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# THE OKLAHOMA BAR Journal

Volume 93 — No. 4 — April 2022



# Wellness

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**MCLE 6/2**

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# Changing the Conversation

By Jim Hicks

**THIS ISSUE OF THE OKLAHOMA BAR JOURNAL** is dedicated to encouraging open and honest conversations about attorney wellness. We must recognize that while everyone faces stress and anxiety, the practice of law is an especially stressful profession. We all have self-doubt, fears and occasional dark thoughts. This is simply part of being human, and everyone you know faces these same challenges. Changing the conversation starts with recognizing that stress can motivate you to open the door to taking actions designed to improve your mental wellness.

Just as eating well and exercising can positively influence our physical health, we can positively influence our mental wellness by giving it our attention. As

legal professionals, all of us need to adopt practices aimed at improving work-life balance, reducing stress and increasing overall well-being. In its purest form, wellness involves doing whatever you need to do to feel better and be healthier on a day-to-day basis. Be it getting outside, playing tennis, cycling, running, gardening or just relaxing with a good book, there is no one-size-fits-all approach to achieving a general sense of well-being and overall health. At its most basic, lawyer mental wellness includes anything that:

- Improves your work-life balance
- Helps you better manage stress
- Fosters positive thinking
- Promotes healthier habits

Just as eating well and exercising can positively influence our physical health, we can positively influence our mental wellness by giving it our attention.

Legal coaches Allison Wolf and Terry DeMeo advise professionals that mental wellness is something you can influence and change for the better. Here are three of their recommended steps to improving mental wellness:

- 1) Talk to someone you trust about the difficult things you are experiencing, so you can feel that you are not on your own.
- 2) Learn to recognize, in the moment, when you are being caught

up in speculative, negative thoughts – and how to interrupt those thoughts and analyze them from an impartial standpoint.

- 3) Execute tasks one at a time instead of trying to do multiple things at once, because studies show that people actually function better when they focus their attention on one action instead of multitasking.

For more detailed insight, read the article, “5 Simple Steps Every Lawyer Can Take to Improve Mental Wellness,” available at <https://bit.ly/3MHd0XS>. “Fears, shame and negative thoughts begin to shrink when taken out of the darkness in your head and brought into the light when shared with others. The simplest first step to investing in mental wellness is to speak in confidence with someone we trust about our experience,” writes authors Allison Wolf and Terry DeMeo.

The OBA is making a difference in lawyer wellness by offering all bar members up to six hours of free short-term, problem-focused

*(continued on page 64)*



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# The Meaning in a Lawyer's Life

By Travis Pickens

**T**HE 19TH-CENTURY TRANSCENDENTALIST RALPH WALDO EMERSON defined success in very broad terms, in part “to leave the world a bit better, whether by ... a garden patch or a redeemed social condition.”<sup>1</sup> Emerson took the wide view of “success,” one much broader than his Puritan-influenced contemporaries and even broader than much of American society today. He saw power in the individual and in nature to directly reach the divine, available everywhere, and did not simplistically assess the value of one’s work or life in terms outside the person by measuring things accumulated or social prestige.

His friend and fellow transcendentalist, Henry David Thoreau, agreed in his essay “Life Without Principle”<sup>2</sup> by describing the “police of meaningless labor” – those who emphasize work for the sake of busyness or money alone. To him, all the effort and motions of meaningless work were soul killing, smothering what he called the “poetry of life.” Thoreau urged a righteous livelihood, one with a meaningful purpose but in much wider terms than typically thought. Like Emerson, success meant having meaning in life.

So as lawyers, if success is found in the meaning of our lives, where do we find it? We lawyers, sometimes conditioned by our own straight-line thinking and clearly defined positions found in the judicial system, often struggle with broader feelings, lateral moves and nuances. We may see such as diversions or a waste of time. Like school, the next expectation or level is often clearly marked, so we instinctively press on to whatever that is. But meaning is not always, or even most

often, found in the next logical step, the expected.

And intellectually, if we are asked what should be the meaning of a lawyer’s life, the natural response might likely sound like something from the attorney’s oath<sup>3</sup> we took at the beginning of our lives as lawyers “to support, protect and defend the Constitution of the United States, and the Constitution of the State of Oklahoma” or a statement from the preamble to the Oklahoma Rules of Professional Conduct<sup>4</sup> to be an “officer of the legal system and a public citizen having special responsibility for the quality of justice,” a zealous advocate, and on and on. There is truth in that response, but is that the entire response for every attorney? Could there be others?

Some of us might look to religion for meaning in our profession, a connection between the secular law and religious belief. After all, religion and law were strongly connected in the beginning, sometimes indistinguishable. An original and natural source of contemporary law remains essentially

from the Old Testament and scripture, the Ten Commandments of the Bible as one example.

But is meaning found only for those wholly inclined toward religion, constitutional principles or oaths? That is not everyone. Perhaps we too often look *outside* ourselves for meaning. Perhaps the full and complete answer can only be discovered *within* ourselves.

W. Somerset Maugham’s 1944 novel, *The Razor’s Edge*, describes Larry Darrell, an American pilot emotionally damaged by experiences in World War I, who then searches for some transcendent meaning to his life.<sup>5</sup> The series of characters he encounters ultimately reveal the meaning he seeks is not a solitary one universal to everyone. It is not necessarily one of social prominence or high financial worth, although it could be, especially if those create opportunities for a greater good. The book shows that meaning varies with each person, and it is only discovered by that person. Meaning is not simply a religious or societal overlay. It can come

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The meaning in a lawyer's life may not be found solely in the law itself or in holy writings or in something outside us. It must be found by first looking inward and honestly discerning what is truly important and fulfilling at that time, in that season in life. And it may be almost anything.

from any endeavor, whether profound or mundane, so long as it is true to the individual.

So, for us, the meaning in a lawyer's life should not be restricted to a few options, preconceived and predetermined when we emerged from the long, dark tunnel of law school. After all, most of us were still young, and law school had an important but narrow purpose: to expose us to the subjects and systems of law and how to think as attorneys. But when we graduate and go on, we learn there is more, and while all lawyers share a certain calling, no lawyer's life, no lawyer's meaning is precisely the same as anyone else's. Meaning can be found in almost anything and everywhere.

The meaning in a lawyer's life may not be found solely in the law itself or in holy writings or in something outside us. It must be found by first looking inward and honestly discerning what is truly important and fulfilling at that time, in that season in life. And it may be almost anything. Lawyers are equipped to do far more than litigate and document transactions, all the things we usually think of.

That is one of the gifts of a legal education – it prepares us to do more effectively whatever it is we want to do, whether it is part of the legal system or not. After all, a legal education is essentially an education in how society and justice should work, in problem-solving, in communication. It brings a higher level of experience and sophistication to every endeavor.

Meaning in our lives often changes over our lifetimes. The seasons of life often dictate that our roles and purposes will change as we age. The season of early adulthood may dictate one role for a lawyer, but that role may change as the lawyer ages, marries or not, has children or not, or as the lawyer's interests, goals or physical health change over time. For anecdotal proof, look only among yourself and your professional friends. How many are doing now what they were doing when they first began working after law school? And how many are still working within the legal system?

There are less dramatic shifts as well, in different directions and laterally. Over time, a lawyer's role may change from being the

principal participant to stepping back and fully supporting a spouse or partner in their careers or assisting a parent or child with special needs or another lawyer. Each lawyer must determine, perhaps several times in their career, what is important to them at the time, and their legal education will be there to enable them, to enhance their effectiveness and success.

Finding meaning for a lawyer may be the next step in a traditional arc, such as moving from practice with a firm, company or agency to the judiciary, a professorship in a law school or leaving the law altogether to focus on something or someone entirely outside legal practice. It may seem completely random; however, as we grow older and think back on our lives, we often see a pattern or fortuitous set of events or results we did not as we went, we thought "pinballing" along.

Finally, meaning for some lawyers may be exactly what they expected and pursued from the beginning, even working with the same firm or group their entire careers and developing close, meaningful relationships. And it may



include a lifestyle, or perhaps more accurately a workstyle, that others would not find beneficial. Certainly, there may be meaning to be found in a solitary life in the law. Even the “poetry of life” as Thoreau saw it differs for each lawyer.

Whatever it is, a lawyer must then determine whether the lawyer’s strengths and weaknesses fit that purpose. And then that lawyer must proceed to do it because acting on the meaning we find is as essential as finding it. Otherwise, it is only an intellectual puzzle. And why is finding and acting on meaning so important? If it can be anything, then why can’t it mean nothing at all? Because nothing often serves no one (although there are a few times when “nothing” is necessary, even helpful). Even if your purpose is simply to tend a garden, it betters you or another person with its harvest. There is a strong and documented connection between a meaningful, purposeful life and strong mental health. People who lead their lives thoughtfully and with a joyful spirit often are truly happier, healthier and even live longer on average than those who do not.<sup>6</sup> We seem to be purposefully made to purposely live, not simply exist. We naturally form and develop civilizations. We naturally seek meaning.

Finding meaning in our lives as lawyers is finding the path to our well-being. We must vigilantly look within ourselves with intention as our purposes are not entirely found elsewhere. It may be tending Emerson’s “garden patch” in our backyard or arguing cases before the highest courts, redeeming society, anything depending on where we are in life, what season. But once we find it, whatever it is and whenever it is known, we must steadfastly follow it, knowing it as the key to mental health and well-being, some would say success, it surely is.

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## ABOUT THE AUTHOR

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

## ENDNOTES

1. “What is Success?” by Ralph Waldo Emerson, 1908, *The Complete Works*.
2. “Life Without Principle” by Henry David Thoreau, 1863 essay, *The Atlantic*.
3. Attorney’s Oath, 5 O.S. Section 2.
4. Preamble to the Oklahoma Rules of Professional Conduct, 5 O.S. Appendix 3-A.
5. *The Razor’s Edge*, William Somerset Maugham, 1944.
6. Harvard Study of Adult Development, Harvard Medical School; “Good Genes Are Nice but Joy is Better,” by Liz Mineo, *The Harvard Gazette* April 4, 2017; “Can Your Mental Health Affect Your Longevity?” by Angela Haupt in *U.S. News and World Report*, April 27, 2012; “What is Mental Health?” U.S. Department of Health and Human Services, [www.mentalhealth.gov](http://www.mentalhealth.gov).

# Even Lawyers Get the Blues: What is Wrong With the Practice and How Do We Fix It?

*By Virginia Henson and Alli Haselwood*





**S**O, HOW IS YOUR LIFE? Do you get up in the morning full of anticipation for the day? Do you feel challenged intellectually? Do you feel as if you are accomplishing important work in society? Is what you do important to you? Increasingly, lawyers across the country are answering these questions with a resounding, “No!” Depression rates among lawyers are dangerously high. Lawyers abuse alcohol and drugs at a much higher rate than doctors or engineers. Increasingly, lawyers report a disconnect between what they do and who they are. Oklahoma has not escaped this trend.

Much research has been conducted on why lawyers are so unhappy, and the bulk of the research points toward 1) the way legal education is conducted that “changes” the way a student thinks, 2) the adversarial nature of the practice and 3) the misalignment of a lawyer’s personal values with their professional duties.

The unhappiness, the research shows, starts in law school. Undergraduates who choose to study law are not that different from other undergraduates, but the unique law school experience promotes changes in the personality and world view of law students, which have been identified as compatible with depression. Lawyers, because of the nature of the job, are realistic pessimists, perfectionistic and competitive, the same personality traits that signal a tendency toward depression. In addition, particularly in the early years of

practicing law with the crushing billing requirements and student loans, many young lawyers rely on substances to make their experience tolerable. This coping mechanism has the opposite effect – the more addicted a lawyer becomes to drugs or alcohol, the harder it is for the lawyer to competently represent clients, which in turn increases addictive activity. So, what exactly is the problem, and how can lawyers, law schools and legal employers ameliorate the mental health crisis in the legal profession?

Research shows that law schools should spend a portion of legal training in addressing the unique challenges faced by law students and be proactive in assisting students who are struggling with depression, addiction or other mental health issues. When in practice, lawyers should seek out areas of the law that align with their personal values and adopt strategies

to cope with the very stressful practice of law. Legal employers should recognize that crucibles for young lawyers that hold them to unrealistic billing requirements, and cultures that frown upon a personal life or asking for help, are detrimental to the firm and ultimately to the bottom line.

#### **THE ‘LAWYER PERSONALITY’**

##### *Myers-Briggs Type Inventory*

Despite popular opinion, no two lawyers are the same. Still, research has shown there is a “lawyer personality.” Researchers have used the Myers-Briggs Type Inventory (MBTI) in an attempt to quantify why lawyers are “the way they are.” Studies have been performed on students before and after entering law school to determine if law school changes personalities. Law students have been tracked into practice to determine whether the changes

in personality that occur in law school are permanent.

The MBTI characterizes personality, and there are four basic personality traits that can be arranged into 16 personality types. The four basic traits are:

- 1) Extroversion (E) or Introversion (I): Do you prefer to focus on the outer world or your own inner world? Do events where you interact with many people energize you or wear you out?
- 2) Sensing (S) or Intuition (I): Do you prefer to focus on the basic information you take in, or do you prefer to interpret and add meaning?
- 3) Thinking (T) or Feeling (F): When deciding, do you prefer to look at logic and consistency, or do you prefer to first look at the people and special circumstances?
- 4) Judging (J) and Perceiving (P): In dealing with the outside world, do you prefer to reach a firm decision, or do you prefer to stay open to new information and options?<sup>1</sup>

So, for example, if you are a person who was extroverted, preferred to focus on basic information, are more likely to consider special circumstances when deciding and wanted concrete answers, your personality type would be an ESFJ.

Not all lawyers are the same personality type, and students entering law school are not much different from other undergraduates, but by the time they graduate from law school, students are highly concentrated in some of the personality indicators. In general, lawyers are thinkers who prefer to interpret information rather than

rely on basic facts. Lawyers also prefer not to have loose ends – they prefer decisions. The most common personality type among lawyers is INTJ, which is defined by the MBTI as people who:

Have original minds and great drive for implementing their ideas and achieving their goals. Quickly see patterns in external events and develop long-range explanatory perspectives. When committed, organize a job and carry it through. Skeptical and independent, have high standards of competency and performance – for themselves and others.<sup>2</sup>

Of all the elements, lawyers are overwhelmingly concentrated in the “thinking” characteristic. It appears, however, this personality is not ingrained before law school, and something about legal education changes students and even changes parts of their personalities. The research shows that students are profoundly changed through their law school experience.

#### *Related Studies*

Several studies bear this out. In 1967, more than 50 years ago, Paul Miller studied law students to discover whether personality was related to law school dropout rates. This study did not include women because so few were enrolled. At the four law schools where Miller did his research, he found that law students had distinctively different personalities from general college students, with a marked preference for “thinking” over “feeling.” Seventy-two percent of law students preferred “thinking” over “feeling,” while 54% of law school dropouts did. In fact, having a “feeling” bent that is not changed by legal education was

the only consistent predictor of law school attrition – the dropout rate was unrelated to undergraduate grade point average or LSAT score. Another study around the same time (1967 and 1968) showed that lower-ranking law students had higher “humanitarian” scores.<sup>3</sup>

These results were replicated in an unpublished 1994 study by Lawrence Richard,<sup>4</sup> who described the differences between people with a thinking as opposed to a feeling orientation. Although students entering law school tend toward introversion, this tendency becomes much more pronounced after legal education. Curiously, though, law school also makes students much less philosophical and interested in abstractions, ideas and the scientific method, training their personality toward practical pursuits.<sup>5</sup> It appears the trend toward pessimism and thinking is exacerbated in law school – and not that pessimistic people tend to choose the law.<sup>6</sup>

One of the significant findings of the Richard research is that it replicated the 1967 results by Miller, even though it included women, indicating that introducing women into the profession has not changed the profession. A 1990 study found 77.9% of law students preferred a thinking style, including women, 65% of whom, in the general population, prefer feeling to thinking.<sup>7</sup> It also appears that law school changes women more than men. A Pennsylvania State University study found that women’s basic attitudes changed significantly during law school. In the first year, men and women reported very different attitudes about justice, the practice of law and society. First-year female law students were much more critical than men of the status quo, legal education and themselves



as students. By the third year, the differences between the sexes were remarkably small. Third-year female law students were less critical than their third-year male colleagues and far less critical than their first-year female counterparts. A disproportionate number of the women who were studied entered law school with commitments to public interest law, ready to fight for social justice, but their third-year female counterparts left law school with corporate ambitions and some indications of mental health distress. Further, although women entered law school with a decided bent for an ethic of care, they left law school having shifted to a “rights” orientation.<sup>8</sup> It may be that “feeling” is incompatible with not only law school but the practice of law itself. A 1992 study found that those with a “feeling” preference were most likely to be disenchanted with the practice of law.<sup>9</sup>

The general public has a perception that lawyers are different from everyone else in basic ways, particularly in levels of honesty and integrity, the way they think and their ability to relate to or

care about others.<sup>10</sup> While lawyers definitely have more of a “thinking” bent, so do other occupations, including engineers and physicians. However, the practice of law itself informs public perception and contributes to lawyer distress. It appears law school erodes students’ intrinsic values and systematically marginalizes emotions, morality and social context as important components in decision making. Power and materialistic values, however, are not systematically devalued by “learning to think like a lawyer.”<sup>11</sup>

Lawyers deal with tough conflicts. Trial lawyers are called in when ordinary methods of resolving differences have failed. Transactional lawyers must anticipate and plan for how to avoid or address such conflicts in advance. “If there were even a somewhat obvious win-win resolution, it would have been reached prior to reaching the attorneys.”<sup>12</sup> In addition lawyers participate in a largely zero-sum game, where somebody wins and somebody loses and the adversarial skills of lawyers are “negative” communications and are often hostile.

Lawyers are required to perform “necessary evils.” They use their professional skills to inflict “pain” on another in the service of a higher good. They also have to inflict this pain in the presence of the adverse party’s family and friends. “Think of a criminal defense attorney defending a child sex abuse case who must conduct a probing, challenging cross-examination of the child victim ...”<sup>13</sup> To perform their work, lawyers must necessarily intellectualize this pain and suppress their compassion.

And as the pace of life increases, so does the pressure on lawyers. The ubiquitous smartphones, email and online dockets compress the available time for responding to clients and the court and make time management that more difficult.

Dr. Martin Seligman, a pioneer in the study of “positive psychology,” which is essentially the study of what makes people happy, wrote an entire chapter on unhappy lawyers in his book *Authentic Happiness: Using the New Positive Psychology to Realize Your Potential for Lasting Fulfillment*, saying:

The adversarial process lies at the heart of the American system of law because it is thought to be the royal road to truth, but it does embody a classic win-loss game: one side’s win equals exactly the other side’s loss. Competition is at its zenith. Lawyers are trained to be aggressive, judgmental, intellectual, analytical and emotionally detached. This produces predictable emotional consequences for the legal practitioner: he or she will be depressed, anxious and angry a lot of the time.<sup>14</sup>

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The general public has a perception that lawyers are different from everyone else in basic ways, particularly in levels of honesty and integrity, the way they think and their ability to relate to or care about others.<sup>10</sup>

An oft-cited study done by Johns Hopkins University in 1991 revealed that lawyers were the unhappiest of 200 studied professions. Two recent studies have addressed the well-being of lawyers: one that concentrated on law students and the other on practicing lawyers. The first study was performed in 2014 and was a multi-school study of law students to address patterns of alcohol use and consumption of street drugs.<sup>15</sup> The study revealed law students had high rates of alcohol use and thoughts of suicide, and 14% admitted to using prescription drugs in the last 12 months, mostly Adderall to “prevent their classmates from having an academic advantage.”<sup>16</sup> Most students admitted to drinking enough to get drunk in the last 30 days, and almost 14% were worried they might be alcoholics.<sup>17</sup> Anxiety was identified in 37% of law students, with 30% of those having developed the problem in law school.<sup>18</sup>

#### *Effect of Law School*

It is also common knowledge in the legal community that substance abuse rates and suicide rates for practicing lawyers are alarmingly elevated when compared to the general population,<sup>19</sup> and it strongly appears this starts in law school. Lawyers are also reluctant to ask for help or receive treatment. The second study was done by the American Bar Association in cooperation with the Hazeldon Betty Ford Foundation.<sup>20</sup> Lawyers in the ABA study reported they didn’t seek treatment because they didn’t want others to find out and wanted to preserve privacy and confidentiality. They were worried about losing their license to practice, and 18% said they didn’t have the money for treatment. Twenty-two percent said they didn’t know who to ask for help.<sup>21</sup>



The ABA study also found depression and substance abuse problems of students in the summer before law school mirror that of the general population, but these rates escalate in law school and *never return to pre-law school levels*.<sup>22</sup> Forty-four percent of lawyers in the study who identified their drinking as a problem reported their problem was acute in the first 15 years of practicing law. Another 28% reported problematic drinking that started before law school, and 14.2% said their problem started in law school. Substance abuse is problematic in the practice of law with an American Bar Association estimate that 15 to 20% of all U.S. lawyers suffer from alcoholism or substance abuse, more than twice that of the general population.<sup>23</sup> Twenty-eight percent of lawyers suffer from depression as opposed to only 3 to 9% of the general population. Nineteen percent of lawyers suffer from anxiety versus 1.9% of the general population. Twenty-three percent of lawyers experience symptoms of stress versus 3% of the general population. Only 3.5% of the general population has suicidal thoughts,

but 11.5% of lawyers do.<sup>24</sup> Further, a tendency toward pessimism is rewarded in law school with pessimists outscoring optimists in grades,<sup>25</sup> and this tendency toward pessimism carries over to the practice, which contributes to mental health problems. In almost every other profession, optimism correlates with increased job performance and success, and the inverse is true with lawyers.

Pessimism is maladaptive in most endeavors. Pessimistic life insurance agents sell less and drop out sooner than optimistic agents. Pessimistic undergraduates get lower grades, relative to their SAT scores and past academic record, than optimistic students. Pessimistic swimmers have more substandard times and bounce back from poor efforts worse than do optimistic swimmers. Pessimistic pitchers and hitters do worse in close games than optimistic pitchers and hitters. Pessimistic NBA teams lose to the point spread more often than optimistic teams. Thus, pessimists are losers on many fronts. But there is one glaring exception:

Pessimists do better at law. The fact that pessimism is adaptive in the profession brings in its wake a very high risk of depression in personal life.<sup>26</sup>

As stated by Richard J. Landau in the *Michigan Bar Journal*:

I have been a practicing trial lawyer for 33 years, but I was originally trained as a clinical psychologist specializing in cognitive behavioral therapy, a treatment for depression that research has proven particularly effective in controlled studies. Consistent with these recent reports, it is my observation and experience, based on years of work in both small and large law firm environments, that the analytical tools lawyers rely on and which are so essential to an attorney's professional success also render attorneys uniquely susceptible to depression and substance abuse in their daily lives. Indeed, the seeds of this problem may begin in law school. Professors teach their students to "think like a lawyer." The better a lawyer is at using these tools, the more effortless or automatic this reasoning is to the practicing lawyer, the more susceptible to depression and substance abuse that lawyer may be. To practicing attorneys, the cognitive distortions that psychologists have found associated with depression and substance abuse become essential everyday tools of the trade. Indeed, the profession rewards and advances those attorneys who are most successful at employing the very tools that make them susceptible to depression and addiction.<sup>27</sup>

However, since when entering law school students are not

distinguishable from regular undergraduates, it seems there is something about the law school experience that changes people.

Law school also appears to intensify students' tendencies to ignore emotions, interpersonal concerns, and warm interpersonal relations. There may be nothing maladaptive about law students' preference for logic and rationality (e.g. thinking) over interpersonal concerns and emotions (feeling), but this preference may become extreme and thus dysfunctional during law school and thereafter. It may contribute to an unbalanced approach to life and difficulties relating to peers, family, friends and clients.<sup>28</sup>

Mental health deterioration, then, begins in law school. The emphasis on class rank, grades, law review, etc., can subvert the reasons many students enter the law in the first place – to do good and make a positive difference in the world. There is a trend in law schools to attempt to ameliorate this effect and to help students put grades and class rank into perspective – study after study has shown that grades and class rank only slightly correlate to higher incomes after law school and do not correlate to happiness or satisfaction in the practice.<sup>29</sup> However, many legal employers still rely on grades and class rank to make hiring decisions, although numerous studies have shown these factors are very weak predictors in determining competence and success as a lawyer. Those with top grades are no more likely to succeed than those students with simply "good" grades. In fact, a study in 2008 found, "The Harvard attorneys do not perform any better than those at the 30th-ranked law school."<sup>30</sup> Success as a lawyer is more related to drive,

willingness to take risks, marketing skills, communication skills and a passion for one's work.<sup>31</sup> Happiness as a lawyer is even less dependent on law school success.<sup>32</sup>

## CONSEQUENCES OF IGNORING LAWYER WELL-BEING

There is a plethora of ethical problems and harm to clients arising from ignoring the declining mental health of lawyers. Besides medical and societal problems attendant to substance abuse, there are ethical problems. Impaired lawyers miss court dates, deadlines, poorly prepare and poorly represent clients and are at risk of mishandling client funds.

- 5 O.S. §1.1 (Competence) requires thoroughness and preparation reasonably necessary for representation.
- 5 O.S. §1.3 (Diligence) requires reasonable promptness in representing a client.
- 5 O.S. §1.15 (Safekeeping Property) requires a lawyer to hold the property of clients and third parties in connection with representation separate from the lawyer's own funds and property.
- 5 O.S. §8.4 (Misconduct) prohibits criminal, dishonest or fraudulent acts, often part of claims against lawyers who misappropriate client property. Many ethical complaints involve trust violations.<sup>33</sup>

Addressing the mental health and substance abuse issues in the bar has a direct and measurable benefit to both the lawyers and their clients. As Patrick J. Schiltz notes, "People who are this unhealthy are almost by definition unhappy."<sup>34</sup>



## WHAT CAN LAW SCHOOLS DO?

The research shows that law schools should strive to provide accessible and confidential outlets for students to seek help. Peer mentoring groups worry that students fear the information will not be held confidential and students' problems will become part of the law school gossip mill. In addition, law students must feel supported by the school's administration, faculty, staff and other students, and they must believe if they ask for help, they will get it. The culture of law school needs to be changed, so students do not feel asking for help is a sign of weakness but a strength.

Law schools should consider establishing student assistance programs much like bar associations' lawyer assistance programs. Professors should pay attention to student absence as a sign the student is struggling with something – perhaps mental health issues or substance abuse. Other students should be educated as to the signs of mental distress among their colleagues and how they can offer help and resources.

## WHAT CAN LEGAL EMPLOYERS DO?

Legal employers should make the health and well-being of lawyers a priority, both because it is good for the lawyers and because it is good for the employer. It is

axiomatic that addicted, exhausted, depressed and anxious lawyers are not good lawyers. Mistakes will be made, ethics may be flexible, corners will be cut – all things that affect the quality of representation of clients and thus the bottom line. A significant number of formal disciplinary proceedings against lawyers have identified a substance abuse or mental health issue as contributing to the lapses. In addition, the supervisors of these lawyers are responsible for the actions of these impaired lawyers if they know about the problem.

Ethical Rule 5.1 (Responsibilities of Partners, Managers and Supervisory Lawyers) provides that a lawyer who is a "partner or has comparable managerial authority in a law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer" is responsible for the other lawyer if the supervisory lawyer has knowledge of the unethical conduct and fails to take action to avoid or mitigate its consequences. The mental health of subordinates, therefore, is an ethical duty of supervisors.

Law firms and corporate legal departments should create wellness programs that have buy-ins from leadership and should create a culture where asking for help is not viewed as weakness or a lack of commitment to the practice.

## WHAT CAN BAR ASSOCIATIONS AND THE SUPREME COURT DO?

Wellness is critical to competence. An impaired lawyer is an incompetent lawyer. The most frequent ethical violations by lawyers requiring discipline are concentrated in the areas most affected by substance abuse or mental health issues. The 2020 annual report of the OBA Professional Responsibility Commission<sup>35</sup> found that almost half of complaints made against lawyers were for neglect, followed by misrepresentation, personal behavior, trust violations and incompetence. Impaired lawyers can also struggle with relations with the court, their clients and third parties. An ABA study in 2017 recommended that lawyer supervisory organizations adopt the following:

- Identifying the stakeholders and the role each can play in reducing the level of toxicity in the profession;
- Eliminating the stigma associated with help-seeking behaviors;
- Emphasizing that well-being is an indispensable part of a lawyer's duty of competence;
- Educating lawyers, judges and law students on well-being issues; and

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Healthy lawyers are more productive, happier and less likely to come to the attention of disciplinary committees.

- Taking small, incremental steps to change how the law is practiced and how lawyers are regulated to instill greater well-being in the profession.<sup>36</sup>

Education promoting well-being is required by several bar associations as a CLE requirement. Healthy lawyers are more productive, happier and less likely to come to the attention of disciplinary committees.

## WHAT CAN LAWYERS DO?

It turns out that what makes lawyers happy is the same things that make everyone else happy.<sup>37</sup> People are happier in their work if:

- Their work aligns with their internal values;
- They feel competent in their chosen field;
- They relate to and feel valued by their co-workers and
- They feel they have autonomy in their work.<sup>38</sup>

Surprisingly, happiness is not increased by:

- More income (other than an income that allows the lawyer to meet basic needs and have some level of comfort – around \$75,000 per year, all other things being equal.)
- Higher class rank in law school;
- Making partner in a law firm or
- Being on law review.<sup>39</sup>

And, also surprisingly, lawyers are only a little happier if:

- They take a lot of vacations;
- They have children;
- They are married or have long-term, committed relationships;

- They exercise;
- They are in an affiliated religion and utilize prayer or
- They work in a smaller town.<sup>40</sup>

Lawyers are unhappier if:

- They abuse alcohol or drugs or
- They are subjected to an unreasonable billable hour requirement.

So, what can practicing lawyers do to increase their happiness levels? Research confirms that:

- Lawyers should align their work with their values and seek out work they find interesting and meaningful. It is possible to practice law without doing violence to what you believe to be right. Look back to why you went to law school in the first place, what kind of work you actually enjoy and take active steps to pivot your practice/work life in that direction.
- Develop your skills so you feel comfortable and competent in your chosen area of the law. If you hate litigation, don't feel like you have to be in a courtroom or you are not a "real lawyer."
- Recognize that mistakes are a part of life and let them go. You are not a perfect person, and you won't be a perfect lawyer.
- If you are in a firm or other environment where you do not feel valued or you don't relate to your co-workers, start looking for a work environment more compatible with your relationship needs.

- Cultivate a work environment where you have some control over what you do and when you do it.
- Remember that more money is not likely to make you happier.
- Set realistic and obtainable goals based on what you have accomplished and experienced in the past.
- Accept that the practice of law is inherently stressful and take active steps to manage your stress in a healthy way. Don't be afraid or embarrassed to get help. If you are feeling distressed, remember the OBA offers six free counseling sessions, group sessions and the Lawyers Helping Lawyers Assistance Program as a member benefit. You can access that resource at [www.okbar.org/lhl](http://www.okbar.org/lhl).

## CONCLUSION

The practice of law is unique in that a specific thinking style is necessary to perform the work. It is a necessary evil that lawyers are required to view their client's problems dispassionately and logically and tap into pessimistic attitudes to anticipate problems. Lawyers have to remain objective to serve their client's needs, and it is a fact of the practice that they often don't accomplish outcomes that align with their personal views of justice. To be happy in the practice of law is to align your practice to the extent possible with your internal values and have some control over who you represent and what kinds of cases and practice you have.

It is also important that lawyers learn to "let go of outcomes." Because lawyers are often perfectionists, they tend to believe they are responsible for a client's bad

outcome. The only control a lawyer has is the competent and professional management of a client's case. Individual lawyers have no control over a judge or jury ruling, the conduct of the client who doesn't follow advice, government agencies or the adverse party or their counsel. So long as representation is zealous, professional, ethical and competent, the outcome is not under the lawyer's control.

It is possible to love being a lawyer. The intentional structure of a practice that aligns with your values and your abilities is the key.

## ABOUT THE AUTHORS



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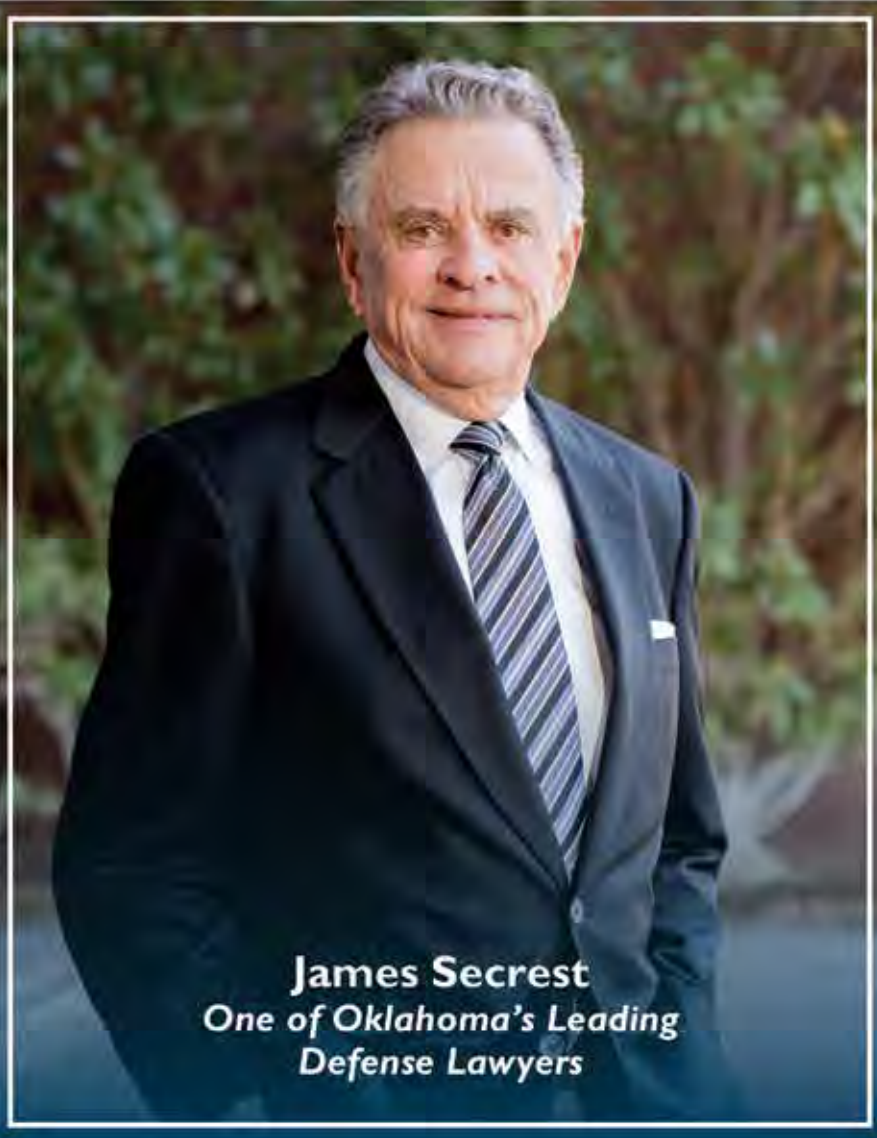
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# Attorney Wellness Issues in the Roaring 2020s

By Tom M. Cummings

**LAWYERS HAVE A UNIQUE PLACE IN AMERICAN SOCIETY.** Some say they are like dogs: Everyone loves their own but hates all the other ones. We are the punch line to many jokes. We are also the ones who get the 2 a.m. calls, the terrible news, the unsolvable problems with the fervent prayers that we can make everything better, make all the bad stuff go away, turn chicken scratch into chicken salad.

It is heady stuff being the hero, the protector, the powerful avenger, but of course, we cannot always fix the problem, win the case and make it all better. So, when we fall short, or even when we don't, there is a heavy price to pay for trying to take on that role.

## 'THE PREVALENCE OF SUBSTANCE USE AND OTHER HEALTH CONCERNS AMONG AMERICAN ATTORNEYS'

The ABA undertook a study of issues affecting attorney well-being and published a report in 2020. The study relied in part upon studies undertaken in the medical profession, such as published studies in the *Journal of Addiction Medicine*. Unsurprisingly, attorneys are addicted to alcohol and drugs at a substantially higher rate than the general population. Among the lawyers surveyed, 21% qualified as "problem drinkers," more than three times the 6% rate of alcohol addiction in the general population and almost double the 12% addiction rate of other highly educated professionals.<sup>1</sup>

The term "problem drinkers" is more than a general descriptor. A "problem drinker" is determined from the application of the Alcohol Use Disorders Identification Test (AUDIT), a 10-item self-report instrument developed by the World Health Organization (WHO) to screen for hazardous use, harmful use and the potential for alcohol dependence. A score higher than eight indicates hazardous or harmful alcohol intake and also possible dependence. "Problematic use" and "problem drinker" was used in the AUDIT study to capture all the levels of alcohol use characterized by the study as hazardous, zone II, harmful, zone III and alcohol use warranting full diagnostic evaluation for alcohol use disorder zone IV.<sup>2</sup>

Twenty-eight percent of the lawyers surveyed struggled with depression, 19% had symptoms of anxiety and 11.5% had suicidal thoughts. The statistics show that 25 to 30% of all lawyers facing disciplinary action before the bar suffer from either an addiction or some form of mental illness.<sup>3</sup> To

those who work in attorney disciplinary matters, that last statistic may seem a bit low.

These statistics should be shocking. They should be a call to action. They should alarm every member of the bar to the point of making serious efforts to change our lifestyles and to reach out to our fellow members of the bar to help them, for their sakes and the sake of their clients. Unfortunately, that is not the common reaction of most of us to these statistics.

## APPROACHING THE PROBLEM AS AN ILLNESS

In order to deal effectively with attorney addiction issues, it is vital to approach the problem as an illness and to realize that lawyers with addiction issues will not readily recognize those problems in themselves or admit to needing help. Despite the general belief that interventions are effective tools for getting an addicted person help, the truth is that the only thing an intervention generally does is annoy the person



being ambushed and harden their resolve to resist getting help. Until the lawyer recognizes the need for help and is willing to accept help, any effort to force that help on the lawyer is doomed to failure. To be clear, it is not only addicted lawyers who need help; lawyers suffering from depression, economic stress, overwork or any other problem that puts their mental health at risk need help, too.

My experience in talking with friends who I know have been suffering from addiction problems is the same as anyone who has a family member with similar issues. No one can make another person get help for a psychological or substance abuse issue if that person is not ready to go. I have shown up in lawyers' offices to talk to them after getting reports from

various sources, including judges and opposing counsel. I have been met with denials that there is a problem, promises to ratchet back on consumption and subsequent reports of ringing success in only drinking a little bit. Then, of course, I get the same kind of reports that the lawyer is still showing up in court smelling like a distillery. This initial response of denial is not unique to lawyers – it is the typical response of any individual struggling with addiction or mental health issues. However, lawyers often have personalities that make this situation even harder.

Many lawyers suffer from an inflated ego, making them believe they are supermen and women, immune to the weaknesses of mere laypeople and that they do not need help from anyone.

Couple this attitude with a genuine fear that seeking help from a mental health professional or the Lawyers Helping Lawyers Assistance Program (LHL) is not only a humiliating admission of weakness but, worse yet, a guarantee of gimlet-eyed scrutiny from the Office of the General Counsel.

Neither of these things is true. In fact, the Office of the General Counsel is prohibited from knowing anything about even the identity of attendees of LHL meetings, aside from the attendance of attorneys whom it refers there for help.<sup>4</sup>

The bar funds LHL and will pay for as many as six professional counseling sessions. Part of the funding for LHL includes the attendance and participation at the monthly meetings of a licensed professional counselor (LPC). The



LPC is available for counseling as well. This counseling is also paid for through the Lawyers Helping Lawyers Foundation, which is an OBA committee but is independent and the sole determiner of the funding for counseling it provides attorneys. Almost no one avails themselves of these remarkable services. In Oklahoma, there are two LHL meetings a month, one in Oklahoma City and the other in Tulsa.<sup>5</sup> Scott Goode and I, who host these meetings in Tulsa and Oklahoma City, can attest to the fact that only 5 to 16 people attend each of these meetings each month. What is the reason so few people are in attendance every month? Surely the lawyers of Oklahoma in need of help are more numerous than that.

### ENGAGING WITH AT-RISK LAWYERS

So, what is the answer? One answer is to just give up. If we cannot make lawyers get the help they need, we do nothing and simply hope for the best for them. The bar has a vital job to do in policing the attorneys who are charged with the responsibility of representing the public. As a society, we must protect the public from lawyers who have demonstrated a lack of honesty or integrity and who go so far over the line as to pose a threat to the public. Removing predatory or dangerous lawyers from the practice is a laudable goal. On the other hand, lawyers who only harm themselves and manage to avoid harming their clients can complete their careers without ever having to address their addictions. However, despite how important protection of the clients is – and it is of the foremost importance – our focus needs to be on saving the lives and the quality of life of our fellow lawyers. To do this, we must be actively engaged with lawyers who we know are at risk.

The answer that will actually make a difference is lawyers as a group abandoning the course of action, or rather, non-action, that has been the traditional hallmark of our profession. To borrow a phrase from Homeland Security, “If you see something, say something.” There are many avenues available to a lawyer who sees a colleague or an adversary who appears to need help. The first, most obvious one is to address the issue with the lawyer directly. Irrespective of what the issue is, saying something to the affected lawyer, expressing concern and a desire to help may make the difference in that lawyer’s life by forcing them to acknowledge they need to start talking to you or someone who can help. Reaching out to a fellow human being in need is not being a superhero or a savior, it is being a decent person. Another avenue is normalizing the use of the resources that are already available through LHL and removing the stigma associated with it.

When Bill W., the founder of Alcoholics Anonymous, started the organization, he did not seek out someone to save – he sought out someone to talk to him, someone who understood the pressures and thoughts he was dealing with. The person he found was like him, and the two of them saved each other just by being present and listening to what the other one had to say.<sup>6</sup>

Our group, LHL, tries to do the same thing for the issues lawyers have. We listen to each other’s stories, complaints and successes without judgment and add our experiences. The people who attend believe the experience of talking to other lawyers about the stresses of the practice and the common pitfalls we face helps them transition to a healthier way of approaching the practice. The only value LHL has is that it is a means of facilitating human contact

with someone who cares and who has a similar frame of reference. One-on-one contact can yield similar results if someone cares enough to say something to someone to try to save the quality of their life.

So, the only response we can have to this issue as caring human beings is to respond to the question “Am I my brother’s keeper?” with a resounding “Yes!” We must leave our comfort zones and care enough about our fellow lawyers to risk offending them by pushing our noses into their business to offer our help while withholding our judgment. Take a colleague to lunch and tell them about your problems, ask for their help and invite them to share their problems with you. Offer to attend an LHL meeting with them. In the end, they may save you as much as you save them.

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### ABOUT THE AUTHOR



Tom M. Cummings is a solo practitioner in Oklahoma City. He chairs the Lawyers Helping Lawyers monthly discussion groups for western Oklahoma and is a strong advocate for that program. He earned bachelor’s degrees in history and political science at Williams College in 1975 and a J.D. from the OU College of Law in 1978.

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5. In Oklahoma City, LHL meetings are held on the first Thursday of each month at 6 p.m. in Tom Cummings’ law office at 701 NW 13th St., Oklahoma City, OK 73103; in Tulsa, the LHL meetings are held on the second Thursday of each month at 6 p.m. in Scott B. Goode’s law office at 1437 S. Boulder Ave., Ste. 1200, Tulsa, OK 74119.
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A black and white portrait of a middle-aged man with short, dark hair, smiling slightly. He is wearing a dark suit jacket, a light-colored dress shirt, and a patterned tie. The background is a plain, light color.

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"My fear of failing, malpractice and bar complaints was unbearable, and all I could do was keep opening new cases in order to put food on the table and pay all the debt I had just incurred. The pressure was intense, and I felt like I was suffocating, gasping to stay alive just a few more moments."

*- Scott B. Goode, Oklahoma Bar Association Member*

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# The Other Side of Alcoholism: A Spouse's Perspective

*By Lori Gooding*





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**I DO NOT KNOW AT WHAT AGE I STARTED THINKING** about the man of my dreams for the qualities I wanted in a husband. I always loved the fairytales of *Cinderella* and *Sleeping Beauty*, where Prince Charming would come in and sweep the princess off to live happily ever after, but I am talking about when I truly considered who I wanted to spend my life with.

When I was 19, I met a guy who was 27. Within six months, we were married. Almost everyone I knew, especially my dad, tried to tell me I was making a big mistake, and I did not understand what I was getting myself into. I thought I was right, of course. They did not understand, and I would prove them wrong. I did everything I could at the time to make that marriage work, but it was a complete disaster. After seven years, I finally left and knew I was never going to make the same mistake when I met my next potential mate, which brings me back to what I wanted in a partner. I had a checklist: intelligent, funny, thoughtful, good looking, short (I have a thing for short guys) and successful. You get the idea. What was not on my list was ... alcoholic.

### THE BEGINNING

I met my husband, Clif, at a bank where I worked. There was an instant attraction. He was 5 feet 6 inches tall (I told you I have a thing for short guys), dressed in

the sharpest suits and ties and had dark hair, baby-blue eyes and a great smile. He was the bank's attorney and on its board of directors. We started dating and had so much fun. He was exciting, a little crazy and extremely outgoing. Everywhere we went, he knew somebody. I got swept up in the excitement, and we spent a lot of time together.

After several months, I noticed some peculiar things. He did not sleep much. It seemed like he would stay up for days at a time. I told myself he must be sleeping when I am not around, or he does not require a lot of sleep. He also was secretive at times. I would ask about his day, and at times, he did not have an answer to simple questions. He did not know what he had been doing that day or what had happened at the office. It was a little odd, but I convinced myself he was just busy, the day had gotten away from him, or he had a case or client he could not talk about.

### FROM INCREDIBLE TO HORROR SHOW

Eventually, I moved in, and things became more obvious and confusing. He was staying up for days and then would sleep for days. I asked questions, trying to figure out what was wrong. The more I inquired, the more agitated he became. Then the arguing began. He would become extremely angry by the smallest comment or question. He would apologize a little later, and we would go on with our day. These arguments then became more frequent and intense. I tried to find out what was going on with him. The more I investigated, the more arguments we would have.

After two years of living together, we got married. I thought things would get better, but they got worse. Arguments became fights. We were now screaming at each other and slamming doors. The fights grew in intensity and became more frequent. We made the decision to go to counseling. It seemed to help for a while, but the

arguing and fighting would start again. It was a constant roller-coaster. When things were good between us, they were incredible. When things were bad, it was a horror show. By this time, I had changed careers and had an excellent job. My husband had not worked in three years, and I became the main financial support for our family. All this happened so gradually I never realized there had been a shift. The man who had been so successful and had a thriving law firm had lost it all and could not show up for work. The burden fell on me, and I was willing to take it.

### IT STARTED WITH ME

I do not know how this happened, but I can tell you how it started. It started with me. When my husband could not go to work because he was passed out, I would

wherever they needed to go, and I would get whatever they needed. I took over everything because that is what I was taught. We take care of our own, and we take care of our responsibilities. What I did not know is it made life easier for him. Every time he did not have to pay a bill or go to work, it provided more money and time he could spend on drugs and alcohol. I had gone from being supportive and helping to enabling and controlling.

When I started dating Clif, people who knew both of us would call to talk to me. They would ask if I was dating Clif Gooding. I would say, "Yes," and I would ask if they knew Clif. They would say, "Yes," and I would ask what they knew about him. This was usually the reply: "He is a brilliant guy. He is probably one of the smartest men you will ever meet." I knew this about him. He completed his

a lot of fun, which was true. I had first-hand experience with him, and we had fun. They would continue with, "He is a womanizer, a liar and a cheat. He is arrogant and egotistical. You cannot trust him as far as you can throw him. You need to stay away from him." During these conversations, what I heard was, "He needs you." I believed I could get him to change. I believed if I helped him, he would get better. But the more I helped, the worse he became and the worse I became.

### THE BREAKING POINT

I awoke one day to find my husband passed out in our guest room with empty bottles of vodka and wine by the bed and some cocaine on the nightstand. All the pieces of the puzzle fell into place. He was drinking so much he had been blacking out. He then used the cocaine to keep himself up so he could drink more, and the endless cycle continued. I told him he had to leave our house that day and made a phone call that changed my life. I contacted someone about a program for the family and friends of alcoholics. She asked if I would be willing to go to a meeting. I said I would go not because I thought I had a problem or needed help, but because I was desperate and all out of ideas.

I had tried everything to get Clif to do what I thought he should do. I begged, cried, screamed, threatened, pleaded, tried to reason with him, but nothing worked. I always believed if people would just listen to me and do what I say, we would all be OK. I have always thought I was right about everything. I thought I knew what was best for everybody. I always have been able to figure out what to do and get the outcome I wanted in any situation. More times than not, these things worked. Not when it comes to alcoholism.



call the office and make excuses for him. When he could not get a file from the office or sign his name to a letter or document, I would do it for him. When work slowed and he did not have money to pay a bill, I would pay it. I would fill up the cars with gas. I would take the kids

undergraduate program in three years, graduated from law school as a member of the Order of the Coif and was seventh in his law class. He was first named partner at a downtown Oklahoma City law firm before the age of 30. Acquaintances would say he was

## GETTING HELP

I went to meetings and started participating in this program. I learned about alcoholism and myself. I learned alcoholism is an illness but did not believe it at first. I thought it was a choice. I believed you could take a drink or not. All you needed was willpower, but that is not true. Alcoholics physically react differently to ingesting alcohol than do non-alcoholics. Once alcoholics start drinking, they have no control over the amount they will drink or what will happen when they drink. I repeatedly have heard about alcoholics who tried to quit on their own swear they will stop. At some point, they drink again and have no idea how it happened. True alcoholics need help. Most must experience some amount of pain to be willing to get help because if they can keep drinking without any consequences, they will. There is nothing I can do to stop an alcoholic from drinking until he is ready. It is not my fault, even if he blames me. I did not cause him to drink. All I can do is set healthy boundaries to take care of my family and me and limit my exposure to the effects of their drinking. This is what happened with us.

There had to be a boundary and a consequence for his drinking. He had to take responsibility for his decisions, and I had to quit taking care of him. I also had to take responsibility for my actions and behaviors. I had to own that I had a part in contributing to his alcoholism by lying for him, covering up for him and making it easier for him to continue drinking. I fought with my husband on numerous occasions. Unfortunately, I fought with him in front of our kids. Each time Clif could not show up for something we had planned as a family, I made sure the kids knew he was to blame. These are not my

proudest moments, but it is what happened. I looked at the mistakes I made and realized I could not blame Clif for everything. Alcoholism is a family disease because all are affected. Everything we say and do leaves an imprint on our kids and the ones closest to us. I need to make sure I am leaving a positive imprint.

I met Clif one day after work and told him I would do my part to support him in any way to get help, whether it meant participating in counseling, treatment or going to meetings. He also had to do his part in getting help. And if he could not, I could not stay in this marriage. The next day, he went to a meeting for people who have a problem with drinking and asked a man for help. Clif was willing to do whatever was asked of him, whether he agreed with it or not, whether he thought it was stupid or not. He did those things and has been sober ever since. That was 20 years ago.

## CONCLUSION

Alcoholics are complicated creatures. They are some of the smartest, funniest, kindest, most talented, successful people I have ever met. Yet, when they are drinking, they become self-centered egomaniacs with an inferiority complex. When they tell you they are never drinking again, they are not lying. They mean it. However, they fail to realize they do not have the ability to stop and stay stopped on their own.

I also have been in my program for 20 years. In that time, I have learned much and continue to learn. I am forever grateful for my program and Clif's. I am so glad I attended those meetings. Had I not, I do not think our marriage would have survived. I had my own work to do, whether he was sober or not. I am now able to help other people

who have a relative or friend with a drinking problem. I can share my experiences and maybe give them some hope. I have a great life and marriage today. I finally found my Prince Charming and my happily ever after.

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## ABOUT THE AUTHOR



Lori Gooding is the office manager for The Gooding Law Firm in Oklahoma City.



# Attorney Wellness Begins With Our Mental Health

*By Rhiannon K. Baker*

**T**HE FIRST THING THAT COMES TO MY MIND when I hear the words “attorney wellness” has nothing to do with our physical health. I don’t mean to diminish the importance of our physical well-being, but what I tend to think of is our mental health. Should we all eat healthy, exercise and take our vitamins? Yes. But anxiety and depression are prevalent in the legal community. In the 2015 survey of lawyers by the ABA’s Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation, 28% reported depression, 19% reported incidences of severe anxiety and 11.5% reported suicidal thoughts during their careers.<sup>1</sup> If this isn’t alarming enough, substance abuse is also highly prevalent, with more than 20% of licensed lawyers drinking at levels considered “hazardous, harmful and potentially alcohol-dependent.” Attorneys under the age of 30 have even higher problematic drinking rates. All these rates are higher than those found in the general public and other professions.

Although I once kept it a deep-buried secret, I am no longer ashamed to admit I have had my own mental health struggles over my lifetime and even during my career as an attorney. While it started as a diagnosis of post-traumatic stress disorder (PTSD), my symptoms evolved to more generalized anxiety and depression once some of my trauma symptomologies subsided. While my mental health is now well-managed with the help of medication and therapy, I still experience what I call occasional flare-ups, particularly of my PTSD. Because I am open about my struggles, I have had numerous other attorneys confide in me with some of their own mental health battles. My experience and the experience of other attorneys

I know only affirm the findings from the study mentioned above: Our profession has a mental health and substance abuse problem.

While this may seem like bad news, it’s also an opportunity for our profession to make meaningful changes to not only help members of the legal community but to better serve our clients. This isn’t going to be something we can slap a Band-Aid on and call it good – it’s going to require contribution from the entire legal community, from law schools to bar admission agencies, bar associations, lawyer assistance programs, private firms and individual attorneys. Each entity has a duty to evaluate what it can do within its respective role and coordinate with other entities to implement change

across the board. It is a systematic problem and, therefore, a systematic response is necessary. The research described above should be our wake-up call and our call to action. Too many of our fellow lawyers are struggling and suffering, and the impact is too great to ignore. If you are reading this, you can be part of the solution.

## WHAT DO THESE PROBLEMS LOOK LIKE?

Anyone can Google depression, anxiety or substance abuse and find numerous articles and descriptions of the associated symptoms. To save you the step, I’ll lay out the general signs here but then also lay out some signs that may be particular to our profession. Signs of depression



include persistent sad, anxious or empty feelings; feelings of hopelessness and/or pessimism; feelings of guilt, worthlessness and/or helplessness; irritability or restlessness; fatigue and decreased energy; overeating or appetite loss; and thoughts of suicide or suicide attempts. Some of the symptoms of anxiety include restlessness or feeling keyed up or on edge; becoming easily fatigued; difficulty concentrating; irritability; muscle tension; and sleep disturbance. Signs of a substance abuse disorder include feelings of exhilaration and excess confidence; increased alertness; increased energy and restlessness; behavior changes or aggression; rapid or rambling speed; dilated pupils; confusion, delusions and hallucinations; irritability, anxiety or paranoia; and experiencing withdrawal symptoms when you attempt to stop using the substance. All these symptoms can cause significant distress or impairment in social, occupational or other areas of functioning.

Attorney impairment poses risks not only to the struggling individuals themselves but to our clients as well. Signs that are more unique to our profession include missing deadlines, not meeting obligations and work responsibilities, incomplete or irregular records, “borrowing” from trust

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We need to provide greater education aimed at prevention, especially for those in the early years of their profession when they are at greatest risk.

accounts, non-compliance with CLE, being non-responsive to discipline inquiries, inadequate follow through and not returning phone calls. Despite these problems, many in our profession do not seek or receive help unless and until forced to do so.

#### **WHY DOES THE PROFESSION HAVE THIS PROBLEM?**

Before we get into what can be done, let's look at why this is a problem. Without getting too far into the weeds of the details of the study, the problems often have their beginnings in law school and only continue to grow and worsen after admission to the bar and the engraining of norms within our profession. The problem is pervasive, and no sector of our profession is immune, though those at private firms are at higher risk, as are junior associates.

By nature, our work environment is inherently stressful and, therefore, is a definite risk factor. Conflict and competition are the norms in the profession – both external competition (*i.e.*, opposing counsel) and internal competition (*i.e.*, competition within your own firm for clients and advancement opportunities). In addition, our entire jobs center around solving problems, which are seldom solved to the complete satisfaction of the client. We face

high and sometimes unrealistic expectations from clients and employers. We are obligated to maintain a minimum billable hour requirement and/or origination of business and have other time pressures such as deadlines. Moreover, good lawyering skills often don't translate into good workplace skills (*i.e.*, emphasis on winning instead of collaborating and being skilled at debate and arguments rather than discussion and collaboration). We also often have a distrust of colleagues and, therefore, an inability to share frustrations, problems and other issues out of a fear that we will look weak or the information will somehow be used against us. The demands of our profession find us working long hours, not getting enough sleep, not eating well and distancing ourselves from family and friends. Young lawyers often have trouble finding jobs and paying off oppressive student loans (in fact, I'm still working on mine 12+ years after graduation).

Individual personality traits of lawyers also play a role. Most attorneys are self-reliant, ambitious and perfectionistic. As a whole, when compared to others, we are often more people-pleasing, competitive, argumentative, self-centered, stubborn, skeptical, emotionally detached, avoid rejection/criticism, predisposed

toward denial and blame-shifting and experts at rationalization. I don't hesitate to call us out because many of the same traits can be said to describe me! While we may be highly motivated to provide good service to our clients, we are among the last to seek assistance or even acknowledge a problem. The pervasive fear of damaging their reputation keeps many attorneys from receiving the assistance and treatment they need. Even worse, we fear our adversaries will find out and use it to discredit us and possibly even impact our license. These fears had me hesitant to even attach my name to this article.

#### **WHAT CAN WE DO?**

It is my hope that we can engage in public awareness campaigns to overcome the stigma associated with mental health and substance use problems and encourage ourselves and our colleagues to reach out for help. Unfortunately, mental health and substance use issues do not get better on their own; they are progressive and only get worse over time without help. The impact on families, careers and even lives lost due to untreated addiction or mental health issues is too great for us to ignore. In fact, the worst thing we can do is ignore it and carry on with our heads in the sand, hoping someone else will "fix" the problems inherent in our profession.



This article is a start; indeed, this entire issue is a start, but it's only that – a start.

We need to provide greater education aimed at prevention, especially for those in the early years of their profession when they are at greatest risk. Wellness concepts that include the importance of the basics – physical exercise, good sleep, nutrition and minimizing alcohol use – provide a good foundation. But it also should include stress management, building resiliency skills and incorporating interpersonal connections. What are law schools, CLEs and mentors teaching us about maintaining wellness? What messages are we receiving about seeking out and receiving help? Where are they falling short, and how can we improve those messages?

As discussed earlier, our profession has a unique culture. Social, personality and work factors lead to higher rates of stress, mental health problems and problematic drinking. Therefore, we may benefit from specialized treatment programs. Lawyer assistance programs are designed to not only maintain confidentiality and protect lawyers from negative professional consequences but also provide treatment. A greater investment of financial resources, attention and time by firms, schools, the bar association and individual attorneys is necessary to effect meaningful change. Lawyer assistance programs, such as Oklahoma's Lawyers Helping Lawyers Assistance Program, must receive adequate funding so they can increase their services to provide more assistance, counseling, screenings, outreach, monitoring and education.

### HOW CAN I HELP A FRIEND OR COLLEAGUE?

I already discussed why there are barriers to attorneys seeking

help, and there are many. But there may come a time that you become concerned about a friend or colleague and want to be able to help them. Remember, the worst thing you can do is ignore the problem. First, expect that there may be difficulties and resistance. The person may not agree they have a problem; they may not want to change what they are doing or want to seek help. They may fear consequences. Most will feel embarrassed and not want to discuss such a personal problem with you. They may even become defensive. Try to not take such a response personally.

There is no magic formula or easy way to help someone struggling with a mental health or substance use issue. There's no script to follow, but what is most important is to approach the person from a place of concern and care and tell them you come from a place of concern and care. Do not be accusatory, be descriptive. Explain what changes you have seen in them, whether that be physical, mental or emotional. If you have seen a change in work quality or work habits, be specific. They may be afraid to seek help, so be empathetic and acknowledge that fear. Let them know they can trust you. Be armed in advance with resources, whether that be the contact information for Lawyers Helping Lawyers, an employee assistance program or a local mental health professional. Remember the golden rule and treat them the way you would want to be treated.

### CONCLUSION

In no way does this article outline all the problems or even all the solutions. It only scratches the surface, but that's an important start. Finally, I want to leave you with this: There is no shame in seeking and receiving help. I would

not be the person I am today or the lawyer I am today without having received professional help. I have fought hard to battle my PTSD demons and the accompanying depression/anxiety. I firmly believe you have that fight within you as well. Whether you reach out to me, a trusted coworker or the Lawyers Helping Lawyers Assistance Program, be assured that there are others available and wanting to help. You do not have to fight the fight on your own.

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### ABOUT THE AUTHOR



Rhiannon K. Baker is a 2009 graduate of the TU College of Law, with highest honors. She practices civil litigation in Tulsa and is also licensed in Iowa and Minnesota. She has a passion for mental health and victims' rights advocacy.

### ENDNOTE

1. "The Prevalence of Substance Use and Other Mental Health Concerns among American Attorneys" (*Journal of Addiction Medicine*; February 2016 – Volume 10, Issue 1, p. 45-52).

# Compassion Fatigue: The Residual Effects of Caring for Others

*By Dr. Robyn Goggs*

**H**OW OFTEN DO YOU WEAR YOUR WORK HOME? Not the idea that you take home a file to examine, but that you take the thoughts, feelings, concerns and even horrors of your clients with you in your head, and at random moments, when you should be enjoying your family or having fun, those thoughts interrupt your life. I would venture to say this has happened for most attorneys who are committed to the work of serving others.

One family law attorney recently said to me, “Our clients come to us in the most difficult times of their lives and invite us into situations that involve their most important people and their most valued things. We experience many emotions of our clients.”

The long-term care of others was coined “compassion fatigue” in the 1960s. It was originally referring to the continued charitable ask people were experiencing. This term has expanded over the decades and researched through multitudes of helping professions. It has especially come into the spotlight during the recent year of the COVID pandemic and its effects on health care workers.

The best, simple definition of compassion fatigue is “mental exhaustion where you care about the work you are doing for the people around you, but you don’t have the energy and/or motivation to do anything about it.”<sup>1</sup> Compassion fatigue is the first and milder alert to a person serving others that burnout might be next. Ask yourself:

- Am I avoiding phone calls?
- Am I failing to complete tasks in a timely manner?
- Have I lost some of the drive I used to have?
- Do I feel tired and indifferent or irritated about several areas of my life?
- Am I having any unusual health issues?
- Do I feel emotional detachment from my clients?
- Do I want to isolate myself from others?

These are signs of compassion fatigue.

Think about the stories you hear, the demands that are made of you, the expectations your clients might put upon you related to their own needs or desperation. Over time and many changes, this can have a fatiguing effect on a person. This year has been full of many changes for all. Think of the bleeding together of work and home life, the new legal, emotional and health issues that have arisen because of the pandemic. Anxiety

is reported to be at an all-time high within our culture. Attorneys are seeing and feeling the residual effects of this in their work too. At times, one may not feel supported by the infrastructure of authority in the workplace or is struggling to have the resources personally and professionally to accomplish the work. This may cause an overwhelming feeling that can lead to emotional detachment in the work of an attorney.

## WHAT IS THE ANTIDOTE TO COMPASSION FATIGUE?

First and foremost, cultivate self-care. One of the best ways to do this is by being aware of boundaries. Find ways to make a separation between work roles and other roles. Create margins in your life to enjoy hobbies and savor moments away from work. Build a network of support with colleagues – one way to do that is by identifying a trusted mentor or by joining the monthly Lawyers Helping Lawyers Assistance Program discussion groups that

meet in Oklahoma City and Tulsa and are led by other attorneys. Seek help when you need it. Take advantage of the six free counseling sessions you have each year as a member of the OBA. All are ways to build your mental muscles and resilience in life, which leads to longevity in careers.

The first step is just taking a mental pause and honestly evaluating yourself. Amid taking care of others, is it time for you to take care of yourself?

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#### ABOUT THE AUTHOR



Dr. Robyn Goggs is a licensed practicing counselor at A Chance to Change. She is an Oklahoma native, graduated from OCU and did graduate work at Southern Methodist University and American University. Dr. Goggs is currently the mental health representative for the Lawyers Helping Lawyers Assistance Program Committee. Her role is to assess and connect attorneys to the resources LHL offers throughout the state. She is a passionate advocate for people getting the help they need to be the best versions of themselves.

#### ENDNOTE

1. Aten, 2021.







# The Impaired Lawyer in the Discipline System

*By Richard Stevens*

**BY MY COUNT, THERE HAVE BEEN 34 FINAL ORDERS OF DISCIPLINE** involving Oklahoma attorneys while I have been ethics counsel. By my count again, at least eight of those discipline cases have involved lawyers who were suffering from some form of substance abuse or addiction or mental health issues, including depression and anxiety. That number only includes cases in which those issues are mentioned in the final order of discipline. Many more may have roots in those issues, but the final orders may not reflect it. In a number of these cases, the respondent attorney failed to appear and participate. In those instances, the underlying reasons for the lawyer's conduct are left to speculation.

In cases involving mental health or substance abuse issues, a number of rules are implicated. They range from basic rules like Oklahoma Rules of Professional Conduct, 1.1 (competence) to ORPC 8.4 (misconduct) and everything in between, including ORPC 5.5 (unauthorized practice of law). The variety of rule violations attests to the pervasiveness of these mental health and substance abuse issues within the legal community.

In one case,<sup>1</sup> the lawyer involved had practiced law with several law firms for a number of years. The lawyer was unexpectedly left with the responsibility of managing a solo law practice. Their license was suspended for failing to complete required mandatory continuing legal education. The respondent failed to withdraw from pending cases and even continued to practice law. Ultimately, the respondent was stricken from the roll of attorneys. He subsequently misrepresented his status to a judge.

The Supreme Court found the lawyer had violated rules 1.1, 1.3, 1.4, 1.15, 1.16, 3.3, 5.5 and 8.4 of the Oklahoma Rules of Professional Conduct, along with certain violations of the Rules Governing Disciplinary Proceedings. The respondent testified, "He battled depression, which hindered his ability to resolve his ethical responsibilities." The court suspended the respondent's license for six months.

In another disciplinary case,<sup>2</sup> a lawyer was suspended from practice for sending sexually suggestive text messages and social media messages to clients and initiating a sexual relationship with another client. The Supreme Court noted the lawyer had, immediately upon receiving notice of the grievance, contacted the Lawyers Helping Lawyers Assistance Program (LHL) and thereafter consented to inpatient and outpatient treatment for sexual addiction. The court suspended this lawyer for three months upon

conditions including continued contact with LHL.

The impact of alcohol abuse in disciplinary cases is apparent in several of the cases decided while I have been ethics counsel. In one case,<sup>3</sup> the respondent testified that in response to substantial personal and financial problems, he "had no memory of how he was dealing with client funds at the time due to the level of his drinking." The court noted, "Respondent states that he made several attempts to overcome his drinking problem – including relocating his practice, attending Alcoholics Anonymous, reaching out to LHL, and more – but did not present any supporting evidence." The court suspended this respondent for two years and a day.

In another case,<sup>4</sup> decided shortly thereafter, the court found the respondent "has pled guilty or no contest to five alcohol-related driving offenses since his admission to the OBA." Considering the respondent's efforts to mitigate

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## Oklahoma's Lawyers Helping Lawyers Assistance Program is a valuable resource for lawyers trying to avoid the impairment that places them in the lawyer discipline system.

his behavior, the court imposed a deferred suspension on the conditions that he:

- 1) Sign a contract with LHL and waive all questions of confidentiality and permit his LHL sponsor to notify the OBA in the event of any default;
- 2) Be supervised by a designated member of the Lawyers Helping Lawyers Assistance Program Committee for the duration of the probationary term;
- 3) Submit to random drug screens or urinalysis to be determined by his LHL sponsor;
- 4) Participate in the Alcoholics Anonymous program or a similarly recognized program;
- 5) Abide by the ORPC and
- 6) Refrain from the use or possession of intoxicants.

These few cases illustrate the impact substance abuse and mental health issues have on lawyer discipline cases. The Lawyers Helping Lawyers Assistance Program's purpose is to provide resources to deal with those issues and more before the lawyer is subjected to discipline for misconduct.

In 2017, the National Task Force on Lawyer Well-Being produced a report titled "The Path to Lawyer Well-Being: Practical Recommendations for Positive Change."<sup>5</sup> Among other things, the task force found, "To be a good lawyer, one has to be a healthy lawyer." It further found, "Our profession is falling short when it comes to well-being." The report recognizes that lawyer well-being influences ethics and professionalism. It cites a Hazelden Betty Ford Foundation study of mental health and substance use disorders among lawyers. The study of nearly 13,000 currently practicing lawyers found that between 21% and 36% qualify as problem drinkers and approximately 28%, 19% and 23% are struggling with some level of depression, anxiety and stress respectively.

Lawyers are 3.6 times more likely to suffer from depression and more likely to abuse substances.<sup>6</sup> The OBA recommended to the Oklahoma Supreme Court that continuing legal education rules be amended to increase the number of required ethics hours and broaden the scope of topics that qualify as ethics hours based upon the findings in the ABA Task Force Report.

Oklahoma's Lawyers Helping Lawyers Assistance Program is a valuable resource for lawyers

trying to avoid the impairment that places them in the lawyer discipline system. It also serves as a resource for lawyers who find themselves in the discipline system because of well-being issues. It serves as an educational resource for all Oklahoma lawyers. Lawyers seek confidential help for themselves and for other lawyers who may need LHL's assistance.

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### ABOUT THE AUTHOR



Richard Stevens has served as OBA ethics counsel since September 2019. Previously, he was a solo practitioner following his retirement from the District 21 District Attorney's Office after 33 years as a prosecutor. Mr. Stevens is a member of the OBA Criminal Law Section and the Rules of Professional Conduct Committee. He served as the 2018 OBA vice president, on the Board of Governors from 2013 to 2015 and as a member of the Professional Responsibility Commission.

### ENDNOTES

1. *STATE ex rel. OKLAHOMA BAR ASSOCIATION v. MOISANT*, 2019 OK 55, 457 P.3d 1040, Sept. 10, 2019.

2. *STATE ex rel. OKLAHOMA BAR ASSOCIATION v. STOUT*, 2019 OK 60, 451 P.3d 155, Oct. 1, 2019.

3. *STATE ex rel. OKLAHOMA BAR ASSOCIATION v. WATKINS*, 2019 OK 76, 461 P.3d 174, Nov. 19, 2019.

4. *STATE ex rel. OKLAHOMA BAR ASSOCIATION v. ELSEY*, 2019 OK 81, 455 P.3d 903 Dec. 17, 2019.

5. <https://bit.ly/3hbiifW>.

6. "Lawyer Suicide and the Survivors," Travis Pickens, *OBJ* 91 No. 10 (December 2020).





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# Toward a More Perfect Union: The Constitution in Times of Change

*By Ed Wunch*



*Mike Mayberry and Karen Berry discuss alternative dispute resolution during a recent video shoot. This year's Law Day video content will be shared on social media and is aimed at educating the public about various legal topics.*

## TWO YEARS INTO A

pandemic, we all continue to adapt to this new normal: many more online meetings and days working from home. After another difficult winter, it looks like we're starting to see the light at the end of the tunnel. The 2022 Law Day theme, "Toward a More Perfect Union: The Constitution in Times of Change," speaks to the challenges we have faced these past few years and reminds us we are not the first generation to face unexpectedly turbulent times. For over 230 years, our democratic society has persisted, guided by the Constitution. Despite the strong foundation, there has always been room for improvement.

Students from around the state participated in this year's Law Day Contest and grappled with some of those historical changes to the Constitution, examining many of the amendments and using the advancement of society as inspiration for their artwork. Based on reviewing those entries from amazing students across Oklahoma, the future is bright.

Keeping with this year's theme of change, the OBA Law Day Committee is adapting our programming this year. Rather than focusing our efforts on a one-hour program on public television, we are producing content that will be educational and will have a longer

lifespan on the OBA's YouTube page. This content will cover some of the common areas of law that we hear about from callers for Ask a Lawyer (family law, housing and estate planning) as well as covering basic information about ADR. We also will have more information about the history of Law Day. This content will roll out gradually throughout April.

When I was initially chosen as chair for the Law Day Committee in 2020, my goal was to expand our programming and reach. The pandemic had different ideas, but we have not faltered. Everyone benefits every day from living in an orderly and just society under the rule of law. Our society is by no means perfect, but we have the tools to work toward a more perfect union. That is worthy of celebration not just on Law Day but every day.

I am incredibly grateful for the support of Chief Justice Darby, President Hicks, the OBA Communications Department, Law Day Committee members and the many, many members of the bar who support Law Day's mission. The roots of Law Day in Oklahoma stretch back to 1951, and Wewoka attorney Hicks Epton's initiative "Know Your Liberties – Know Your Courts." Your support keeps our Law Day traditions alive and well.

## CONTESTS AND ACTIVITIES

The OBA received entries from 1,331 students from across the state focused on this year's theme, "Toward a More Perfect Union: The Constitution in Times of Change." We received more entries this year than in 2021, with an impressive number of entries from counties outside the Oklahoma





City and Tulsa metro areas. This is also a testament to the amazing teachers we have around the state who have done a wonderful job supporting Oklahoma's children during these unusual times.

While a celebration at the Capitol recognizing student winners was not possible this year, many of the winners will receive their awards and be recognized by their local county bar associations and judges. See the names of all the winners and their winning entries online at [www.okbar.org/lawday](http://www.okbar.org/lawday).

### FREE LEGAL ADVICE

For the 46th year, we are organizing the Ask A Lawyer community service project, providing free answers to Oklahomans' legal questions. This year's project will be Thursday, April 28. Oklahomans will have the option to email [askalawyer@okbar.org](mailto:askalawyer@okbar.org) with their question or call the hotline to speak with an attorney.

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

Oklahoma and Tulsa County lawyers will work together to staff the statewide toll-free hotline from 9 a.m. to 9 p.m. For other counties, the Law Day Committee works with each county's Law Day chairperson to establish a network of local county phone numbers in addition to the statewide number.

Anywhere you live or work, your help is needed to make this community service project a success. It takes a total of 14 attorneys for each two-hour shift to fully staff the statewide number. That effort, combined with the local county bars and those answering email questions, creates a huge need for lawyers to step forward.

To volunteer, contact your local county Law Day chairperson, listed online at [www.okbar.org/lawday](http://www.okbar.org/lawday).

### GET INVOLVED

We urge you to participate by volunteering for the Ask A Lawyer free legal advice project or by contacting your local county bar and participating in the many activities occurring throughout the state. To stay up to date on Law Day activities and events happening around Oklahoma, I encourage you to visit [www.okbar.org/lawday](http://www.okbar.org/lawday), where we will post updates throughout the month.

I am privileged to serve as the 2022 OBA Law Day Committee chairperson, and I am encouraged by the support of OBA members across the state. If you have ideas for how to improve Law Day, I want to hear from you, and you would be welcome on the committee. We are always seeking interested lawyers to get involved in the Law Day Committee and will very soon be planning next year's activities. You can reach me at [ed.wunch@laok.org](mailto:ed.wunch@laok.org).



## WHAT'S ONLINE

### HISTORY OF LAW DAY

In 1951, the late Hicks Epton launched one of the most important public relations programs ever undertaken by the OBA: Know Your Liberties – Know Your Courts Week. This was one of the last weeks of April dedicated to educating the public about the legal system and celebrating the liberties we have as Americans. Learn more about the history of Law Day at <https://bit.ly/OKLawDayHistory>.

### EVENTS ACROSS THE STATE

Several county bar associations across Oklahoma are planning events in recognition and celebration of Law Day 2022. Stay up-to-date on what events your local county bar association is hosting at <https://bit.ly/OKLawDayEvents>.

### LOCAL LAW DAY CHAIRS

Find links to information and ideas to make your county's celebration a success. If you are not a chairperson and would like more information on your county Law Day activities or want to volunteer for Ask A Lawyer, please contact your local county Law Day chair. You can find their contact information at <https://bit.ly/OKLawDayChairs>.

### ABOUT THE AUTHOR



Ed Wunch is a Staff Attorney with Legal Aid Services of Oklahoma Inc. He serves as the OBA's 2022 Law Day Committee chair and is a 2013 graduate of the University of California, Irvine School of Law.

# VOLUNTEER LAWYERS NEEDED!

Law Day 2022 | Thursday, April 28

## ASK A LAWYER STATEWIDE FREE LEGAL ADVICE

Phone banks located at the Oklahoma Bar Center in Oklahoma City, the Tulsa County Bar Association or local lawyers' offices in nonmetro counties. Volunteers may also answer questions by email.

### Oklahoma City:

Connie Resar  
405-236-8421  
[connie@okcbar.org](mailto:connie@okcbar.org)  
[www.okcbar.org/events](http://www.okcbar.org/events)

### Tulsa:

Dan Crawford  
918-240-7331  
[lawdaytulsa@okbar.org](mailto:lawdaytulsa@okbar.org)  
or [liondc@gmail.com](mailto:liondc@gmail.com)

### Other counties:

Contact your Law Day chairperson for details. See the list of chairs at [www.okbar.org/lawday](http://www.okbar.org/lawday).





# Proclamation and Directive







*Oklahoma Supreme Court Chief Justice Richard Darby (seated) signs the Law Day Directive. Witnessing the signing is OBA Law Day Committee Chair Ed Wunch.*

# Contest Winners Highlights

**T**HE OBA LAW DAY COMMITTEE would like to thank Oklahoma educators, students and their families for participating in the 2022 Law Day Contest. This year, over 1,300 students from across the state entered the contest.

First- through 12th-grade students demonstrated their knowledge of the history and concepts of the theme through essays and multimedia art. Pre-K and kindergarten students were given a choice of coloring activity pages related to the theme, allowing them to show off their budding creative and writing abilities. For both elementary and secondary students, the contest gave them an opportunity to explore how “we the people” have built upon the Constitution’s original words across generations to attempt to make the “more perfect Union” more real.



**Gwyneth Sanchez**  
Grand Prize  
*Eisenhower High School,  
Lawton*

## STRIVING TOWARDS A MORE



### INFLUENCE OF GOVERNMENT PROTECTIONS ON SOCIAL MOVEMENTS

The ability for social movements to make lasting political change relies on three factors: the organization of large groups of people with a common goal, the rigidity of laws, and the potential for protest. Differences in the government and laws of the United States and Saudi Arabia in these areas have greatly impacted the development of social movements, especially the women's rights movement. While American women gained the right to vote in 1920 and have been making steady progress in women's rights since, the movement in Saudi Arabia has been much more gradual. *Read the full essay at [www.okbar.org/lawday](http://www.okbar.org/lawday).*

**1. Thomas Buchanan**  
First Place  
Twelfth Grade Art  
Harrah High School,  
Harrah

**2. Lenna Abouzahr**  
First Place  
Twelfth Grade Writing  
Stillwater High School,  
Stillwater

**3. Carina Galutia**  
First Place  
Eleventh Grade Writing  
Owasso High School,  
Owasso

**4. Emma Page**  
First Place  
Eleventh Grade Art  
Cushing High School,  
Cushing

### ABOLITIONISM IN THE UNITED STATES OF AMERICA

The mistreatment of minorities is not a new phenomenon. Throughout the history of the United States of America, various groups have been let down by both social institutions and governments on all levels. Women were denied the right to vote, Indigenous Peoples were killed and robbed of their land, and Asian Americans and other immigrants were met with xenophobia at every turn. The list continues on and on, but perhaps the United States is most notorious for its brutal mistreatment and oppression of African Americans. *Read the full essay at [www.okbar.org/lawday](http://www.okbar.org/lawday).*





## HYPOCRISY

5

Hypocrisy ... society says to love everyone

Love everyone, unless they have a different political view than you

Love everyone, unless they are from a different social class

Love everyone, unless they are of a different race

Love everyone when it is convenient for you

And that is just the way the world works

Read the full poem at [www.okbar.org/lawday](http://www.okbar.org/lawday).



6

## THE RECONSTRUCTION AMENDMENTS: CHALLENGES AND CONSEQUENCES

In his last speech on April 11, 1865, Abraham Lincoln explained that rebuilding an entire nation was going to be extremely difficult. And he was right. African-Americans would not be fully free until almost a hundred years later and even then would still face discrimination. It would take three amendments to the Constitution, along with several Civil Rights Acts, to bring about the changes Lincoln envisioned. These three amendments, known as the Reconstruction Amendments, faced numerous challenges to their enactment, resulted in many unforeseen consequences and ultimately increased the power of the federal government. Read the full essay at [www.okbar.org/lawday](http://www.okbar.org/lawday).

8

# We Have To



# Work Together!

7



To see the complete list of winning entries, please visit [www.okbar.org/lawday](http://www.okbar.org/lawday).

**5. Hannah Murrell**  
First Place  
Tenth Grade Writing  
Kiefer High School,  
Kiefer

**6. Chelsea Nicole Miller**  
Second Place  
Eleventh Grade Art  
Hobart Public Schools,  
Hobart

**7. Genesis Lane**  
First Place  
Ninth Grade Art  
Hobart Public Schools,  
Hobart

**8. Mary Kauffman**  
First Place  
Eighth Grade Writing  
Regent Preparatory School,  
Tulsa

The top half of the advertisement features a woman with dark, curly hair wearing a teal button-down shirt, smiling at the camera. To her left, a hand in a yellow sleeve holds a white rotary telephone receiver. The background is a solid pink color. The Ruby logo is in the top left corner.

**ruby.**

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*Michael Downey*

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# OBA Day at the Capitol

By Miles Pringle

**ON TUESDAY, MARCH 22,** the OBA held its annual Day at the Capitol. It was great to finally have an in-person event again! We had a *fantastic* lineup of speakers, including Jari Askins, administrative director of the courts at the Oklahoma Judicial Center; Cleveland County District Judge Thad Balkman; Trevor S. Pemberton, general counsel for the

Office of Gov. J. Kevin Stitt; Dick Pryor, general manager of KGOU Radio; and Shawn Ashley, *Quorum Call* publisher.

Following these presentations, we walked over to the Capitol and handed out letters to legislators explaining that the OBA is a nonpartisan association of individuals admitted by the Oklahoma Supreme Court to practice law in

Oklahoma that does not receive any appropriations from the Legislature. Additionally, we offered to be a resource if they would like information on the legal impact of any particular bill. I want to thank everyone who was able to help at the Capitol and the OBA staff for assisting with the event.

Regarding the current session, bills continue to march through the process. Bills were required to be out of committee in their chamber of origin by March 3 and out of the chamber of origin entirely by March 24. The governor has already signed several bills into law, most of which are housekeeping measures allocating funds for ongoing purposes.

We can expect to see substantial changes to medical marijuana regulation in Oklahoma. The House Republican Medical Marijuana Working Group has set out a “12-point plan.” Instead of one bill, the approach is to run several bills through the process. For example, HB2024 would require annual inspections of all marijuana businesses, and HB3634 proposes to create a new, separate license for wholesalers. There is also serious discussion of pulling the Oklahoma Medical Marijuana Authority out from under the Health Department and making it a stand-alone entity.

If there is any legislation you are following, keep in mind the remaining deadlines:



*Judge Thad Balkman addresses bills of interest to the judiciary.*





From left Robin Rochelle, John Morris Williams, Jim Hicks, Mike Mordy, Amber Peckio Garrett and Miles Pringle attend Day at the Capitol.

- April 4: House deadline for SBs/SJR out of subcommittee
- April 14: Committees deadline for bills from opposite chamber
- April 22: Deadline for SBs/SJR out of full A&B committee
- April 28: Third reading in opposite house deadline
- May 27: *Sine die* adjournment

Following the session in August, the OBA Legislative Monitoring Committee will host the Legislative Debrief, discussing bills that made it into law. If you'd like to join the committee, please visit <https://bit.ly/3wwswQA>.

#### ABOUT THE AUTHOR



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



Jari Askins discusses court funding.

# Verdict: Fictional Mock Trial Case Develops Real-World Skills in Participants

*By Todd A. Murray*



*Coached by Judge Daman Cantrell and attorneys Ken Underwood, Maegan Murdock and Kaylind Baker, Owasso High School Team Zip, Zap, Zok celebrates its championship win.*



**FOR OVER 40 YEARS,** Oklahoma high school students have gained practice in real-life skills by assuming the roles of attorneys and witnesses in a simulated courtroom experience that is evaluated by practicing attorneys and judges. The participants use a fictional case drafted by the OBA Mock Trial Committee.

On March 1, the top two teams met in person at the OU College of Law Bell Courtroom for the final round of competition, pitting Owasso High School Team Zip, Zap, Zok versus Jenks High School Team The Truth. The last time these two schools met in the final round was in 2017, with Jenks beating Owasso. This year, however, Owasso defeated Jenks to claim the state title and the privilege of virtually representing Oklahoma at the National High School Mock Trial Tournament in May in Kalamazoo, Michigan. Owasso High School has won four of the last five state titles and has competed in the last eight state final rounds, a record unmatched by any other school.

The mock trial program is a unique extracurricular activity that develops reasoning, listening and speaking skills, among others. Students are given fictional sworn statements with often contradictory

testimony from both fact and expert witnesses, not unlike real legal situations. Jury instructions and trial exhibits are included in the case materials. The students must analyze the materials from all perspectives and filter through information that was not important or relevant to reach the facts needed to present each side of the controversy.

Students also practice acting skills by creating characters for the witnesses. Participants learn how to think on their feet, work as a team and gain insight into the legal world. Courtroom etiquette, not to mention basic advocacy skills, is learned through participation in the program. Students also serve as bailiffs and timekeepers. The ability to critically think through an issue from multiple perspectives is a life-long skill that will serve the competitors throughout their futures. Many former mock trial participants have attended law school to become not only attorneys but judges too.

The OBA High School Mock Trial Program, now in its 42nd year, involved a criminal case this year that stemmed from a peaceful protest gone awry. The murder victim was one of the organizers of the intended peaceful protest, who died during a clash between

groups that were exercising their constitutional rights as citizens of Oklahoma and the United States. This case provided a unique opportunity for participants to consider how an individual's conduct can affect other people, directly and indirectly.

The case was released Oct. 31. Scrimmages were permitted prior to January when the qualifying rounds were held. The top 24 teams then competed in the quarterfinals, with the top eight teams advancing to the semifinals during February. Throughout the competitive season, students honed their problem-solving skills, impeaching witnesses with their respective statements and making and arguing objections. Students also gave opening and closing statements and did both direct and cross-examinations on three witnesses for each side. Awards for the best attorney and best witness were offered.

The final round was presented to a distinguished panel of judges. Presiding judge for the final round was Retired Judge Edward Cunningham, who has been involved with the competition since 1982. Scoring panelists were Justice Noma Gurich, Judge David Lewis, Judge Janice Loyd, Judge



Charles Goodwin and Judge Shon T. Erwin. Each of the scoring panelists is a current sitting judge, and the panel, collectively, possesses years of experience and involvement with the mock trial program, including some as student participants in the program.

Jordan Wallace (recipient of the Best Attorney award), Audrey McGee, Aaron Siebert, Elaine Gao, Bryce Olsen (recipient of the Best Witness award), Jacob Batscha, Grace Phelps, Mikiah Perdue, Jolie Abdo, Amy Stephenson, Mitchell Horn and Lauren Clarey.



*The courtroom artist competition continued to thrive in its third year. With four submissions this year, the winning entry came from Dominik Villanueva with Clinton High School.*

Owasso Team Zip, Zap, Zok was coached by Judge Daman Cantrell, attorneys Ken Underwood, Maegan Murdock and Kaylind Baker and teacher Kelly Murphy. Team members were Marley Hutchins (recipient of the Best Attorney award), Seth Wyrick, Aidan Green, Kayla Gross, Katelynn Gurley, Terressa Evington (recipient of the Best Witness award), Morganne Grobe, Ava Brigman, Lauren Hughes, Katelyn Wiehe and Alyson Bushey.

Jenks Team The Truth was coached by attorneys Morgan Medders, Stacey Accord, Jenny Day and Michael Horn and teachers Michael Horn, Danielle Frost and Dana Mackay. Team members were Tara Valadkhani, Kayla Cao,

The final rankings for the remaining teams that competed in the semifinal round are:

- 3rd Place – Moore High School
- 4th Place – Cornerstone Christian Academy, Oklahoma City
- 5th Place – McAlester High School Team Black
- 6th Place – Jenks High School Team Final Breath
- 7th Place – Bishop Kelley High School, Tulsa
- 8th Place – McAlester High School Team Gold

## THANK YOU TO OUR VOLUNTEERS

This program would not exist without the hard work of hundreds of volunteers. Each year, over 400 judges and attorneys donate time to work with mock trial teams directly, score and judge the teams throughout the competition and, as members of the Mock Trial Committee, plan, prepare, write, conduct and oversee the competition. Attorney Kevin Cunningham served as chair of the Case Writing Committee.

The Oklahoma Bar Foundation is the principal financial supporter of this competition, and without its generosity, the generational impact this program has developed since inception simply would not exist. Thank you on behalf of the committee and all involved for supporting the 2022 Oklahoma High School Mock Trial Program. If you are interested in being a part of the committee or volunteering for the High School Mock Trial Program next year, email [mocktrial@okbar.org](mailto:mocktrial@okbar.org).

## ABOUT THE AUTHOR



Todd A. Murray practices in Oklahoma City and serves as chairperson for the Oklahoma High School Mock Trial

Committee.

## **MOCK TRIAL COMMITTEE**

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Matt Wheatley\*

\*Denotes additional  
times volunteered





# SOLO RETURNS IN 2022!

**JUNE 23-25 | CHOCTAW CASINO RESORT | DURANT**

It's back and better than ever! Mark your calendars now for June 23 – 25 when the OBA Solo & Small Firm Conference returns to the Choctaw Casino Resort in Durant. Get all your MCLE (including 2 hours of ethics) for the year during this three-day event in a fun, relaxed and informal setting.

This year's CLE offerings will include more sessions than ever before – all relevant to the solo and small firm practitioner. Plus, celebrate the summer! Bring the family to this world-class resort offering many opportunities for your spouse or other family members. Leisure activities include a spa, two swimming pools, first run movies, bowling and arcade games.

Registration is now open. Visit the conference website at [www.okbar.org/solo](http://www.okbar.org/solo) for the complete schedule plus online conference and hotel registration. Be sure to register using the OBA hotel room block to receive the discounted conference rate.

Don't miss out! The early-bird registration deadline ends June 6. This conference is expected to be booked to maximum capacity, so register today!





# OKLAHOMA BAR ASSOCIATION

# 2022 SOLO

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A wide range of substantive law and law practice management CLE sessions are featured, with a focus on tools for and frequent challenges encountered by small firm lawyers. The conference provides social events with plenty of time to meet and network with lawyers from across the state who can provide you with advice, friendship and possible referrals. Held in conjunction with Young Lawyers Division Midyear Meeting.



**ONLINE REGISTRATION**  
[www.okbar.org/solo](http://www.okbar.org/solo)



**MAIL FORM**  
CLE Registrar, P.O. Box 53036  
Oklahoma City, OK 73152



**FAX FORM**  
405-416-7092

## REGISTRANT INFORMATION

Full Name: \_\_\_\_\_ OBA #: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Name and city as it should appear on badge if different from above:

\_\_\_\_\_

## GUEST INFORMATION

Guest name: \_\_\_\_\_

Guest name: \_\_\_\_\_

Guest name: \_\_\_\_\_

Guest name: \_\_\_\_\_

Guest name: \_\_\_\_\_

## STANDARD RATES FOR OBA MEMBERS

admitted before Jan. 1, 2020

### CIRCLE ONE

Early Attorney Only Registration (on or before June 6)	\$250
Late Attorney Only Registration (on or after June 7)	\$300
Early Attorney and One Guest Registration (on or before June 6)	\$350
Late Attorney and One Guest Registration (on or after June 7)	\$400
Early Family Registration (on or before June 6)	\$400
Late Family Registration (on or after June 7)	\$450

## SPECIAL RATES FOR OBA MEMBERS OF TWO YEARS OR LESS

admitted on or after Jan. 1, 2020

### CIRCLE ONE

Early Attorney Only Registration (on or before June 6)	\$175
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Early Attorney and One Guest Registration (on or before June 6)	\$275
Late Attorney and One Guest Registration (on or after June 7)	\$300
Early Family Registration (on or before June 6)	\$325
Late Family Registration (on or after June 7)	\$350

## PAYMENT INFORMATION

Make check payable to the Oklahoma Bar Association and mail registration form to CLE REGISTRAR, P.O. Box 53036, Oklahoma City, OK 73152; or fax registration form to 405-416-7092.

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Expiration Date: \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

## REGISTRATION AND POLICIES

### CANCELATION POLICY

Cancellations will be accepted at any time on or before June 6 for a full refund; a \$50 fee will be charged for cancellations made on or after June 7.

**No refunds after June 13.**

### REGISTRATION, ETC.

Registration fee includes 12 hours CLE credit, including up to three hours of ethics. Includes all meals: evening buffet Thursday and Friday, breakfast buffet Friday and Saturday, lunch buffet Friday and Saturday.

### HOTEL RESERVATIONS

Call 1-800-788-2464, press #1 and give the agent offer code OBA22 for the group rate. The group rate is available through June 6.



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# Well-Being is More Than a Gym Membership

*By John Morris Williams*

**T**HIS MONTH'S EDITION OF the *Oklahoma Bar Journal* is dedicated to wellness. We all understand that eating right, getting enough sleep, exercising, not using illicit drugs, avoiding overconsumption of alcohol and quitting tobacco are all good health habits. Finding the right balance is often not easy and, at times, can create its own stressors. There are additional stressors inflicted upon us, some we control and some we cannot. Well-being is more than a gym membership.

Recently I had the opportunity to spend some time with someone in recovery from methamphetamines. I was amazed at the honesty, humility and humanity shown by this person.

I was alarmed at the amount of trauma this person had experienced. Countless articles and presentations I have been exposed to over the years have taught me that overcoming a meth habit is extremely difficult and sadly may not be achievable for everyone.

Somehow along the line, I missed the data that reveals an overwhelming number of substance abuse addictions are triggered by trauma. Albeit, there is some scientific evidence that genetics do play a role in mental health and substance addiction; that only seems to be one of a number of factors that come into play. There is surprising evidence that a high percentage of persons incarcerated for drug offenses suffered sexual,

physical or emotional abuse prior to their use of illicit substances and are self-medicating for often severe mental health issues. Oftentimes the abuse occurred to them as children. It is true that not everyone who suffers this type of abuse becomes a drug addict, but the correlation is too strong to ignore. Also apparent is the generational lineage of abusers and victims.

I understand this is not a pleasant topic of conversation. However, I believe it is one that needs to be had. Often, we talk in terms of treatment and help for those afflicted with mental health and substance abuse issues. I think it's high time we shed greater light on causation and address some of these issues at the root. In short, I believe we must also strongly address the issue of how we treat each other.

In the course of my ongoing investigation, I discovered that there are some relatively new therapies for addiction being utilized that are showing success. In the past, these therapies have been successful for persons suffering from post-traumatic stress disorder (PTSD). Once again, the evidence finds a high correlation between trauma and addiction. There is also a high likelihood that many victims and abusers will eventually find themselves

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As a profession and individually we have an ethical obligation to maintain our own well-being and aid those with whom we come in contact when we can.

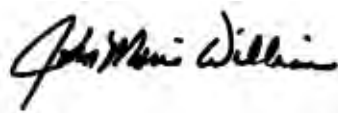
in the legal system. It is no secret our jails are often used as mental health facilities, and the lack of resources and social stigma prevent many from early intervention and treatment. Those are policy decisions for others, but the evidence is overwhelming that how we treat each other matters and bears a high cost. Kindness matters. There is some pretty good science that demonstrates that people who show kindness and gratitude have better health outcomes.

We are participants in an adversarial system, which by its nature has winners and losers. But we need not lose our sense of common courtesy and decency in the process. Being professional and not creating additional trauma matters. We all know the term “Rambo Litigators.” In the 1990s, while I was active in the ABA Young Lawyers Division, I was involved in studying the origin of highly aggressive litigation tactics. The findings strongly suggested that overly aggressive litigation tactics are passed on from more senior lawyers to their subordinates. This type of behavior too has a negative effect on the well-being of those involved. In fact, I suggest that is often the intended result. Jealous advocacy has its place. Crossing the line for the purpose of inflicting needless trauma to opposing

counsel, litigants and witnesses beyond its obvious impact also leads to a loss of confidence in the legal system.

Being kind and professional contributes to the well-being of everyone. Past President Susan Shields often used the phrase, “A good lawyer is a healthy lawyer.” As usual, she was spot on. I would add that a good lawyer also contributes to the well-being of those around them and the legal system as a whole. As a profession and individually we have an ethical obligation to maintain our own well-being and aid those with whom we come in contact when we can.

Let us all do our part for our own well-being and for those with whom we come in contact. A gym membership is a good start, but just as importantly, how we treat each other can matter a great deal.



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

# ABA TECHSHOW 2022: Thoughts and Takeaways

*By Jim Calloway and Julie Bays*

**LAW OFFICE TECHNOLOGY** tools increasingly impact how lawyers practice law. I recently talked to a lawyer who said, “Okay, I’ve had the third client ask me about client portals. So, I guess it is time to set one up.” Every lawyer needs to understand the basics of cybersecurity. The advance of new technology tools cannot be ignored. Just ask Blockbuster shareholders.

ABA TECHSHOW 2022 was held in Chicago in March. The event featured the usual mix of product and service providers displaying their wares in the expo hall and numerous legal technology CLE presentations. As most readers know, I’m not unbiased about this event. I served as chair of ABA TECHSHOW many years ago and have spoken at TECHSHOW more than 20 times. This year featured a significant Oklahoman influence. Serving on the planning board were Kenton Brice and Darla Jackson, both from the OU College of Law.

OBA Practice Management Advisor Julie Bays was selected to present the James I. Keane Award at TECHSHOW. The focus of the award is on the innovative delivery of personal legal services using technology, with special attention given to firms and entities that serve both moderate-income

individuals and the broad middle class. This year’s award recipient was Greg Siskind and his team on the IMMpact Litigation project. IMMpact Litigation created web-based expert systems to be able to manage mass litigation cases in the immigration space, sometimes involving thousands of plaintiffs. They automated the onboarding process, including using artificial intelligence-based tools to auto-generate signed engagement letters and declarations. Ms. Bays also facilitated some discussion workshops.

Since TECHSHOW 2020 concluded just before the pandemic restrictions began and the 2021 show was completely virtual, this was most attendees’ first in-person event since the last in-person TECHSHOW. Legal tech journalist Bob Ambrogi noted this timing in his review “ABA TECHSHOW 2022: A Karmic Bookend to a Long Strange Trip.”<sup>1</sup> Veteran travelers shared chuckles over how different it felt to pack. Talking to people we had only seen via videoconferencing for the past two years was the most noteworthy part of the conference. Stephen Embry, chair-elect of ABA Law Practice Division, quotes my observation that this year, the conference felt like half tech show and half good family reunion in his post “TECHSHOW 2022: It’s a Wrap!”<sup>2</sup>

So, while we are writing about ABA TECHSHOW, our thoughts cannot help but be drawn to our own upcoming OBA “reunion” this summer, the OBA Solo & Small Firm Conference. For example, two of Jim’s TECHSHOW presentations, “The Digital Client File” and “The Future of Law,” will be presented at the Solo & Small Firm Conference this summer. The final session of the conference will be “The Future of Law,” where several of our panelists will give their predictions about what comes next, interspersed with the usual end-of-conference door prize extravaganza. If you are inspired to attend this year’s Solo & Small Firm Conference in June, visit [www.okbar.org/solo](http://www.okbar.org/solo) for more information and to register.

## ABA TECHSHOW’S STARTUP ALLEY

ABA TECHSHOW’s Startup Alley competition gave an opportunity for promising legal tech startups to exhibit at TECHSHOW. First, there was a review by a group of TECHSHOW participants, then online voting narrowed down the field to 15 (nearly 32,000 votes were received). The top 15 gave a short, in-person pitch to open TECHSHOW, moderated by Bob Ambrogi. The audience then voted on the winner. This year’s



champion was TurnSignl, which is not a tool for law office operations. A motorist who is pulled over by law enforcement can use this app to record the interaction and obtain legal advice from a licensed attorney during the encounter. This program is only available in two states, Minnesota and Georgia. But with the publicity generated by their big win, I can see expansion in their future.

Julie was very taken with the startup CoParse,<sup>3</sup> which is both a word processor and PDF application. It integrates features you use in Microsoft Word and Adobe Acrobat into one product. It also has additional features such as automatic optical character recognition (OCR), e-signature and uses artificial intelligence to help with navigation. The demonstration was very impressive. Hardcore WordPerfect users who are against using Word should take a look.

The list of all 15 companies that participated in Startup Ally can be found at <https://bit.ly/3i2sqI0>. It's an interesting and diverse lineup to peruse. Among these innovative startups is EmotionTrac, which analyzes emotions from facial clues as videos are shown to audience members. The idea is to assist with feedback on trial strategy without hiring a jury consultant. Another, ClearBrief, is a Word

add-on for checking your brief (or opposing counsel's) for misstating of the facts. It also is used to easily assemble a table of authorities.

TECHSHOW was divided into five in-person tracks: design, launch, grow, sustain and transform. As you can see, it is not your traditional lawyers' conference. It was interesting to watch a live comparison between Microsoft 365 and Google Workspace. Oklahoma's own Eric Patrick, COO of the law firm Ball Morse Lowe PLLC, demonstrated the collaboration tools with Google versus Microsoft 365. One key takeaway from this session was the continuing expansion of

Microsoft 365's collaboration tools. With the use of Teams, law firms can seamlessly and quickly hold virtual meetings, set up phone calls and collectively work on documents more efficiently than ever before. If you haven't tried Teams and the features it offers, you really should, particularly if you are already paying for it with your Microsoft 365 subscription.

Automated intake processes are big time-savers. We saw several companies offering tools in this area. When computers first came to law offices, one of the early benefits was not having to type repetitive information over and over.



PhotoGranary - stock.adobe.com

Workflows for document creation was another hot topic. Kenton Brice will be teaching on that subject at our Solo & Small Firm Conference. Designing and documenting your workflows is important on many levels, from preventing errors to determining what steps of a process can and should be automated.

## CONCLUSION

Technology tools are intertwined with law offices, as they are with most other businesses. The last two years have demonstrated an amazing interest from venture capital firms in investing in legal technology companies. We've seen some companies acquired by others just to fill gaps in their existing offerings.

Probably the best takeaway from ABA TECHSHOW 2022 was that great technology can be very useful, but it's still the people who make our law firms run and give us pleasure in our work – from our coworkers to our clients. The best technology is one that helps us better connect with our clients, and the least desired technology is one that interferes with attorney-client access and communication. Client portals are great and perform an important client service, enhancing both digital security and client convenience. Having a prospective client telephone your law firm only to deal with several menu choices of “press one for this and two for that” is perhaps not the best use of technology, even though some may find it necessary.

Mr. Calloway is OBA Management Assistance Program director. Ms. Bays is the OBA practice management advisor. Need a quick answer to a tech problem or help solving a management dilemma? Contact them at 405-416-7008, 800-522-8060 or [jimc@okbar.org](mailto:jimc@okbar.org). It's a free member benefit.

## ENDNOTES

1. <https://bit.ly/3KzvnMz>.
2. <https://bit.ly/3vVtCFv>.
3. <https://coparse.com>.

A vintage-style poster with a light beige background. At the top, the words "SAVE THE DATE" are written in a blue, outlined, sans-serif font, flanked by horizontal lines. Below this, the main title "OPENING YOUR LAW PRACTICE" is written in a large, bold, blue, outlined, sans-serif font. Underneath the title, the text "PRESENTED BY THE OKLAHOMA BAR ASSOCIATION" is written in a smaller, grey, sans-serif font. A decorative blue flourish separates the title from the date. The date "MAY 3, 2022 • VIRTUAL" is written in a large, bold, black, sans-serif font. On either side of the date are illustrations of hands in suits pointing towards the center. Another decorative blue flourish is below the date. At the bottom, the text "FOR MORE INFORMATION, VISIT [WWW.OKBAR.ORG/OYLP](http://WWW.OKBAR.ORG/OYLP)" is written in a grey, sans-serif font.

SAVE THE DATE

OPENING YOUR LAW PRACTICE

PRESENTED BY THE OKLAHOMA BAR ASSOCIATION

MAY 3, 2022 • VIRTUAL

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MAY 3 | PRESENTED BY THE OKLAHOMA BAR ASSOCIATION

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**Registration required. Contact Nickie Day at 405-416-7050.**

- 9:00 a.m.     The Business of Law**  
Jim Calloway, OBA Management Assistance Program
- 10:00 a.m.     How to Manage Everything!**  
Jim Calloway and Julie Bays, OBA Management Assistance Program
- 11:00 a.m.     Break**
- 11:10 a.m.     Fastcase, MyOKBar & More**  
Jim Calloway and Julie Bays, OBA Management Assistance Program
- 11:30 a.m.     Professional Liability Insurance & Risk Management**  
Phil Fraim, President, Oklahoma Attorneys Mutual Insurance Company (OAMIC)
- 12:15 p.m.     Lunch**
- 1:00 p.m.     Professionalism in the Practice of Law**  
Presiding Judge David Lewis, Oklahoma Court of Criminal Appeals
- 1:20 p.m.     Trust Accounting and Legal Ethics**  
Gina Hendryx, OBA General Counsel
- 2:00 p.m.     Tools of the Modern Law Office**  
Jim Calloway and Julie Bays, OBA Management Assistance Program
- 2:50 p.m.     Break**
- 3:00 p.m.     How to Succeed in Law Practice**  
Jim Calloway, OBA Management Assistance Program
- 4:00 p.m.     Adjourn**

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## FROM THE PRESIDENT

(continued from page 4)

or crisis counseling. The service is strictly confidential and available by calling the LHL hotline 800-364-7886 or emailing [oklahl@gmail.com](mailto:oklahl@gmail.com). In addition, Lawyers Helping Lawyers hosts monthly small-group discussion groups. These meetings are designed to offer the opportunity for participants to ask questions, share information and improve their lives both professionally and personally.

Taking the first step toward wellness means changing the conversation. On a personal level, you can start making wellness a priority by:

- Implementing mindfulness practice as part of your daily or weekly routine
- Studying your personal nutrition habits and eating food that makes you feel energized

- Committing to give your body the regular exercise, rest and care it needs
- Experimenting with various wellness strategies and practices to see what works for you
- Reaching out for professional help if you or someone you know is struggling with mental illness or substance abuse

The OBA is committed to advancing wellness in the legal profession. Our goal is to assure that every lawyer has access to support and assistance when confronting stress, substance abuse or mental health issues so they are able to improve and recover. This further ensures families are preserved, and clients and other members of the public are protected.

Let's change the conversation and get to work!

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Taking the first step  
toward wellness  
means changing  
the conversation.



*It's all  
a here!*

## LOOKING FOR SOMETHING? CHECK YOUR BLUE BOOK!

The Oklahoma Legal Directory is the official OBA member directory and includes a guide to government offices and a complete digest of courts and professional associations, including OBA committees and sections. To order a print copy, call 800-447-5375 ext. 2, or visit [www.legaldirectories.com](http://www.legaldirectories.com).

## Meeting Summaries

*The Oklahoma Bar Association Board of Governors met Jan. 14, 2022.*

### REPORT OF THE PRESIDENT

President Hicks reported he worked with Executive Director Williams to finalize committee and board appointments and plan the January Board of Governors swearing-in ceremony and virtual board meeting.

### REPORT OF THE VICE PRESIDENT

Vice President Pringle reported he chaired two meetings of the Legislative Monitoring Committee, attended a meeting of the Oklahoma County Bar Association Briefcase Committee, wrote articles for the *Briefcase* and the *Oklahoma Bar Journal* and worked on the Jan. 28 Legislative Kickoff event.

### REPORT OF THE PRESIDENT-ELECT

President-Elect Hermanson reported he attended a Law Day Committee meeting and suicide prevention training session at the Oklahoma Bar Center, and he also participated in discussions on the new OBA executive director search and the Strategic Planning Committee. He also attended a District Attorneys Council (DAC) board meeting, DAC Technology Committee meeting, Oklahoma House budget hearings for the DAC at the Capitol, the retirement reception for DAC Executive Coordinator Trent Baggett and worked on legislation for the DAC.

He also attended an Oklahoma District Attorney Association Board of Directors meeting.

### REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended a meeting of the Legislative Monitoring Committee, including planning meetings for the 2022 Legislative Kickoff, staff holiday lunch and participated in numerous discussions and conversations regarding the swearing in of new officers and governors. He also attended the suicide prevention training session at the Oklahoma Bar Center in December.

### REPORT OF THE PAST PRESIDENT

Past President Mordy reported he attended the suicide prevention training session at the Oklahoma Bar Center in December.

### BOARD MEMBER REPORTS

**Governor Bracken** reported he attended the Legislative Monitoring Committee meeting. **Governor Conner** reported he attended the Garfield County Bar Association Christmas party and the Garfield County Bar Association January meeting. **Governor Dow** reported she attended the Cleveland County Bar Association Christmas party as well as the Oklahoma Guardian Ad Litem Institute fundraiser event. **Governor Edwards** reported he gave a presentation to the Ada Lions Club concerning recently

passed laws. **Governor Garrett** reported she attended an LHL meeting in Tulsa that drew its largest crowd ever. She was also appointed to the ABA Cannabis Law and Policy Committee.

**Governor Smith** reported she attended the December Military Assistance Committee meeting. **Governor Vanderburg** reported he attended the Legislative Monitoring Committee meeting and a meeting of the Kay County Bar Association Scholarship Committee. He also presented the annual report on local scholarships to the Kay County Bar Association. He has also been asked to work a panel discussion on employment issues for the City Management Association of Oklahoma in January. **Governor White** reported he attended the Tulsa County Bar Association Christmas party and authored an article on professionalism for the TCBA's *Tulsa Lawyer* publication.

### REPORT OF THE YOUNG LAWYERS DIVISION

Governor Erwin reported the YLD will have its first meeting of the year on Jan. 29, and that the YLD has been notified that all YLD-related activities at the upcoming ABA Mid-Year Meeting in February will be moved from in person to virtual. He also reported he attended the Access to Justice Committee meeting.

## REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported her office received 15 formal grievances and 45 informal grievances during the month of December 2021. As of Dec. 31, there were 176 grievances pending investigation by the Office of the General Counsel for future presentation to the Professional Responsibility Commission. She also reported that the office is continuing to hold hearings through the pandemic; hearings are being held in Emerson Hall to allow physical distancing for in-person attendees with many witnesses appearing virtually via videoconference.

## BOARD LIAISON REPORTS

Governor Hilfiger reported the **Law Day Committee** has voted to allocate a portion of its funding to a third-party vendor to develop and execute a strategic digital content marketing and communications campaign. Governor Garrett reported the **Lawyers Helping Lawyers Assistance Program Committee** is looking at ways to bring in new speakers and noted that attorneys have been turning to the LHL program in record numbers. Governor White reported the **Legal Internship Committee** will meet Jan. 20. Governor Pringle reported the **Legislative Monitoring**

**Committee** will hold its Legislative Kickoff event virtually on Jan. 28. Governor Erwin reported the **Solo & Small Firm Conference Planning Committee** has been meeting regularly to plan and discuss the 2022 event. He also said the **Access to Justice Committee** has met and is looking at bringing in speakers to smaller county bar meetings.

## OKLAHOMA INDIAN LEGAL SERVICES BOARD OF DIRECTORS

The board passed a motion to approve the appointment of Michael Alexander Pearl, Norman, to a term expiring Dec. 31, 2024.

## OKLAHOMA BAR FOUNDATION APPOINTMENT

The board passed a motion to approve the appointment of Kim Hays, Tulsa, to replace Barbara Klepper, Massachusetts, fulfilling the remainder of a term expiring Dec. 31, 2022.

## UPCOMING OBA AND COUNTY BAR EVENTS

President Hicks reviewed upcoming bar-related events, including the Legislative Kickoff on Jan. 28, the annual “Has-Beens” Party for outgoing board members, the Board of Governors orientation and group photo on Feb. 25 and OBA Day at the Capitol on March 22.

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*The Oklahoma Bar Association Board of Governors met Feb. 25, 2022.*

## REPORT OF THE PRESIDENT

President Hicks reported he attended the virtual OBA Legislative Kickoff, virtual meetings of the Southern Conference of Bar Presidents and National Conference of Bar Presidents, and a strategy meeting with the leadership of the Lawyers Helping Lawyers Assistance Program Committee. He participated in a conference call related to strategic planning and attended a Strategic Planning Committee meeting to review the proposed OBA membership survey. He addressed the Garfield County Bar Association monthly luncheon and served as a delegate to the virtual ABA House of Delegates Mid-Year Meeting. He also reviewed the contract with the Oklahoma Center for Nonprofits, completed the 2022 OBA Bench & Bar Committee survey and monitored meeting and chat discussions of OBA committees and sections.

## REPORT OF THE VICE PRESIDENT

Vice President Pringle reported he attended the Oklahoma County Bar Association’s *Briefcase* Committee meeting, moderated the OBA’s Legislative Kickoff, wrote articles for the *Oklahoma Bar Journal* and the *Briefcase*, chaired a Legislative Monitoring Committee meeting, worked on OBA Day at the Capitol and presented on virtual currencies at the Oklahoma Bankers Association’s Intermediate Banking School and the Northwestern Bankers Association.

## REPORT OF THE PRESIDENT-ELECT

President-Elect Hermanson reported he attended two meetings of the Oklahoma District Attorney’s Council and two board meetings for the Oklahoma District

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Governor Garrett reported the Lawyers Helping Lawyers Assistance Program Committee is looking at ways to bring in new speakers and noted that attorneys have been turning to the LHL program in record numbers.



Attorney's Association. He also attended meetings of the Law Day Committee, Oklahoma Bar Foundation monthly board meeting, an orientation for new OBF board members, virtual meetings of the Southern Conference of Bar Presidents and National Conference of Bar Presidents and the virtual ABA House of Delegates. He also discussed legislative issues with various members of the Oklahoma Legislature. He met with President Hicks and Executive Director Williams to discuss strategic planning issues and the executive director search process. He also chaired a virtual meeting of the Strategic Planning Committee.

#### REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the OBA Legislative Kickoff, monthly YLD Board of Directors meeting, YLD orientation meeting and dinner, OBA staff directors meeting, Legislative Monitoring Committee meeting, virtual meeting of the Southern Conference of Bar Presidents, Membership Engagement Committee leadership meeting, Strategic Planning Committee meeting, a planning meeting for the May OBA/OBF joint board event and various meetings to coordinate the OBA membership survey. He also met with Bank of Oklahoma investment advisors regarding the transfer of investment accounts and coordinated a retirement luncheon for Executive Assistant Debbie Brink.

#### REPORT OF THE PAST PRESIDENT

Past President Mordy reported he attended the OBA Legislative Kickoff, a Lawyers Helping Lawyers Assistance Program Committee meeting and an ABA Nominating Committee meeting.

#### BOARD MEMBER REPORTS

##### Governor Ailles Bahm

reported she attended the OBA Legislative Kickoff and the OBA Bench and Bar Committee meeting. She also read with children from Adams Elementary School through the Oklahoma County Bar Association Lawyers for Learning Committee. She continued her role as Professional Responsibility Tribunal chief master and completed a two-day disciplinary hearing. **Governor Bracken** reported he attended meetings of the Solo and Small Firm Conference Committee, Legislative Monitoring Committee and Bench and Bar Committee meeting. He also served as a trial site coordinator for the OBA Mock Trial Program. **Governor Conner** reported he attended the January and February Garfield County Bar Association meetings and the OBA Legislative Kickoff. **Governor Davis** reported he attended a meeting of the Bryan County Bar Association. **Governor Dow** reported she attended the OBA Family Law Section monthly meeting, Cleveland County Bar Association monthly meeting, Oklahoma County Bar Association Family Law Section monthly meeting, Legislative Monitoring Committee meeting and Civil Procedure and Evidence Code Committee Meeting. She also made a presentation to a class at the OCU School of Law and served as a moot court judge. **Governor Edwards** reported by email he attended the OBA Legislative Kickoff. **Governor Garrett** reported she attended the OBA Legislative Kickoff, Lawyers Helping Lawyers monthly meeting in Tulsa, registered the new OBA Cannabis Law Committee social media account, developed the upcoming OBA Cannabis Law Committee 2022 meeting schedule, filmed the latest segment

of "Between Two Weeds: 2022 Cannabis Legislative Updates" with Felina Rivera and was appointed as a member of the ABA TIPS Cannabis Law and Policy Committee. **Governor Hilfiger** reported he attended a campaign kickoff event for his local candidate for district attorney. **Governor Vanderburg** reported he attended the January and February Oklahoma Association of Municipal Attorneys virtual Board of Directors meetings. He also attended the City Management Association of Oklahoma Winter Conference, where he participated in a panel discussion of employment contracts and severance contracts, and he also participated in the International Municipal Lawyers Association monthly meeting. He has been formally admitted to courts of the Cherokee Nation. **Governor White** reported he attended the Tulsa County Bar Association monthly board meeting and presented the professionalism moment. He also attended the Tulsa City/County Library monthly meeting as a library commissioner.

#### REPORT OF THE YOUNG LAWYERS DIVISION

Governor Erwin reported he attended the January and February Solo & Small Firm Conference Planning Committee meetings, ABA Virtual New Member Orientation, Young Lawyer's Division opening dinner, Access to Justice Committee agenda preparation meeting, ABA YLD virtual Mid-Year Meeting and the ABA Virtual House of Delegates. He also hosted the first Young Lawyers Division meeting of the year and reported that Bar Exam Survival Kits were prepared for distribution to February bar examinees.

## REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported as of Jan. 31, there were 167 grievances pending investigation by the Office of General Counsel for future presentation to the Professional Responsibility Commission. During the month of January, the office received 20 formal grievances and 84 informal grievances. These numbers compare with 18 formal grievances and 50 informal grievances, respectively, during the same time period last year. 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 Erwin reported the **Access to Justice Committee** is identifying new speakers and innovating ways to incentivize pro bono work. He also reported the **Solo & Small Firm Conference Planning Committee** is meeting regularly and is promoting and marketing the June 2022 event. Governor Conner reported the **Awards Committee** will meet March 4. Governor Davis reported the **Law Schools Committee** has scheduled in-person annual site visits to the state's three law schools. Governor Ailles Bahm reported the **Bench and Bar Committee** has met and recently sent a survey to members aimed at identifying ways to improve member participation. She also reported on pending legislation that impacts the state's judiciary. President-Elect Hermanson reported the **Membership Engagement Committee** has established a monthly meeting schedule. Governor Hilfiger reported the **Law Day Committee** is meeting regularly and is currently discussing approval of a contract for video services. Governor Garrett reported the

**Lawyers Helping Lawyers Assistance Program Committee** is seeing large turnouts at monthly meetings and added that numbers of calls to the LHL hotline are increasing, demonstrating that more members are taking advantage of the member benefit. Governor White reported the **Legal Internship Committee** met Jan. 20 and discussed its planned Intern of the Year recognition and funding for the corresponding monetary award. Also discussed was the need to identify ways to improve bar exam passage rates for legal interns since failing the exam impacts their continued work. Also discussed was the number of required supervising attorneys as well as timelines and deadlines for application to the program. Vice President Pringle reported the **Legislative Monitoring Committee** is meeting regularly to conduct its work during the 2022 legislative session.

## INVESTMENT COMMITTEE UPDATE

Executive Director Williams reminded the board that a decision was made at its November meeting to table discussion of a proposed plan to re-evaluate the investment strategy for the OBA Reserve Fund. He said assessments are still being made, and a thorough review is underway.

## APPROVAL OF MEMBER SURVEY BY OKLAHOMA CENTER FOR NONPROFITS

The board passed a motion to approve the membership-wide distribution of a survey aimed at gathering feedback from all active OBA members for the purposes of the development of a strategic plan and guiding leadership in its executive director search.

## PRESIDENT-ELECT HICKS' APPOINTMENTS

**Professional Responsibility Tribunal (PRT)** – The board passed a motion to approve the appointment of Anne Sickles Maguire, Tulsa, to complete the unexpired term of Jody Nathan, Tulsa, that expires June 30, 2023.

**Clients' Security Fund** – The board passed a motion to approve the appointment of Bradley Joseph Brown, Tulsa, to complete the unexpired term of Catherine Burton, Oklahoma City, that expires Dec. 31, 2024. The board also passed a motion to approve the appointment of Bryan Ross Lynch, Norman, to complete the unexpired term of Justin L. Jackson, Oklahoma City, that expires Dec. 31, 2022.

## ANNOUNCEMENT OF CANNABIS LAW COMMITTEE

President Hicks described the intent of the newly formed committee and noted its formal aims and objectives will be established. Among its purposes are monitoring legislation and developing best practices in advising members how they should be guiding their relevant clients.

## UPCOMING OBA AND COUNTY BAR EVENTS

President Hicks reviewed upcoming bar-related events, including OBA Day at the Capitol on March 22, Ask A Lawyer Day on April 28 in conjunction with Law Day, various county Law Day celebrations on or around May 1 and the OBA/OBF joint board event at the Harn Homestead on May 19.

## NEXT BOARD MEETING

The Board of Governors met on Monday, March 21, 2022. A summary of those actions will be published in the *Oklahoma Bar Journal* once the minutes are approved.

# Sweet.



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# Tickets on Sale Now for Diamonds & Disco Event

By Renée DeMoss

**TICKETS ARE ON SALE NOW** for the Oklahoma Bar Foundation's 75th-anniversary event, Diamonds & Disco. The event, rescheduled from 2021, is set for 7 p.m. Friday, June 10 at the First Americans Museum. Join us as we celebrate 75 years of impact and raise awareness and funds for OBF Grantees.

The night will include delicious Ingenious-inspired food and cocktails by the chefs at the Thirty Nine Restaurant (located in the museum), a photo booth and a live band! Guests will be able to tour the Tribal Nations Gallery and Mezzanine Gallery prior to the program portion of the evening.

During the program, you'll hear from individuals who have



been positively impacted by OBF grants, and you'll have the chance to show support by contributing to the foundation. One hundred percent of donations and proceeds from sponsorships and ticket sales will go to fund OBF Grantees providing legal services and education across Oklahoma.

Tickets are available online at [diamondsanddisco.swell.gives](https://diamondsanddisco.swell.gives).

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Ms. DeMoss is the OBF executive director.

OKLAHOMA BAR FOUNDATION PRESENTS

# **Diamonds & Disco 75**

## Save the Date

## 6-10-2022

First Americans Museum



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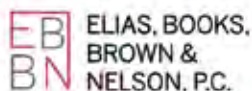
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# Solo & Small Firm Conference: It's Not Just for Solo & Small Firm Lawyers!

By Dylan D. Erwin

**C**LE HAS TO AT LEAST BE A first cousin to death and taxes, as it is equally inevitable for all practicing attorneys. No matter how responsible you *think* you are, there will always be a year (or five) where you're sitting at home on New Year's Eve waiting to see if your CLE will end before the ball drops. It's a rite of passage, and it happens to the best of us. Luckily, 2022 does *not* have to be that year!

As a group, the Young Lawyer's Division excels at getting excited about things. We get excited about community service, we get excited about packing Bar Exam Survival Kits, we get excited

about fundraising. Today, I want to talk to you about something I'm excited about: the 2022 Solo & Small Firm Conference.

After canceling the conference the past two years due to the pandemic, we are eager to swap our blazers and slacks for Hawaiian shirts and swim trunks and spend some time in the sun. This year, the conference will be held at the Choctaw Casino Resort in Durant from June 23 to 25. It will offer a litany of CLE opportunities in topics ranging from cannabis law to cutting-edge law firm technology. Not only will you get to treat yourself and your family to a mini summer vacation, but you'll also be able to

head home having obtained *all your CLE for the year*.

Aside from the resort's numerous amenities, the YLD will be providing a hospitality suite. In the past, our hospitality suite has involved things like hand-rolled cigars and limbo contests. If you want to find out what we have planned for 2022, you'll just have to come to see for yourself. We always

have a great time! If you don't believe me, check out the shirtless guy in a grass skirt in the photo below.

All jokes aside, the Solo & Small Firm Conference is one of my favorite CLE opportunities offered by our bar association. As I stated in my introductory article a few months ago, we attorneys are social creatures. It is in that spirit that I view this conference as much more than a mere CLE opportunity. It's a celebration. It's a day in the sun after what George Harrison would call a "long, cold, lonely winter." Join us. Bring your family. Let's celebrate together!

Members can take advantage of the early bird registration fee of \$250 from now until June 6. After that the price will go up, so get after it! I can't wait to see you all there. Come say hi. I'll be the guy hanging by the pool between seminars.

More information about the 2022 Solo & Small Firm Conference can be found online at [www.okbar.org/solo](http://www.okbar.org/solo).

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



Tessa Hager and YLD Chair Dylan Erwin keep an eye on the limbo contest at the YLD hospitality suite during the 2019 Solo & Small Firm Conference.



# FOR YOUR INFORMATION

## TULSA COUNTY DISTRICT JUDGE NAMED TO COURT OF CRIMINAL APPEALS



Judge William J. Musseman Jr. was appointed to serve on Oklahoma's Court of Criminal Appeals. He will replace Justice Dana Kuehn, who was appointed to the Oklahoma Supreme Court in July 2021. Prior to his appointment, Judge Musseman served as a district judge for Oklahoma's 14th District, covering Tulsa County, since 2011. In this role, he presided over the felony criminal docket, then served as the

presiding judge for the 14th Judicial District from 2018 to 2020. He most recently presided over the civil docket.

Judge Musseman graduated from the OU College of Law in 1997. Upon graduation, he began his legal career as an assistant district attorney through 2009. During that time, he spent two years as a special assistant United States attorney. He became a district judge for the family and domestic division in 2007, before transitioning to become district judge.

## REGISTRATION IS NOW OPEN FOR THE SOLO & SMALL FIRM CONFERENCE

Join us for the 2022 Solo & Small Firm Conference and YLD Midyear Meeting June 23 to 25 at the Choctaw Casino Resort in Durant. This year's conference offers a wide range of substantive law and law practice management CLE sessions, with a focus on tools for and frequent challenges encountered by small firm lawyers. It will also provide social events with plenty of time to meet and network with lawyers from across the state who can provide you with advice, friendship and possible referrals. Register now at [www.okbar.org/solo](http://www.okbar.org/solo).



## LHL DISCUSSION GROUP HOSTS APRIL MEETING



"Secondary Trauma" will be the topic of the next Lawyers Helping Lawyers monthly discussion group. The group will meet April 7 in Oklahoma City and April 14 in Tulsa. Each meeting is facilitated by committee members and a licensed mental health professional. The small group discussions are intended to

give group leaders and participants the opportunity to ask questions, provide support and share information with fellow bar members to improve their lives – professionally and personally. Visit [www.okbar.org/lhl](http://www.okbar.org/lhl) for more information.



## 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](mailto:lorir@okbar.org).

## 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 <https://bit.ly/3IpCrec> and be sure to check out the OBA on Twitter, Facebook and Instagram.

## ON THE MOVE

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**Mary Ann Roberts** has joined the Oklahoma Medical Marijuana Authority as senior legal counsel. She will help guide the state agency through growing regulatory challenges in Oklahoma's booming medical cannabis market. She previously served as chief deputy to Oklahoma Attorney General Mike Hunter, following other positions in state and local government. Currently, she serves as an officer of the Luther Bohanon American Inn of Court XXIII and an adjunct professor at the OU College of Law, where she received her J.D.

**Matthew B. Hickey** has joined the Oklahoma City office of McAfee & Taft as a member of the firm's Tax & Family Wealth Group. Mr. Hickey has 15 years of experience providing sophisticated tax analysis and advice as it relates to business entity selection and organization, complex business transactions, general operational matters and tax efficiency, and the use of tax-advantaged activities to lower overall transaction costs and tax liability.

**Drew Palmer** has rejoined Crowe & Dunlevy as a director in the firm's Oklahoma City office. He will bring his prior experience in the software and energy industries to the firm's Cybersecurity & Data Privacy, Intellectual Property, and Energy, Environment & Natural Resources practice groups. Mr. Palmer will focus on growing regulatory frameworks surrounding data privacy, information security and intellectual property, specifically as they relate to the

energy and natural resources industries. He plans on leveraging his experience to advise and assist businesses as they traverse the exceedingly complex intersections between technology and the law.

**Braden W. Mason** has joined the Oklahoma City law firm of Ryan Whaley as an associate. He will focus his practice on the representation of insurance companies and their insureds. Mr. Mason received his J.D. from the OU College of Law in 2021.

**Brian M. Keester** has joined the Tulsa office of Doerner, Saunders, Daniel & Anderson LLP as an associate attorney and member of the firm's Litigation Practice Group. Mr. Keester is a commercial and insurance defense litigator, focusing on personal injury and construction defect litigation. He has significant experience in premises liability litigation, wrongful death litigation, auto/motor vehicle litigation and construction dispute litigation. He was a recipient of the 2021 Janet L. Hummons Award presented by the National Trial Academy.

**Conor P. Cleary** has been named the Tulsa field solicitor for the U.S. Department of the Interior. Mr. Cleary most recently served as a senior Indian law attorney in the Office of the Solicitor, where he handled Indian law matters of national significance, including serving as lead counsel for the Department of the Interior on the U.S. Supreme Court's decision in *McGirt v. Oklahoma*. He received his LL.M. in American Indian and

Indigenous Law with highest honors from the TU College of Law and his J.D. from the OU College of Law.

**Jennifer Annis** has joined the Tulsa office of GableGotwals as a shareholder. With more than 23 years of litigation experience, Ms. Annis advises clients in medical malpractice, health care, general litigation and bad faith matters. She has handled hundreds of cases involving general and professional negligence, insurance bad faith, products liability, premises liability, employment law and commercial litigation. She has also tried numerous cases to verdict over her legal career. Ms. Annis is a member of the American Board of Trial Advocates, Fellow of the American College of Trial Lawyers and Fellow of the International Academy of Trial Lawyers. She has served as a Special Olympics of Oklahoma board member for many years.

**Linda Moua** has joined Mitchell DeClerck PLLC, where she handles estates, estate planning, criminal defense, real estate, domestic, bankruptcy, *qui tam* and class actions. Her background is in the areas of probate, estate planning, personal injury, civil litigation, landlord tenant law and family law. Ms. Moua is the first person of Hmong descent to graduate law school and become an attorney in Oklahoma. She may be reached at [lnm@mdpllc.com](mailto:lnm@mdpllc.com) or 580-234-5144.

## KUDOS

**Sarah Lepak** has been appointed to the Oklahoma State Board of Education by Gov. Kevin Stitt to fill an unexpired term that ends April 2, 2023. Her appointment requires confirmation by the state Senate. Ms. Lepak currently serves as a senior environmental project manager at Tulsa-based QuikTrip, where she leads the company's compliance department and manages all aspects of environmental regulatory compliance and due diligence. She received her J.D. from the University of Kansas School of Law in 2005.

**Bianca J. Bryant, Emily Crain, Jered Davidson, Michael Davis, Charlie DeWitt, Thomas Lee Grossnicklaus, Anthony Hendricks and Travis Weedn** have been named members of *The Journal Record's* 19th class of Achievers Under 40. This year's honorees will be recognized at an evening celebration on May 12 at the Oklahoma City Museum of Art.

**Kristopher E. Koepsel** was re-elected president and CEO of Riggs, Abney, Neal, Turpen, Orbison & Lewis for 2022. **George M. Emerson** was re-elected vice

president and assistant secretary, **Lisa Riggs** was re-elected secretary and assistant treasurer, and **Thomas M. Askew** will serve as treasurer and assistant secretary for the second year. These four officers are also members of the firm's Board of Directors. Mr. Koepsel is based in the Tulsa office and practices in the areas of business and commercial law, civil litigation, civil rights, employment and labor law, government and politics, transportation law matters, medical and professional negligence, personal injury, product liability, real estate and insurance and "bad faith." Mr. Emerson practices in Oklahoma City in the areas of bankruptcy, estate planning, wills, trusts and probate, government and politics, insurance receiverships, personal injury and real estate. Ms. Riggs practices as a civil litigator in Tulsa and focuses on representing clients with injuries resulting from accidents, including victims of medical mistakes and medical or pharmaceutical products. Mr. Askew litigates business disputes, insurance matters, transportation liability cases, "bad faith" cases,

business torts, contract disputes and personal injury matters in the firm's Tulsa office.

**Bob Nance, David Riggs, Mary Rounds, B.J. Sommars, Rex W. Thompson, Harley Thomas, Mike Turpen and Sharon Weaver**, shareholders of Riggs, Abney, Neal, Turpen, Orbison & Lewis, were re-elected as members of the firm's 2022 Board of Directors. **Scott Kirtley**, who handles banking, bankruptcy, and real estate law in the firm's Tulsa office, was also elected as a director for 2022.

**Jordan K. Field** has been named chair of Crowe & Dunlevy's Taxation Practice Group. A firm director focusing on business transactions, Mr. Field's experienced tax law practice includes tax planning and tax controversy matters relating to federal and state income taxes for entities and individuals, as well as estate and gift tax planning and tax-exempt entity matters. He also practices in the areas of aviation, commercial space, corporate, securities, employee benefits and health care law.

### 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 August issue must be received by July 1.*



**Andrew R. Davis** has been named a partner of Calvert Law Firm. Mr. Davis joined the firm in 2016 after graduating from the OCU School of Law, where he was editor-in-chief of the *Oklahoma City Law Review*. He practices in the area of civil litigation and represents clients in commercial, malpractice, bad faith and other civil actions.

**Matthew K. Brown, Robert L. Garbrecht, Judy Burdg, Michael J. LaBrie and H. Cole Marshall**, shareholders at McAfee & Taft, were appointed to serve as new practice leaders for the 2022 term. Mr. Brown has been named leader of the firm's Banking and Financial Institutions Group. Mr. Garbrecht will lead the firm's Business Transactions and Finance Group. As the new leader of the firm's Employee Benefits & Executive Compensation Group, Ms. Burdg oversees one of the largest teams of ERISA attorneys in the region. Mr. LaBrie will lead the firm's Intellectual Property Group. Mr. Marshall will lead the firm's Real Estate Group.

**Michael James King** has become a Fellow of the American College of Trial Lawyers. He was inducted during the college's spring meeting in Coronado, California. Founded in 1950, the college is composed of the best of the trial bar from the United States, Canada and Puerto Rico. Fellowship is extended by invitation only, and lawyers must have a minimum of 15 years of trial experience before they can be considered. Mr. King is a partner in the law firm of Winters & King Inc. and has been practicing in Tulsa for 39 years. He received his J.D. from the O.W. Coburn School of Law.



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## IN MEMORIAM

**G**ary Lynn Bracken of Ponca City died Jan. 29. He was born Feb. 20, 1956, in Jackson County, Missouri. In 1981, he received his J.D. from the University of Kansas School of Law. After practicing in Denver for a few years, Mr. Bracken moved to Ponca City and practiced in the areas of business, estate planning, real estate and banking. He also represented Ponca City Schools for over 25 years. He was a member of the Kay County Bar Association, Colorado Bar Association, Salvation Army, Ponca City Masonic Lodge, Ponca City Chamber of Commerce, Mensa, Oklahoma Association of Municipal Attorneys, Ponca City Elks Lodge and Rotary Club of Ponca City. Mr. Bracken was recognized by the Rotary Foundation as a Multiple Paul Harris Fellow for his philanthropic giving. Memorial contributions may be made to the Salvation Army Ponca City Service Center.

**G**eorge Kevin Buchanan of Dallas died Oct. 28. He was born Jan. 25, 1962, in Lexington, Kentucky. As a teen, Mr. Buchanan was a proud boy scout and earned his Eagle Scout Award in 1976. **He served as a pilot in the U.S. Army and continued to fly as a civilian.** He received five degrees, including his J.D. from the Southern Methodist University Dedman School of Law in 1993. Mr. Buchanan worked as an attorney for 28 years before retiring. Memorial contributions may be made to Friends of Big Bend Ranch State Park.

**T**iffany Arend Campbell of Tulsa died Feb. 16. She was born Aug. 12, 1968, in Memphis, Tennessee. Upon graduating from Holland Hall in 1986, she attended Texas Christian University and earned her bachelor's degree *summa cum laude* in social work. Ms. Campbell received her J.D. from the Tulane University School of Law in 1996 and started a legal career in family law using her kind and caring heart and desire to help people. Memorial contributions may be made to the Oklahoma Alliance for Animals or Tulsa SPCA.

**D**arrell Wayne Coppedge of Oklahoma City died Jan. 26. He was born Feb. 12, 1950, in Miami, Oklahoma. Mr. Coppedge attended Oklahoma Baptist University, and he received his J.D. from the OCU School of Law in 1985. He recorded videos for Oklahoma City's First United Methodist Church, where he was also a member of the choir for many years.

**T**homas R. Cornish of Okmulgee died Feb. 2. He was born Aug. 22, 1944, in Fort Worth, Texas. Mr. Cornish received his J.D. from the OU College of Law in 1968 and his LL.M. from the University of Virginia School of Law in 1982. In 1977, he was appointed to the Oklahoma Court of Criminal Appeals – the youngest appointee in that court's history. During his court tenure, he was a special justice on the Oklahoma Supreme Court and a judge of the Appellate Division of the Court on the Judiciary. In 1994, he was appointed to the United States Bankruptcy Court for the Eastern District of Oklahoma. Mr. Cornish served the 10th Circuit with distinction until his retirement in

2021. He also served on the National Conference of Bankruptcy Judges Board of Governors, Oklahoma Court on the Judiciary, OBA Board of Governors, St. Gregory's University Board of Directors and Trustees, Oklahoma Crime Commission Juvenile Delinquency Committee and was chairman of the Governor's Commission on Reform of Oklahoma State Government and the Oklahoma Development Finance Authority. Memorial contributions may be made to St. Gregory's Abbey, Uganda Martyrs Church, Free to Live Animal Sanctuary or a charity of your choice.

**A**ndrew Thomas Dalton Jr. of Tulsa died Jan. 23. He was born Jan. 23, 1937. Mr. Dalton graduated from Princeton University in 1959 and received his J.D. from the OU College of Law in 1962. **He was a captain in the U.S. Army at Ft. Bliss, Texas, and was honorably discharged in 1964.** As he developed his law career in Tulsa, he became involved with many environmental issues throughout the state. For over 30 years, his practice involved work in state and federal courts on behalf of ranchers and farmers in western Oklahoma and water rights issues throughout the state. One of his proudest achievements involved a water rights case that he argued before the United States Supreme Court. Mr. Dalton was a founding and life member of the Sierra Club in northeast Oklahoma, a life member of the Save the Redwoods League and a past recipient of the Oklahoma Wildlife Federation Conservationist of the Year Award. He most recently served as an attorney for the Oklahoma Court of Civil Appeals in Tulsa.

**W**illiam C. Dawkins of Colorado died Jan. 28. He was born March 22, 1951, in Oklahoma City. After graduating from Duke University, Mr. Dawkins received his J.D. from the OCU School of Law in 1977. Before starting his legal career, he took a job with Sedco Drilling Co. and worked on an offshore drilling rig in the North Sea. In 1986, he established Dawkins Law Firm, where he practiced for 41 years. Memorial contributions may be made to Cornerstone United Methodist Church.

**J**ames Kenneth Dewbre of Oklahoma City died on Feb. 19. He was born April 10, 1932, in Oklahoma City. Mr. Dewbre graduated from Capitol Hill High School, where he was the president of several organizations and served as senior class president. **After graduating in 1950, he enlisted in the U.S. Air Force and served during the Korean War as a radar operator on missions in the early days of the Strategic Air Command.** He earned his bachelor's degree in engineering from OU, and he received his J.D. from the OU College of Law in 1960. Mr. Dewbre practiced law in south Oklahoma City for 62 years, with the last 33 years in partnership with his son at Dewbre & Dewbre PC.

**R**ickey Ray Dunkin of Oklahoma City died Dec. 5. He was born March 28, 1962, in Oklahoma City. Mr. Dunkin received his J.D. from the Chicago-Kent College of Law in 1998 and passed the bar exam in California, Oklahoma and Illinois. He lived in Chicago for a few years and worked in the legal department of a large insurance firm before returning to Oklahoma City.

**T**homas J. Enis of Oklahoma City died Feb. 28. He was born July 2, 1937, in Missouri. Mr. Enis received his J.D. from the University of Missouri School of Law in 1977. He then moved to

Oklahoma City, where he was a law professor and practiced law.

**J**•Vere Frazier of Sapulpa died April 3, 2021. He was born Oct. 31, 1975. Mr. Frazier received his J.D. from the TU College of Law in 2004.

**M**ary Jacqueline Gaithe of Colorado Springs, Colorado, died Sept. 4. She was born June 20, 1961. After teaching at an elementary school for years, Ms. Gaithe received her J.D. from the University of Arkansas School of Law in 2002. She ran the legal clinic at the University of Arkansas School of Law, a dream job that combined both the professions she loved. Memorial contributions may be made to Colorado Greyhound Adoption.

**R**ichard M. Glasgow of Oklahoma City died Dec. 28. He was born Jan. 17, 1941, in Oklahoma City. Mr. Glasgow attended OU, where he was a member of the Kappa Sigma fraternity. **After college, he completed a six-year commitment in the U.S. Army with an honorable discharge in 1970 as a first lieutenant in field artillery.** In 1973, he earned his bachelor's degree from Central State University and became a CPA. He received his J.D. from the OCU School of Law in 1989 and was an attorney with the King Law Firm.

**H**arvey B. Hunt Jr. of Tulsa died Nov. 19. He was born Dec. 1, 1924, in Harper, Kansas. **Mr. Hunt enlisted in the U.S. Marine Corps after graduating from high school. He began his active service in 1943 as a rifleman in a series of battles in the South Pacific. He was awarded the Purple Heart for wounds received while carrying a wounded officer to safety.** Mr. Hunt received his J.D. from the OU College of Law in 1951 and continued to serve in the U.S.

Army Reserves. He worked for Skelly Oil for four decades, including as regional manager in charge of leasing operations in western Canada, Alaska and California. He also cofounded Exploration Consultants in Tulsa in the 80s.

**G**regory Carl Ketner of Norman died Feb. 8. He was born May 12, 1961, in Oklahoma City. Mr. Ketner received his J.D. from the OU College of Law in 2010 and served as the college's IT director until his retirement in 2015.

**J**ames F. Lawson of Bixby died Feb. 14. He was born March 13, 1935, in Tulsa. **Mr. Lawson served in the U.S. Air Force from 1954 to 1958.** Following his discharge, he received his J.D. from the TU College of Law in 1962, graduating first in his class. He joined Texaco Oil Company's legal department in Tulsa and served as general attorney for 32 years until his retirement in 1994. Mr. Lawson was an accomplished golfer. During his military career, he won the U.S. Air Force Championship in Pebble Beach, California. He also won the Tulsa Match Play Championship and the Tulsa Four-Ball Stroke Play Championship three times.

**J**ohn A. Maisch of Edmond died March 3. He was born April 16, 1970, in Duluth, Minnesota. Mr. Maisch received his J.D. from the TU College of Law in 1995. Following a year in private practice, he became an assistant attorney general for the state of Oklahoma. He returned to private practice in 2001 and focused on commercial real estate transactions. In 2008, Mr. Maisch became general counsel for the ABLE Commission, where he also served as a prosecutor. He became an assistant professor of legal studies at the University of Central Oklahoma in 2012. He served as president of the Oklahoma City Downtown



Lions Club in 2000, was a member of the Downtown Rotary Club, helped draft consumer protection legislation requiring providers to refund money to the hearing impaired and drafted legislation reforming Oklahoma's alcoholic beverage laws. He also testified as an expert witness for the Texas Alcoholic Beverage Commission. In 2013, he produced and directed a documentary about Whiteclay, Nebraska, and up until the time of his death, worked tirelessly to make the town a place of peace and healing. Memorial contributions may be directed to Julia Maisch c/o Matthews Funeral Home to further Mr. Maisch's work in Whiteclay.

**James Dickinson Moore** of Tulsa died Feb. 6. He was born Jan. 27, 1952, in Ballinger, Texas, and spent most of his childhood in Houston. Mr. Moore received his J.D. from the Southern Methodist University Dedman School of Law in 1977. He began his legal career as general counsel for an oil and gas company in Breckenridge, Texas. In 1984, he moved to Tulsa and continued his corporate law practice, later transitioning to a successful career in commercial litigation. He practiced law for 45 years and was a member of the Oklahoma, Texas and Colorado bar associations. Memorial contributions may be made to Iron Gate Tulsa.

**Richard Ravits** of Tulsa died Jan. 27. He was born March 24, 1952. Mr. Ravits received his J.D. from the TU College of Law.

**Clyde Moody Siebman** of Sherman, Texas, died March 4, 2021. He was born Nov. 26, 1958, in Sherman. Mr. Siebman earned bachelor's degrees in business administration and psychology from Southern Methodist University. He received his J.D. from the SMU Dedman School of Law in 1984. His 35-year legal career

earned him the recognition of being one of the top lawyers in the state of Texas. He was dedicated to the rule of law through the preservation of the 7th Amendment to the U.S. Constitution and its guarantee of trial by jury. Mr. Siebman appeared as counsel in more than 500 Eastern District of Texas cases and served as founding president of the Eastern District of Texas Bar Association and the Judge Paul Brown Inn of Court. Memorial contributions may be made to Christian Global Missions, Shriners Hospital for Children or St. Jude's Hospital.

**Garold Lloyd Spencer** of Yukon died Jan. 24. He was born March 25, 1947, in Rochelle, Illinois. **Mr. Spencer joined the U.S. Army in 1965, serving until 1968 as a technician on the Nike-Hercules missile system.** After completing his service, he worked as a police officer in a Chicago suburb. In 1970, he was hired by the Oklahoma City police department. He attended Academy Class 59 and spent 33 years with the department, rising to the rank of major. In the days and weeks that followed the Oklahoma City bombing, he led the ERT team and served as incident commander for the police department's mission and was awarded the department's Medal for Meritorious Service. Mr. Spencer received his J.D. from the OCU School of Law in 1990, and after retiring from the police department in 2003, he was recruited to teach a legal course at Rose State College. Although he planned to only be there for a short time, he ended up teaching at the college for 15 years.

**David M. Whitney** of Tulsa died Dec. 28. He was born Nov. 23, 1950, in Tulsa. After graduating from Westminster College in 1973, Mr. Whitney received his J.D. from the TU College of Law in 1976. He was the owner and operator of several businesses throughout his career, including president of Whitney

Oil & Gas Corp. and CEO of GBE Services Corp. He also served on the Salvation Army of Greater Tulsa Advisory Board and the Downtown YMCA & Ability Resources.

**John L. Williford** of Bartlesville died June 2, 2021. He was born Sept. 18, 1936, in Kingsland, Arkansas. Mr. Williford attended OU, where he was a member of the Phi Delta Theta fraternity and enrolled in the ROTC candidacy program. He received his J.D. from the University of Texas School of Law in 1960. **Following graduation, he became a reserve commissioned officer in the U.S. Army for several years until he was honorably discharged.** In 1963, he was hired at Phillips Petroleum's Houston office as a lawyer. He transferred to the Bartlesville office in 1968, London in 1981 and returned to Bartlesville in 1985. He retired in 1995 but continued to consult for different organizations around the state. He also served on boards and foundations including the Oklahoma Methodist Foundation, Bartlesville Symphony and the Sportsmen Club. He was instrumental in helping build Elder Care, First Church and The Journey Home. Memorial contributions may be made to The Journey Home.

**Cecil O. Wood Jr.** of Porter died Feb. 4. He was born Jan. 11, 1931, in Blackwell. Mr. Wood received his J.D. from the OU College of Law in 1954 and served as justice of the peace in Blackwell. He then worked for the Department of the Interior in the Bureau of Indian Affairs. Later, he moved to Pawhuska as a field solicitor with the Osage Tribe and served as a part-time judge for the Five Civilized Tribes until his retirement. Mr. Wood was a fount of knowledge on Osage tribal inheritance law. After his retirement, he served as the Barnsdall city judge. Memorial contributions may be made to HELP Works Inc.

FRIDAY,  
JUNE 3, 2022  
9 A.M. - 4:30 P.M.

OKLAHOMA BAR CENTER



MCLE 6/1



## UPDATES ON EMERGING LGBTQ+ ISSUES: ACCESS TO SAFETY AND JUSTICE

Workshop Leader: *Alyssa Bryant, Legal Aid Services of Oklahoma, Inc.*

### TOPICS INCLUDE:

- **Bostock v. Clayton County – Employers' Best Practices for Preventing Discrimination Against LGBTQ Employees**  
*Michael C. Redman, Legal Director, ACLU of Oklahoma Foundation*
- **Sex Discrimination and Fair Housing in Post-Bostock America**  
*Teressa L. Webster, Fair Housing Project Advocacy Director, Legal Aid Services of Oklahoma, Inc.*
- **Bostock v. Clayton County – Title IX of the Education Amendments of 1972 and Section 1557 of the Affordable Care Act**  
*Alyssa J. Bryant, Attorney, Legal Aid Services of Oklahoma, Inc.*
- **Time to Transition: Advocacy for LGBTQ+ Family Law Clients**  
*Shannon D. Taylor, Attorney, Shannon D. Taylor, PLLC*
- **Gender Markers Today: A Practical Guide to Judicial and Administrative Gender Marker Changes**  
*Ed Wunch and Amelia S. Pepper*
- **Ethics**  
*Richard Stevens, Oklahoma Bar Association Ethics Counsel*

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## 2022 ISSUES

### MAY

#### Energy

Editor: Jason Hartwig  
jhartwig@tisdalohara.com  
Deadline: March 15, 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: Roy Tucker  
RTucker@muskogeeonline.org  
Deadline: May 1, 2022

### NOVEMBER

#### Municipal Law

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

### DECEMBER

#### Ethics & Professional Responsibility

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

## 2023 ISSUES

### JANUARY

#### Transactional Law

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

### FEBRUARY

#### Appellate Law

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

### MARCH

#### Criminal Law

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

### APRIL

#### Law & Psychology

Editor: Aaron Bundy  
aaron@bundylawoffice.com  
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Deadline: Jan. 1, 2023

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Deadline: Aug. 1, 2023

### DECEMBER

#### Family Law

Editor: Bryan Morris  
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Deadline: Aug. 1, 2023

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

## 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](http://www.okmcle.org/mcle-rules).





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OFFICE SPACE FOR LEASE IN NW OKLAHOMA CITY. Adler Markoff & Associates, 25-year personal injury and criminal firm in the Rees Building on Lake Hefner has space available. Includes use of reception area, receptionist, copiers, phones, and beautiful conference room. Also, would include possible referrals of P.I., Estate Planning, Family Law, and other areas. Please call Cathy: 405-607-8757.

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

## REPAYMENT ASSISTANCE

THE OKLAHOMA DISTRICT ATTORNEYS COUNCIL (DAC) is pleased to announce that DAC has been designated by the U.S. Department of Justice to award and disburse loan repayment assistance through the John R. Justice (JRJ) Loan Repayment Program. The State of Oklahoma has received a total of \$69,442.00 to be divided equally among eligible full-time public defenders and prosecutors (including tribal government) who have outstanding qualifying federal student loans, not to exceed \$10,000.00 per applicant. Applications for new and renewal applicants are currently available online. For more information about the JRJ Student Loan Repayment Program and how to apply, please go to <http://www.ok.gov/dac>. Under "About the DAC," click on the "John R. Justice Student Loan Repayment Program" link. Application packets must be submitted to the DAC or postmarked no later than October 28th, 2022, for consideration.

## POSITIONS AVAILABLE

ATTORNEY WITH 2-5 YEARS OF EXPERIENCE. Downtown OKC law firm seeking attorney with 2-5 years of experience in litigation. Candidate should be self-motivated, detail-oriented, organized, and able to prioritize multiple projects at one time. Interested candidates are asked to provide the following: (1) cover letter; (2) resume; (3) professional references; and (4) writing sample. Please direct all communications to [OKCHR@outlook.com](mailto:OKCHR@outlook.com). Salary \$100,000 - \$120,000 (DOE) plus bonus.

ASSOCIATE ATTORNEY IN VINITA, OK. NE Oklahoma diversified law firm with offices in Vinita and Miami seeking an attorney with 1-4 years of experience. Candidate should be self-motivated, detail-oriented, organized, and able to prioritize multiple projects at one time and have the ability to assist senior attorneys to best serve client needs. Law firm areas of practice include criminal, civil, family, personal injury, municipal, real estate, probate and condemnation. Interested candidates are asked to provide the following: (1) cover letter; (2) resume; and (3) professional references. Please direct all communications to [hlf@hartleylawfirm.com](mailto:hlf@hartleylawfirm.com). Salary commensurate with experience.

## POSITIONS AVAILABLE

RHODES HIERONYMUS JONES TUCKER & GABLE, a mid-sized AV-rated law firm primarily focusing on civil defense litigation, seeks an associate attorney with 1-5 years of experience for its Tulsa office. Interested persons should send a cover letter, resume, and references to [ahenin@rhodesokla.com](mailto:ahenin@rhodesokla.com).

STATEWIDE LAW FIRM IS SEEKING ATTORNEY for social security disability cases. Salary commensurate with experience. Health insurance, dental, vision, life insurance and 401(k) available. Please send one page resume to [jessica.sommer@bdiwlaw.com](mailto:jessica.sommer@bdiwlaw.com).



Due to sustained growth, Wirth Law Office is seeking ambitious attorneys to serve clients in Tulsa and at locations throughout Oklahoma. Among the fastest growing law firms statewide, Wirth Law Office builds successful relationships with qualified practitioners to offer high-quality representation in rural, small-town and urban Oklahoma communities.

The firm seeks attorneys with experience or interest in family and criminal law, along with interests in niche practices offering tribal, federal, small business, estate or other legal services in demand among individual and small business clients.

A preferred candidate will demonstrate a dedication to client service, a keen eye for successful strategy and a proven commitment to excellence. Business experience is not required. Wirth Law Office provides administrative infrastructure, billing services, a fully equipped local office and the benefit of a proven statewide outreach plan. The firm provides legal acumen, substitute counsel, trial preparation and courtroom support as needed.

To inquire, contact: [success@wirthlawoffice.com](mailto:success@wirthlawoffice.com).

## POSITIONS AVAILABLE



### **Senior Director of Gift Planning Oklahoma State University Foundation Stillwater, Oklahoma**

Oklahoma State University (OSU) Foundation is accepting applications for a highly motivated individual who is experienced in estate and tax planning to serve as a Senior Director of Gift Planning.

#### **About the Sr. Director of Estate and Gift Planning**

The Senior Director of Gift Planning works in an advisory and consulting role to aid in the solicitation and administration of significant private support for Oklahoma State University. They will work primarily with gifts made by will, trust, life insurance and life income arrangements, and through gifts of complex assets, such as real estate and mineral interests. The Senior Director will partner closely with alumni and friends of Oklahoma State University - in cooperation with their professional advisors - and with internal development staff.

Successful candidates should possess a law degree and have extensive experience with estate and tax planning. This position requires a highly motivated individual with excellent communication and interpersonal skills, the ability to maintain strict confidentiality and exceptional judgement, tact, and integrity. Regular local and regional travel is required, and a partial remote working arrangement may be accommodated.

*For more information contact Bethany Leininger at [bleininger@osugiving.com](mailto:bleininger@osugiving.com) or visit <https://bit.ly/36kOqM7>.*

## POSITIONS AVAILABLE

THE DEPARTMENT OF HUMAN SERVICES, Legal Services, is seeking qualified and experienced applicants for an Administrative Law Judge position, within the Office of Administrative Hearings: Child Support and housed in Oklahoma City. The ideal applicant should possess at least five years of family law experience. Experience with child support matters is strongly preferred. Effective writing and communication skills are required to conduct (non-jury) evidentiary hearings to determine legal and factual questions involving child support enforcement and establishment, including paternity establishment. Duties also include drafting/reviewing orders. This position requires the ability to work at an expedited pace while handling a full docket. Proceedings are by video-teleconference and the majority of documents are processed digitally. Compliance with the Code of Judicial Conduct is required. Salary is based on qualifications and experience. Excellent state benefits. Send resume, references, and a recent writing sample (less than 1 year old) to [judi.abrams@okdhs.org](mailto:judi.abrams@okdhs.org) or mailed to Judi Abrams, Operations Manager, Legal Services, Dept. of Human Services, PO Box 25352, Oklahoma City, OK 73125-0352.

MULTI-STATE LAW FIRM SEEKING OIL AND GAS ATTORNEY LICENSED IN NEW MEXICO to join our dynamic practice group. Ball Morse Lowe has established a well-respected, multi-basin practice and is looking to expand its team in Denver, Colorado; Norman, Oklahoma; Oklahoma City, Oklahoma; and will also consider remote working options for the right candidate. Benefits include a competitive salary/fee structure commensurate with experience including bonus opportunities, full health benefits, 401K match, full back-end client support and support staff, and the opportunity for practice growth. Please send cover letter, resume and references to [office@ballmorselow.com](mailto:office@ballmorselow.com). Please be prepared to provide writing sample upon request. A minimum of 3-5 years direct experience working New Mexico oil and gas is required.

MISDEMEANOR DIVERSION PROGRAM PROSECUTOR (MDP) needed for a grant-funded position with the TULSA COUNTY DISTRICT ATTORNEY'S OFFICE. MDP seeks to reduce recidivism while stabilizing individuals and families in Tulsa impacted by substance use disorder and mental illness. Send cover letter, resume, references and recent writing sample to Staci Eldridge at [seldridge@tulsacounty.org](mailto:seldridge@tulsacounty.org).



## POSITIONS AVAILABLE

The OKLAHOMA OFFICE OF THE ATTORNEY GENERAL is seeking a full-time Assistant Attorney General for our LEGAL COUNSEL UNIT. 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](mailto: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.

The OKLAHOMA OFFICE OF THE ATTORNEY GENERAL is seeking a full-time Assistant Attorney General for our MULTI-COUNTY GRAND JURY UNIT. 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](mailto: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.

STEIDLEY & NEAL, PLLC, is searching for an associate attorney with 2-4 years' experience in Insurance Defense for its Tulsa office. Competitive salary and other benefits commensurate with level of experience. Looking for a motivated candidate interested in providing assistance to a partner. Applications will be kept in strict confidence. Send resume to Steidley & Neal, located in CityPlex Towers, 53rd Floor, 2448 E. 81st St., Tulsa, OK, 74137, attention Dwain Witt, Legal Administrator.

## POSITIONS AVAILABLE



### THE UNIVERSITY OF TULSA GENERAL COUNSEL OFFICE OF THE PRESIDENT

The General Counsel reports directly to the President and to the Board of Trustees. This position provides legal advice and consultation to the University President, the Board of Trustees, the administration, and faculty. The General Counsel reviews and recommends institutional policies and procedures, reviews or prepares contracts and other legal documents, and provides legal opinions to University committees and councils as directed by the Board of Trustees or the University President. Must possess a JD from an ABA accredited law school; 5 years litigation experience as well as experience with commercial contracts and transactions; some higher ed experience; must be licensed or have the ability to obtain a license to practice law in Oklahoma. The preferred candidate will have in-house counsel experience in a college or university and compliance experience as it relates to federal education issues.

The University of Tulsa seeks to recruit and retain talented students, faculty and staff from diverse backgrounds. The University of Tulsa is an affirmative action/equal opportunity employer and encourages qualified candidates across all group demographics to apply. The University does not discriminate on the basis of personal status or group characteristic including, but not limited to race, color, religion, national or ethnic origin, age, sex, disability, veteran status, sexual orientation, gender identity or expression, genetic information, ancestry, or marital status.

To apply, please visit: <https://bit.ly/3I0Pu4K>.

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## POSITIONS AVAILABLE

ELDER ABUSE PROSECUTOR needed for a grant-funded position with the TULSA COUNTY DISTRICT ATTORNEY'S OFFICE. Elder Abuse ADA leads a team of law enforcement and victim service professionals in the prosecution of cases that involve the exploitation and abuse of older and vulnerable adults. Salary range is \$50-55,000 annually plus State of Oklahoma benefits. Send cover letter, resume, references and recent writing sample to Staci Eldridge at [seldridge@tulsacounty.org](mailto:seldridge@tulsacounty.org).

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](mailto:Info@TaxHelpOK.com).

ATTORNEY WITH EXPERIENCE IN SSA DISABILITY LAW. High volume SSA disability firm seeks an attorney as an office manager and case developer/litigator in OKC. Will be responsible for client interviews, case development, and representing claimants during the administration process. Will also manage office staff and workload. Competitive salary plus attractive monthly performance bonus. Partner opportunities available. Must be personable and organized. Primary focus is providing great customer service. Don't apply if you don't have empathy and won't fight for those in need. Send resume to [clay@sslcnow.com](mailto:clay@sslcnow.com).

## POSITIONS AVAILABLE

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](mailto:heroes@okbar.org).

DeWITT PARUOLO & MEEK IS SEEKING AN ATTORNEY to join our growing Oklahoma City civil litigation practice. Experience in civil trial practice, insurance defense litigation and insurance coverage is preferred, but not required. Please send resume, cover letter and a writing sample to Derrick Morton, P.O. Box 138800, Oklahoma City, Oklahoma 73113 or by e-mail to [morton@46legal.com](mailto:morton@46legal.com).

EDMOND LAW FIRM seeking attorney with 1-4 years of experience. Candidate should be self-motivated, detail-oriented, organized, and able to prioritize multiple projects at one time and have the ability to work with senior attorneys to best serve client needs. Interested candidates are asked to provide the following: (1) cover letter; (2) resume; (3) professional references; and (4) writing sample. Please direct all communications to [enoble@edmondlawoffice.com](mailto:enoble@edmondlawoffice.com). Salary commensurate with experience.

## Associate General Counsel

At Saint Francis Health System (SFHS), we offer a wide variety of medical specialties at locations throughout eastern Oklahoma. From the tiniest premature newborns to end-of-life support to all the needs in between, the physicians and staff of all SFHS facilities are committed to treating each patient with dignity and integrity.

At SFHS, our employees are our most precious resource and our greatest strength. As the healthcare leader in eastern Oklahoma, we focus on hiring not only the most qualified team members but hiring and retaining people who "fit" into our culture of caring.

**JOB SUMMARY:** This position provides legal services as a practicing counsel, which includes interpreting laws, rules, and regulations, as well as advising company personnel on legal rights, obligations, and privileges. This position is also accountable for preparing and submitting legal documents, including new government applications, required governmental reports, contracts, and internal legal memos, as well as monitoring laws or regulations affecting SFHS.

**Education:** Juris Doctor degree from an ABA-accredited law school.

**Licenses/Certifications:** Admission to practice in Oklahoma (which can be obtained post-hire).

### Experience/Knowledge/Skills:

- Minimum of five (5) years' experience in healthcare law, or five (5) years of transaction work, healthcare preferred.
- Superior writing skills.
- Excellent communication ability.
- Ability to work accurately in fast-paced environment and maintain a sense of urgency.
- Independent judgment in making decisions from many diversified alternatives that are subject to general review in final stages only.

### Primary Duties and Responsibilities:

- Assists the General Counsel with a wide variety of projects requiring legal expertise, including preparing and reviewing corporate documents and contracts, reviewing and revising hospital policies to achieve legal compliance, reviewing proposed filings with federal and state agencies, and advising and assisting with legal disputes relating to contractual obligations.
- Assists in protecting SFHS's legal interests and maintaining its operations within the scope established by law.
- Identifies and analyzes legal issues, drafts key documents, presents clear recommendations, and assures legal compliance.
- Provides support to General Counsel pertaining to operations including but not limited to changes in laws and regulations, which may impact the health care industry in general and SFHS specifically.
- Assists the General Counsel with corporate compliance with a wide variety of federal and state laws and regulations.
- Provides general legal advice and support as requested by various departments, as approved by the General Counsel, within SFHS.
- Timely and accurately reviews or drafts contracts as requested by SFHS, with particular emphasis on human resources and benefit contracts, real estate and equipment leases, managed care, purchasing software and hardware licensing/support, training contracts and HIPAA related contracts.
- Provides legal support and guidance with respect to all clinical research activities within SFHS, ensuring that all clinical research activities within SFHS comply with applicable laws and regulations.
- Acts as the HIPAA privacy officer for SFHS, with responsibility for ensuring the organization's compliance with the HIPAA privacy standards. Develops and implement education and training for the workforce with respect to the HIPAA privacy standards.
- Develops and maintain a systematic process to monitor ongoing compliance with the privacy standards. Communicate/collaborate as necessary with the organization's HIPAA security officer.
- Drafts and revises corporate minutes and bylaws. Prepares and coordinates filings with the secretary of state. Ensures that corporate records and data are prepared and maintained in compliance with legal regulatory accreditation standards. Accepts and coordinates service of process.
- Provide legal support and guidance to the patient accounting department and outside collection agencies and attorneys with respect to efforts to collect outstanding patient balances.
- Develop and recommend improvements for standard contractual documents, templates and clause libraries.
- Participate in the definition and development of corporate policies, procedures and programs and provide continuing counsel on legal matters and on legal implications of all matters.

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# Let's Take Care of One Another

By Margaret Travis

**T**ODAY, I AM LOCKED IN my house. Again. Due to winter weather. About the time I think spring has arrived, winter sits up and says, "Hold my beer!" and we're stuck in the house again binge watching *Hill Street Blues*, *Seinfeld* and *Tales of Wells Fargo*. It feels like we are getting weather whiplash, and my brain is turning to mush.

Somehow, this year, it seems worse: the pandemic, inflation, weather, war in Ukraine. Lots of stressful things are going on these days. People are struggling. Being a lawyer is stressful: deadlines, statutes of limitations, demanding clients, judges and opposing counsel – the list seems to never end.

There are a few things you can do to help with this and keep you well.

- **Sleep.** It should come as no surprise to anyone who knows me that my sleep is important. If I don't get sufficient sleep, I cannot function at my best, and I'm no good to anyone.
- **Eat right.** This one is a no-brainer for most of us. Eating well-balanced meals that are good for me beats a burger and fries from Braum's any day.
- **Exercise.** If you get out and move a little bit every day, you will feel better.

Often doing something for someone else will improve your



own sense of well-being. Handle a divorce for someone who can't afford an attorney. Work the pro se divorce docket, assisting the court by making sure the litigants have the correct documents. Volunteer at the eviction clinic. There are organizations around the state whose mission is to provide free legal services to the poor, elderly or veterans: Legal Aid Services of Oklahoma Inc., Oklahoma Lawyers for America's Heroes, Oklahoma Lawyers for Children, Catholic Charities of the Archdiocese of Oklahoma City, to name a few, rely upon volunteer attorneys to assist their clientele. Most organizations have simple matters that can be handled by a novice and will provide forms to help you move the process along. They will assign you a case or allow you to work a particular docket for an afternoon if you

don't feel like committing to taking a case.

Something else you can do is show mercy, compassion and forgiveness to those around you. We are all doing the very best we can. Sometimes a deadline gets past us. Discovery doesn't get docketed. A birthday is forgotten. There is always something. Before you file a motion, place a call, send an email, but reach out. Ask for grace when you need it. Grant grace when you can. None of us live in a vacuum, and we will all need grace at some point.

As we slide on into spring, remember the words of Michael Conrad as Sargent Phil Esterhaus on *Hill Street Blues*, "Let's be careful out there." And I'd add, "Let's take care of one another."

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Ms. Travis is a staff attorney for Legal Aid Services of Oklahoma Inc.



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