Jude Children's Research Hospital.

James Edward Conatser of Bartlesville died Nov. 29. He was born June 13, 1927, in Evanston, Illinois. **At 17 years old, he enlisted in the U.S. Navy and served his country in WWII as a radio operator first class. He saw combat in the South Pacific, at which time he was wounded and received a purple heart.** After the war, he earned his bachelor's degree at TU, where he was a member and president of the Pi Kappa Alpha fraternity and played and lettered in baseball. He later became head coach for TU's baseball team from 1955 to 1958. Mr. Conatser received his J.D. from the TU College of Law in 1961 and was a member of the bar for 60 years. He practiced law in Bartlesville for most of his life, including serving as a Bartlesville municipal judge and a contractor for the Oklahoma Indigent Defense System. He was an all-around athlete, and he played minor league baseball, coached bowling, became a ballroom dance instructor, played men's fastpitch softball

and won dozens of golf tournaments. Memorial contributions may be made to the Bartlesville Community Foundation or the charity of your choice.

Velmer J. Dimery of Norman died Nov. 3. He was born Oct. 15, 1932. Mr. Dimery received his J.D. from the OU College of Law in 1960.

John M. Freese of Tulsa died Nov. 20. He was born Feb. 12, 1928, in Tulsa. After graduating from Cascia Hall in 1944, he attended the University of Notre Dame, Williams College and OU. He received his J.D. from the OU College of Law in 1950. Mr. Freese joined the law firm of Bradford, March and Trippett, where he worked for five years before starting his own firm. He served on the National Association of Legal Secretaries board and the Oklahoma State and Education Employees Group Insurance board, and he founded the Tulsa Junior College Paralegal Program. He was a member of the Tulsa County Bar Association, Southern Hills Country Club, Philbrook Museum of Art, Gilcrease Museum and Rotary Club Sunrise Chapter, where he served for over 20 years in many capacities. Mr. Freese was also the drummer for the Rare Bach Boys. The band released two albums in the 60s and played with the Tulsa Philharmonic. Memorial contributions may be made to the Rotary Club Foundation, Cascia Hall Preparatory School Foundation or Tulsa Humane Society.

Phillip Wayne Gordon of Chickasha died Dec. 4. He was born Dec. 24, 1952, in Duncan. Mr. Gordon graduated from Duncan High School in 1971, earned his bachelor's degree from OSU in 1975 and received his J.D. from the OU College of Law in 1978. He began his legal career at the Ardmore law firm of Wallace Bickford Pasley & Farabough. In 1981, he moved to Chickasha and joined the law firm of Hudson & Gordon. He later cofounded Hays and Gordon, Attorneys at Law, which eventually became Hays, Gordon & Kirkland. Mr. Gordon was president of the Kiwanis Club, served on the Salvation Army Board of Directors and was a member of the Rotary Club and Chickasha Chamber of Commerce. He helped found Leadership Chickasha and served as chairman of the Grady County Election Board. He was also a member of the First Baptist Church of Chickasha, where he served as deacon, Sunday School teacher, Sunday School department leader and was a member of the church choir.

Roger R. McFadden of Phoenix died April 25. He was born Dec. 5, 1938, in Salina, Kansas. **After graduating from high school in 1956, he joined the U.S. Navy as a corpsman, honorably completing his service in 1962. While in the Navy, he graduated from Nuclear Medicine School in Bethesda, Maryland and was assigned as one of the personal corpsmen for Fleet Admiral Leahy.** He then returned to Kansas, where he received his bachelor's degree from Fort Hays Kansas State College. In 1970, Mr. McFadden graduated from the University of Kansas Medical School and

began his four-year residency at the University of Oregon School of Medicine. As a pathologist, he worked in cities across the country, retiring from Labcorp in Phoenix. During his career, he also received his J.D. from the TU College of Law in 1988 and worked as a patent attorney in Okmulgee. He was a member of the Okmulgee Memorial Hospital Board of Directors, Okmulgee Ambulance Service Board of Directors, Oklahoma Blue Cross Board of Medical Advisors and served as chairman of the Okmulgee Hospital QA Program.

Judy Gale Monroe of Tulsa died Nov. 19. She was born March 24, 1952, in Lansing, Michigan. After a 20-year career across various industries as an administrative assistant and in other roles, she earned her bachelor's degree *summa cum laude* in criminal justice from Northeastern State University. She received her J.D. from the TU College of Law in 2003. Ms. Monroe joined Legal Aid Services of Oklahoma, where she successfully represented clients in federal court who sought to establish social security benefits due to physical and mental challenges that prevented them from working. She also served as a volunteer with the Oklahoma Republican Party and canvassed for state representative candidates during political campaigns. Memorial contributions may be made to Clarehouse Social Model Hospice Home.

Anthony F. Ringold of Tulsa died Oct. 21. He was born Aug. 6, 1931, in Tulsa and received his J.D. from the University of Michigan Law School. **He served**

in the U.S. Army Infantry for two years, achieving the rank of first lieutenant before returning to Tulsa to begin his work as an attorney. Mr. Ringold's career began in 1957 when he joined the law firm of Rosenstein, Fist & Mesirow following his work there as a summer law clerk. He practiced in the areas of real estate, corporate bankruptcy reorganization, oil and gas, mergers and acquisitions and health care. He retired at the age of 88 as a senior partner of the firm, now named Rosenstein, Fist & Ringold. For over 20 years, he taught a course in real estate transactions at the TU College of Law. He was a founding member of Chamber Music Tulsa, where he served on the board for many years. He was also a volunteer at Tulsa County Legal Aid Services, a member of the Vision 2025 Sales Tax Overview Committee and served on the boards of Planned Parenthood and Parkside Psychiatric Hospital. After he retired, Tony volunteered at Meals on Wheels and the Community Food Bank of Eastern Oklahoma. Memorial contributions may be made to the Community Food Bank of Eastern Oklahoma or Meals on Wheels of Tulsa.

James M. Sturdivant of Tulsa died Nov. 24. He was born Sept. 14, 1937. **Mr. Sturdivant served two years active duty as an infantry officer in the U.S. Marine Corps.** He received his bachelor's degree from OU and his J.D. from the OU College of Law in 1964. Upon graduation, he joined the law firm of GableGotwals, where he was a shareholder at the time of his death. He served as counsel in hundreds of cases

involving business disputes, anti-trust, contracts, trade regulation, financing and securities, and he served as lead trial counsel in more than 100 actions. He was a Fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers. From 2019-2020, Mr. Sturdivant was appointed a member of the Special Problems in the Administration of Justice Committee of the American College of Trial Lawyers.

Ray H. Wilburn of Tulsa died Nov. 12. He was born Feb. 5, 1928, in San Antonio. After moving to Tulsa, Mr. Wilburn became an accomplished Golden Glove boxer. **He then joined the U.S. Navy, serving on four different destroyers.** He received his bachelor's degree from TU in 1951 and his J.D. from the OU College of Law with distinction. Mr. Wilburn practiced law for over 40 years and received a Lifetime Achievement Award from the Oklahoma Association of Defense Counsel.

R. Kent Zirkle of Falmouth, Maine, died Oct. 29. He was born Oct. 25, 1946, in Stillwater but grew up in Kokomo, Indiana. **After graduating from OCU in 1968, Captain Zirkle served in the U.S. Army in Vietnam with the 5th Battalion, 16th Artillery, 4th Infantry Division as a forward observer. He was awarded the Bronze Star for his service.** In 1973, he received his J.D. from the OU College of Law. As an attorney for 35 years, he practiced in the areas of real estate, oil and gas and estate planning in Tulsa. Memorial contributions may be made to Holy Martyrs Church of Falmouth.

Gloria Faith Coffin Bates

Oct. 19, 1934 - Nov. 3, 2021



In memory of our Founder, Gloria Bates, the members of the Ruth Bader Ginsburg American Inn of Court recognize her extensive contributions to our Inn and to the legal profession.

In mid-1995, Gloria attended the annual National Conference of the American Inns of Court in San Francisco. Immediately afterward, she received permission from U.S. Supreme Court Justice Ruth Bader Ginsburg to establish an Inn in her name. Gloria formed a steering committee of judges and lawyers who shared her enthusi-

asm, and once membership and programs were in place, meetings began in September 1995.

Gloria devoted a lot of time to the development and growth of the Ginsburg Inn: from attracting members who embrace Inn ideals to forming committees, helping plan the first programs and overseeing a multitude of organizational details. Her experiences as a federal law clerk, attorney, judge, and adjunct law school professor greatly complemented her service and contributions as our Founder and also as President during our Inn's first two years. Under her continued leadership and guidance, the Ginsburg Inn was named the 2006 Outstanding Inn of Court in the nation. She had a special friendship with Justice Ginsburg, who gave Gloria one of her lace collar jabots in 2018.

Gloria was accompanied on her journey to establish and develop our Inn by her daughter, Julie Bates. Together, their vision for the Inn has remained strong for 25 years, and the legacy continues through a third generation in David Postic, Gloria's grandson, an attorney with Postic & Bates.

Her achievements in the legal community extend far beyond the American Inns of Court.

Gloria was named to Phi Beta Kappa at the University of Oklahoma, where she received her bachelor's, master's, and Juris Doctorate degrees. As a law student, she was a member of the *Oklahoma Law Review* and received the Eugene Kuntz Fellowship, which fully funded her studies at Oxford University in England.

After law school, she was a Judicial Law Clerk for Chief Judge Luther Eubanks, U.S. District Court for the Western District of Oklahoma. As an attorney with Postic & Bates law firm, she was admitted to practice before the Supreme Court of the United States. She served many years in various Judicial positions: the District Court of Oklahoma County, Oklahoma City Municipal Court, Oklahoma Dept. of Labor, and the Appeal Tribunal of the Oklahoma Employment Security Commission.

As President of the Federal Bar Association (OKC chapter) in 1995, she spear-headed disaster relief efforts when the Murrah Federal Building was bombed. She served on the Oklahoma County Bar Board of Directors and was a frequent delegate to state bar conventions.

Gloria was a leader and visionary. In 1990, she co-wrote the original mediation rules, procedures, forms, and proposed court orders, which were adopted that year by the District Courts of Oklahoma and Canadian counties. She gave numerous mediation training sessions for local judges and attorneys. She mediated hundreds of cases, including many pro bono. As an adjunct professor, she taught the first Mediation class offered at the OU College of Law.

For her trailblazing work in mediation, the Oklahoma Bar Association honored her with its 1995 Outstanding Service to the Public Award. In 2006 she received the OBA Women in Law Spotlight Award for "women who have distinguished themselves in the legal profession and who have lighted the way for other women." For 10 years, she organized the monthly Women Lawyers' Luncheon, started decades ago by Judge Arthur Lory Rakestraw.

Gloria was a friend to all and a mentor to many. OBA members who survive her are daughter Julie Bates, son-in-law Martin Postic, Jr., and grandson David Postic.

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EDITORIAL CALENDAR

2022 ISSUES

FEBRUARY

Labor & Employment

Editor: Roy Tucker
RTucker@muskogeeonline.org
Deadline: Oct. 1, 2021

MARCH

Impact of

McGirt v. Oklahoma

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

APRIL

Wellness

Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Feb. 1, 2022

MAY

Energy

Editor: Luke Adams
ladams@tisdalohara.com
Deadline: Jan. 1, 2022

AUGUST

Gaming

Editor: Scott Jones
sjones@piercecouch.com
Deadline: May 1, 2022

SEPTEMBER

Civil Procedure

Editor: Jana Knott
jana@basslaw.net
Deadline: May 1, 2022

OCTOBER

Education

Editor: Luke Adams
ladams@tisdalohara.com
Deadline: May 1, 2022

NOVEMBER

Municipal Law

Editor: Roy Tucker
RTucker@muskogeeonline.org
Deadline: Aug. 1, 2022

DECEMBER

Ethics & Professional Responsibility

Editor: Cassandra Coats
cassandracoats@leecoats.com
Deadline: Aug. 1, 2022

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



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issue, Courts &
More, highlights
Oklahoma appellate
court information
and news for the
legal profession. It
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ONE MONTH FREE RENT. Perimeter Center Office Complex, located at 39th and Tulsa Ave., has Executive Suites available for rent ranging from \$200 to \$550 per month. Please call Sheila Richardson at (405) 943-3001 if you have any questions or wish to tour the facility.

EXECUTIVE OFFICE SUITE FOR LEASE IN UPSCALE EDMOND OFFICE PARK near 164th and Pennsylvania. Spacious corner office with two windows. Access to kitchen and conference room. Furnished if desired. \$750/month. Contact Taylor or Mike at 405-842-8134.

POSITIONS AVAILABLE

THE OKLAHOMA OFFICE OF ATTORNEY GENERAL has multiple openings for Assistant Attorney General. Divisions with openings include, Solicitor General, Criminal Appeals, Medicaid Fraud, Multi-County Grand Jury, Litigation, Utility Regulation and Legal Counsel. Qualified candidates must at least be a licensed attorney. Preference may be given to candidates with related experience. To apply, please send resume and a writing sample to resumes@oag.ok.gov and indicate which particular position you are applying for in the subject line of the email. The Oklahoma Office of Attorney General is an equal opportunity employer. All individuals are welcome to seek employment with the Oklahoma Office of Attorney General regardless of race, sex, sexual orientation, gender identity, color, age, national origin, genetic information, religion, or disability, so long as the disability does not render the person unable to perform the essential functions of the position for which employed with or without a reasonable accommodation. All employees of the Oklahoma Office of Attorney General are "at will" employees.

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

POSITIONS AVAILABLE

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

STATEWIDE LAW FIRM WITH OFFICES IN TULSA AND OKLAHOMA CITY IS SEEKING ATTORNEYS for both offices with 3+ years of experience in litigation. Compensation DOE. Excellent benefits, support and atmosphere to develop your practice. Submit confidential resume, references, writing sample and compensation requirements to OklaLawFirm@gmail.com.

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

MANAGING ATTORNEY. Polston Tax Resolution & Accounting is looking for an experienced attorney to join our team as a Managing Attorney. Position is responsible for ensuring the smooth and efficient functioning of the law firm in addition to managing a large team of attorneys, IRS enrolled agents, case managers, and legal assistants. Must have at least 3 years legal experience. Location: OKC or Tulsa. Contact jane.murray@polstontax.com for more information or to submit your resume and a cover letter.

TULSA MIDTOWN AV-RATED BOUTIQUE BANKING FIRM is looking for an experienced litigation attorney with three-plus years of experience and an ability or aptitude to manage complex banking and corporate related litigation. Please send replies to advertising@okbar.org with the subject line "Position VV."

POSITIONS AVAILABLE

General Counsel (2021-2994)

Tinker Federal Credit Union is searching for a General Counsel at our corporate office in Oklahoma City. The primary purpose of this position will be to provide legal advice to management and the Board of Directors and manage the functions and employees of the legal department.

Qualified candidates will have: Juris Doctorate degree from an ABA-accredited law school required; at least ten (10) or more years' experience in corporate, financial, and commercial law (preferably in a large credit union) and five (5) years of which must be functioning as a General Counsel or equivalency with management and supervision responsibilities. Must be in good standing with the Oklahoma Bar Association.

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INSURANCE DEFENSE FIRM with offices in Oklahoma City and Tulsa seeks an attorney with 0-5 years' experience for immediate placement. Applicants should have experience and/or interest in civil litigation, including drafting pleadings and briefs and appearing at depositions, hearings or other court proceedings. Applicants must have excellent verbal and writing skills and be highly motivated. Excellent benefits and competitive compensation package commensurate with experience. Applicants should submit a cover letter, resumé and writing sample to advertising@okbar.org with the subject line "Position TT."

POSITIONS AVAILABLE

BARBER & BARTZ, AN AV RATED TULSA LAW FIRM is seeking an estate and trust attorney with 2-5 years' experience to work in the areas of estate planning, estate and trust administration, and estate and trust litigation. A background in at least one of these areas is preferred. The compensation package is commensurate with level of experience and qualifications. An exceptional benefit package includes bonus opportunity, health insurance, life insurance, and 401K with match. Applications will be kept in strict confidence. Please send resume to Janet Hall at jhall@barberbartz.com or 525 S. Main, Ste 800, Tulsa, OK 74103.

THE CRIMINAL DIVISION OF THE TULSA COUNTY DISTRICT ATTORNEY'S OFFICE is seeking applicants for Assistant District Attorneys. These positions prosecute crime on behalf of the citizens of Tulsa County. Ideal candidates have strong oral advocacy skills along with excellent research and writing skills. Applicants should have a desire to appear frequently in court. Salary is based on qualification and experience and includes generous State of Oklahoma benefits. Send cover letter, resume, references and recent writing sample to Staci Eldridge at seldridge@tulsacounty.org.

ESTABLISHED OKC CIVIL LITIGATION LAW FIRM seeks a litigation Legal Assistant or Paralegal with at least five (5) years of experience. Must be dependable, detail oriented, organized and experienced with identifying and docketing litigation deadlines. Firm offers a competitive salary and benefits package. Resumes should be sent to Cheek & Falcone PLLC, Attn: Angela Hladik, 6301 Waterford Blvd., Suite 320, Oklahoma City, OK 73118 or ahladik@cheekfalcone.com. All applications will remain confidential.

ESTABLISHED OKC CIVIL LITIGATION LAW FIRM seeks an Of Counsel or office share arrangement with an attorney or attorneys with a minimum of 5 years of experience. The firm's current practice concentrates primarily on general and business litigation and real estate. Resumes should be sent to Cheek & Falcone PLLC, Attn: Angela Hladik, 6301 Waterford Blvd., Suite 320, Oklahoma City, OK 73118 or ahladik@cheekfalcone.com. All applications will remain confidential.

POSITIONS AVAILABLE

OKLAHOMA CITY-BASED, MULTI-JURISDICTIONAL LAW FIRM actively seeking motivated and detail-oriented attorneys experienced in estate planning and probate to join our fast-paced and growing practice group. Our team provides clients the respect, time and attention needed to develop cohesive and thoughtful estate plans that achieve their estate planning goals. As a firm, we are intentional in maintaining a positive and motivating work culture. Benefits include a competitive fee structure, full health benefits, 401K, full back-end client support and the opportunity for practice growth. Qualified candidates should have at least 3 years of experience in Estate Planning, Probate and Elder Law. Please send resume and references to office@ballmorselow.com. If you are up to the challenge, please submit your resume for consideration.

POSITIONS AVAILABLE

THE LEFLORE COUNTY DISTRICT ATTORNEY'S OFFICE is seeking an Assistant District Attorney for its Poteau Office. Responsibilities include the criminal prosecution of all felony and misdemeanor cases, provide advice to local law enforcement and county officials, and perform other duties as assigned. Salary DOE. Applicant must have a J.D. from an accredited law school; legal experience in criminal law and prior courtroom experience preferred. Must be member of good standing with the Oklahoma State Bar. Applicants may submit a resume to the following address: District Attorney's Office, 100 S. Broadway, Room 300, Poteau, OK 74953, 918-647-2245, Fax: 918-647-3209. Position will remain open until filled.

NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT OF KELLY JO WALKER, SCBD # 7167 TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION

Notice is hereby given pursuant to Rule 11.3(b), Rules Governing Disciplinary Proceedings, 5 O.S., ch. 1, app. 1-A, that a hearing will be held to determine if Kelly Jo Walker should be reinstated to active membership in the Oklahoma Bar Association.

Any person desiring to be heard in opposition to or in support of the petition may appear before the Professional Responsibility Tribunal at the Oklahoma Bar Center at 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma, at 9:30 a.m. on **TUESDAY, JANUARY 25, 2022**. Any person wishing to appear should contact Gina Hendryx, General Counsel, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152, telephone (405) 416-7007.

PROFESSIONAL RESPONSIBILITY TRIBUNAL

A Funny Thing Happened on My Way to the CLE Department

By Janet K. Johnson

THE YEAR WAS 2020. WE were six months into it and full-on into the worldwide pandemic. The ways we all work and live had been thrown into chaos and everything was changing. It was amid this uncertain time that I had an “a-ha moment.”

I have had mixed results when the a-ha moment strikes me. Sometimes they lead to new opportunities. Sometimes they lead to bangs after a hair appointment.

This particular pandemic day, I paused writing a sovereign citizen brief to ponder my a-ha moment of pursuing a career change. In what might be described as serendipity, there was an *Oklahoma Bar Journal* on my home office desk, so I started flipping through it, all the way to the back pages and the job postings, until I saw the ad for the director of Educational Programs at the OBA. I was ready for the change in my career, and the position appealed to my desire for a new challenge, a way to stay close to the law and an opportunity to help all my fellow attorneys in the state.

Was I pursuing it for the right reasons? Was I doing it to be cool? Did I think it would disguise my imposter syndrome?

Those were definitely the reasons that led to what I now call, “The Bang Fiasco of 2018.” As traumatizing as that was, my hair did grow out. And through an



interviewing process that included masks, social distancing and what seemed like at least 20 people, socially distanced and encircling me in the interview, I got the job!

Some might say I’m a glutton for punishment. But I thought it would be fun to figure out how to provide OBA members with relevant and quality programming, all while learning to do it in a virtual world with no in-person component during a global pandemic. Somehow, we did that for the last half of 2020 and most of 2021.

It is interesting that I have only been working in this role during a pandemic, and I have yet to meet many OBA members who traditionally participate in many live CLE programs. Those traditional live CLE events are coming back with great speakers, compelling topics and lunch! We’ll continue pursuing our virtual courses, as online programming is definitely here to stay.

Unlike my bang fiasco, this a-ha pivot has been fulfilling and

challenging. Our CLE team continues working on programming to provide you with a wide array of CLE options that are interesting and applicable to your practice. We’ve also enjoyed new partnerships with OBA sections and committees to help produce additional CLE. We are just an email or a call away to hear your ideas.

See the roster of OBA CLE programs via all of the usual channels – weekly emails, social media, okbar.org and the *Oklahoma Bar Journal*.

It’s a new year with new possibilities. My advice is to really think hard about getting bangs but pursue the serendipity that comes your way and what OBA CLE has to offer. And if you’re looking for a new opportunity, flip through your *Oklahoma Bar Journal* and note that the OBA classifieds are now also online!

Ms. Johnson is the OBA director of Educational Programs.



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