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THE OKLAHOMA BAR Journal

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Gaming

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ABOUT OUR SPEAKER:

Collin Walke is a data privacy attorney with the law firm Hall Estill. Collin is a certified information privacy professional, certified information privacy manager, certified AI systems auditor, and graduate of Harvard's Business Analytics Program. Collin received his BA in Philosophy from Oklahoma State University and his JD, Magna Cum Laude, from Oklahoma City University School of Law.

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Editor: Scott Jones

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Greenwood Rising

By Jim Hicks

OKLAHOMA IS A STATE BORN FROM A DIVERSE mixture of race, gender, ethnicity, language and culture. From the forced removal in the 1830s of various eastern tribes into the Indian Territory to the opening of the Oklahoma Land Run at noon on April 22, 1889, the marriage of the Indian and Oklahoma territories into the state of Oklahoma in 1907 has been populated by an incredible mix of diverse individuals. The history of Oklahoma is a story of romance, adversity and adventure. Oklahoma is a story of brave men and women of all races and ethnicities who, out of toil, hardship and suffering, raised themselves up with marvelous achievement. An understanding of Oklahoma's history provides our members a better knowledge of the society in which we live and a closer understanding of the political, economic and social institutions in which we practice law.

The Board of Governors held its August meeting in Tulsa, which was settled in 1836 by Creek Indians from Alabama. They called their village Lochapoka, meaning "place of turtles." In advance of the meeting, board

members were provided a tour of the Greenwood Rising Museum by Interim Director Phil Armstrong. Greenwood Rising tells the remarkable and resilient story of the Greenwood community by bringing the story of Tulsa's Black Wall Street to life. The Tulsa Race Massacre occurred over 18 hours from May 31 to June 1, 1921, when a mob attacked residents, homes and businesses in Tulsa's Greenwood neighborhood. Many thanks to OBA member Kevinn Matthews and TCBA Vice President Stephanie Jackson for helping organize the moving and insightful tour. Special thanks to OBA member and author Hannibal B. Johnson for autographed copies of his book *Black Wall Street 100: An American City Grapples With Its Historical Racial Trauma*.



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Greenwood Rising is located at 23 N. Greenwood Ave. in Tulsa. Learn more about the immersive history center at www.greenwoodrising.org.

In recent years, we have heard "DEI," "Diversity, Equity & Inclusion," "allyship," "ally," etc., by a growing number of organizations, including courts and law firms. In addition, while we have seen this growing awareness, progress continues to be slow and, at times, just lip service. In our recent survey of members, question 18 asked, "How can the OBA be a leader for Diversity, Equity and Inclusion?" This question generated a tremendous display of responses. In segmenting the data, we saw attitude and behavior differences among ages, races and ethnicities and, to some degree, geographic location. A segment of our membership feels that the OBA should not be involved in this topic or it is irrelevant to the OBA's mission. Nevertheless, the majority of responses appreciated the efforts the OBA has demonstrated thus far in providing leadership in DEI.
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Is Sports Betting in Oklahoma Inevitable?

By John T. Holden

IN OCTOBER 2018, I wrote an article for the *Oklahoma Bar Journal* examining the possibility that Oklahoma could legalize sports betting. A little under four years later, here we are asking the same question. May 2022 marked four years since the Supreme Court overturned the Professional and Amateur Sports Protection Act (PASPA), thawing a 25-year freeze on legal sports gambling that kept the activity principally confined to Nevada.¹ In rapid succession, more than 35 states and Washington, D.C., have legalized sports betting since the Supreme Court struck PASPA down.² Oklahoma is not among the states on that list. Despite what you might think if you have recently watched a sporting event on television, which now seems to have betting content built in, Oklahoma does not have legal sports betting yet.

It has not been for lack of trying that sports betting is not yet permitted at casinos throughout the state; in fact, there have been several bills introduced that would allow sports betting. Most recently, District 37 Rep. Ken Luttrell introduced legislation in 2022, but the bill gained little traction, much like previous efforts.³ Prior to Rep. Luttrell's bill being introduced, several Oklahoma tribes agreed to new compacts that would have permitted sports wagering. These compacts were ultimately rejected by the Supreme Court when Senate President *Pro Tempore* Greg Treat and House Speaker Charles McCall filed suit over the governor's authority to enter into them.⁴

Despite Oklahoma's inability to authorize sports betting, many neighbors have been able to cross the proverbial goal line, with New Mexico, Colorado, Arkansas and Kansas all having legalized sports

betting over the last four years.⁵ New York's launch has been the most prominent so far, with a whopping 51% tax rate generating more tax revenue in under half a year than any other state regardless of the launch date.⁶ Even with New York's success in generating revenue, not all states have chosen to tax sports betting operators at such high rates. Kansas, for instance, recently passed a law that taxes sports betting revenue at 10% and projects to bring the state between \$1 million and \$5 million in annual revenue.⁷ The different approaches taken by Kansas and New York highlight a unique aspect of sports betting expansion around the country. While there have been some similarities, each state has chosen its own path despite the ubiquity of uniform laws on virtually every subject under the sun. For better or worse, each state has largely

charted its own path forward on sports wagering regulation.

DIFFERENT PATHS FORWARD

Each state has chosen its own path forward, resulting in vastly different rules, tax rates and even means with which people can wager. Most of the disparities regarding the types of wagers that are permitted center around the permissibility of wagering on college sports.⁸ College sports have long been viewed as especially vulnerable to bad actors looking to fix games because of the lack of direct compensation that college athletes receive.⁹ As a result of what is likely most charitably described as a misunderstanding, a number of states have elected to ban wagering on in-state college teams or games held within the state, believing this will prevent fixing from happening. This belief is largely aspirational, as the vast majority of betting-related

match-fixing takes place in unregulated markets as opposed to legal markets, where authorities keep an eye on betting activity.¹⁰

States have also taken divergent paths when establishing their regulatory goals. Some states, at least initially, launched with the objective of recapturing bettors who had been wagering in the untaxed, offshore markets for years, hoping that by bringing those bettors back into the regulated market, even at low tax rates, the state would ultimately benefit.¹¹ While some states are continuing forward with this philosophy explicitly or implicitly, other states have chosen an approach that seeks to maximize revenue for the state.¹² A Georgia bill, which did not pass, called for the allocation of licenses in a manner that maximizes state revenue.¹³ New York has successfully introduced a regulatory scheme with nine licensees who each paid a \$25 million licensing fee and in return, provide the state with 51% of revenue without an allowance for the deduction of promotions, which has been permitted in other high-tax jurisdictions.¹⁴ From a revenue-generation perspective, it is difficult to deny the success of higher tax rates, though it is not easy to decipher whether those jurisdictions have been less successful in recapturing untaxed dollars than those states with more operator-friendly licensing schemes.¹⁵

By far the biggest predictor of revenue is whether states have allowed online, more commonly known as mobile wagering, or if they require bettors to present themselves in person at a casino or kiosk to place wagers.¹⁶ While most states that have chosen to regulate sports betting have allowed bettors the ability to wager from the comfort of their own homes or anywhere else, a handful of states like New Mexico, Montana, North Dakota and South

Dakota have restricted betting to wagering at physical casino properties.¹⁷ Mississippi has a slightly more permissive system, referred to colloquially as “Mississippi mobile,” where bettors can bet from their phones as long as they are actually on casino property, limited by geofencing.¹⁸ The decision to confine wagering to on the premises is sometimes driven by a belief that bettors will be required to enter a property and thus will increase their spending at other aspects of the facility, and sometimes the decision is dictated by the nature of tribal gaming compacts.¹⁹ Even in states that allow mobile wagering, some like Nevada require that patrons present themselves in person at a casino or designated location and show proof of identification before they are able to set up a mobile sports betting account.²⁰ During the COVID-19 pandemic, states like Illinois moved away from requiring in-person registration and eventually permanently abolished the process in favor of online identity verification.²¹

MODELS OF REGULATION

Sports gambling regulation around the country has taken a few different approaches. These have been largely dictated by existing gaming infrastructure and local politics. The model that has become most prominent is a largely open model, where state law authorizes or delegates to a regulatory agency the ability to issue a number of licenses for qualified applicants. Those applicants pay a licensing fee and complete the necessary background checks and clearances before they are issued a license. Once a license is issued, companies pay a percentage of their revenue to the state.²² This model relies on a gaming control board or commission to oversee the operators in the state.²³

Other states have chosen to delegate regulatory authority to their lottery regulators. This is the case in states like Oregon and Rhode Island.²⁴ In a number of states where the lottery is regulated, states have chosen to contract with a single provider; however, states like West Virginia and Tennessee have a competitive market with numerous operators overseen by the states’ respective lotteries.²⁵ A third regulatory model, and the one that seems most likely for Oklahoma, involves regulation via tribal gaming compact. However, tribal gaming regulation comes in several varieties as well. States like Michigan have entered into compacts with the state’s tribes to offer on-property sports betting, but as a result of uncertainty surrounding the Indian Gaming Regulatory Act (IGRA), tribes in Michigan agreed to be regulated as commercial operators to offer mobile wagering.²⁶ Florida has attempted to authorize mobile wagering via compact with the Seminole Tribe of Florida; however, the matter is currently on appeal at the District of Columbia Court of Appeals after the U.S. District Court for the District of Columbia held that IGRA did not permit mobile wagering.²⁷ Local politics have driven the specifics of many of the regulatory models and may serve as a predictor for how sports betting might be regulated in states that have yet to authorize the activity, like Oklahoma.

SPORTS BETTING IN OKLAHOMA’S FUTURE

Sports betting’s arrival in Oklahoma is likely inevitable. In fact, even states like Tennessee, which had no regulated gaming beyond the lottery, legalized sports betting, a sign of how attitudes about sports betting have changed over the years.²⁸

Oklahoma's path, however, like other states with significant gaming infrastructure, is complicated by existing stakeholder relationships. There has been a significant amount of tension in Oklahoma surrounding existing gaming compacts and the governor's failed challenge to their automatic renewal on Jan. 1, 2020.²⁹ After efforts to move forward fell apart, the Comanche and Otoe-Missouria tribes entered into new 15-year gaming compacts with the governor.³⁰ The compacts would have permitted each tribe to construct three new facilities and offer in-person sports betting.³¹ In June 2020, those compacts were approved by the Department of the Interior after a 45-day window to reject the compacts lapsed.³² Ultimately, however, the Oklahoma Supreme Court held that the new compacts approved games that were not permitted under Oklahoma law before, concluding:

The tribal gaming compacts Governor Stitt entered into with the Comanche Nation and Otoe-Missouria Tribes are invalid under Oklahoma law. The State of Oklahoma is not and cannot be legally bound by those compacts until such time as the Legislature enacts laws to allow the specific Class III gaming at issue, and in turn, allowing the Governor to negotiate additional revenue.³³

With the Oklahoma Supreme Court's decision, Oklahoma was back to square one with respect to the prospect of sports betting. While it appears the cool relationship between the governor and the members of the Oklahoma tribal gaming community may make a compact amendment allowing sports betting a distant hope, it is possible, given what we know about Oklahoma,

to guess what sports betting might look like at a yet to be determined point in the future.

Oklahoma has 38 federally recognized tribes, of which 35 have entered into gaming compacts.³⁴ Oklahoma's tribes operate more than 130 gaming facilities across the state.³⁵ Those gaming facilities would most likely serve as the base for sports betting in the state. While there had been some academic debate about whether IGRA permitted tribes to offer mobile wagering if a state agreed to such an offering, a recently signed compact between the Seminole Tribe of Florida and Florida Gov. Ron DeSantis was overturned after a federal judge held that IGRA does not allow for mobile wagering.³⁶ The Seminole Tribe of Florida compact had attempted to overcome IGRA's requirement that authorized gaming only take place on tribal land by placing servers that would process sports bets on tribal land and designating that those bets would be deemed to occur on tribal land.³⁷ This may sound like a clever ploy, but federal Judge Dabney Friedrich rejected the suggestion

that all of the Sunshine State could be brought within IGRA by the location of gaming servers, and at the same time, the compact openly acknowledged that players located within the state would not be on tribal property.³⁸ An appeal at the District of Columbia Court of Appeals is pending.

A favorable appeal could open the gate for Oklahoma to offer mobile wagering, as would an act of Congress modernizing IGRA. A bill was actually introduced in 2019 by one-term New York Rep. Anthony Brindisi that would have modified IGRA to allow for mobile sports betting under the statute, but the legislation did not gain traction.³⁹ Despite the failed efforts in 2019, there have been rumors of efforts to reintroduce a similar piece of legislation, though that is yet to happen. A negative ruling at the District of Columbia Court of Appeals and subsequent *cert.* denial, however, could spur Florida's congressional delegation to push for federal action. Without federal action or a reversal at the District of Columbia Court of Appeals, or



ultimately the Supreme Court, another option would be to license mobile wagering on a commercial basis outside of the IGRA framework. This is an approach taken in numerous states, where there is both a tribal gaming presence and a commercial gaming presence. In Oklahoma, however, this could mean opening Pandora's box by allowing in commercial operators, which might not be desirable given that sports betting is a low-revenue product, with sportsbooks historically holding only about 5% of the amount gambled.⁴⁰

Even though many states with dollar signs in their eyes have viewed mobile sports betting as the best approach, Oklahoma might be an anomaly in that respect as the interests of the state and the tribes within the state may be better served by an in-person model. With gaming properties across the state and 35 compacted tribes potentially competing in a mobile environment, it may mean the biggest tribes win out either through their own name recognition or through partnering with national brands. In an in-person model, each tribe would have its own properties, and patrons would be required to enter the facility to place a wager. In many ways, sports betting in Oklahoma could look like a fancy new amenity for many properties, a new way of bringing customers through the doors.

While sports betting coming to Oklahoma is likely inevitable, the timeline for its arrival is questionable. Sports betting is not a panacea for revenue woes. The low margin on sports betting as a gaming product has given the Oklahoma tribes the ability to choose when the time is right to negotiate for expanded gaming that includes sports betting. With brick-and-mortar sports betting being the most likely model as opposed to mobile betting, the product is likely to be a bonus to gaming properties

as opposed to a high-margin product like slot machines. While the exact arrival date of sports betting has an unknown timeline in Oklahoma, it seems certain that sports betting will be here in the next few years.

ABOUT THE AUTHOR



John T. Holden is an associate professor in the Spears School of Business at OSU. He earned his Ph.D. from Florida State University and his J.D. from the Michigan State University College of Law. Mr. Holden's research is focused on gaming policy and sports corruption. He can be contacted at john.holden@okstate.edu.

ENDNOTES

1. *Murphy v. NCAA*, 584 U.S. ____ (2018); 138 S. Ct. 1461, 1484–85 (2018) (holding that while Congress is free to regulate sports betting directly, it cannot commandeer state legislatures to maintain laws prohibiting the practice. "PASPA regulates state governments' regulation of their citizens. The Constitution gives Congress no such power." (Internal citations omitted)).
2. "Interactive Map: Sports Betting in the U.S.," Am. Gaming Ass'n (May 23, 2022), <https://bit.ly/3AykdnP>.
3. Janelle Stecklein, "Oklahoma Sports Betting Bill Fails," *Tahlequah Daily Press* (May 13, 2022), <https://bit.ly/3AYe6uC>.
4. Pat Evans, "With House Deadline Near, Oklahoma Sports Betting Bill Advances," *Legal Sports Rep.* (Mar. 4, 2022), <https://bit.ly/3AAeyOi>.
5. See Am. Gaming Ass'n, *supra* note 3.
6. John Holden, "Opinion: Sportsbooks Might Hate It, But NY Winning Sports Betting Game," *Legal Sports Rep.* (May 26, 2022), <https://bit.ly/3KwFL98>.
7. John Holden, "Opinion: Welcome to Kansas, The New Las Vegas of Sports Betting," *Legal Sports Rep.* (May 20, 2022), <https://bit.ly/3cyR8AJ>.
8. See Becky Harris and John T. Holden, "Reshaping College Athlete Sports Betting Education," 47 *BYU L. Rev.* 389, 420–25 (2022) (discussing different approaches to regulating betting on collegiate sports).
9. *Id.* at 418–19.
10. John Holden, "Analysis: New Sportradar Report Chronicles Match-Fixing In 2021," *Legal Sports Rep.* (May 3, 2022), <https://bit.ly/3R886Fk>.
11. John T. Holden and Kathryn Kisska-Schulze, "Taxing Sports," 71 *Am. U. L. Rev.* 845, 896 (2022).
12. Holden, *supra* note 7.
13. H.B. 570, 156th Gen. Assemb., Reg. Sess. (Ga. 2021).
14. "The Mobile Sports Wagering Platform Provider and Commercial Casino Relationship: Appendix C: Mobile Sports Wagering Questions and Answers," N.Y. State Gaming Comm'n (July 1, 2021), available at: <https://on.ny.gov/3ctzJJX>.
15. See generally, Holden and Kisska-Schulze, *supra* note 12, at 896–900 (discussing state tax rates and corresponding revenue).

16. "US Sports Betting Revenue and Handle," *Legal Sports Rep.*, <https://bit.ly/3edvUss> (last visited June 7, 2022).
17. Sam McQuillan, "Where is Sports Betting Legal? Projections for All 50 States," *Action Network* (May 25, 2022), <https://bit.ly/3RqVKb5>.
18. "Mississippi Sports Betting," *Betting USA*, www.bettingusa.com/states/ms (last visited June 7, 2022).
19. John Holden, "So How Exactly Is New Mexico Sports Betting Legal, And What Does It Mean In Other States?" *Legal Sports Rep.* (Oct. 17, 2018), <https://bit.ly/3TnwyDY>.
20. See "Nevada Sports Betting," *Legal Sports Rep.*, www.legalsportsreport.com/nevada (last visited June 7, 2022) (describing the process for signing up for a sports betting account in Nevada).
21. Robert Channick, "Illinois Ends In-person Registration Requirement for Sports Betting, Opening Floodgates for Online Sportsbooks Ahead of March Madness," *Chi. Tribune* (Mar. 5, 2022), <https://bit.ly/3wl2bOK>.
22. John T. Holden, "Regulating Sports Wagering," 105 *Iowa L. Rev.* 575, 597 (2020).
23. *Id.* at 597–600 (describing the gaming control board model).
24. *Id.* at 600.
25. The preference for a monopoly versus a competitive market is often dictated by a state's existing stakeholders. For instance, if a state has a number of existing casinos, it is unlikely that local politics would allow a bill to pass that awarded a monopoly to an out-of-state entity overseen by the state lottery.
26. Jill R. Dorson, "Why 'Commercial Gaming' Works For Michigan's Tribes," *MI Bets* (Oct. 28, 2020), <https://bit.ly/3KG8d8v>.
27. Emily McCain, "Federal Judge Throws Out Florida, Seminole Tribe Gaming Compact," *ABC Action News* (Nov. 23, 2021), <https://bit.ly/3RkEnIM>.
28. Jill R. Dorson, "Tennessee Legal Sports Betting Bill Passes, Governor Will Let It Become Law," *Sports Handle* (Apr. 30, 2019), <https://bit.ly/3edz4wJ>.
29. Ken Miller, "Federal Judge: Oklahoma Tribal Gaming Accords Renewed Jan. 1," *Associated Press* (July 28, 2020), <https://bit.ly/3R5XTsG>.
30. Jill R. Dorson, "'Sooner' Than Later? Sports Betting 'Approved' But Up For Debate In Oklahoma," *Sports Handle* (Apr. 22, 2020).
31. *Id.*
32. Jill R. Dorson, "Oklahoma Tribes Get Ok From Feds For Sports Betting, But Opposition Remains," *Sports Handle* (June 10, 2020), <https://bit.ly/3CIRaAC>.
33. *Treat v. Stitt*, 2020 OK 64, 473 P.3d 43 (decided July 21, 2020).
34. "Facts About Indian Gaming," *Ok. Indian Gaming Ass'n*, <https://oiga.org/about/#facts> (last visited June 9, 2022).
35. *Id.*
36. *West Flagler Assocs. v. Haaland*, No. 21-5265, 2021 U.S. App. LEXIS 35854 (D.D. Cir. 2021) (holding that the Department of the Interior should have rejected the newly signed Seminole Tribe of Florida compact as it authorized gaming that took place off of tribal land, contrary to IGRA).
37. *Id.*
38. *Id.*
39. Dustin Gouker, "Inside the New Tribal Sports Betting Bill In Congress," *Legal Sports Rep.* (Dec. 24, 2019), <https://bit.ly/3Kyl7nL>.
40. Though 5% is considered the historical mark, sportsbooks are currently holding 7% on average across the country. "US Sports Betting Revenue and Handle," *Legal Sports Rep.*, <https://bit.ly/3edvUss> (last visited June 9, 2022).

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Each Roll of the Dice and Spin of the Wheel:¹ The Future of Oklahoma Tribal-State Gaming Compacts

By Jennifer N. Lamirand, Mike McBride III and Greg Buzzard

WHILE THE SUPREME COURT'S LANDMARK DECISION in *McGirt v. Oklahoma*² has consumed much oxygen in the past two years, ongoing disputes over the negotiation of gaming compacts between tribal nations and the state of Oklahoma, which underpin Oklahoma's lucrative tribal gaming industry, also have the ability to make impactful change. In July 2019, Oklahoma Gov. Kevin Stitt challenged tribal nations by suggesting that their long-standing gaming compacts, based on a Model Tribal Gaming Compact codified in Oklahoma law (the Model Compact), would soon expire and renegotiations must commence immediately. Several of Oklahoma's tribes and state leaders disagreed, and, by the end of 2019, lawsuits ensued.

By mid-2020, the U.S. District Court for the Western District of Oklahoma had determined the existing gaming compacts, based on the Model Compact, renewed for a 15-year term, a conclusion Gov. Stitt did not appeal. The Oklahoma Supreme Court had also concluded that Gov. Stitt did not have the authority to enter into several new compact agreements negotiated with a handful of Oklahoma tribes that contained terms not found in the Model Compact. However, challenges to the validity of those new compacts continued, and another case, currently pending in the U.S. District Court for the District of Columbia, will soon resolve questions about

the status of those compacts as well as their conformance with legal requirements for tribal-state gaming compacts in Oklahoma. This article provides some general background on tribal-state gaming compacts, recaps the history of recent litigation surrounding Oklahoma gaming compacts and provides some thoughts on what happens next.

THE LEGAL BACKGROUND ON TRIBAL-STATE GAMING COMPACTS

Tribal nations have engaged in various forms of social games throughout their histories. Tribes, including those in Oklahoma, have also offered types of gaming as a

source of income for many years, with commercial bingo beginning in the late 1970s. These forays into the controversial gambling market led to the pivotal 1987 decision in *California v. Cabazon Band of Mission Indians*, where the United States Supreme Court held that the state of California and a California county did not have the ability to enforce their gambling laws and regulations on tribal bingo and card room operations on the reservations of the Cabazon and Morongo Bands of Mission Indians (or to prohibit those operations).³ Congress immediately responded by enacting the Indian Gaming Regulatory Act (IGRA) in 1988.⁴



IGRA provides a general structure for the regulation of gaming on “Indian lands” as defined within the act.⁵ It divides types of games into three classes, each with a different form of regulation. Class I gaming includes social games played for prizes of minimal value and traditional forms of gaming occurring at tribal ceremonies or celebrations, and tribes have exclusive jurisdiction over the regulation of these games.⁶ In general, although the definition contains more nuances, Class II gaming primarily consists of bingo games and games similar to bingo (including electronic forms).⁷ Class II gaming also falls within the jurisdiction of the tribes; however, IGRA does require each tribe to pass a tribal gaming ordinance, which applies certain regulatory requirements, and to get approval of that ordinance by the National Indian Gaming Commission (NIGC).⁸ Class III gaming includes all forms of gaming that do not fall within the definitions of Class I or Class II gaming, such as lucrative, casino-style slot machines, ball and dice games, etc.⁹ Class III gaming again requires the passing of a tribal ordinance, but

it also requires tribes to conduct Class III activities “in conformance with a Tribal-State compact entered into by the Indian tribe and the State ... that is in effect.”¹⁰

IGRA identifies a list of permissible subjects for compact negotiations between a tribal nation and a state.¹¹ For example, the parties to a compact can allow for a state to make some assessment against Class III gaming revenues to offset the costs of any state regulation needed, but IGRA makes clear that it does not provide “a State authority to impose any tax, fee, charge, or other assessment upon an Indian tribe ... to engage in a class III activity.”¹² In order to comply with this provision, any fee or payment to the state, outside of the basic regulatory cost assessments, must represent an exchange for a quantifiable benefit from the state. A tribal-state gaming compact takes effect upon the publication of a notice of approval of the compact by the secretary of the Interior in the Federal Register.¹³

Class III gaming arrived in Oklahoma in 2004. State, tribal and industry forces (including the horse racing industry, one of the few examples of legal gaming in Oklahoma at the time) united to pass the State-Tribal Gaming Act through a voter referendum.¹⁴ Through the State-Tribal Gaming Act, the state set out the precise terms of its offer for a gaming compact to allow Class III gaming (including specified games) to each federally recognized tribe within Oklahoma: the Model Compact.¹⁵ Thereafter, Oklahoma tribes interested in Class III gaming could simply accept the terms of the Model Compact without the torturous negotiations often required in other states.

The Model Compact included a provision that created an initial term to expire Jan. 1, 2020, absent

an automatic renewal for additional 15-year terms if certain conditions were met.¹⁶ It also required tribes to pay “exclusivity fees” to the state, calculated as a portion of gaming revenue, in exchange for a promise not to “permit the operation of any additional form of gaming by any such organization licensee, or change its laws to permit any additional electronic or machine gaming within Oklahoma ...”¹⁷ About 33 tribal nations within Oklahoma entered into compacts based on the Model Compact, and these tribes have paid over \$1.6 billion in exclusivity fees to the state of Oklahoma since 2006.¹⁸ These operations support approximately 30,000 jobs (many in rural locations) and generate millions of dollars in income taxes that also go to the state.¹⁹

THE DISPUTE OVER RENEWAL OF THE ORIGINAL COMPACT TERM

Kevin Stitt was sworn in as governor of Oklahoma on Jan. 14, 2019. When Gov. Stitt took office, he “inherited letters from tribes”²⁰ regarding a crucial date for the multibillion-dollar Oklahoma tribal gaming industry: Jan. 1, 2020. Part 15(B) of the Model Tribal Gaming Compact, which governs all Class III, casino-style gaming in Oklahoma, provided that all gaming compacts “will expire on January 1, 2020 ...”²¹ The same provision, however, allowed for the compacts to “automatically renew for successive additional fifteen-year terms” under some circumstances and allowed either party to request to renegotiate certain terms relating to exclusivity fees within 180 days of the expiration date.²² Gov. Stitt became the first Oklahoma governor to confront questions about the meaning of this renewal provision and whether to ask to renegotiate

the successful Model Compact undergirding a large chunk of Oklahoma’s economy.

Seven months after taking office, Gov. Stitt made his position clear in an opinion article published in the *Tulsa World*.²³ He intended to renegotiate the tribal compacts to obtain higher exclusivity fees. Gov. Stitt claimed that fees in tribal compacts in other states ranged from 20% to 25% – far above the 4% to 6% rates codified in the Model Compact. The governor further asserted that the Model Compact would expire (not renew) on Jan. 1, 2020. Oklahoma tribal nations quickly made clear that they disagreed with Gov. Stitt’s opinions on both issues. Negotiations throughout the remainder of 2019 did not result in any progress toward an agreement about the meaning of the renewal provision in the Model Compact and its implications, much less any other issues.

On Dec. 31, 2019 – the last day before the compacts either expired or renewed – the Cherokee, Chickasaw and Choctaw nations filed suit in the U.S. District Court for the Western District of Oklahoma.²⁴ Six other tribal nations eventually joined the suit as plaintiffs. The tribes made a single claim in their complaint: Their compacts automatically renewed, unchanged, on Jan. 1, 2020. In his answer, Gov. Stitt asked the court to shut down the plaintiff tribes’ Class III gaming, an action targeting millions of dollars in revenue for both the tribal nations, which use that revenue for tribal governmental operations and essential services for their citizens, and the state of Oklahoma, which receives millions of dollars annually from tribal gaming in multiple forms (such as exclusivity fees and income taxes from gaming jobs), earmarked primarily for education.

Following an unsuccessful round of court-ordered mediation, the parties filed cross-motions for summary judgment in May 2020, focusing on the text of Part 15(B) of the Model Compact. The contested provision reads:

This Compact shall have a term which will expire on January 1, 2020, and at that time, if organization licensees or others are authorized to conduct electronic gaming in any form other than pari-mutuel wagering on live

horse racing pursuant to any governmental action of the state or court order following the effective date of this Compact, the Compact shall automatically renew for successive additional fifteen-year terms ...²⁵

Essentially, if “organization licensees or others” were “authorized to conduct electronic gaming in any form other than pari-mutuel wagering on live horse racing” following the effective date of the compact and if that electronic gaming was “authorized ... pursuant to any governmental action of the state or court order,” such action triggered a renewal of the compact term.

Some historical background helps to explain the presence of horse racing in this provision. Before the Model Compact was enacted, Oklahoma permitted pari-mutuel wagering on horse races. The horse racing industry, as part of the compromise enabling tribal Class III gaming within Oklahoma, obtained the ability to offer casino-style games at racetracks like Will Rogers Downs in Claremore and Remington Park in Oklahoma City.²⁶ At the time the Model Compact was enacted, Will Rogers Downs and Remington Park could, therefore, have competed with the nascent tribal casinos. This helps explain why stakeholders incorporated electronic gaming at these racetracks into the Model Compact’s renewal provision.²⁷

In any event, Gov. Stitt and the tribal nations agreed in their summary judgment briefing that Remington Park and Will Rogers Downs, “organization licensees” under Oklahoma law, were authorized to offer electronic gaming, aside from wagering on horse races, on Jan. 1, 2020. However, the parties disagreed on the second issue, whether state governmental action authorized such gaming. Gov. Stitt



argued that only the Oklahoma Legislature could authorize racetrack gaming. In his view, the “governmental action of the state” authorizing racetrack gaming was the state law that permitted racetrack gaming at all. That law was enacted before the Model Compact and was accepted by the tribes. The governor, thus, argued the state did not authorize racetrack gaming *after* the compacts took effect.

The tribes disagreed. They countered that Oklahoma authorized racetrack gaming after the compacts took effect by leaving the law permitting racetrack gaming in effect. They also took issue with Gov. Stitt’s narrow definition of “governmental action.” The tribes noted that an Oklahoma state agency issued gaming licenses to the racetracks each year, which they characterized as governmental action. Finally, they argued that the Oklahoma Legislature changed the law in 2017 to remove limitations on the number of hours per day and week that a racetrack could offer electronic gaming. Even if “governmental action” was defined solely as legislative action, the tribes asserted, the 2017 law qualified.

United States District Court Judge DeGiusti agreed with the tribal nations in a short opinion.²⁸ The court “reject[ed] the State’s narrow view of ‘governmental action,’ which is inconsistent with a common understanding of that term.”²⁹ It reasoned that Oklahoma law permitted a state agency “to authorize organizational licensees (horse racetracks) to conduct electronic gaming,” and no party disputed that the agency had, in fact, issued licenses to the racetracks after the compacts took effect.³⁰ As Oklahoma had permitted racetracks to offer electronic gaming after the compacts took effect, the automatic renewal provision was triggered. The compacts did not expire Jan. 1, 2020; they renewed for a brand-new term.

The court entered judgment in favor of most of the tribal nations on Sept. 23, 2020, answering the tribes’ question.³¹ The Model Compact automatically renewed, and Class III gaming remains legal in Oklahoma under its auspices. After reportedly spending more than \$2 million on legal fees, Gov. Stitt chose not to appeal.³²

LITIGATION EXPANDS TO INCLUDE CHALLENGES TO NEW AGREEMENTS WITH FOUR OKLAHOMA TRIBAL GOVERNMENTS

Amidst the federal court litigation focused on the renewal provision of the Model Compact, Gov. Stitt started negotiating new compact agreements with several tribal governments that veered from the accepted provisions of the Model Compact. Those agreements immediately came under fire. Senate President *Pro Tempore* Greg Treat and Speaker of the House Charles McCall sued the governor in the Oklahoma Supreme Court in April 2020, seeking a determination that the governor lacked authority to enter into two of these agreements, with the Comanche Nation and Otoe-Missouria Tribe of Indians, on behalf of the state and that his actions did not, in fact, bind the state.³³ In July 2020, the Oklahoma Supreme Court granted declaratory relief, finding that Gov. Stitt did not have the authority to bind the state with respect to these agreements. The court noted that any gaming compact

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negotiated by the governor must conform with Oklahoma law enacted by the Legislature, including the State-Tribal Gaming Act.³⁴ By negotiating compacts that authorized forms of Class III gaming not authorized by the State-Tribal Gaming Act, such as house-banked card games, house-banked table games and/or event wagering, these compacts did not conform with the State-Tribal Gaming Act, and the governor exceeded his authority by entering into them.³⁵ The same officials also sued on similar grounds to challenge two agreements entered into by the governor with the United Keetoowah Band of Cherokee Indians (UKB) and Kialegee Tribal Town (KTT) in the same general timeframe. In early 2021, the Oklahoma Supreme Court also found those agreements invalid under Oklahoma law.³⁶

However, the Oklahoma Supreme Court's decisions did not end the matter. All four of the compacts were submitted to the Department of Interior for approval by the secretary, and, in each case, the secretary took no action on them. This led the tribes involved to consider the agreements "deemed approved" and thus valid authority to support Class III gaming activities.³⁷ The Cherokee Nation, Chickasaw Nation, Choctaw Nation and Citizen Potawatomi Nation filed suit in the U.S. District Court for the District of Columbia against the United States Department of the Interior, its representatives, Gov. Stitt and representatives of the tribes that negotiated new compacts to challenge the validity of these agreements.³⁸

This lawsuit alleges that Gov. Stitt did not have authority to enter into the 2020 agreements with the Comanche Nation, Otoe-Missouria Tribe, UKB and

KTT on behalf of the state of Oklahoma because they include terms from outside the Model Compact and, in several ways, violate the provisions of IGRA. As such, the plaintiff tribes argue that IGRA required the Department of the Interior to disapprove the agreements when presented for approval instead of taking no action on them. They assert the secretary's failure to do so was arbitrary, capricious and contrary to law. The complaint challenges the secretary's actions pursuant to the Administrative Procedures Act, asks the court to declare the secretary's lack of action (deemed approval) invalid and asks the court to remand the review of the compacts back to the secretary with a mandate to disapprove them. This case remains pending as of the writing of this article, with multiple dispositive motions on file. The outcome will impact the scope and validity of gaming operations of the Comanche Nation, Otoe-Missouria Tribe, UKB and KTT. It will also clarify whether the procedure for negotiation of tribal-state gaming compact terms used for these agreements comports with the current legal framework.

WHAT COMES NEXT FOR GAMING COMPACTS IN OKLAHOMA

Oklahoma tribal nations that had gaming compacts based on the Model Compact in place as of the end of the initial 15-year term on Dec. 31, 2019, have now entered the next 15-year term of their compacts and can continue to offer the games approved by those compacts. In exchange for the ability to have substantial exclusivity over Oklahoma gaming, as offered through the Model Compact, tribes will also continue to pay exclusivity fees to the tune

of over \$100 million per year to the state.³⁹ Eighty-eight percent of the exclusivity fees received go to the state's Education Reform Revolving Fund.⁴⁰ This status quo for compacts based on the Model Compact will continue until a termination event or some renegotiation of terms occurs. For example, as mentioned, the Model Compact allows for either party to request to renegotiate parts of the exclusivity provision in the Model Compact "within one hundred eighty (180) days of the expiration of this Compact or any renewal thereof ..."⁴¹ That renegotiation period comes up again in 2034.

Other avenues exist for adding covered games within the legal framework of the State-Tribal Gaming Act and Model Compact as well. In 2018, negotiations and a cooperative effort of the Oklahoma Legislature, Gov. Mary Fallin and multiple tribal nations with gaming compacts led to a statutory amendment with an offer by the state to allow gaming tribes to supplement their existing compacts to make non-house banked table games (such as roulette and craps) a part of their available, covered games under their compact terms. Many tribes accepted that offer and supplemented their compacts accordingly. The same type of procedure can further expand the types of covered games allowed through the Model Compact, but that procedure involves cooperation and compromise. Given the animosity engendered between Oklahoma and tribes by the dispute over the renewal of the compact terms (not to mention the jurisdictional changes wrought by *McGirt v. Oklahoma*, 591 U.S. ___, 140 S. Ct. 2452 (2020), and *Oklahoma v. Castro-Huerta*, 597 U.S., (2022)), the near-term likelihood of cooperative efforts seems low.

The real question involves whether additional tribal nations with current compacts based on the Model Compact terms will seek to renegotiate some of those terms in the same manner as the Comanche Nation, Otoe-Missouria Tribe, UKB and KTT. The results of the pending federal litigation will either discourage or encourage further individualized negotiations of that nature and clarify their scope. Acceptance of an expansion of terms for renegotiation, to include terms the Model Compact does not include in its renegotiation provision, can impact the field of tribal-state gaming compact negotiations in Oklahoma for years to come.

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ENDNOTES

1. See *Michigan v. Bay Mills Indian Cmty.*, 572 U.S. 782, 792 (2014).
2. *McGirt v. Oklahoma*, 140 S. Ct. 2452, 2482 (2020).
3. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202, 222 (1987); see also, Mike McBride III, "IGRA's Impact on Oklahoma Indian Country: The Infancy and First 15 Years of Battling for Class III Compacting," *Indian Gaming Lawyer* (Spring 2018) 17, available at <https://bit.ly/3TvhqV9> (last visited Aug. 4, 2022).
4. 25 U.S.C. §2701 *et seq.*
5. 25 U.S.C. §2703(4).
6. 25 U.S.C. §§2703(6), 2710(a).
7. 25 U.S.C. §§2703(7), 2710.
8. 25 U.S.C. §2710.
9. 25 U.S.C. §2703(8).
10. 25 U.S.C. §2710(d)(1)(C).
11. 25 U.S.C. §2710(d)(3)(C).
12. 25 U.S.C. §2710(d)(4).
13. 25 U.S.C. §2710(d)(3)(B).
14. Okla. Stat. tit. 3A, §261, *et seq.* (West 2021).
15. Okla. Stat. tit. 3A, §281 (West 2021).
16. *Id.*
17. *Id.*
18. The Oklahoma Indian Gaming Association published on its website some basic facts concerning tribal gaming within Oklahoma and its economic impact as reported in economic impact studies prepared by Klas Robinson Q.E.D. See Oklahoma Indian Gaming Association, <https://oiga.org> and <https://oiga.org/about/#facts> (last visited Aug. 4, 2022).
19. See *id.*
20. "Statement From Governor Stitt Regarding U.S. District Court Ruling," Okla. Gov. J. Kevin Stitt, (July 28, 2020), <https://bit.ly/3eaQ3iS> (last visited Aug. 4, 2022).
21. Okla. Stat. tit. 3A, §281 (West 2021).
22. *Id.*
23. Kevin Stitt, "New Gaming Compacts Must Protect the Interests of the Tribes and the State," *Tulsa World* (July 8, 2019), <https://bit.ly/3KOie3L> (last visited Aug. 2, 2022).
24. *Cherokee Nation v. Stitt*, Case No. 19-cv-1198-D (W.D. Okla.).
25. Okla. Stat. tit. 3A, §281 (West 2021).
26. Okla. Stat. tit. 3A, §262(A) (West 2021).
27. Chickasaw Nation and Cherokee Nation, both acting through subsidiaries, purchased Remington Park and Will Rogers Downs, respectively, in 2009 and 2004.
28. *Cherokee Nation v. Stitt*, 475 F. Supp. 3d 1277 (W.D. Okla. 2020).
29. *Id.* at 1282.
30. *Id.*
31. Some ancillary claims regarding exclusivity fee payments by the Wichita and Affiliated Tribes remain pending. Cross motions for summary judgment have been filed and await resolution.
32. Barbara Hoberock, "Gov. Stitt's legal, other fees in tribal gaming disputes tops \$2 million," *Tulsa World* (Dec. 28, 2021), <https://bit.ly/3TtYc87> (last visited Aug. 2, 2022).
33. *Treat v. Stitt*, 2020 OK 64, 473 P.3d 43.
34. *Id.*
35. *Id.*
36. *Treat v. Stitt*, 2021 OK 3, 481 P.3d 240.
37. See 25 U.S.C. §2710(d)(8)(C) (a tribal-state compact "shall be considered to have been approved ... but only to the extent the compact is consistent with" IGRA if the secretary of the Interior does not approve or disapprove the compact within 45 days of its submission).
38. *Cherokee Nation, et al. v. United States Department of Interior, et al.*, Case No. 20-cv-02167-TJK (D.C.).
39. The state of Oklahoma has recorded and published the exclusivity fees paid under the Model Compact for the fiscal years of 2006 through 2020 on its website. Okla. Office Of Mgmt. and Enter. Serv., <https://bit.ly/3R2Ot1a>, (last visited Aug. 2, 2022). The total rose from approximately \$14 million in 2006 to over \$148 million in 2019.
40. Okla. Stat. tit. 3A, §280 (West 2021).
41. Okla. Stat. tit. 3A, §281 (West 2021).



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Preliminary Observations on the Oklahoma Indian Gaming Landscape After the *McGirt* and *Castro-Huerta* Decisions

By William R. Norman Jr., M. Vincent Amato and Michael McMahan



IN 2021 ALONE, THE INDIAN GAMING INDUSTRY IN OKLAHOMA provided \$9.59 billion in state economic impact, \$163 million in exclusivity payments to the state treasury and 74,723 jobs for Oklahomans – Indian and non-Indian alike – often in otherwise depressed, rural communities.¹ The industry became an important economic driver in Oklahoma in the 1980s and emerged as a keystone of tribal-state cooperation in 2005 when Oklahoma tribes first began to implement the Model Tribal Gaming Compact (Model Compact), approved by a statewide referendum.

Recently, this decades-long economic force, and the tribal-state cooperation it represented, has been juxtaposed with politically charged rhetoric and strained tribal-state relations. This rhetoric became even more heated following the July 2020 U.S. Supreme Court decision in *McGirt v. Oklahoma*.² In that case, as has been widely publicized, the Supreme Court affirmed the existence of the Muscogee (Creek) Nation Reservation in eastern Oklahoma for criminal jurisdiction purposes.³ Incorporating the Supreme Court's argument there, Oklahoma courts have since affirmed at least nine other tribes' reservations, including the following: Cherokee Nation, Choctaw Nation, Chickasaw Nation, Seminole Nation, Miami Tribe, Ottawa Tribe,

Peoria Tribe, Wyandotte Nation and Quapaw Tribe.⁴

The Supreme Court again weighed in on jurisdictional issues between Oklahoma and its tribes in June 2022 in *Oklahoma v. Castro-Huerta*, holding that concurrent state and federal jurisdiction exists over prosecutions in Indian country.⁵ The *McGirt* and *Castro-Huerta* decisions create the potential for new tribal-state disputes to permeate Oklahoma Indian gaming. This article briefly discusses the established Indian gaming legal structures against which *McGirt* and *Castro-Huerta* should be viewed and observed concerning efforts to erode the mature Indian gaming market in Oklahoma, which have so far been unsuccessful.

INDIAN GAMING FRAMEWORK IN OKLAHOMA

Nationwide expansion of tribal gaming ventures in the 1970s and 1980s, including pioneering efforts undertaken by Oklahoma tribes,⁶ were expedited by a Supreme Court decision upholding the industry's legality on Indian lands in 1987.⁷ Congress was increasingly pressured by states to allow them to impose limitations upon and give them a say in the framework for permissible Indian gaming throughout the country. This interest was codified in 1988 as the Indian Gaming Regulatory Act (IGRA), with enumerated policy goals, including "promoting tribal economic development" and shielding

tribal gaming from “corrupting influences.”⁸

First, IGRA created an independent federal regulatory agency, the National Indian Gaming Commission (NIGC), to develop and enforce standards for gaming on Indian lands.⁹ Second, it created a classification system for permissible Indian gaming activity that, in short, includes traditional Indian games or social games as “Class I gaming”; bingo, pull tabs, lotto, other games similar to bingo and specific card games as “Class II gaming”; and all other gaming activity as “Class III gaming.”¹⁰ Finally, IGRA itemized necessary requirements for tribes to conduct Class II gaming and Class III gaming, notably the tribe’s enactment of a compliant gaming ordinance for Class II and Class III gaming¹¹ and the additional requirement for an agreed tribal-state compact to be in place for a tribe to conduct Class III gaming.¹²

In Oklahoma, 35 tribal governments operate over 130 gaming facilities, offering a mix of Class II and Class III games under IGRA.¹³ Each of these tribes’ gaming is governed by a tribal gaming ordinance¹⁴ and the Model Compact, with the tribes themselves as the front-line regulatory authorities. This multi-layer governance structure has worked so far to safeguard both the public and tribal interests in the tribal gaming industry, is malleable enough to incorporate technological advances in tribal gaming and has proven to be economically robust for tribes and Oklahoma. This same three-pronged structure should help insulate the tribal gaming industry in the larger continuing jurisdictional battle between the state and tribes.

THE INDIAN GAMING REGULATORY ACT’S INDIAN LANDS DEFINITION

Under IGRA’s framework, Indian gaming is permissible only on “Indian lands,” a term of art defined as “all lands within the limits of any Indian reservation” or lands outside a reservation, held either in trust or restricted fee status, over which the tribe also “exercises governmental power.”¹⁵ Although the act generally contemplates gaming on reservation lands,¹⁶ Congress crafted a special provision for Oklahoma tribes. Absent a reservation, this provision permits a tribe to conduct gaming “within the boundaries of the Indian tribe’s former reservation” or on land “contiguous” to the tribe’s other trust or restricted fee lands.¹⁷ In essence, Congress equated trust land acquired by a tribe in Oklahoma within its last recognized reservation boundaries to reservation land for gaming eligibility under the act.

Thus, while many tribes have maintained their reservations were never disestablished, both before and after the *McGirt* decision, tribes who have received recent judicial recognition of fully intact reservations could find they have newfound flexibility in terms of future gaming facility placement. These tribes may arguably rely on the general “Indian lands” definition, which is inclusive of all land within a reservation, as opposed to depending upon the narrow Oklahoma exception in the act that typically requires an often lengthy, expensive and unpredictable trust acquisition process administered by the Department of the Interior.

PREEMINENCE OF THE INDIAN GAMING REGULATORY ACT

In IGRA, Congress stated the policy position of promoting Indian gaming to support strong tribal governments, and courts at all levels have held that IGRA preempts state laws¹⁸ that bear on Indian gaming.¹⁹ As recently as this term, the U.S. Supreme Court affirmed IGRA’s preemptive effect. In *Ysleta del Sur v. Texas*,²⁰ the Supreme Court was tasked with determining how to apply a tribe-specific federal statute to a tribal-state gaming dispute. Invoking IGRA and rebuffing state arguments that a federal statute concerning the Pueblo incorporated Texas gaming law, the Supreme Court rejected a broad incorporation of Texas law and remanded further questions of the Pueblo’s gaming activity to the appellate court consistent with IGRA.²¹ Citing IGRA’s preclusive effect, the Oklahoma Supreme Court has found that Oklahoma counties may not impose *ad valorem* taxes on gaming equipment owned by a non-Indian entity within Indian country.²²

Nothing in either the *McGirt* or *Castro-Huerta* decision addressed IGRA or contained language that appeared to be designed to alter the act’s framework. For instance, if a tribe were to consider a new gaming facility project in light of the *McGirt* decision, it would still be required to notify the NIGC months in advance of any potential new gaming facility, satisfy the tribal gaming regulatory authority’s standards for issuing a facility license and once again notify the NIGC following the issuance of the tribal gaming facility license.²³ As a result, NIGC’s monitoring, inspection and investigation authority over Indian gaming continues to be unaffected

by these decisions.²⁴ Before and after opening a facility, tribes still have to comply with IGRA's environment, public health and safety (EPHS) provision that governs gaming facility placements from the universe of parcels available to a tribe. The act requires, "The construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety."²⁵ To realize this, the NIGC is empowered to require a tribe to submit documentation proving adequate EPHS protections prior to the commencement of new gaming activity.²⁶ Many Oklahoma tribes' gaming ordinances exhaustively enumerate EPHS concerns, such as fire suppression technology, access to potable water, hazardous material sites and climate concerns.²⁷ Thus, IGRA will continue to loom large when considering placement for new gaming facilities.

Additionally, the NIGC will continue to review certain contracts between Indian gaming facilities and other third parties, including contracts a tribe enters into that purport to delegate managerial authority over or may have the potential to grant a proprietary

interest in Indian gaming to a third party.²⁸ The NIGC retains authority to review and void any contract that grants a third-party management authority without the NIGC's prior approval or grants a proprietary interest in an Indian gaming facility to a third party.²⁹

THE MODEL TRIBAL GAMING COMPACT

In addition to IGRA, Class III Indian gaming in Oklahoma also must comply with the Model Compact. Just as IGRA will continue to hold regulatory weight on Indian lands, so too will the Model Compact's regulatory scheme for Class III gaming.³⁰ The Model Compact explicitly disclaims any effect on pre-existing civil and criminal jurisdiction at either the tribal, federal or state level,³¹ and federal courts have held that Oklahoma's state courts lack jurisdiction to adjudicate either prize or tort claims under the Model Compact, deferring instead to tribal courts and administrative bodies.³²

As a result, no regulatory gap exists currently, nor should any exist in the future, that would support a challenge to Oklahoma's gaming regulatory structure based on the holding in *Castro-Huerta*. Under the Model Compact, the

tribes themselves are established as the primary regulators overseeing all licensing and other gaming-related activity in Oklahoma. Additionally, it is worth emphasizing that the Model Compact's supremacy has recently been affirmed by Oklahoma courts, even after the *McGirt* decision.³³ The Model Compact incorporates extensive regulations the tribes have adhered to for decades as part of the NIGC and tribes' regulation of the Indian gaming industry in Oklahoma. These include audit and compliance standards, recordkeeping requirements, rules for barring patrons who threaten a facility's integrity and restrictions on alcohol sales and underage gambling.³⁴ These regulations have been essential to maintaining the integrity and safety of Indian gaming in Oklahoma since long before the Model Compact's inception, and they should continue unaltered by the *McGirt* and *Castro-Huerta* decisions.

THE ROLE OF TRIBAL GAMING ORDINANCES

In addition to federal law and the tribal-state Model Compact, tribes must also comply with their own gaming laws, including both ordinances and regulations. IGRA,

Nothing in either the *McGirt* or *Castro-Huerta* decision addressed IGRA or contained language that appeared to be designed to alter the act's framework.

NIGC regulations and the Model Compact establish the minimum standards or basic guidelines tribes must follow. Tribes incorporate many of these requirements into their own gaming ordinances in general form and add greater detail to regulations promulgated by a tribal control agency. Tribal regulations, in addition to these state and federal regulatory controls, aim to ensure that tribal gaming is a viable means of economic development and self-sufficiency. With this in mind, the gaming regulations of Oklahoma tribes generally discourage legal risk and encourage sound business practices and economic stability, which helps foster economic development and serves to limit the possibility of radical changes to the Oklahoma tribal gaming landscape.

Moreover, tribes and their gaming regulators are generally mindful of the fact that tribal gaming ordinances – which are themselves guided by and incorporate provisions of detailed federal guidance and regulations – are given weight by federal law. Thus, violations of tribal gaming ordinances are tantamount to violations of federal regulations. For example, many tribes impose more stringent limitations on gaming facility placement than IGRA or the Model Compact. Many tribes prohibit gaming on lands that are not held in trust or restricted fee status, which eliminates economic risks associated with leases.³⁵

Oklahoma's tribal gaming market is mature. Tribes are fiercely protective of existing gaming revenues and the limitations on the use of the revenues under IGRA.³⁶ They are also typically protective of existing jobs, measured in their evaluation of the feasibility and cost of additional locations and mindful of the dangers of market saturation. In short, since *McGirt*

was decided, there has not been an explosion of new tribal gaming facilities or attempts to make significant changes to federal laws and regulations, the Model Compact or tribal ordinances and regulations. Moving forward, it is reasonable to expect that the tribes will continue to proceed prudently, as they have in the past, with gaming development decisions focused on economic sense, rather than risk and experimentation or jurisdictional issues decided in *McGirt*.

CONCLUSION

McGirt's affirmance of the continued existence of certain Indian reservations in Oklahoma, coupled with the *Castro-Huerta* decision's recognition of concurrent criminal jurisdiction, has caused some state officials to claim that post-*McGirt* Oklahoma is a lawless dystopia. However, it is important to recognize that Indian gaming in Oklahoma has, since its inception, operated in an environment permeated with constant, multitiered regulatory scrutiny; strategic decisions, both legal and economic; and a great deal of pragmatism. Against these forces of legal and economic inertia, it is unlikely the *McGirt* or *Castro-Huerta* decisions will cause an explosion of new casinos or staggering changes to the Oklahoma Indian gaming industry. Federal laws and regulations (specifically those contained in IGRA and promulgated by the NIGC), regulatory provisions in the Model Compact and the tribes' own strict gaming ordinances and regulations will continue to be the predominant factors in determining future tribal gaming activity.

ABOUT THE AUTHORS



William R. Norman Jr., managing partner for the Oklahoma office of Hobbs, Straus, Dean & Walker LLP, has spent the last 28 years promoting and defending the rights of tribal governments. Prior to joining Hobbs Straus, he served a two-year clerkship for the United States Court of Appeals for the 3rd Circuit.



M. Vincent "Vinnie" Amato has served as a law clerk at Hobbs, Straus, Dean & Walker LLP since 2021 and

became an associate in September 2022. Originally from Massachusetts, Mr. Amato developed a passion for Indian law during his undergraduate while in the Native American Studies department at West Virginia University. His primary legal interest is Indian gaming.



Michael McMahan is a partner with the law firm Hobbs, Straus, Dean & Walker LLP. He has been representing tribal governments in various capacities since 1997. Mr. McMahan also has a significant tribal and non-tribal transactional and bankruptcy background and litigation experience at all levels of tribal, state and federal courts.

ENDNOTES

1. Am. Gaming Ass'n, "State of Play: Oklahoma" (Dec. 31, 2021), available at www.americangaming.org/state/oklahoma; Okla. Off. of Mgmt. & Enter. Servs., *Gaming Compliance Unit, Annual Report, Fiscal Year 2021* (Jun. 30, 2021), available at <https://bit.ly/3TBMyc0>.
2. *McGirt v. Oklahoma*, 591 U.S. ___, 140 S. Ct. 2452 (2020).
3. *Id.* at 2459 (2020).
4. See *Bosse v. State*, 2021 OK 3, 484 P.3d 286, 291 (Chickasaw Nation Reservation); *Hogner v. State*, 2021 OK CR 4 at ¶4, 500 P.3d 629 (Cherokee Nation Reservation); *Grayson v. State*, 2021 OK CR 8, 485 P.3d 250, 254 (Seminole Nation Reservation); *Sizemore v. State*, 2021 OK CR 6, 485 P.3d 867, 871 (Choctaw Nation Reservation); *Oklahoma v. Leppard*, CF-2019-194 (Okla. Dist. Ct. Nov. 12, 2020) (Miami Tribe Reservation); *Oklahoma v. Brester*, CF-2020-178 (Okla. Dist. Ct. Mar. 2, 2021) (*appeal filed*) (Ottawa

Tribe Reservation); *Oklahoma v. Tate*, CM-2020-207 (Okla. Dist. Ct. Apr. 21, 2021) (Peoria Tribe Reservation); *Oklahoma v. Bear*, CF-2011-204 (Okla. Dist. Ct. Apr. 21, 2021) (Wyandotte Nation Reservation); *Oklahoma v. Lawhorn*, 2021 OK CR 37 at ¶12, 499 P.3d 777 (Quapaw Tribe Reservation).

5. *Oklahoma v. Castro-Huerta*, 597 U.S. ___, 2022 WL 2334307, 2022 U.S. LEXIS 3222 (*Castro*). “Indian country” is a term of art under federal statute, which includes Indian reservations, notably those affirmed through the *McGirt* decision and subsequent state court proceedings. See 25 U.S.C. §1151.

6. See, e.g., W. Dale Mason, “Gaming, Indian,” *The Encyclopedia of Okla. History and Culture* (2009).

7. See *California v. Cabazon Band*, 480 U.S. 202 (1987).

8. 25 U.S.C. §2702.

9. 25 U.S.C. §§2704, 2706.

10. 25 U.S.C. §2703(6)-(8).

11. 25 U.S.C. §2710(b).

12. 25 U.S.C. §2710(d). Note that courts have struck down some of the important aspects of IGRA meant to protect tribes from states, including the obligation of states to negotiate in good faith with tribes seeking a gaming compact, and the imposition of secretarial procedures where a state fails to do so. *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 116 S. Ct. 1114; 134 L. Ed. 2d 252 (1996); *New Mexico v. Dep’t of the Interior*, 854 F.3d 1207, 1211 (10th Cir. 2017).

13. Okla. Indian Gaming Ass’n, History (2017), available at oiga.org/about.

14. The form and content of tribal gaming ordinances have historically been largely dictated by the NIGC, which provides a Model Tribal Gaming Ordinance that contains significant mandatory language, although each tribe may customize its own ordinance somewhat to its own particular needs. All tribal gaming ordinances must be approved by the NIGC chairman before they go into effect. 25 U.S.C. §2710(b)(1)(B). Approved gaming ordinances and the NIGC’s own model ordinances may be found at <https://bit.ly/3cNvXLj>.

15. 25 U.S.C. §2703(a)(4).

16. 25 U.S.C. §2719.

17. *Id.* §§2719(a)(1)-(2).

18. See, e.g., *Cayuga Nation v. Tanner*, 6 F.4th 361, 368 (2nd Cir. 2021) (stating that the IGRA “preempts all state and local regulatory authority over certain classes of gambling conducted on ‘Indian lands’”) (quoting *Mashantucket Pequot Tribe v. Town of Ledyard*, 722 F.3d 457, 469-70 (2nd Cir. 2013), explaining that the IGRA “was intended to expressly preempt the field in the governance of (gaming activity on Indian lands)”; *Pueblo of Pojoaque v. New Mexico*, 863 F.3d 1226, 1235 (10th Cir. 2017) (noting that the IGRA “expressly preempt[s] state regulation of gaming activity that occurs on Indian lands”).

19. 25 U.S.C. §§2701(4), 2702(1).

20. 142 S. Ct. 1929, 1936-1939 (2022).

21. *Id.*

22. See, e.g., *Video Gaming Techs. v. Rogers Cnty.*, 2019 OK 83, 475 P.3d 824, 834 (“We find that ad valorem taxation of gaming equipment here is preempted [by the IGRA]”).

23. 25 C.F.R. §§559.2(a), 559.3.

24. 25 U.S.C. §2706(b).

25. 25 U.S.C. §2710(b)(2)(E).

26. 25 C.F.R. §559.6.

27. See, e.g., Cherokee Nation Code tit. 4, §5(B).

28. 25 U.S.C. §2711(b).

29. 25 U.S.C. §2711(f).

30. In 2020, Oklahoma tribes secured a victory over Oklahoma’s governor, who had attempted to unilaterally terminate the existing gaming compacts, confirming the automatic renewal of the Model Compact. *Cherokee Nation v. Stitt*, 475 F. Supp. 3d 1277, 1279 (W.D. Okla. 2020).

31. Model Compact, §9.

32. See, e.g., *Comanche Nation v. Oklahoma*, 2010 WL 11564937 (W.D. Okla., Dec. 28, 2010).

33. *Treat v. Stitt*, 2021 OK 3, 481 P.3d 240, 241 (holding, “For the new compacts to be valid under Oklahoma law, the Executive branch must have negotiated the new compacts within the statutory bounds of the Model Tribal Gaming Compact ...”).

34. Model Compact §5(A)-(K).

35. Cherokee Nation and Chickasaw Nation provide examples of such restrictions. See Cherokee Nation Code tit. 4, §4(Q); Chickasaw Nation Code tit. 3, §3-201.3(15). Similarly, the Muscogee Creek Nation’s Public Gaming Code limits its scope to gaming on “Muscogee (Creek) Nation property,” even if certain gaming licenses within the code, such as a satellite bingo license, contemplate gameplay at any location within the tribe’s reservation boundaries. See Muscogee (Creek) Nation Code of Laws, tit. 21, §§3-101, 3-103(I)-(J).

36. Under IGRA (25 U.S.C. §2710(b)(2)(B)), a tribe may use its net gaming revenues for only limited purposes, specified by statute:

- 1) to fund tribal government operations or programs;
- 2) to provide for the general welfare of the Indian tribe and its members;
- 3) to promote tribal economic development;
- 4) to donate to charitable organizations; or
- 5) to help fund operations of local government agencies[.]

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The Risks of Failing to Timely Serve Your Defendant

By Evan Humphreys

UNDER 12 O.S. §2004(I), A plaintiff has 180 days from the filing of their petition to serve their defendant. Failing to do so can result in a dismissal. On its face, this appears to be a straightforward and easy-to-follow rule. But despite its seemingly simple nature, there are over a dozen published opinions on the issue. There has been at least one major appellate case on Section 2004(I) every year since 2019. How has such a clear-cut rule spawned so much litigation?

THE HISTORY OF SECTION 2004(I)

The Oklahoma Pleading Code was first enacted in 1984. Included in the code was the first version of Section 2004(I). It stated that a petition must be dismissed if there was no service on the defendant within 120 days of filing unless good cause was shown. It also required dismissal if no service was made within 180 days of filing and did not give an opportunity for the plaintiff to show good cause.

The very basics of this structure have remained in place ever since. There is a prescribed time for the plaintiff to serve the defendant and dismissal is possible (or required) if service is not accomplished in that time period. However, the details, such as how long a plaintiff has to serve the

defendant and the extent to which dismissal is discretionary, have changed radically.

The first major amendment came in 1989. It now stated that a plaintiff had 180 days to serve the defendant unless they could show good cause. The next major change occurred in 1990 when the language stating the petition “will be deemed dismissed” was altered to say “may be dismissed.” Thus, dismissal was largely discretionary for the next 20 odd years.

The next alteration had a bit of a false start. In 2009, Oklahoma enacted the Comprehensive Lawsuit Reform Act (CLRA), which, among other things, amended Section 2004(I) to say that a petition will be “deemed dismissed” for failure to serve the defendant within 180 days.¹ However, the CLRA was struck down as unconstitutional in 2013.² Nevertheless, Section 2004(I) was amended again in 2013 to restore the “deemed dismissed” language – this time for good. As a result, dismissal of a petition became mandatory unless there was good cause for the failure to timely serve.

But even the “good cause” language of 2004(I) would change again. In 2017, the wording of the section was amended from “cannot show good cause” to “has not shown good cause.” The Court of

Civil Appeals has held that this language requires the plaintiff to make their showing of good cause within their 180-day time limit.³

The most recent amendment to Section 2004(I) was made in 2021. First, the section was changed to say that the court must dismiss the case if there has been no service made on any defendant within 200 days of filing the petition. The statute does not give the plaintiff any opportunity to show good cause under this scenario. Second, the phrase “and Section 100 of this title shall be applicable to any refiling of the action” was added in reference to a dismissal for failure to serve a defendant within 180 days without good cause.⁴

Thus, as currently written, Section 2004(I) gives a plaintiff 180 days from the day of filing to serve the defendant with notice. Before that 180-day period ends, the plaintiff must show good cause if they cannot timely make service. And if there is no service within 200 days of filing, the petition is dismissed whether or not good cause exists.

HOW TO SHOW GOOD CAUSE AND WHAT IT IS

Under the current wording of the statute, the plaintiff can get around the 180-day limit for service if they can show good cause. The



plaintiff must make this showing before their 180 days expire. The burden is on the plaintiff to show good cause, and whether they have met their burden is largely left to the trial court's discretion.⁵ A substantive delay is not dispositive on the issue of good cause, and the trial court must exercise its discretion in examining the circumstances.⁶ The plaintiff's showing of good cause must be supported by evidence, such as testimony or affidavits, rather than conclusory statements in court-filed papers.⁷ The defendant is only required to show prejudice from the delay in service if the plaintiff has met their burden first.⁸

Unfortunately, there are more cases showing what does *not* constitute good cause rather than what does. Uncertainty as to the proper defendant in the action

does not rise to the level of good cause.⁹ Waiting 14 months for one defendant to affirm or deny the employee status of another defendant does not constitute good cause.¹⁰ However, fear of sanctions has been found to be good cause for a 43-day delay in service.¹¹

WHEN THE 180-DAY LIMIT STARTS TO RUN

An unsettled question in interpreting Section 2004(I) is when this time limit for service starts. The statute says a defendant must be served within 180 days of the filing of the petition. But what if the plaintiff files an amended petition and serves the defendant within 180 days of this subsequent filing? Has service been timely made?

No published case in Oklahoma explicitly answers this question. However, at least one federal case

has held that filing an amended petition does not renew the plaintiff's time to serve the defendant.¹² The court, in that case, reasoned that allowing a plaintiff to effect timely service after filing an amended petition would allow them to endlessly evade the 180-day rule. In one state appellate case, the trial court also rejected an argument that the 180-day period was renewed by filing an amended petition, but the issue was not addressed on appeal.¹³ Ultimately, the best practice for plaintiffs is to make the necessary showing of good cause before 180 days have passed from the filing of the original petition and not rely on any amended petition.

Every lawyer has other cases and obligations that might prevent them from timely serving a defendant. But waiting too long can cause unnecessary delay, headache and litigation.

DISMISSING THE CASE FOR FAILURE TO TIMELY SERVE

If the plaintiff's petition has been dismissed against any or all defendants for failure to serve them, that is not necessarily the end of the case. Section 2004(I) states that any such dismissal is made without prejudice to refiling. In addition, since the 2021 amendments, the section expressly states that the savings statute applies to these dismissals. Recent Supreme Court precedent held that the one-year time limit of Section 100 begins to run from the day the appealable order dismissing the case is filed.¹⁴ Prior cases held that the savings statute began to run from the 181st day after the petition was filed, but these are no longer good law.

THE EFFECT OF COVID-19

The COVID-19 pandemic undeniably caused massive disruptions to the legal system. But what effect the pandemic had and will continue to have on Section 2004(I) is less certain. In 2020, the Supreme Court issued multiple administrative decisions suspending all deadlines between March 16 and May 15 of that year.¹⁵ The Supreme Court subsequently held that this time period from March 16 to May 15, 2020,

is excluded from the 180-day calculation of Section 2004(I).¹⁶ While the courts are back open, it remains to be seen how much effect the COVID-19 pandemic and its future variants will have on Section 2004(I). Any practitioner relying on COVID-19 to show good cause for their failure to timely serve a defendant must remember to follow the general rules that apply to this section, including the need to make their showing by evidence rather than mere assertion.

THE CURRENT RULES OF SECTION 2004(I)

In summary, the current structure of Section 2004(I) requires plaintiffs to serve their defendants within 180 days of filing their petition. If they cannot timely serve a defendant, they must make an evidence-based showing of good cause before that 180-day time limit expires. If good cause has been shown, the defendant must then show they have been prejudiced by the delay. Whether good cause has been shown is mostly up to the trial court. Any dismissal must be without prejudice, and the savings statute begins to run from the day an appealable order is filed.

While this is the status quo of Section 2004(I), practitioners

should expect future changes to the language and interpretation of this statute. Overall, they should keep in mind this principle from the Pleading Code: "It shall be construed to secure the just, speedy, and inexpensive determination of every action."¹⁷ Every lawyer has other cases and obligations that might prevent them from timely serving a defendant. But waiting too long can cause unnecessary delay, headache and litigation. Timely serve your defendants, and you can avoid the trouble caused by Section 2004(I).

ABOUT THE AUTHOR



Evan Humphreys is a solo practitioner in Guymon, focusing on civil law, impact litigation and appellate proceedings.

He is also a contract attorney for Legal Aid Services of Oklahoma. He earned his J.D. from the Emory University School of Law in 2016.

ENDNOTES

1. *Thibault v. Garcia*, 2017 OK CIV APP 36, ¶17.
2. *Douglas v. Cox Retirement Properties, Inc.*, 2013 OK 37.
3. *Thacker v. Cowling*, 2020 OK CIV APP 41, ¶15.
4. See 12 O.S. §100 (a timely filed action may be refiled within one year of reversal or dismissal other than on the merits).
5. *Willis v. Sequoyah House, Inc.*, 2008 OK 87, ¶11.
6. *Clark v. Ralston*, 2007 OK CIV APP 88, ¶14.
7. *Thacker v. Cowling*, 2020 OK CIV APP 41, ¶25.
8. See *Fischer v. Baptist Health Care of Oklahoma*, 2000 OK 91, ¶7.
9. *Brown v. K-MAC Enterprises*, 897 F.Supp.2d 1098, 1108 (N.D. Okla. 002012).
10. *Clark v. Ralston*, 2007 OK CIV APP 88, ¶17.
11. *Fischer v. Baptist Health Care of Oklahoma*, 2000 OK 91, ¶9.
12. *Brown v. K-MAC Enterprises*, 897 F.Supp.2d 1098, 1106-07 (N.D. Okla. 2012).
13. *Thibault v. Garcia*, 2017 OK CIV APP 36, ¶13.
14. *Cole v. Josey*, 2019 OK 39, ¶16.
15. SCAD No. 2020-24, SCAD No. 2020-29, and SCAD No. 2020-36.
16. *McBee v. Shanahan Home Design*, 2021 OK 60, ¶18.
17. 12 O.S. §2001.

Congratulations to Jimmy K. Goodman, 2022 Joe Stamper Distinguished Service Award Recipient

A former president of Crowe & Dunlevy, the Oklahoma Bar Foundation, the Oklahoma County Bar Association, and current President of the American Bar Foundation, **Jimmy** has gone above and beyond to serve the legal and local community, setting high leadership standards in the process. His dedication and enthusiasm to the betterment of society, combined with years of participation in professional and civic organizations, is inspiring. With great admiration, we congratulate **Jimmy** on this well-deserved honor.



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ONE STATE ★ MANY NATIONS

OKLAHOMA IS HOME TO 39 FEDERALLY RECOGNIZED TRIBAL NATIONS that richly contribute to our state's unique culture and history. This year's Annual Meeting will feature a variety of content and speakers who will join us in celebrating our state's Native American heritage while exploring the various facets of law related to tribes, tribal people and tribal sovereignty.

All events will be held Nov. 2–4 at the Oklahoma City Convention Center unless otherwise specified.

HIGHLIGHTS

One State – Many Nations (6-Hour CLE) | Wednesday Morning & Afternoon

This dual-tracked CLE program features a variety of speakers who will discuss topics of interest to every OBA member, including property matters, energy law, taxation issues, criminal law jurisdiction matters and more. A panel discussion featuring several tribal Supreme Court justices will be moderated by OBA President Jim Hicks. Attend online or in person.

President's Reception | Wednesday Evening

The event is free with Annual Meeting registration, and complimentary heavy hors d'oeuvres and drink tickets will be provided.

CLE Plenary Session (3-Hour CLE) | Thursday Morning

Our Thursday morning plenary session will feature a variety of topics related to tribal sovereignty. The cost of this program is included with your Annual Meeting registration fee.



*Chuck Hoskin Jr.,
Principal Chief,
Cherokee Nation*

Annual Luncheon | Thursday at Noon

Keynote speaker Principal Chief Chuck Hoskin Jr. of the Cherokee Nation will speak during the Annual Luncheon on Thursday at noon as part of the OBA Annual Meeting. OBA award winners for 2022 will also be honored at this event.

Wellness Matters: Lawyers Helping Lawyers CLE Program | Thursday Afternoon

The focus will be on wellness, mental health and substance abuse during this afternoon session. The cost of this program is included with your Annual Meeting registration fee. Attend online or in person. Sponsored by the OBA Lawyers Helping Lawyers Assistance Program.

Diversity Awards Dinner | Thursday Evening

OBA Diversity Awards are presented to Oklahoma businesses, groups or organizations promoting or developing diversity initiatives that advance justice, fairness and inclusivity. Awards are also presented to Oklahoma lawyers and members of the judiciary. Tickets will be available for purchase.

Delegates Breakfast | Friday Morning

Kick off the last day of the Annual Meeting with a generous breakfast and hear from OBA member and Cherokee Nation citizen Dwight Birdwell, who was recently presented with the Congressional Medal of Honor for military valor during the Vietnam War. The breakfast is free for delegates; tickets may be purchased separately for nondelegates.



*Dwight W. Birdwell,
Congressional Medal
of Honor recipient*

General Assembly and House of Delegates | Friday Morning

The most important association business of the year takes place Friday morning – OBA award presentations, updates from judicial and OBA leaders, elections and consideration of resolutions. The Kiowa Black Leggings Warrior Society will present the colors.



*The Kiowa Black Leggings
Warrior Society will present
the colors at Friday morning's
General Assembly.*

Wednesday CLE – Two Tracks to Choose From!

Six hours of CLE; includes one hour of ethics.

Agenda is subject to change.

Criminal Law Track

- 9 – 9:50 a.m. Sabah Khalaf – DUIs in Indian Country: A Post *McGirt* Analysis and Update
- 10 – 10:50 a.m. Jacintha Webster – Tribal Court Victims' Rights and Criminal Practice
- 11 – 11:50 a.m. Debra Gee – Tribal Prosecution and the Violence Against Women Act
- Noon – 1:45 p.m. Law School Luncheons
- 2 – 2:50 p.m. Chrissi Ross Nimmo – "Jurisdiction" by Agreement – A Discussion of Criminal Jurisdiction Post-*McGirt* and How Governmental Agreements Impact It
- 3 – 3:50 p.m. Arvo Mikkonen – Tribal Issues (includes ethics credit)
- 4:15 – 5 p.m. Many Courts: Tribal Supreme Court Justice Panel moderated by OBA President James R. "Jim" Hicks

Property Track

- Conor Cleary – Legal Ethics Issues in Indian Country (includes ethics)
- Dana Murphy – The Regulatory Interface Between the Oklahoma Corporation Commission and Tribes
- Jennifer Krieg – Probate and Quiet Title Considerations
- Stephanie Moser Goins – *McGirt* and the Energy Sector
- Greg Buzzard – Taxation in Indian Country

2022 OBA AWARDS

AWARD OF JUDICIAL EXCELLENCE



**Judge
Jennifer
Brock,
Newkirk**

Judge Jennifer Brock has been named the recipient of the Award of

Judicial Excellence for her tireless efforts to implement and fund two specialty courts in Kay County. The goal of the Family Treatment Court program is to teach parents how to create and sustain a safe, substance-free home, thereby increasing the odds of family reunification. The Anna McBride Court program focuses on mental health and substance abuse, exploring alternatives to incarceration for offenders charged with criminal offenses. Also, because there are only a few veterans courts in Oklahoma, a veterans track was added. Veterans with mental health and substance problems are provided a mentor who guides them toward specific services and helps them find solutions for their particular needs.

Interest in these programs has grown steadily throughout Kay County thanks to the ongoing efforts of Judge Brock. She created two teams consisting of the district attorney, defense attorneys, treatment providers, the

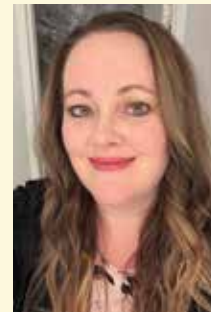
jail's crisis intervention coordinator, ICWA tribal workers, court coordinators and an advisory group. She meets with each team regularly to solicit their input and feedback on participants and issues that arise.

Judge Brock was the driving force behind funding both programs. She helped secure a grant of \$72,000 per year for five years for the Family Treatment Court beginning in July 2019, and she was responsible for securing a \$60,000 grant per year for five years from the state of Oklahoma for the Anna McBride Court that started in January 2020.

She also oversees the Kay County Adult DUI/Drug Court. The prior existence of the court was implemented by Judge Philip Ross, who appointed Judge Brock to her current position, and it is what prompted the Anna McBride and Family Treatment courts. Her assignment to the court, in addition to working with the team, helped her realize they needed more. Judge Brock has recently received funding for and has started the process to implement an Adult Drug/DUI Court in Noble County as well.

While many believe these specialty courts would not exist today without her dedication and leadership, Judge Brock is quick to give praise to the work of others, crediting the programs' successes to the skills and resources of the various team members and volunteers who offer their time and talents.

LIBERTY BELL AWARD



**Allison Hall,
Tulsa**

The Liberty Bell Award is given to non-lawyers or lay organizations for promoting or publicizing matters regard-

ing the legal system. Allison Hall, a court reporter in Tulsa County, identified an emerging shortage of court reporters in Oklahoma and across the United States and devised a plan to address the problem. She is being honored for proactively taking steps to address the shortage before it reached crisis proportions.

Beginning in January 2018, Ms. Hall worked tirelessly to create eight court reporting programs across the country (two of which are in Oklahoma) in order to develop a well-trained court reporting workforce. She teaches at both Oklahoma schools, and she trains the instructors and administers the curriculum at all eight schools.

Court reporters are an integral part of the legal system, using electronic recording devices to capture every single word spoken during trials, depositions and legal proceedings in real time to create an official, verbatim record that can be referenced later. Ms. Hall received an associate's degree in court reporting in 1999. She is

registered as a diplomat, merit, professional, realtime and short-hand reporter.

In addition to teaching and training, Ms. Hall serves as a mentor and advisor to any court-reporting student who asks for her assistance, even if they have not attended any of the programs she established. Tulsa County and the entire state of Oklahoma have directly benefitted from her leadership, quick thinking and dedication.

JOE STAMPER DISTINGUISHED SERVICE AWARD



**Jimmy K. Goodman,
Oklahoma City**

The Joe Stamper Distinguished Service Award honors individuals who volunteer innumerable hours to further the goals of the OBA. Jimmy Goodman is a trial lawyer in the Oklahoma City office of Crowe & Dunlevy PC. He has worked there since 1973 – the majority of his 51-year career. He previously served as president of the Oklahoma County Bar Association and the Oklahoma Bar Foundation and was a long-standing member of the Oklahoma Supreme Court's Uniform Civil Jury Instructions Committee.

In addition to his legal practice, Mr. Goodman has dedicated himself to giving back to the legal profession. He has been an active member of the ABA, holding numerous leadership positions, including representing Oklahoma and the Oklahoma County Bar Association in the ABA House of Delegates. He was most recently elected president of the American Bar Foundation, effective Sep. 1, 2022. He has been a tireless fundraiser for and supporter of Legal Aid Services of Oklahoma and has dedicated countless hours to mentoring and encouraging younger attorneys. He is also proud to have served on the team that drafted the mission statement for the Oklahoma City National Memorial.

Over the years, Mr. Goodman has received numerous professional honors and awards in recognition of his high ethical standards, pro bono service and efforts to increase diversity in the Oklahoma legal profession. He has always been among the first to offer words of support and encouragement to others during personal and professional struggles, and he has never been too busy to provide honest feedback and recommendations on the professional goals of fellow lawyers.

ALMA WILSON AWARD



**Sarah Brune Edwards,
Oklahoma City**

The Alma Wilson Award is given to individuals who have made a significant contribution to improving the lives of Oklahoma children. Sarah Brune Edwards, an attorney at Hartzog Conger Carson, has dedicated her entire career to improving the lives of Oklahoma's children and families.

Ms. Edwards began her legal career as an attorney for the Oklahoma House of Representatives in 2005. During the next four years, she worked primarily with human services committees, which opened her eyes to the need for improvements in Oklahoma Child Welfare Services. In 2009, she was named deputy general counsel for Gov. Henry, primarily assisting with pardons, paroles, commutations and executions. In the course of her work, she soon realized that many people moved directly from Child Welfare Services into the prison system.

Chief Juvenile Court Judge Lisa Davis asked Ms. Edwards to help devise improvements in the Juvenile Court and Child Welfare Services in 2015. The result was Citizens for Children and

Families (CCF), a nonprofit organization that partnered with the Department of Human Services to create the Family TREE program. The program consists of a multidisciplinary team of different agencies that help children and parents once a child enters foster care. It's essentially a one-stop shop for therapy, medical and other services such as parenting classes that are housed in a former DHS shelter located next to the Oklahoma County Juvenile Center. CCF petitioned the Oklahoma County Commissioners to deed the former shelter to DHS and raised about \$2 million in private funds for its renovation.

In 2016, Ms. Edwards took a 10-month sabbatical and joined the campaign to pass State Questions 780 and 781. The goal of these initiatives was to stop individuals with mental health and substance abuse issues from being warehoused in prison and to use the cost savings for diversion programs for treatment, health care and job training. Since their passage, she has continued to work on retaining the benefits obtained by 780 and 781, primarily by engaging with the state Legislature. Ms. Edwards remains active in both Oklahomans for Criminal Justice Reform Inc. and CCF.

NEIL E. BOGAN PROFESSIONALISM AWARD



**James T. Stuart,
Shawnee**

Jim Stuart, of counsel and a former partner in the Shawnee law firm of Stuart & Clover, consistently demonstrates the highest standards of the legal system. He is one of the initial organizers

of Leadership Oklahoma and a member of the fourth class of community leaders to complete the program. Graduates of this program, like Mr. Stuart, have been changing lives and improving Oklahoma communities for the past 40 years.

Mr. Stuart graduated with a bachelor's degree from Central State University in 1975 and received his J.D. from the TU College of Law in 1978. Since then, he has been practicing in the areas of estates and trusts, real property, oil and gas, banking and commercial law and litigation.

An active participant in numerous legal, civic and service organizations, Mr. Stuart makes contributions at the local, state and national levels. In 1991, he was a Supreme Court appointee to the Oklahoma Court of Appeals panel. He is currently a Supreme Court justice for the Absentee Shawnee Tribe of Indians.

From 2010 to 2019, he served on the University of Central Oklahoma Foundation Board of Trustees, and in 2013, he received the UCO Distinguished Alumni Award. Mr. Stuart served as the 2013 OBA president and president of the Southern Conference of Bar Presidents, comprised of bar associations from 17 states and the U.S. Virgin Islands. In addition, he served on the OBA Board of Governors from 2008 to 2010. Mr. Stuart has been a multi-term delegate to the OBA Annual Meeting and an Oklahoma delegate to the 2012-2014 ABA annual meetings.

A life-long resident of Shawnee, Mr. Stuart has dedicated countless hours to serving as an officer and board member for a variety of civic organizations, including the Shawnee Rotary Club, Shawnee Economic Development Foundation, Chamber of Commerce, Shawnee Forward,

Shawnee Educational Foundation, United Way, YMCA, Salvation Army, Habitat for Humanity and Shawnee Housing Authority, in addition to many other nonprofit organizations. In 2015, he was named the Shawnee Chamber of Commerce Businessperson of the Year. Mr. Stuart also taught business law at Oklahoma Baptist University and served on the Shawnee OBU Advisory Board. He is the current past chair and a board member of Communities Foundation of Oklahoma.

JOHN E. SHIPP AWARD FOR ETHICS



**Charles E. Geister III,
Oklahoma City**

Charlie Geister has demonstrated a steadfast commitment to excellence and ethical behavior in everything he's done since the beginning of his lengthy legal career. He received his J.D. from the OU College of Law in 1980 and is currently a partner in the Oklahoma City law firm of Hartzog Conger Cason. In addition to representing clients in civil litigation, Mr. Geister frequently serves as a mediator or arbitrator of disputes and as a court-appointed discovery master.

Mr. Geister is an active member of the ABA and OBA. He served on the OBA Civil Procedure Committee from 1995 until 2000. He served as vice president of the OBA in 2021. In addition, he served as chairman of the Oklahoma County Bar Association's Continuing Legal Education Committee from 2003 to 2005 and as president of the Oklahoma County Bar Association from 2007 to 2008. He is a past

member of the Oklahoma County Bar Association's Bench and Bar Committee. Mr. Geister is also president of the Oklahoma County Bar Foundation.

No matter how contentious or complex litigation may become, Mr. Geister strives to be truthful and straightforward in his communications with opposing counsel and the court, treating all parties with the utmost courtesy and respect. By holding himself to the highest ethical standards and always showing respect to others, he continues to serve as a positive influence in the legal profession.

TRAILBLAZER AWARD



**Michael J. Knopp,
Oklahoma City**

Mike Knopp is a unique, visionary leader who has had a profound impact on Oklahoma

City. Following a successful legal career, Mr. Knopp poured his love for water sports into transforming the Oklahoma River into a unique sports facility and host site for Olympic training.

Beginning in 2005, with just a handful of volunteers and the dream of building a boathouse on the river, he established the Oklahoma City Boathouse Foundation. For the next 15 years, he helped lead the transformation of what was once a barren and dry riverbed that divided Oklahoma City into a thriving outdoor recreation and international Olympic sports destination.

Under his leadership, the organization grew and adapted to change, and in 2020, the decision was made to adopt the name RIVERSPORT Foundation. The foundation has awarded millions

of dollars in college scholarships to Oklahoma City youth and has collaborated with organizations throughout the community. Program offerings were expanded to include both competitive and recreational rowing, kayaking, whitewater rafting and kayaking, dragon boating and sailing. In addition, thanks to Mr. Knopp's efforts, the Oklahoma River has the distinction of being the only American river designated as a U.S. Olympic and Paralympic training site.

RIVERSPORT has continued to expand, and in 2021, it welcomed Bar K, the first commercial development, to the Boathouse District. In 2022, it attracted international attention by hosting the International Canoe Federation Canoe Sprint Super Cup and Stand Up Paddling World Cup, which were globally televised. It will also host the Whitewater Slalom World Championship in 2026, which will bring over 60 countries to Oklahoma.

As executive director of the RIVERSPORT Foundation, Mr. Knopp continues to provide access to rowing and other RIVERSPORT programming to Oklahoma City while serving as a role model for other communities.

OUTSTANDING COUNTY BAR ASSOCIATION AWARD *Woods County Bar Association*



Although the Woods County Bar Association is small in size, its members put a great deal of energy and dedication into serving the legal professionals in Woods County. Under the

leadership of President Westline Ritter, monthly bar meetings encourage interaction between members on both a personal and professional level. The meetings provide a beneficial opportunity for members to talk, listen, mentor and encourage their peers.

To improve service to its constituency, the association installed a printer at the courthouse for bar members to use, paying all internet and Wi-Fi fees. It is also working on a plan to supply microphones for the courtrooms and looking at solutions to the current court reporter shortage. Also, last year, association members endowed a scholarship at Northwestern State University. Most members also participate in the annual Oklahoma Children's Court Improvement Program for juvenile cases in Norman and enjoy the camaraderie of attending the Boiling Springs Institute.

EARL SNEED AWARD



**Robert G. Spector,
Norman**

The Earl Sneed Award honors those who make outstanding contributions to continuing

legal education. Robert Spector is receiving this award for the second time in recognition of his three decades of ongoing contributions to CLE. He received his J.D. from the University of Wisconsin Law School in 1966 and was a member of the faculty at Loyola University in Chicago for 13 years before joining the OU faculty in 1980. Mr. Spector is currently the Glenn R. Watson chair and centennial professor of law *emeritus* at the OU College of Law. He also has served as a

visiting professor at the University of Illinois, University of North Carolina and Suffolk University in Boston.

Throughout his acclaimed career, Mr. Spector has helped to advance and improve the quality of family law advocacy in the state of Oklahoma. Every year, he speaks at the annual OBA Family Law Section meeting, providing a lecture on *Recent Developments*, an analysis of the published appellate cases over the last year, and *Hidden Law*, a summary of the unpublished family law cases. Mr. Spector also frequently presents during OBA CLE events, such as the Solo & Small Firm Conference and the OBA Annual Meeting.

His widely acclaimed expertise in family law also benefits attorneys in other parts of the United States and other nations through his participation in the Uniform Law Commission, attendance at the Hague Conference on Private International Law to draft conventions for the return of kidnapped children internationally and as a guest lecturer at countless conferences.

Many careers have been positively impacted by Mr. Spector's devotion to the education of students and his outstanding contributions to the continuing legal education of practitioners.

HICKS EPTON LAW DAY AWARD



Daniel Crawford, Tulsa

Dan Crawford has participated in 32 consecutive Ask A Lawyer hotlines, devoting his time, energy and creativity to ensuring that each event was successful. He remained at each

event for the entire 12 hours to make certain that all the phones were answered, and he created the posters used to garner attention for the event.

During the 2001 event, Mr. Crawford personally answered phone one, the busiest of all the phones, for the duration of the event. In addition to volunteering his own time, he has been instrumental in recruiting judges, law professors and attorneys to participate.

This year, he helped spearhead the relocation of the program from OETA to the Tulsa County Bar Association. Mr. Crawford spent a great deal of his own time ensuring that each participant was comfortable with the new technology being used. His efforts helped generate a 60% increase in calls received this year compared to the previous year.

GOLDEN GAVEL AWARD



OBA Law Day Committee

The OBA Law Day Committee, chaired by attorney Ed Wunch of Norman, is this year's

recipient of the Golden Gavel Award. The OBA's Law Day activities and the televised *Ask A Lawyer* program for 2020 and 2021 were significantly impacted by the COVID-19 pandemic. The Law Day Committee demonstrated it was re-energized for its 2022 activities by not just returning to its full slate of activities but by overhauling two of its key components through the adoption of 21st-century communications methods to dramatically expand the reach of the initiatives.

The committee had partnered with OETA public television for

almost half a century to air the *Ask A Lawyer* TV show on Law Day. Over many years, the public could tune in to learn more about various legal topics and call attorney volunteers at the phone banks at OETA to have their basic legal questions answered for free. However, given declining viewership in recent years and production costs of more than \$20,000 for the TV show, Mr. Wunch challenged the committee, OBA leadership and its communications team to think of new ways to develop Law Day content that would efficiently and affordably reach more people to educate the public more effectively on law-related topics.

As a result of those discussions, the OBA 2022 Law Day celebration went fully digital for the first time. For about the same amount of money it cost to produce previous shows, the committee developed a video content plan and corresponding digital campaign to share the videos on social media. That change led to a 25-fold increase in viewership at a cost of just \$0.39 per view.

Additionally, the day-long Ask A Lawyer legal services hotline event was hosted at the Oklahoma Bar Center and the Tulsa County Bar Association using internet-based calling technology with the support of the OBA IT Department.

Leveraging the digital Law Day video content campaign to promote the Ask A Lawyer hotline number resulted in an 80% increase in the number of calls to the hotline when compared to 2021. While the new method required a one-time \$3,000 technology investment, the tools that were purchased can be used to support, and possibly even expand, this event in the years to come.

An additional advantage of the new digital approach is that the Law Day Committee knows exactly

what type of content is most engaging to the audience. This will enable them to target viewers with even more agility and precision in the future. The OBA Law Day Committee, under the leadership of Ed Wunch, has done a remarkable job of guiding major, positive changes in existing organizational workflows, methodologies and outcomes for this annual event that assists the OBA in connecting with the public in a positive and mutually beneficial way.

OUTSTANDING YOUNG LAWYER AWARD



April Jeneé Moaning,
Oklahoma City

April Moaning served as chairperson for the OBA Young Lawyer's Division in

2021 and currently serves on the 2022 Executive Director Search Committee (Search Committee). Although she was apprehensive about leading the organization during a time when it was necessary to balance safety and reinvigorate young lawyers after the challenges of 2020, she was able to strike just the right balance. A large part of her success was due to her leadership style.

Ms. Moaning is described by her peers as an inclusive leader. She is a good listener who frequently takes the advice of others, making everyone on the team feel welcome and important. One striking example of her approach to leadership is her involvement with this year's Search Committee. It's an unspoken rule that the position of immediate past chair on the YLD Executive Committee is somewhat of a lame-duck position. However, Ms. Moaning is not resting on her laurels. She is as active as ever,

representing the state of Oklahoma at multiple ABA conferences, in addition to taking on positions and challenges within the OBA outside of the YLD. Most recently, she served as co-chairperson of the Membership Engagement Committee.

OUTSTANDING SERVICE TO THE PUBLIC AWARD



Lauren Barghols Hanna,
Oklahoma City

The Outstanding Service to the Public Award is presented to Lauren

Barghols Hanna in recognition of her efforts to make a real difference in her community. In addition to practicing labor and employment law at the Oklahoma City office of Phillips Murrah, Ms. Hanna is actively involved in many community programs.

Most recently, she and her family are sponsoring an Afghan family of 13, assisting them with housing, medical needs, employment, transportation, education and overcoming language barriers. Ms. Hanna also assists refugees with asylum work. She volunteers as an attorney for Oklahoma Lawyers for Children, a nonprofit organization that uses pro bono lawyers to represent and assist children in various matters, including parental termination jury trials before the Juvenile Division of the Oklahoma County District Court. In 2014, CASA of Oklahoma County Inc. honored her with its Attorney of the Year Award for her work with Oklahoma Lawyers for Children.

Ms. Hanna and her family have also worked with the Tinker Air Force Base Home Away from

Home program. As part of this initiative, airmen serving their first tour of duty are invited to join her family for holiday meals, birthday celebrations and summer cook-outs. She is also an active volunteer with Edmond Public Schools.

In addition to her legal career and volunteering, Ms. Hanna is a frequent guest speaker for various community programs and writes columns in *The Oklahoman* and *The Journal Record*, sharing her expansive knowledge of the law and current events.

Ms. Hannah doesn't just ask others to help with causes, she actually shows up and gives her time, resources and energy to help make a difference in the community.

AWARD FOR OUTSTANDING PRO BONO SERVICE



Rachel Morris,
Edmond

Rachel Morris has been a volunteer for Legal Aid Services of Oklahoma since 2010. She is dedicated to

the mission of providing free legal services to eligible low-income individuals and senior citizens. During the COVID-19 pandemic, the clinic was closed, and many of the volunteers were unwilling to come back. Ms. Morris, however, was the first attorney to return to the office when the clinic reopened.

Her first case was an adoption in which the father abandoned the mother and his unborn child. The mother married another man who wanted to adopt the child, but she had no idea how to locate the biological father. Ms. Morris helped them find the biological father, who was incarcerated in Georgia, and

successfully completed a step-parent adoption.

In addition to volunteering for Legal Aid Services, Ms. Morris also donates her time and talents to the Oklahoma County Pro Se Waiver Divorce Clinic. Cases are referred to the clinic by judges and are frequently resolved on the same day. She has helped more than 100 low-income, self-represented clients resolve issues that were preventing the court from granting them a divorce. These cases might otherwise linger without resolution or require multiple court appearances, placing an additional hardship on individuals who can't afford to miss work or pay someone to represent them. Without the help of dedicated volunteers like Ms. Morris, the clinic could not be sustained.

MAURICE MERRILL GOLDEN QUILL AWARD



**Conor P.
Cleary, Tulsa**

Conor Cleary is awarded the Maurice Merrill Golden Quill Award for authoring “*McGirt v.*

Oklahoma: A Primer,” which appeared in the March 2021 issue of the *Oklahoma Bar Journal*. Mr. Cleary is the Tulsa field solicitor for the U.S. Department of the Interior. He leads an office of 10 employees in Tulsa that is responsible for advising Interior agencies, primarily the Bureau of Indian Affairs, on federal Indian law issues in Oklahoma, Kansas and Texas. He served as lead counsel for the department in the U.S. Supreme Court cases *McGirt v. Oklahoma* and *Oklahoma v. Castro-Huerta*. Since *McGirt* was decided, he has

led the department's efforts in analyzing the criminal, civil and regulatory implications of the decision.

He earned an LL.M. in American Indian and Indigenous law with highest honors from the TU College of Law, where he is now an adjunct professor teaching a course on Native American natural resources law. He is a 2010 graduate of the OU College of Law, where he served as articles editor of the *Oklahoma Law Review*. As an undergraduate student at OU, he and his debate partner won the college debate national championship. He has also competed in international debate competitions in Thailand, Ireland and Turkey.

In his free time, he enjoys traveling, running and bird watching. He dedicates this award to his parents, who met as young journalists at the *Tulsa World*, and he credits them for his abiding admiration for the written word.

OUTSTANDING SENIOR LAW SCHOOL STUDENT AWARD



**TU College
of Law,
Jayci Jones,
Skiatook**

Jayci Jones is from Skiatook. After graduating from Skiatook High School in 2016,

she attended Northeastern State University in Tahlequah, where she was a double major in history and political science and a member of the President's Leadership Class. Ms. Jones graduated *summa cum laude* from NSU and was named an Outstanding Senior. She was also inducted into NSU's Hall of Fame for her contributions to the college's freshman orientation camp.

After graduating in 2020, Ms. Jones enrolled in the TU College of Law. There, she serves

as treasurer of the Public Interest Board, treasurer of the Criminal Law Club and executive editor of the *Tulsa Law Review*. She has been named to the Faculty Honor Roll for four consecutive semesters and has received numerous CALI awards for her class performance. Ms. Jones took first place in TU's 2021 Trial Skills Qualifier, and she was a member of TU's AAJ Trial Team in 2022. In her free time, you can find Ms. Jones at the lake, watching college sports or trying to get out of a sand trap on a golf course. After graduation, she will be working for Crowe & Dunlevy in their Tulsa office.



**OCU School
of Law,
Ta'Chelle
Jones,
Oklahoma City**

Ta'Chelle Jones, who is originally from Eastside Oklahoma

City, graduated from OU with a bachelor's degree in journalism. There, she earned a PACE Award, joined the President's Leadership Class and served as a Henderson Scholar. After working in educational policy, she returned to OU to earn a master's degree in human relations with an emphasis on human resource development. She primarily worked as a human resources business partner in the education and insurance industries, ultimately joining Crawford & Co., the world's largest independent claims management firm.

Though beginning law school during a global pandemic was a completely new experience, she quickly grew to love the OCU School of Law community for its camaraderie, collaboration and resilience. Her professors have not only been knowledgeable and

passionate about the topics they teach but have also taken a genuine interest in her success and development as a student.

During her law school career, Ms. Jones has had the great honor of winning the 1L Oral Argument competition, interning under Judge Scott Rowland at the Oklahoma Court of Criminal Appeals, joining the American Bar Association National Appellate Advocacy Team and helping prospective students find a home at the law school as an OCU Law admissions ambassador. She currently serves as president of the John E. Green Black Law Students Association and executive editor of the *Oklahoma City University Law Review*.

With aspirations of becoming a litigator focused on complex commercial matters, Ms. Jones plans to join Norton Rose Fulbright following graduation.



OU College of Law, Devraat Awasthi, Edmond

Devraat

Awasthi is a third-year law student at the OU College of Law. He cur-

rently serves as an articles editor on the *Oklahoma Law Review* and president of OUtLaw, the law school's LGBTQ+ interest group. He has been awarded American Jurisprudence Awards in nine classes, the Phillips Murrah (Honorable Mention) Award for his brief for OU Law's 1L Moot Court and was recognized as a Distinguished Speaker during Moot Court.

During law school, Mr. Awasthi spent his summers with the American Civil Liberties Union Criminal Legal Reform Project and

the Southern Center for Human Rights. He has also externed for Judge Robert E. Bacharach, U.S. Court of Appeals, 10th Circuit, as well as the Oklahoma County Public Defender's Office. Last spring, he volunteered as a provision advisor to the United Nations Committee on the Elimination of Racial Discrimination (U.N. CERD). This fall, he will be an extern with the Sixth Amendment Center. His comment, "Britney's Prerogative: A Critical, Constitutional View of Conservatorships," is forthcoming in the *Oklahoma Law Review* and was awarded the Michael Salem Civil Liberties Award.

Before law school, Mr. Awasthi graduated from King's College London with a bachelor's degree in mathematics and philosophy. He served on the Department of Philosophy's art magazine, *Phi Magazine*, as an editor. He continued this interest while in law school, serving as a freelance journalist for the *Oklahoma City Free Press*, reporting on art events in the Oklahoma City metropolitan area during his 1L year.

OBA AWARDS

INDIVIDUALS FOR WHOM AWARDS ARE NAMED

NEIL E. BOGAN – Neil Bogan, an attorney from Tulsa, died unexpectedly on May 5, 1990, while serving his term as OBA president. Mr. Bogan was known for his professional, courteous treatment of everyone he encountered and was also considered to uphold high standards of honesty and integrity in the legal profession. The OBA's Professionalism Award is named for him as a permanent reminder of the example he set.

JOHN E. SHIPP – John E. Shipp, an attorney from Idabel, served as 1985 OBA president and became the executive director of the association in 1998. Unfortunately, his tenure was cut short when his life was tragically taken that year in a plane crash. Mr. Shipp was known for his integrity, professionalism and high ethical standards. He had served two terms on the OBA Professional Responsibility Commission, serving as chairman for one year, and served two years on the Professional Responsibility Tribunal, serving as chief-master. The OBA's Award for Ethics bears his name.

EARL SNEED – Earl Sneed served the OU College of Law as a distinguished teacher and dean. Mr. Sneed came to OU as a faculty member in 1945 and was praised for his enthusiastic teaching ability. When Mr. Sneed was appointed in 1950 to lead the law school as dean, he was just 37 years old and one of the youngest deans in the nation. After retiring from academia in 1965, he played a major role in fundraising efforts for the law center. The OBA's Continuing Legal Education Award is named in his honor.

JOE STAMPER – Joe Stamper of Antlers retired in 2003 after 68 years of practicing law. He is credited with being a personal motivating force behind the creation of OUJI and the Oklahoma Civil Uniform Jury Instructions Committee. Mr. Stamper was also instrumental in creating the position of OBA general counsel to handle attorney discipline. He served on both the ABA and OBA Board of Governors and represented Oklahoma at the ABA House of Delegates for 17 years. His eloquent remarks were legendary, and he is credited with giving Oklahoma a voice and a face at the national level. The OBA's Distinguished Service Award is named to honor him.

ALMA WILSON – Alma Wilson was the first woman to be appointed as a justice to the Supreme Court of Oklahoma in 1982 and became its first female chief justice in 1995. She first practiced law in Pauls Valley, where she grew up. Her first judicial appointment was as special judge sitting in Garvin and McClain counties, later district judge for Cleveland County and served for six years on the Court of Tax Review. She was known for her contributions to the educational needs of juveniles and children at risk, and she was a leader in proposing an alternative school project in Oklahoma City, which is now named the Alma Wilson SeeWorth Academy. The OBA's Alma Wilson Award honors a bar member who has made a significant contribution to improving the lives of Oklahoma children.

MAURICE MERRILL – Dr. Maurice Merrill served as a professor at the OU College of Law from 1936 until his retirement in 1968. He was held in high regard by his colleagues, his former students and the bar for his nationally distinguished work as a writer, scholar and teacher. Many words have been used to describe Dr. Merrill over the years, including brilliant, wise, talented and dedicated. Named in his honor is the Golden Quill Award that is given to the author of the best-written article published in the *Oklahoma Bar Journal*. The recipient is selected by the OBA Board of Editors.


**ONE STATE
MANY NATIONS**

REGISTRATION

Join your peers Nov. 2-4 for great CLE, camaraderie, networking and fun events at this year's Annual Meeting. See what's included with your Annual Meeting registration below. Plus, choose from optional CLE courses with nationally recognized speakers and add-on luncheons. Your Annual Meeting registration includes:

- Conference gift for in-person attendees
- OBA continental breakfast and hospitality refreshments daily
- Discount on registrants' Annual Luncheon ticket
- Wednesday evening President's Reception
- Thursday's Plenary Session (3-hour CLE credit)
- Thursday's Wellness Matters: Lawyers Helping Lawyers program (3-hour ethics CLE credit)
- Thursday evening Oklahoma Bar Foundation Reception

HOW TO REGISTER



ONLINE

Register online at
[www.okbar.org/
AnnualMeeting](http://www.okbar.org/AnnualMeeting)



MAIL

OBA Annual Meeting
P.O. Box 53036
Oklahoma City, 73152



PHONE

Call Mark at
405-416-7026 or
800-522-8065



FAX/EMAIL

Fax form to
405-416-7092 or email
to marks@okbar.org

MEETING DETAILS

LOCATION

Most activities will take place at the Oklahoma City Convention Center, 100 Mick Cornett Dr., Oklahoma City, 73109.

PARKING

Parking is available in several lots and garages at or near Annual Meeting activities.

HOTEL

Fees do not include hotel accommodations, which must be booked separately. To reserve a room by phone, call Omni Hotels & Resorts at 1-800-THE-OMNI and refer to the Oklahoma Bar Association. The deadline to reserve a room under the room block is Oct. 10.

CANCELTION POLICY

A partial refund *may* be available after the conclusion of the Annual Meeting. Contact Mark at marks@okbar.org.

SPECIAL NEEDS AND REQUESTS

Please notify Mark at marks@okbar.org at least one week in advance if you have a special need and require accommodation.

2022 HOUSE OF DELEGATES

Delegate certification should be sent to OBA Executive Director John Morris Williams. The list below was up to date as of time of press.

COUNTY	DELEGATE	ALTERNATE
Adair Co.	Ralph F. Keen II	
Alfalfa Co.	Marcus A. Jungman	Kyle B. Hadwiger
Atoka Co.		
Beaver Co.	Christopher Todd Trippet	Cole Jordan Trippet
Beckham Co.		
Blaine Co.	Erik Girard Roscom	
Bryan Co.	Christopher Dwight Jones.....	Kara Nikole Bacon
Caddo Co.	Keenan P. Haught.....	Dustin Lane Compton
Canadian Co.	Renee Diann Little	Judge Khristan K. Strubhar
	Kristy Ellen Loyall	Judge Charles Wayne Gass
	Magdalena Anna Way	Susan Pearl Grimes
	Austin Chase Walters	Judge Barbara A. Hatfield
	Dakota Carson Low.....	Jana Lee Knott
Carter Co.	Michael C. Mordy	
	Aaron Jason Taber	
Cherokee Co.	Judge Jerry Scott Moore	Chrissi Renae Nimmo
	Rachel Marie Dallis	
Choctaw Co.	John Frank Wolf III.....	Thomas J. Hadley
Cimarron Co.	Judge Ronald Kincannon.....	Stanley Ed Manske
Cleveland Co.	Judge Thad H. Balkman.....	Cindy L. Allen
	Kristina Lee Bell.....	Kelly L. Bergin
	Allyson E. Dow	Betsy A. Brown
	Alissa Dawn Preble Hutter	Catherine E. Butler
	Andrew E. Hutter.....	Donna M. Compton
	Christopher C. Lind	Justin B. Conway
	Jan Meadows	Holly R. Iker
	Benjamin Houston Odom.....	Jonathan M. Irwin
	Amelia Sue Pepper.....	Rickey Joe Knighton II
	Jillian T. Ramick.....	Holly Jorgenson Lantagne
	Gary A. Rife	Julia C. Mills Mettry
	Rodney E. Ring.....	Weldon E. Nesbitt
	Micheal C. Salem	Jama Haywood Pecore
	Jeanne M. Snider	Donnie G. Pope
	Peggy Stockwell.....	John H. Sparks
	Joshua D. Simpson	Tyson T. Stanek
	Rebekah Chisholm Taylor	Dave Stockwell
	Gerald Blake Virgin Jr.	David Swank
	Judge Jeffrey B. Virgin	Evan A. Taylor
	Richard Joseph Vreeland	Emily M. Virgin
	Lucas M. West.....	Edward William Wunch IV

COUNTY	DELEGATE	ALTERNATE
Coal Co.		
Comanche Co.	Dietmar K. Caudle	Robin Lee Rochelle
	Tyler Christian Johnson	Evan Darrell Watson
Cotton Co.		
Craig Co.	Kent Ryals	Leonard Marion Logan IV
Creek Co.	(Ret.) Judge Richard A. Woolery	Carla Renae Stinnett
	Keri Denman Palacios	G. Gene Thompson
Custer Co.	Donelle Holbert Ratheal	Michael Gilman Housley
Delaware Co.	Clayton Matthew Baker	Christianna Lincoln Wright
Dewey Co.		
Ellis Co.	Judge Laurie E. Hays	
Garfield Co.	Dustin E. Conner	
	Timothy E. DeClerck	
	Taylor C. Venus	
Garvin Co.		
Grady Co.	Jessica Ann Swapp	
	Amanda Renee Mullins	
Grant Co.	Jackie D. Hammontree Jr.	Benjamin C. Bowers
Greer Co.	Corry Kendall	Judge Eric G. Yarborough
Harmon Co.	Judge Winford Mike Warren	David L. Cummins
Harper Co.		
Haskell Co.		
Hughes Co.	Laura Ann Calvery	John Andrew Baca
Jackson Co.	Brian Bush	
Jefferson Co.	Jamie Lea Phipps	
Johnston Co.		
Kay Co.	Brian T. Hermanson	Michael R. Vanderburg
Kingfisher Co.	Jonathan Ford Benham	Matthew R. Oppel
Kiowa Co.		
Latimer Co.		
Le Flore Co.	Amanda V. Grant	Nicholas E. Grant
Lincoln Co.		
Logan Co.	Rebecca J. King	Collin Aaron Duel
	John Wesley Cusher	
Love Co.		
Major Co.	Joe Dawson Houk	William Scott Church
Marshall Co.		
Mayes Co.	Taylor Chase McBride	Judge Shawn Scott Taylor
McClain Co.		
McCurtain Co.		
McIntosh Co.	Judge Michael W. Hogan	
Murray Co.		
Muskogee Co.	Lowell Glenn Howe	Jeremy K. Hamby
	Roy D. Tucker	Eric L. Strocen

COUNTY	DELEGATE	ALTERNATE
Noble Co.	Shane R. Leach	
Nowata Co.....	Judge Carl Glenn Gibson.....	Charles Lee Hamit
Okfuskee Co.		
Oklahoma Co.	Cody Jarrett Cooper	Peter Lenski Scimeca
	Courtney Kay Warmington	Tracey Dean Mullins
	Judge Richard C. Ogden.....	William Todd Blasdel
	Judge J. Don Andrews Jr.	Gary Wayne Wood
	Judge Barbara Green Swinton.....	Travis Neil Weedn
	Mack Kelly Martin.....	M. Courtney Briggs
	Judge Richard W. Kirby.....	Miles T. Pringle
	Lauren Barghols Hanna.....	Rachel Stoddard Morris
	Judge Kathryn R. Savage.....	Lateesha Danielle Hunter
	Timothy J. Bomhoff.....	Jeffrey D. Trevillion
	Edward Millard Blau	Kendall Anne Sykes
	Christine Batson Deason	Hailey M. Hopper
	Judge Anthony L. Bonner Jr.....	Danielle P. Fielding
	Judge Heather E. Coyle	Kellie S. Howell
	Judge Susan C. Stallings	Benjamin Ryan Grubb
	Michael Wayne Brewer.....	Nicole Renea Jones
	William Henry Hoch.....	Bart Jay Robey
	Holly Hefton.....	John Handy Edwards III
	Monica Ybarra Weedn.....	Curtis J. Thomas
	Justin Don Meek	Chelsea Celsor Smith
	Angela Ailles Bahm	Coree L. Stevenson
	Jeffrey Allen Curran.....	Kayli Lynn Maxwell
	Amber B. Martin	Zane Tyler Anderson
	Katherine R. Mazaheri.....	Aimee Lynn Majoue
	Shanda Marie McKenney	Wyatt Daniel Swinford
	Kelli J. Stump.....	Chad William Philip Kelliher
	Andrew Scott Mildren.....	Chance Lynn Pearson
	Mariano Acuna	Reign Grace Karpe
	Kyle Wayne Goodwin	Barrett Ford Fuller
	Clyde Russell Woody	Genni Dawn Ellis
Okmulgee Co.		
Osage Co.		
Ottawa Co.	Jeremy Jay Bennett.....	Charles W. Chesnut
Pawnee Co.		
Payne Co.	Jeremiah Gregory.....	Sean Ryan Webb
		Christin Paige Lee
		Zachary S. Yarborough
Pittsburg Co.	Amy E. Cable.....	Brett Daniel Cable
Pontotoc Co.	Eric John Cook	
	Law Watson Pryor McMeans	
Pottawatomie Co.....	Brandi N. Nowakowski	Michaele A. Freeman
	Troy A. Officer	William Kevin Lewis
Pushmataha Co.....	Amber Celeste Duncan	Judge Jana Kay Wallace
Roger Mills Co.		
Rogers Co.	James Justin Greer	Jennifer Kay Kern
	Katie L. Griffin	
	Christopher Noah Sears	
Seminole Co.....	Blayne Phillips Norman	William Donald Huser
Sequoyah Co.....	Kent S. Ghahremani	Jordan Lee Pace
Stephens Co.....	Carl Jennings Buckholts	Elbert J. Buckholts II
Texas Co.....	Cory B. Hicks	Rodrigo Carrillo
Tillman Co.		
Tulsa Co.....	Molly Anne Aspan	Joel Daniel Auringer
	Rhiannon Kay Baker.....	Madison D. Cataudella

COUNTY**DELEGATE****ALTERNATE**

	William Zane Duncan	Rodger Vaughn Curlik
	Michael Ellis Esmond	David Mitchell Garrett Jr.
	Julie Ann Evans	Paul F. McTighe Jr.
	Kaitlin Iris Forest.....	Sofia Miranda
	James R. Gotwals	Michael Glen Thelen
	Philip D. Hixon	
	Vivek Kembaiyan	
	Sabah Salman Khalaf	
	Andrew Michael King	
	Gary Michael McDonald	
	Bruce Alvin McKenna	
	James Craig Milton	
	Kimberly K. Moore	
	(Ret.) Judge Linda G. Morrissey	
	Justin B. Munn	
	(Ret.) Judge Millie E. Otey	
	Melissa Elizabeth Oxford	
	Barrett L. Powers	
	Kara Elizabeth Pratt	
	Deborah Ann Reed	
	Colton L. Richardson	
	Pierre D. Robertson	
	Natalie S. Sears	
	Morgan Taylor Lee Smith	
	David Alan Tracy	
	Georgenia Anne Van Tuyl	
	Kara M. Vincent	
	Ashley Roberts Webb	
Wagoner Co.	Eric Wayne Johnson.....	Wendell Grant Huskey
	Ben S. Chapman	Richard Loy Gray Jr.
Washington Co.....	Curtis Lee Delapp	Cana Brianne Mize
	Veronica Jane Threadgill	Zoe Elizabeth Gullett
Washita Co.	Judge Christopher S. Kelly.....	Stacy Wyatt Hill
Woods Co.		
Woodward Co.	Sierra L. White.....	Thad B. Parsons

	DELEGATE	ALTERNATE
Oklahoma Judicial Conference	Dist. Judge Justin P. Eilers	Dist. Judge D. Emmit Tayloe
	Assoc. Dist. Judge Thomas K. Baldwin.....	Assoc. Dist. Judge Russell C. Vaclaw
	Special Judge Jennifer H. McBee.....	Special Judge Elizabeth H. Kerr

PAST PRESIDENTS – DELEGATES AT LARGE

William J. Baker.....	Sidney G. Dunagan	David A. Poarch
Stephen D. Beam	John A. Gaberino	Bob W. Rabon
Michael Burrage.....	William R. Grimm.....	Judge Deborah Reheard
Charles W. Chesnut	Kimberly Hays	Douglas W. Sanders
Cathy M. Christensen.....	Garvin Isaacs.....	Susan B. Shields
Gary C. Clark.....	Michael C. Mordy	Allen M. Smallwood
Andrew M. Coats	Charles D. Neal Jr.....	James T. Stuart
M. Joe Crosthwait	Judge Jon K. Parsley	Judge Linda S. Thomas
Melissa G. DeLacerda.....	William G. Paul	Paul M. Vassar
Renee DeMoss.....	David K. Petty	

2023 OBA BOARD OF GOVERNORS VACANCIES



Nominating Petition deadline was 5 p.m. Friday, Sept. 2, 2022

OFFICERS

President-Elect

Current: Brian T. Hermanson, Ponca City
(One-year term: 2023)
Mr. Hermanson automatically becomes OBA president
Jan. 1, 2023
Nominee: **Miles T. Pringle, Oklahoma City**

Vice President

Current: Miles T. Pringle, Oklahoma City
(One-year term: 2023)
Nominee: **D. Kenyon Williams Jr., Tulsa**

BOARD OF GOVERNORS

Supreme Court Judicial

District Two

Current: Michael J. Davis, Durant
Atoka, Bryan, Choctaw, Haskell, Johnston, Latimer,
Le Flore, McCurtain, McIntosh, Marshall, Pittsburg,
Pushmataha and Sequoyah counties
(Three-year term: 2023-2025)
Nominee: **Vacant**

Supreme Court Judicial

District Eight

Current: Joshua A. Edwards, Ada
Coal, Hughes, Lincoln, Logan, Noble, Okfuskee, Payne,
Pontotoc, Pottawatomie and Seminole counties
(Three-year term: 2023-2025)
Nominee: **Vacant**

Supreme Court Judicial

District Nine

Current: Robin L. Rochelle, Lawton
Caddo, Canadian, Comanche, Cotton, Greer, Harmon,
Jackson, Kiowa and Tillman counties
(Three-year term: 2023-2025)
Nominee: **Jana Lee Knott, El Reno**

Member At-Large

Current: Amber Peckio Garrett, Tulsa
Statewide
(Three-year term: 2023-2025)
Nominee: **Timothy Lee Rogers, Tulsa**

NOTICE

Pursuant to Rule 3 Section 3 of the OBA Bylaws, the nominees for uncontested positions have been deemed elected due to no other person filing for the position. Terms of the present OBA officers and governors will terminate Dec. 31, 2022.

OKLAHOMA BAR ASSOCIATION

NOMINATING PETITIONS

(See Article II and Article III of the OBA Bylaws)

OFFICERS

President-Elect

Miles T. Pringle
Oklahoma City

Nominating Petitions have been filed nominating Miles T. Pringle for President-Elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2023. Fifty of the names thereon are set forth below:

Laura N. Smith Pringle, Lynn A. Pringle, David A. Poarch Jr., James R. Hicks, Susan Stocker Shields, M. Joe Crosthwait Jr., Kimberly Hays, David K. Petty, Cathy M. Christensen, James T. Stuart, Charles W. Chesnut, William R. Grimm, Lane R. Neal, Cody J. Cooper, Melvin R. McVay Jr., Byrona J. Maule, Thomas G. Wolfe, Alissa D. Preble Hutter, Andrew E. Hutter, Amber N. Peckio Garrett, Joshua A. Edwards, Douglas D. Dale, Robin Lee Rochelle, D. Kenyon Williams Jr., Matthew C. Beese, Roy D. Tucker, Jennifer M. Castillo, Jimmy D. Oliver, Timothy E. DeClerck, Richard D. White Jr., Bryon J. Will, Mark E. Fields, Benjamin R. Hilfiger, Michael R. Vanderburg, Elaine R. Turner, Jonathan A. Epstein, Moira C.G. Watson, Timothy L. Rogers, Aaron M. Arnall, Robert L. Bailey, Cyrus Bruce Crum, Mark E. Bialick, James K. Larimore, David B. Donchin, Douglas S. Pewitt, John E. Harper Jr., Dillon J. Hollinsworth, Ashley F. Vinson, James Kevin Hayes and Mark E. Hornbeek.

A total of 172 signatures appear on the petitions.

Vice President

D. Kenyon Williams Jr.
Tulsa

Nominating Petitions have been filed nominating D. Kenyon Williams Jr. for Vice President of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2023. Fifty of the names thereon are set forth below:

Charles W. Chesnut, Susan Stocker Shields, Brian T. Hermanson, Matthew C. Beese, Brian K. Morton, Timothy E. DeClerck, Benjamin R. Hilfiger, James R. Hicks, Andrew E. Hutter, Alissa D. Preble Hutter, Robin Lee Rochelle, Mark Banner, Aaron C. Tifft, Pamela S. Anderson, James Kevin Hayes, Lynn Lane Williams, Kristen Pence Evans, Steven A. Broussard, Johnathan L. Rogers, Michael T. Keester, Kent A. Gilliland, Jared R. Ford, Ty E. Schoenhals, Eric C. Money, Larry G. Ball, Emily P. Pittman, Seth A. Day, Littleton Tazewell Ellett IV, Daniel V. Carsey, Jonathan A. Epstein, John Frederick Kempf Jr., John W. Gile, Mitchell K. McCarthy, Raymond S. Rudnicki, Stephen R. Pitcock, Elaine R. Turner, James D. Satrom, Heather Flynn Earnhart, James M. Reed, Sarah E. Hansel, Christopher L. Carter, Samantha W. Davis, Jon M. Payne, Sarah C. Miller, James C.T. Hardwick, Thomas P. Schroedter, Gregory P. Reilly, Natalie S. Sears, W. Davidson Pardue Jr. and Brian T. Inbody.

A total of 91 signatures appear on the petitions.

BOARD OF GOVERNORS

Supreme Court Judicial District No. 9

Jana Lee Knott
El Reno

Nominating Petitions have been filed nominating Jana Lee Knott for election of Supreme Court Judicial District No. 9 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2023. Twenty-five of the names thereon are set forth below:

John A. Bass, Chance L. Deaton, Kristy Ellen Loyall, Joseph P. Weaver Jr., Barbara A. Hatfield, Khristan K. Strubhar, Jack D. McCurdy II, Charles W. Gass, Paul A. Hesse, Mark William Osby, John A. Alberts, Tammy Sellers Boling, Mary R. McCann, Robin L. Rochelle, Stephen K. Newcombe, Noel Brent

Palmer, Alton Brad Cox, Lawrence M. Corrales, Teressa H. Williams, Christine M. Galbraith, Kelli Rae Woodson, Clay R. Hillis, James R. Willson, Charles E. Wade Jr. and Leah Terrill-NesSmith.

A total of 31 signatures appear on the petitions.

Member At-Large

Timothy Lee Rogers
Tulsa

Nominating Petitions have been filed nominating Timothy Lee Rogers for election of Member at Large of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2023. Fifty of the names thereon are set forth below:

James R. Hicks, Anne Sickles Maguire, William R. Grimm, Emily Brooks Kusmider, Adam Keith Marshall, John Seaton Wolfe, John Charles Gotwals, Bruce E. Roach Jr., John E. Harper Jr., David A. Sturdivant, Melissa A. Bell, Mary Lou Gutierrez, James Robert Gotwals, William Edward Farrier, James Ronald Bullard, Norman Lance Bryan, Jon E. Brightmire, Rebecca D. Bullard, Tom Q. Ferguson, Christian D. Barnard, Harry V. Rouse IV, Lewis N. Carter, William F. Riggs, Linda C. Martin, John Patrick Mensching, Pamela Kendall Wheeler, David W. Wulfers, Richard H. Foster, Randall E. Long, Kerry R. Lewis, Malinda S. Matlock, Elizabeth R. Sharrock, Colin H. Tucker, Denelda L. Richardson, Rachel E. Gusman, William C. McLain, Daniel B. Graves, Paige N. Shelton, Elise Dunitz Brennan, David R. Cordell, Teresa Meinders Burkett, Pamela H. Goldberg, Mark Banner, Brian T. Inbody, Dale Kenyon Williams Jr., Sarah E. Hansel, Daniel A. Ketchum, Sidney K. Swinson, John A. Gaberino Jr. and Graydon Dean Luthey Jr.

A total of 87 signatures appear on the petitions.

2023 LEADERSHIP & CANDIDATES



2022 President

James R. Hicks, Tulsa

Jim Hicks practices in Tulsa with the law firm of Barrow & Grimm PC. His focus is on the litigation and transactional needs of individuals and businesses. He also represents clients in probate, estate planning and family law matters. He attended OU and received

his bachelor's degree in finance before attending the TU College of Law. Admitted to practice in 1985, he served as a member of the OBA Board of Governors from 2015 to 2019. He also served as president of the Tulsa County Bar Association from 2013 to 2014 and the Tulsa County Bar Foundation from 2017 to 2019. He has been recognized as an outstanding young lawyer by the TCBA and received the TCBA President's Award. In 1995, he was recognized as the OBA's outstanding young lawyer.

Mr. Hicks participated as a member of Leadership Tulsa, Class XX. He has served as senior warden of St. John's Episcopal Church in Tulsa for eight years, from 2013 until 2020, and continues to volunteer his time to several nonprofit organizations. Married to Nancy Hicks since 1983, he is most proud of his granddaughters, ages 12, 3 and 6 months. He will serve a one-year term in 2023 as immediate past president.



2023 President

*Brian T. Hermanson,
Ponca City*

Brian Hermanson is the district attorney for Kay and Noble counties and has served in this position since 2011. He received his bachelor's degree from Carroll College in Wisconsin and his J.D. from the OU College of

Law. He is a member of the Kay and Noble county bar associations, having served as president of the Kay County Bar Association in 1989 and the Noble County Bar Association from 2016 to the present.

Mr. Hermanson was vice president of the OBA in 1988, Oklahoma Bar Foundation president in 1993 and chair of the OBA Young Lawyers Division in 1982. He has served as chair of the OBA General Practice/Solo and Small Firm, Law Office Management and Technology, and Criminal Law sections and served three terms as chair of the Litigation Section. He has also served as president of the Oklahoma Chapter of the America Board of Trial Advocates, the Oklahoma Criminal Defense Lawyers Association, on the OBA Board of Editors and as president of the Oklahoma District Attorneys Association and chair of the District Attorneys Council. Mr. Hermanson was awarded the David Moss Memorial Award for Outstanding District Attorney in 2016, Oklahoma Criminal Defense Lawyers Association Clarence Darrow Award in 1986, OBA Earl Sneed Award in 1998, OU Regents Award in 1994 and was named Sole Practitioner of the Year by the ABA Solo, Small Firm and General Practice Division.

He has served on the Oklahoma Court of Criminal Appeals Committee for Uniform Criminal Jury Instruction since 1994, chair of the ABA Standing Committee on Gavel Awards, president of the Ponca City Rotary Club, Ponca City YMCA, Ponca Playhouse, an *ex officio* member of the Ponca City Chamber of Commerce Board of Directors and an elder and past chairman of the board

of Community Christian Church. Mr. Hermanson lives in Ponca City with his wife, Ruslyn, and is the proud father of two grown daughters. Elected as 2022 president-elect and serving one year in that position, he automatically becomes president Jan. 1, 2023.

2023 NEWLY ELECTED BOARD OF GOVERNORS

Pursuant to Rule 3, Section 3 of the OBA Bylaws, the following nominees have been deemed elected due to no other person filing for the position.



President-Elect

*Miles T. Pringle,
Oklahoma City*

Miles Pringle is executive vice president and general counsel at The Bankers Bank in Oklahoma City. A native Oklahoman and third-generation attorney, Mr. Pringle is licensed to practice law in Oklahoma, Missouri and Texas. After

graduating from Heritage Hall High School, he obtained his bachelor's degrees from the University of Kansas in political science and history and his J.D. from the University of Missouri – Kansas City School of Law, where he was a member of the National Moot Court Team. Prior to joining The Bankers Bank, he was a partner with the law firm of Pringle & Pringle.

He has served the OBA and the legal community for many years, including as governor and vice president of the OBA Board of Governors, chair of the OBA Financial Institutions and Commercial Law Section and is currently chair of the OBA Legislative Monitoring Committee. He is a frequent CLE speaker on topics from banking law to legislative issues, and he has had multiple articles published in the *Oklahoma Bar Journal* and regularly contributes to the Oklahoma County Bar Association *Briefcase*. In 2018, he was awarded the

Oklahoma County Bar Association Geary L. Walke Briefcase Award and, in 2021, received the OBA President's Award.

Mr. Pringle is a recognized leader in the banking community. He has been a teacher for the Oklahoma Bankers Association Intermediate Banking School and other banking organizations. As an officer and past chair of the Financial Institution and Commercial Law Section, he helps to coordinate and present at the Annual Banking and Commercial Law Update.

He is also very involved in his community. Currently, Mr. Pringle is board president for Rainbow Fleet Inc., a nonprofit serving children and childcare professionals by providing training and referrals, operating a toy library and running an early childhood education center. He is also an Oklahoma City Rotary Club board member, Oklahoma's oldest and largest civic organization. Mr. Pringle and his wife, Andrea, have two sons and are members of St. Luke's United Methodist Church.



Vice President

*D. Kenyon Williams Jr.,
Tulsa*

Ken Williams is a shareholder at the Tulsa office of Hall Estill Hardwick Gable Golden & Nelson PC, having joined the firm in 1996. Prior to joining Hall Estill, Mr. Williams served as in-house counsel for Helmerich & Payne after

forming his own firm in 1977. He received his bachelor's degree in petroleum engineering from TU and his J.D. from the TU College of Law. He is licensed in Oklahoma and Arkansas and represents businesses and communities in environmental, regulatory, administrative and litigation matters.

Mr. Williams has been active in the OBA and the Tulsa County Bar Association throughout his career. He has served in almost every TCBA position, including president in 2014 and Trustee of the Tulsa County

Bar Foundation. While serving as president, the TCBA was awarded the OBA Outstanding County Bar Association Award. While he served as TCBA Law Day chair, the association also received the OBA Hicks Epton Law Day Award for its outstanding Law Day.

In the OBA, Mr. Williams served as Region 6 governor on the Board of Governors and as a master, vice chief master and presiding master for the Professional Responsibility Tribunal. He has also served as chair of the Environmental Law Section and on various other OBA committees. Currently, Mr. Williams serves on the Budget Committee and the Judicial Professional Responsibility Commission.

He is a frequent CLE presenter and the recipient of the OBA Earl Sneed Award in recognition of his contribution to continuing legal education. The TCBA also awarded him the Gary C. Clark Distinguished Service Award in recognition of his many years of service to the TCBA and the legal profession.

Mr. Williams serves as an elder of The Park Church of Christ, where he and his wife, Teresa, and two of their three adult children and families also attend. Their third adult child and two of their eight grandchildren live in Scottsdale, Arizona.



Supreme Court Judicial District Nine

Jana L. Knott, El Reno

Jana Knott joined Bass Law in 2018. Her practice focuses primarily on appellate litigation, advocacy, briefing and consultation. She handles civil appeals in all areas of the law in both state and federal court, including oil and

gas, trusts and estates, divorce, parental termination, appeals from the Oklahoma Corporation Commission, real property, municipal law and bankruptcy. She also represents clients who wish to participate in an appeal as an *amicus curiae*.

Ms. Knott represents clients in district courts across the state in civil litigation cases as both trial counsel and embedded appellate counsel. She often provides district court level brief-writing and complex motion-writing to other lawyers and firms in all areas of the law, including trust and estate disputes, business disputes, oil and gas litigation, municipal law and real property disputes.

Prior to joining the firm, she worked for seven years as a staff attorney to Oklahoma Supreme Court Justice Noma D. Gurich. In addition, she has worked as an adjunct professor for the OCU School of Law, teaching civil practice and procedure.

Ms. Knott co-hosts and produces *Oklahoma Appeals: The Podcast*, where she and her co-host discuss new cases published by the Oklahoma Supreme Court and the Oklahoma Court of Civil Appeals and interview guests on all topics related to civil litigation at both the district court and appellate court levels.



Member At-Large

Timothy Lee Rogers, Tulsa

Tim Rogers is a shareholder at Barrow & Grimm PC, where his practice focuses primarily on business and construction law. He maintains an active litigation practice, with an emphasis on construction, surety, business disputes, bankruptcy and employ-

ment law. The majority of Mr. Rogers' practice is in the construction industry, representing owners, developers, general contractors, subcontractors, material suppliers, architects, engineers and surety companies with drafting and negotiating of contracts and dispute resolution involving contractual disputes, construction defects, mechanic's and materialmen's liens, bond claims and other related matters. He also regularly handles commercial leases and business contracts. He was recently named to *Oklahoma Magazine's* 40 Under 40 list.

Previously, Mr. Rogers served on the OBA Young Lawyers Division Board of Directors and is a graduate of the OBA's Leadership Academy. He also served on the Tulsa County Bar Association Board of Directors and as chair of the TCBA Young Lawyers Division. He was named the TCBA's Outstanding Young Lawyer for 2010-2011 and received the President's Award for Distinguished Service for 2010-2011.

In addition to his legal activities, he served as president of the TU College of Law Alumni Association and on the Leadership Tulsa and Tulsa Mayfest boards of directors. He is a member of the Oklahoma Chapter of Associated Builders and Contractors Inc. and the Associated General Contractors of Oklahoma. Mr. Rogers graduated from OSU, where he received his BBA in economics and a minor in finance in 2005. He received J.D. with honors from the TU College of Law in 2008.



OBA YLD Chair
Caroline M. Shaffer Siex,
Tulsa

Caroline Shaffer Siex is a December 2016 graduate of the TU College of Law. She currently works at Gibbs Armstrong Borochoff PC, handling civil litigation, nursing home defense and family law matters.

Ms. Shaffer Siex has served the OBA as a member of the YLD Board of Directors since 2017 and as the YLD Hospitality chair from 2018 to 2019. In 2020,

she served as the board's secretary, and in 2021, she served as the board's treasurer. From 2020 through 2021, she concurrently served as the ABA YLD district representative for District 24 (Oklahoma and Arkansas).

During her time on the board, she has shown her willingness and effort to help other young lawyers, especially those just emerging into practice, by passing out bar exam survival kits, hosting a swearing-in happy hour for the newly admitted Tulsa-area lawyers and attending the TU bar preparation class to provide information about the Oklahoma bar and advice to law students. She has also contributed to publications aimed at assisting young lawyers to grow in their careers.

2022 OBA Trailblazer Award

Mike Knopp, Executive Director
 RIVERSPORT Foundation

*Changing the way the world sees Oklahoma...
 and how we see ourselves*

Trailblazers forge ahead where others might falter. Mike Knopp has lead Oklahoma City's movement toward a more active, outdoor culture, created meaningful change in thousands of young lives, and brought the Olympic Movement to the Oklahoma River. Today, RIVERSPORT and Oklahoma City's Boathouse District stand as a testament to his vision and the willingness of our city to embrace bold ideas.



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riversportokc.org



NOTICE OF MEETINGS



Credentials Committee

The Oklahoma Bar Association Credentials Committee will meet Thursday, Nov. 3, 2022, from 9-9:30 a.m. in Room 206A on the third floor of the Oklahoma City Convention Center located at 100 Mick Cornett Dr., Oklahoma City in conjunction with the 118th Annual Meeting. The committee members are: Chairperson Luke Gaither, Henryetta; Lauren K. Jech, Ponca City; Jeffery D. Trevillion, Oklahoma City; and Sierra G. Pfeiffer, Oklahoma City.

Rules & Bylaws Committee

The Rules & Bylaws Committee of the Oklahoma Bar Association will meet Thursday, Nov. 3, 2022, from 10-10:30 a.m. in Room 206A on the third floor of the Oklahoma City Convention Center located at 100 Mick Cornett Dr., Oklahoma City in conjunction with the 118th Annual Meeting. The committee members are: Chairperson Judge Richard A. Woolery, Sapulpa; Roy D. Tucker, Muskogee; Billy Coyle IV, Oklahoma City; Ron Gore, Tulsa; and Tiece Dempsey, Oklahoma City.

Resolutions Committee

The Resolutions Committee of the Oklahoma Bar Association will meet Thursday, Nov. 3, 2022, from 10:45-11:45 a.m. in Room 206A on the third floor of the Oklahoma City Convention Center located at 100 Mick Cornett Dr., Oklahoma City in conjunction with the 118th Annual Meeting. The committee members are: Chairperson Molly Aspan, Tulsa; Kendall A. Sykes, Oklahoma City; Peggy Stockwell, Norman; Clayton M. Baker, Jay; M. Courtney Briggs, Oklahoma City; John R. Andrew, Ponca City; and Carla R. Stinnett, Sapulpa.

Tellers Committee

The Tellers Committee of the Oklahoma Bar Association will meet Friday, Nov. 4, 2022, from 11 a.m.-noon in Room 205A on the third floor of the Oklahoma City Convention Center located at 100 Mick Cornett Dr., Oklahoma City in conjunction with the 118th Annual Meeting. The committee members are: Chairperson Bryan Ross Lynch, Oklahoma City; Kaitlyn R. Mortazavi, Sapulpa; Shane R. Leach, Perry; and Dylan D. Erwin, Oklahoma City.

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Mona Salyer Lambird Spotlight Award Winners Honored

SINCE 1996, SPOTLIGHT Awards have been given to five women who have distinguished themselves in the legal profession and who have lit the way for other women. In 1998, the award was named to honor the late Mona Salyer Lambird, the first woman OBA president and one of the award's first recipients. The award is sponsored by the OBA Women in Law Section. Each year, all previous winners nominate and select the current year's recipients. A plaque bearing the names of all recipients hangs in the Oklahoma Bar Center in Oklahoma City.

This is the 26th year of award presentations. Recipients were honored during the Women in Law Conference held Sept. 30 in Oklahoma City.



Judge Natalie Mai

Judge Natalie Mai has proudly served as a district judge in Oklahoma County since January 2019

and was recently re-elected to serve another four-year term beginning January 2023. Prior to her ascension to the bench, Judge Mai led a varied and successful legal practice representing individual and corporate clients across

the gamut of civil and criminal matters in federal and state courts. She has presided over more than 50 civil and criminal jury trials, including many that have drawn local and national media coverage.

Judge Mai immigrated to the United States from Vietnam at age 10 with her mom to unite with her father, meeting him for the first time. She graduated as valedictorian from Westmoore High School, despite not speaking English when she started school in the U.S. She went on to earn a bachelor's degree from the Cornell University School of Hotel Administration in Ithaca, New York.

After Cornell, she worked in private banking and investment services in Houston. She later moved back to Oklahoma to be with family and graduated from the OCU School of Law in 2009. During her 1L summer, Judge Mai attended the Cornell Law School Summer Institute in Paris, France. She was very involved at OCU, serving as a student ambassador, extern for Judge Niles Jackson in the U.S. Bankruptcy Court for the Western District of Oklahoma and earning the distinctions of dean's list, Moot Court team and Phi Delta Phi.

Judge Mai serves as chair of the Oklahoma Board of Certified Interpreters and a member of the Oklahoma Judicial Executive Board. She has been an active member, including the former

chair, of the local chapter of the Cornell Alumni Admissions Ambassador Network since 2002, in addition to being involved in numerous other legal and civic organizations. She especially enjoys working with young adults and new lawyers in passing forward the mentorship she received at the beginning of her career.

When not on the bench or reading in preparation for court, Judge Mai enjoys spending time with her family and fur baby, Bosco, a bull terrier. She also loves traveling, dabbling in gardening, trying new foods and all things bison.



Elizabeth McCormick

Professor Elizabeth "Betsy" McCormick joined the TU College of Law faculty in 2005, where

she founded and directed the Immigrant Rights Project, a law school clinical education program in which law students represent clients in immigration matters. Beginning in 2008, she served as director of Clinical Education Programs at the college, and in 2015, she was appointed associate dean for Experiential Learning. In 2020, she was appointed associate dean for Academic Affairs, and in



2021, she served as interim dean of the college. In addition to teaching students in the Immigrant Rights Project, she also teaches immigration law, international refugee and asylum law and professional responsibility.

Professor McCormick's scholarship and advocacy focus on immigration law and policy – in particular, the intersection of federal immigration law and policy and state and local immigration enforcement efforts, including the battle over sanctuary cities. Her work chronicles and analyzes the efforts of state and local governments to disentangle their criminal justice apparatus from federal immigration enforcement efforts and examines the struggle to define the proper role of state and local governments in immigration enforcement. In all her scholarship and commentary, Professor McCormick draws heavily on her own experiences with students and clients in the Tulsa community,

often focusing on the detrimental impact of anti-immigrant bias on legal protections for immigrant victims of persecution, domestic violence and other harms. Before joining the faculty at TU, she was a member of the clinical faculty at Cornell Law School and the University of Connecticut School of Law. She holds a bachelor's degree from Fordham University, a master's degree from New York University and a J.D. from the Georgetown University Law Center. She is admitted to practice in Oklahoma, Connecticut and Pennsylvania.



Judge Jequita H. Napoli

Judge Jequita Napoli served as special judge in Cleveland County for 25 years, retiring Sept. 1, 2021. During her

tenure on the bench, Judge Napoli was primarily assigned mental health, guardianship and domestic violence matters. Since retirement, she has been conferred active retired status by the Oklahoma Supreme Court. Prior to service on the bench, she was in the private practice of law in Norman, her hometown. A graduate of OU, she received a bachelor's degree in business administration with distinction in 1979 and a J.D. in 1982.

Service to the profession has been prominent in the professional activities of Judge Napoli. From 2019-2020, she chaired the Oklahoma Supreme Court Bar Examination Advisory Committee, leading to the adoption in Oklahoma of the Uniform Bar Exam, affording takers a portable score in all 40 UBE jurisdictions. She is a previous member and chair of the Oklahoma Board of Bar Examiners, member and chair of the National Conference of Bar Examiners, prior member of the

ABA House of Delegates and served a six-year term as a member of the ABA Law School Accreditation Committee and a six-year term as a member of the Council of ABA Section of Legal Education and Admissions to the Bar.

In retirement, Judge Napoli continues to serve as a member of the NCBE Long Range Planning Committee and chair and team member of ABA law school accreditation site teams. Additionally, she has been appointed as a member of the Uniform Law Commission Study Committee on Child Participation in Family Court Proceedings. She is a board member of the Oklahoma Access to Justice Foundation and the Thunderbird Clubhouse in Norman.

Judge Napoli and her husband, Albert, have been married for 45 years and have one son and daughter-in-law, Nick and Melissa.



Amelia Pepper

Amelia “Amy” Pepper has taught in the OU Legal Clinics for 31 years under many different titles. Her work has remained

the same: facilitating law students’ learning process while they represent real clients. Currently, she is the director of the Legal Clinics and an assistant professor of Clinical Legal Education. Professor Pepper’s practice in the Civil Clinic encompasses a civil poverty caseload, with an emphasis on family law cases. She co-teaches the Interdisciplinary Training Program on Child Abuse and Neglect and serves as a faculty advisor to the Victim’s Assistance Program. In addition to her regular teaching duties, she has also coached the AAJ and

NTC trial teams and the ABA Client Counseling team.

After obtaining a bachelor’s degree from Tulane University in 1984 and a J.D. from the OU College of Law in 1987, she began her legal career as a staff attorney at the Legal Aid Society of the District of Columbia. In her nonwork hours, she volunteered with House of Ruth and the Washington Legal Clinic for the Homeless. She could not resist the pull of clinical education and returned to Norman in 1991. Since that time, she has served on the OBA Licensed Legal Intern Committee, Cleveland County Bench and Bar Committee and as an OBA convention delegate. She learns from talented and knowledgeable colleagues in the Luther Bohanon American Inn of Court. She has served on the boards of the Full Circle Senior Adult Day Center and the Sooner Theatre, and she donates platelets in her spare time.

Having successfully avoided matrimony, she resides with her wiener dog, Calpurnia, and enjoys extraordinary everyday adventures with her family and friends.



Judge Jill Weedon

Judge Jill Weedon serves as district judge for the Second Judicial District, which is comprised of Beckham,

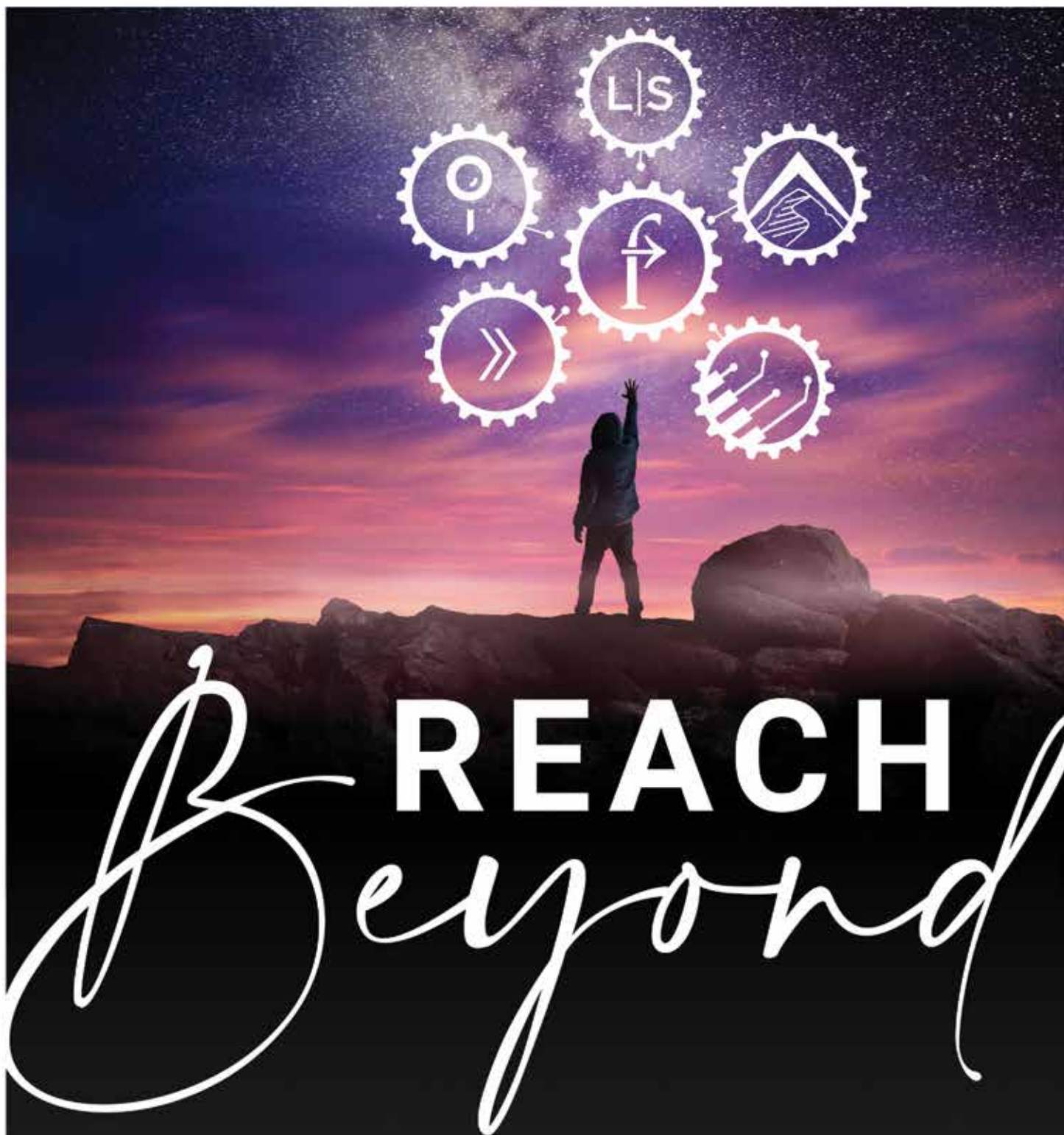
Custer, Ellis, Roger Mills and Washita counties. After graduating from Clinton High School in 1985, Judge Weedon went on to earn a bachelor’s degree *cum laude* from Colorado College. She graduated with distinction from the OU College of Law in 1992 and worked as an attorney in Clinton with a general practice.

She served as district judge for 10 years, and Gov. Brad Henry appointed her associate district judge for Custer County in 2009. She ran for her current position in 2018 and is currently the presiding judge of the Northwest-Panhandle Judicial Administrative District.

Judge Weedon is a member of the Oklahoma Uniform Criminal Jury Instruction Committee and, in 2020, was appointed by then Chief Justice Noma Gurich to the Pandemic Response Committee. The OBA awarded Judge Weedon the Judicial Excellence Award in 2017. Court Appointed Special Advocates of Oklahoma recognized her as Judge of the Year in 2016.

A past president of the Custer County Bar Association, she has also served as an associate Oklahoma bar examiner, a member of the OBA Clients’ Security Fund and an Oklahoma High School Mock Trial coach. While she worked with the Clinton High School legal team, they won two State Mock Trial Championships and placed fourth at the National High School Mock Trial Championship in 2012.

Judge Weedon and her husband, Rick, have two grown children. Quinn Weedon is an attorney in Oklahoma City, and Greyson Weedon manages the family farming operation in Arapaho.



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A Troubling Snapshot of Oklahoma's Eviction Courts

By Adam Hines



IN ONE OF OKLAHOMA'S housing courts, a young mother approaches the bench. She carries a stack of papers, ready to defend herself. Her landlord approaches alongside her – she, too, has her own papers in preparation for arguing her case. But neither will need their documents. The judge asks nothing of the landlord, instead turning to the tenant. The judge asks, “Do you have a lease?” The young woman replies, “Well, yes.” The judge adds, “Are you behind on rent?” The mother says, “Yes, but I gave notice ...” Cutting her off, the judge declares, “Possession granted.” The tenant protests, “But I just need more time for my kids and my dogs, and I gave notice under the ...” Again, cutting her off, the judge waves their hand and dismisses the parties, “You can argue about all that at the damages hearing, sorry.” Angry and misty-eyed, the young tenant clenches her papers and leaves. Oklahoma did not listen to her that day.

In the summer of 2022, the Oklahoma Access to Justice Foundation (ATJ) conducted a study of Oklahoma's eviction courts.¹ Three key issues stood out from that study: 1) geographic inequality, 2) Oklahoma's two different paths to eviction and 3) inconsistencies in the application of the Landlord Tenant Act.² The full report is available at bit.ly/OKEvictionReport.

GEOGRAPHIC INEQUALITY

Consistency of due process and justice is not apparent in Oklahoma's housing courts. Oklahoma is one state with one universally applicable Landlord Tenant Act. Yet, where parties live largely dictates the eviction experience for landlords and tenants – so much so that the various approaches might appear to an outside observer to be applying drastically different laws, not one statewide statute. Counties in our study fell on various points of this due process spectrum. Some deployed the “two-question” approach seen in the young mother's story above. Some held trials ranging in formality, and others quickly questioned the landlord before employing a similarly brief two-question approach with tenants.

Docket size and judicial approach are the main drivers behind these geographic inconsistencies. Unsurprisingly, large urban areas, such as Oklahoma, Tulsa, Payne and Cleveland counties, have far larger daily eviction dockets than smaller, rural counties. Judges in these larger counties take a streamlined approach to process cases, but tenants, including the stories shared in our report, are often lost in the rush. For more on how enhanced filing requirements could address docket size, please see the full ATJ report.³ Judicial approach

may be more difficult to change. ATJ hopes to spread awareness and bring the judicial community together to create a consensus on processes in evictions.⁴

OKLAHOMA'S TWO VERY DIFFERENT PATHS TO EVICTION

A pro se landlord bringing one or two evictions a year encounters a far different eviction system than the large (often corporate) landlord with an attorney.⁵ One of the most significant differences is in mediation and negotiation. The mediations observed were most often successful – *i.e.*, the mediator helped the parties come to a written agreement and avoided an adversarial hearing with the judge.⁶ But judges only referred cases with pro se *landlords* to mediation. Attorneys for landlords instead negotiated with pro se tenants alone. In other words, mediators were used when both parties were pro se, had no legal training and, therefore, relatively little power imbalance existed. Yet, mediators were not used when one party had a substantial negotiating advantage in the form of an attorney, thus creating a considerable power imbalance.

With this *de facto* mediation policy, the courts have inadvertently created an inequity for all pro se parties, landlords and tenants.

In the summer of 2022, the Oklahoma Access to Justice Foundation (ATJ) conducted a study of Oklahoma’s eviction courts.¹ Three key issues stood out from that study: 1) geographic inequality, 2) Oklahoma’s two different paths to eviction and 3) inconsistencies in the application of the Landlord Tenant Act.² The full report is available at bit.ly/OKEvictionReport.

By engaging pro se landlords in a process fundamentally different than for landlords with attorneys, this system widens the advantage large landlords have over smaller “mom-and-pop” landlords in navigating the courts with alarming speed. And pro se tenants suffer in negotiations where they are at a distinct disadvantage. In short, all pro se parties lose.

INCONSISTENCIES WITH THE LANDLORD TENANT ACT

Discretion to Give Tenants More Time to Vacate

Often during ATJ’s observations, tenants approached the bench, admitted they were behind on rent and pleaded for additional time to move out beyond the two days guaranteed under the law. ATJ watched one elderly couple request more time to move out of a house they had lived in for over a decade. The husband sought more time to vacate because his wife was ill and on oxygen support – a fact

apparent to all in the courtroom because his wife carried an oxygen tank and mask. Such a disability meant moving quickly would be difficult, according to the husband. Nevertheless, the judge, claiming they lacked the power to give more time, granted the landlord possession immediately, leaving the couple with only 48 hours to move.

Two other common reasons for these requests were: 1) tenants’ need to care for and safely house their children during the move and 2) planning with employers to avoid job loss. These worries for tenants are consistent with research connecting evictions to job loss and long-term negative effects on children.⁷ Many judges throughout the state do commonly set later dates for eviction.⁸ No provisions of the Landlord Tenant Act expressly prohibit judges from giving tenants more time to vacate.⁹ Still, some judges ATJ observed this summer, like the judge from our story, insist they have no power to give tenants more time to vacate.

The Written Notice Question

The definition of “written notice,” or lack thereof, is another common barrier for pro se tenants. Consider this story ATJ observed: A tenant approaches the bench – late for court because she was unable to find childcare for the child she now carries in her arms before the judge. The woman assures the judge that she withheld rent because she notified the landlord of issues with the air conditioning and mold, but the landlord never made the repairs. The mother offers a text message as proof of notice. After explaining that text message notification is not sufficient “written notice,” the judge evicts the tenant. Stories like this one played out many times across various counties ATJ observed. If courts treated text messages and email as written notice, the ability for all pro se parties to make their case would improve. Pro se landlords could use text messages to prove they communicated with tenants about

repairs or past-due rent, and pro se tenants would have a common sense path to notifying their landlords about issues with habitability on the property.

CONCLUSION

This summer, housing courts in our state often failed to serve many Oklahomans but especially our most vulnerable citizens, the elderly and parents with children. These issues arose from various places: overcrowded dockets, geographic inequality, underused mediation and inconsistent applications of the Landlord Tenant Act. Common sense solutions are available. Enhanced filing requirements, judicial training, investments in mediation and sensible changes to the Landlord Tenant Act can improve both equity and efficiency in our housing courts.¹⁰ If we take action, the next time a vulnerable Oklahoman pleads to be heard, Oklahoma may listen.

ABOUT THE AUTHOR

Adam Hines is a third-year law student at the OU College of Law. He plans to remain in Oklahoma after graduation and pursue a career in public interest work.

ENDNOTES

1. This article is a short-form version of ATJ's full Eviction Report. As a result, this article focuses on the problems ATJ observed, whereas the full report suggests common sense solutions to all these issues. For more details on the data of this study and/or suggested solutions, please see the full ATJ report at bit.ly/OKEvictionReport.
2. Oklahoma Residential Landlord and Tenant Act 41 O.S. §101.
3. See ATJ Eviction Report at bit.ly/OKEvictionReport.
4. Housing committees composed of judges, lawyers and community leaders already exist in multiple neighboring states. See the Civil Justice Committee in Texas at <https://bit.ly/3D72KWA>; see also the Ad Hoc Committee on Best Practices in Evictions from Kansas at <https://bit.ly/3eArcp7>.
5. See Ryan Gentzler, "Evictions as Big Business: Handful of Companies Responsible for Vast Majority of Oklahoma Eviction Filings," Open Justice Oklahoma (Aug. 18, 2022), <https://bit.ly/3Qo1YYc>.
6. See the directory for the Early Settlement Mediation Program in Oklahoma. <https://bit.ly/3QpfOtf>.
7. Matthew Desmond and Carl Gershenson, "Housing and Employment Insecurity Among the Working Poor," 63 Soc. Probs. 46, 47 (2016);

Matthew Desmond, et al., "Evicting Children," 92 Soc. Forces 303, 320 (2013).

8. For a few of many examples of judges setting a later date for eviction, see these OSCN docket entries: In case SC-2022-813 from Canadian County, Judge Strubhar granted an eviction judgment on July 11, 2022, but gave the tenant until Aug. 1, 2022, to vacate. See <https://bit.ly/3TUTSt7>; In case SC-2022-7440 from Tulsa County, Judge Bruce granted the eviction judgment on July 5, 2022, but gave the tenant until July 21, 2022, to vacate. See <https://bit.ly/3TS1Z9M>; In case SC-2022-510 from Rogers County, Judge Smith granted an eviction judgment on July 6, 2022, but gave the tenant until July 20, 2022, to vacate. See <https://bit.ly/3Bow8GC>.

9. All sections of the Landlord Tenant Act dealing with lease termination and/or eviction do not outline a set time to vacate for all tenants. See generally 41 O.S. §§131-132, 111.

10. For more on these solutions, please see the full ATJ Eviction Report at bit.ly/OKEvictionReport.



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AGENDA

- 8:30 TO 9:00 AM** Welcome and Opening Plenary
- 9:10 TO 10:10 AM** *Option 1:* Effective and Fair Use of Online Dispute Resolution
Option 2: Achieving Procedural Fairness for Pro Se Litigants
- 10:20 TO 11:20 AM** *Option 1:* Incorporating Pro Bono Into Practice
Option 2: Building an Accessible (and Profitable) Practice
- 11:30 AM TO NOON** Lawyers and the Legislature
- 12:00 TO 12:45 PM** Summer Pro Bono Challenge Awards (Lunch)
- 12:45 TO 1:45 PM** *Option 1:* New Solutions for Rural Access
Option 2: The Benefits of a Holistic Practice
- 1:45 TO 2:30 PM** Networking Break
- 2:30 TO 3:30 PM** *Option 1:* Templates and Forms for Justice
Option 2: Lessons Learned from Recent Justice Reports
- 3:40 TO 4:30 PM** Closing Plenary: Diversity and Representation in Access to Justice Work

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Get Involved and Give Back

OBA MEMBERS JOIN committees to get more involved in the association, network with colleagues and work together for the betterment of our profession and our communities. Now is your opportunity to join other volunteer lawyers in making our association the best of its kind – by signing up to serve on an OBA committee in 2023.

More than 20 active committees offer you the chance to serve in a way that is meaningful for you. Committee service takes a small investment of time but pays major dividends in terms of the

friendships you will make and the satisfaction in the work you will do. Serving on an OBA committee is your chance to develop your leadership skills while tackling projects for which you may already have a passion – whether that’s improving access to justice for all Oklahomans, fostering public understanding of the law or helping your fellow lawyers who may be facing challenges with addiction or substance abuse. You can also benefit from working with new information and technology that will help you better serve your clients.

There are many committees to consider, and I invite you to review the full list below. Choose your top three committee choices and fill out the online form at <https://bit.ly/3SjMzcE>.

We will make appointments for 2023 soon! I am looking forward to hearing from you. The OBA will be better for your service!

Thank you!
Brian Hermanson
President-Elect



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

Access to Justice

Works to increase public access to legal resources

Awards

Solicits nominations for and identifies selection of OBA Award recipients

Bar Association Technology

Monitors bar center technology to ensure it meets each department’s needs

Bar Center Facilities

Provides direction to the executive director regarding the bar center, grounds and facilities

Bench and Bar

Among other objectives, aims to foster good relations between the judiciary and all bar members

Cannabis Law

Works to increase bar members’ legal knowledge about cannabis and hemp laws

Civil Procedure and Evidence Code

Studies and makes recommendations on matters relating to civil procedure or the law of evidence

Disaster Response and Relief

Responds to and prepares bar members to assist with disaster victims’ legal needs

Diversity

Identifies and fosters advances in diversity in the practice of law

Group Insurance

Reviews group and other insurance proposals for sponsorship

Law Day

Plans and coordinates all aspects of Oklahoma’s Law Day celebration

Law Schools

Acts as liaison among law schools and the Supreme Court

Lawyers Helping Lawyers Assistance Program

Facilitates programs to assist lawyers in need of mental health services

Legal Internship

Liaisons with law schools and monitors and evaluates the legal internship program

Legislative Monitoring

Monitors legislative actions and reports on bills of interest to bar members

Membership Engagement

Facilitates communication and engagement initiatives to serve bar members

Member Services

Identifies and reviews member benefits

Military Assistance

Facilitates programs to assist service members with legal needs

Professionalism

Among other objectives, promotes and fosters professionalism and civility of lawyers

Rules of Professional Conduct

Proposes amendments to the ORPC

Solo and Small Firm Conference Planning

Plans and coordinates all aspects of the annual conference

Strategic Planning

Develops, revises, refines and updates the OBA’s Long Range Plan and related studies

FRIDAY,
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9 a.m. - 3:20 p.m.

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MCLE 5/1



2022 BANKING AND COMMERCIAL LAW UPDATE

Cosponsored by the OBA Banking and Commercial Law Section

PROGRAM PLANNER: Eric Johnson, Hudson Cook, LLP

2022 Banking Updates

Matt Mowdy, General Counsel, Oklahoma Banking Department

Tales From the Trenches

Phil Fraim, Oklahoma Attorneys Mutual Insurance Company

Isaac Fraim, Oklahoma Attorneys Mutual Insurance Company

Alison Cave, Oklahoma Attorneys Mutual Insurance Company

New Age of Cyber Security: The 'Show Me' Era of Compliance with Cyber Security Controls?

Jonathan Kimmitt, Chief Information Security Officer, University of Tulsa

2022 Amendments to the Uniform Commercial Code: Emerging Technologies

Judge Balkman, District Judge, Cleveland County

Professor Stephen Sepinuck, Paul Hastings, LLP

Virtual Currencies Update

Miles Pringle, EVP/General Counsel, The Bankers Bank

CFPB Updates for the Banking/Commercial Lawyer

Eric Johnson, Partner, Hudson Cook, LLP

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FROM THE PRESIDENT

continued from page 4

Still more desire additional efforts, felt diversity was fundamental to growth and leadership should reflect the diversity of our organization. The OBA's diversity and strategic planning committees will be reviewing the comments and suggestions and leading the way in DEI initiatives:

- *Diversity* is the presence of differences that may include race, gender, religion, sexual orientation, ethnicity, nationality, socioeconomic status, language, (dis)ability, age, religious commitment or political perspective. Populations that have been, and remain, underrepresented among practitioners in the field and marginalized in the broader society.
- *Equity* is promoting justice, impartiality and fairness within the procedures, processes and distribution of resources by institutions or systems. Tackling equity issues requires an understanding of the root causes of outcome disparities within our society.

- *Inclusion* is an outcome to ensure those who are diverse actually feel and/or are welcome. Inclusion outcomes are met when you, your institution and your program are truly inviting to all. To the degree to which diverse individuals are able to participate fully in the decision-making processes and development opportunities within an organization or group.

The opportunity for the Board of Governors to learn about the resilience of the Greenwood neighborhood during the tour of the Greenwood Rising Museum helped to focus the board on the DEI goals of the OBA. The Diversity Awards Dinner will take place during the upcoming Annual Meeting on Nov. 3 at the Oklahoma City Convention Center. This is the perfect opportunity to learn more about the amazing work and contributions to diversity, equity and inclusion in our organization by your fellow members. In the face of the Greenwood Rising history and countless other events in Oklahoma history, it is clear that each of us, as attorneys and advocates, must be intentional in our actions to create a genuine, inclusive organization. The OBA stands with readiness and continues to create a more diverse and inclusive organization for all. Stand with us!

In the face of the Greenwood Rising history and countless other events in Oklahoma history, it is clear that each of us, as attorneys and advocates, must be intentional in our actions to create a genuine, inclusive organization.

Some Gambling at the OBA

By John Morris Williams

AS MOST OF YOU HAVE read or heard, it is my plan to retire at the end of this year. In 2003, OBA President Melissa DeLacerda and the Board of Governors took a big risk and hired me as executive director. I was charged with bringing change to the OBA. Taking existing organizations, buildings or other things and making them into something new, I have found from personal experience, is harder than starting from scratch. In remodeling organizations or remodeling buildings, you have to be careful not to eliminate the load-bearing walls or pillars. If you don't have the original plans, it can be risky business. Thankfully, I have had the blessing of having good advisors in both volunteers and professional staff to reveal to me the locations of the pillars and load-bearing walls, literally and figuratively.

When I came to the OBA, the finances were strained, building maintenance had been deferred far too long and half the place was covered with asbestos. We moved lots of walls when we remodeled the building and abated the asbestos. Also, I hope we have removed some walls in terms of accessibility, both virtually and in person. We did not reach perfection, but that is work that must forever be ongoing. To be a welcoming organization, it is necessary that our culture be one of continuing

to move or remove walls, all the while being mindful to not put up any unnecessary barriers or remove any that are essential to maintaining structural stability.

In 2003, we had about 50% of our members' email addresses. Since they are not required to be furnished to us, we took some risks to increase that number. Today, that number is over 95%. Anticipating that the online world would significantly change the landscape, we decided to move some virtual walls and make more services available online. It was somewhat of a gamble to take scarce resources at the time and attempt to make major leaps

in technology. We thought if we made MCLE reports available online, more members would interact with us and furnish their email addresses. It worked. Next, we went so far as to "push out" MCLE reports by email and alleviate those who were in compliance, before the end of the year, from having to fill out the annual MCLE report to further grow our online capacities. It worked! Today, instead of receiving over 15,000 pieces of paper and taking up everyone's time to fill out a report, the vast majority of members have no reporting requirement, and the huge stacks of paper have disappeared. When I was in practice,

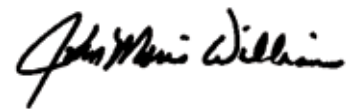


it usually took about an hour to get the report filled out. Between staff pulling the files, looking over all the attendance certificates and filling out the form, it all took time. For many of our members, time is their sellable product. Do the math: Over the course of the year, millions of dollars worth of billable time has been saved by eliminating the report, not to mention postage costs and trees saved. Since then, we have added online dues payment, CLE, legal research, member lookup and a number of other tools. It was a gamble, and I think it paid off well.

In 2004, the House of Delegates took a big gamble that the progress we wished for was worthy of consideration, and dues increased from \$175 to \$275. Because of that big gamble, our technology has been continually updated, the building was remodeled and we have maintained a stable, long-term, dedicated staff. It was planned at the time for the dues increase to be sufficient for five years, and thereafter, periodic adjustments upward were to be sought. Dues have not increased in the last 17 years, and we are still in good financial shape for the time being. While our membership has increased by more than

3,000 members since 2003, with the aid of technology, we actually have three fewer full-time employees in administrative and program staff today than when I began in 2003.

During my time as executive director, we have tried to not take too many risks, but guessing the future is always a gamble. I think, overall, we have been pretty lucky.



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



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The Billable Hour Today

By Jim Calloway

THE TERM “BILLABLE HOUR” has long been a topic of discussion in the legal community. However, for such a simple term, it can be used in different ways. The most obvious answer is that hourly billing and the lawyer’s hourly billing rate is the method, likely still the predominant method, of determining how much clients pay their lawyers. The lawyers in the firm have hourly billing rates, keep track of their time, and fees are determined by simple multiplication: hours times the lawyers’ rates.

The cover story of the August 2007 *ABA Journal* was “The Billable Hour Must Die” by famed lawyer-novelist Scott Turow. No one who has read any of Mr. Turow’s books would be surprised that it is a well-written and persuasive piece. He repeats the phrase “dollars times hours.” Mr. Turow wrote:

Dollars times hours sounds like a formula for fairness. What could be more equitable than basing a fee on how long and hard a litigator worked to resolve a matter? But as a system, it’s a prison. When you are selling your time, there are only three ways to make more money – higher rates, longer hours and more leverage. As the years have gone on, the push has continued on all three fronts.¹

Mr. Turow’s criticism of the billable hour was stinging: “It rewards inefficiency. It makes clients suspicious. And it may be unethical.”² The billable hour, in case you’ve been keeping track, has not died. I doubt that Mr. Turow thought it would die because of his feature story.

As many readers know, Oklahoma City attorney Mark Robertson and I co-authored two books for the ABA titled *Winning Alternatives to the Billable Hour* (2nd and 3rd editions). Although both books are now out of print, one edition was one of the top-selling books for the ABA that year. More recently, Mr. Robertson wrote *Alternative Fees for Business Lawyers and Their Clients*,³ which is still available from the ABA.

Most lawyers equate alternative billing with flat fees. Flat fees are very popular with consumer clients – but there are many variations. Task-based billing is another alternative where the lawyer bills a fee per task completed. This can be a good method for limited scope representation when the lawyer does one task, like document drafting, and the client decides if they need further assistance for an additional fee.

BILLABLE HOURS AS A MEASURE OF PERFORMANCE

One of the reasons hourly billing has proved so durable is that it is also often used as a measure

of associates’ performance in law firms, particularly larger law firms. Often, law firms have a billable hour target that is disclosed to potential associates during recruitment. An associate who fails to reach the minimum target repeatedly may not be considered for partnership. It is certainly true that this is an objective measurement of performance, and we lawyers do like objective data.

However, it is certainly daunting to have a requirement of billing 2,400 hours or even 2,700 hours annually. As we all appreciate, one cannot bill all their time spent at work, and even larger firms have internal committees requiring a lawyer’s non-billable participation. Then there are items like CLE attendance, meetings with potential clients who do not hire the firm, pro bono service and more that are not billed. But even to ethically bill 2,400 hours a year requires not only a commitment but also good health and a steady stream of work assigned by the partners. Associates trying to hit these numbers often find their personal and family time is significantly impacted.

The signing bonuses and compensation for new associates in top-tier national law firms can be stunning. The time commitment is huge, and of course, if one wants to make partner, developing your own book of business is essential. Certainly, most lawyers in private



practice find themselves working long hours, particularly when pre-trial preparation for a major trial is underway. But it's one thing to miss going on a trip for a traveling soccer tournament because you have a week-long jury trial ahead, and another thing to spend all your time at the children's soccer games talking to clients on your cell phone.

That brings up another use of the term billable hour. It has come to symbolize the massive commitment of hours lawyers might bill and the impact on their personal and family lives. This reflects a personal decision lawyers have to make, but it shouldn't be done unconsciously. Lawyers and other personnel in the law office are among the firm's most valuable assets. There are a number of studies showing that the quality of

work suffers after more than eight or nine hours are worked in a day.

It was traditionally almost used as bragging rights among lawyers that they went an entire year without a vacation. Large-firm lawyers are trying to meet their billing requirements and properly serve their clients. Small firm lawyers may have another concern that being out of the office for an entire week will impact the number of new clients that month. Any consideration of the number of hours you want to bill or work each month should be informed by the high rates of stress and mental health challenges reported in our profession. As an older lawyer, I note this is one area where the newer generations of lawyers have a better approach to work-life balance. I've talked to many lawyers in the twilight of

their careers who confessed to me that one of their greatest regrets was the number of their children's activities they missed while the children were growing up. That is one reason why we are seeing the trend of partners moving on to become in-house counsel for a client. The compensation might be less, but your weekends are generally your own.

It's not my job to make these personal decisions for you and your career. I just want to encourage lawyers to think about the long-term implications of these decisions, particularly if they are on a law firm's management team.

EFFICIENCY IMPROVEMENT IS DRIVING BUSINESS OPERATIONS TODAY

Across the world, businesses are increasing the efficiency of their operations, often through

increased reliance on technology, and inefficient businesses find that they have trouble competing with innovative competitors. This represents the main challenge related to hourly billing today.

Efficiency in business operations means using technology to create more efficient processes that require less human intervention and rely more on processes and technology. For more businesses, after absorbing the cost of the technology, the result is uniformly positive. If you reduce the hours required for an employee to create a widget from 5 to 2.5 hours, theoretically, the company can produce twice as many widgets for sale.

Implementing a technology process, like automated document assembly, which reduces the time a lawyer must spend on a project, equates to lawyers to a billable hours cut and revenue reduction. It may be a move that is good for the firm and required, but that fact impacts the risk/reward analysis of implementing new technology innovations. However, businesses that don't keep up with modern technology while their competitors do, often find themselves losing market share and affecting profitability.

Already, many legal documents are created by technology-based processes with supervision and review by the lawyer. That trend will continue. Here's one example: Suppose the firm has a new client that operates in a dozen states and has many contracts regularly created in each of those states. A few decades ago, that would have been a major (and expensive) legal project to make sure each contract properly complied with state law. And when the client decided to expand to two more states, there was more billable legal work.

Don't get me wrong, this is still a great deal of work. But today,

you can search Google for contract management software and locate articles like *PCMag's* "The Best Contract Management Software."⁴ Contract management software covers a wide range of capabilities. How handy would it be for the lawyer to receive a notice from their software/service that Georgia law has recently changed, and that change impacts four existing contracts you should review? The existence of contract management software may be a signal that corporate clients will move more of these functions in-house.

A law firm may be a leader in drafting contracts for a specific industry, and the firm may be able to accomplish monitoring and

compliance through the processes they have used for years. But they probably should be aware that a potential threat in the future is a competitor law firm offering to do the same services the law firm provides at a monthly flat fee that is less than the firm's typical monthly billing. That is just how business operations function today. Technology innovations create winners and losers.

A MODEST PROPOSAL

I've noted before in this space that I believe one solution would be that most hourly engagements should have some task-based provisions in them. Tasks that are appropriately done by legal

TIPS FOR IMPLEMENTING ALTERNATIVE BILLING

- 1) Take your time, using "bite-sized" steps.
- 2) Mine your closed files for objective data. Your recollection may be a bit biased.
- 3) Start with things that make sense to you and the client – e.g., a flat fee for courthouse filing, no matter who does it.
- 4) Written fee agreements and documentation are keys.
- 5) Pay special attention to areas where you can delegate and automate better.
- 6) Look at the goals from a client's viewpoint. Predictability is at least as important as cost.
- 7) If your firm rewards based on billable hours, consider changing or expanding the focus to dollars billed and received. (We should have done this long ago.)
- 8) Could one aspect of your practice be transformed? E.g., corporate formation, minute book and first year's minutes, up to 2 hours of phone questions answered during the next year, running your new business advice letter, all bundled together. Clients get predictability and "free" calls to the lawyer. You get a year to prove how valuable you are.
- 9) Keep reviewing and improving the process.

assistants and technology-based processes might be billed at a flat fee within the hourly contract, e.g., draft and file the complaint with the court, send off for service and do other things to ensure a matter is billed at a flat fee. Clients will appreciate it if that flat fee is actually somewhat less than they would have been billed had the lawyer done it on an hourly basis. That becomes a win-win for the attorney and client. As artificial intelligence and automated document assembly products continue to improve and lawyers incorporate templates into their practices, this is not merely a theoretical discussion about the future.

WHAT IS VALUE?

I recently visited a website for a firm focusing on probate, guardianship, wills and trusts practice. The firm has one lawyer and one paralegal. The domain name of the website contained terms associated with peace of mind. The website featured many pictures of families and children as well as pictures of the lawyer and her legal assistant. The outline of services they offer listed many items we would not consider legal but only legal related. But they all spoke to removing uncertainty for one's future and encouraging with all the support that the firm provides.

Most lawyers produce quality legal work. They are proud of their documents that reflect years of refinement and experience related to the subject matter. If your audience is a client's corporate general counsel, the care and craftsmanship of the well-drawn contract will be appreciated. Many consumer clients, however, value the documents a lawyer prepares far less than the time the lawyer individually spends with them and the relief that someone they trusted was

advising them and handling the legal work for them.

Increasingly, for consumer clients today, it is the user experience that is the most valuable thing they receive from their lawyers. They may assume their good lawyer will produce good documents. But whether they refer clients to you in the future depends more on how you made them feel than that well-drafted provision in paragraph 14. So, automating your document creation to the extent possible may free the lawyer to have more billable time to counsel with the client and follow up proactively during the representation. And that can be good for the lawyer and the client.

Mr. Calloway is OBA Management Assistance Program director. 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. It's a free member benefit.

ENDNOTES

1. <https://bit.ly/3BeIOP6>. Note that this article is now behind an ABA-member-only paywall.
2. *Id.*
3. <https://bit.ly/3LibATC>.
4. <https://bit.ly/3BgEHlt>.



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Concurrent Conflicts: The Basics

By Richard Stevens

A SIGNIFICANT NUMBER OF the inquiries I receive from lawyers deal with the issue of conflicts of interest. Conflicts of interest are very fact specific. They are often time-consuming to identify and attempt to resolve. It is important to understand the rules that define those conflicts, how to identify those conflicts and how to resolve those conflicts.

WHY DO CONFLICTS MATTER?

Conflicts matter because of a lawyer's duty of loyalty to the client. Loyalty and independent judgment are essential elements of the lawyer's relationship to a client. When a lawyer's ability to represent a client is materially limited by responsibilities to another client, former client, third person,

personal interest or any other reason, the lawyer cannot adequately represent the client. A lawyer's legal skill and training, together with the relationship of trust and confidence between the lawyer and client, create the possibility of overreaching. Lawyers also have continuing duties with respect to confidentiality and conflicts of interest after the termination of a client-lawyer relationship.

HOW ARE CONCURRENT CONFLICTS RESOLVED?

Resolution of concurrent conflicts of interest requires the lawyer to 1) clearly identify the client or clients, 2) determine whether a conflict of interest exists and 3) decide whether the representation may be undertaken despite

the existence of a conflict, *i.e.*, whether the conflict is consentable. If a conflict of interest exists before the representation is undertaken, the representation must be declined. If a conflict arises after the representation has begun, the lawyer must ordinarily withdraw from the representation.

OPRC 1.7

ORPC 1.7 defines a concurrent conflict of interest as:

- 1) the representation of one client directly adverse to another; or
- 2) a representation in which there is a significant risk at the representation of one or more clients will be materially limited by the lawyers' responsibilities to another client, a former client, a third person or by a personal interest of the lawyer. This conflict arises because of the attorney's duty of loyalty and a responsibility to exercise independent judgment on behalf of a client free from other interests.

PROHIBITED REPRESENTATIONS

Some representations are prohibited by Rule 1.7. When a lawyer does not reasonably believe they will be able to provide a competent and diligent representation to each affected client, the lawyer

When a lawyer's ability to represent a client is materially limited by responsibilities to another client, former client, third person, personal interest or any other reason, the lawyer cannot adequately represent the client.

may not undertake the representation. If the representation is prohibited by other laws, the lawyer may not undertake the representation. If a representation involves the assertion of a claim by one client against another client in the same litigation, that representation is also prohibited. A lawyer may not ask a client to consent to an incompetent representation. Similarly, the lawyer may not ask the client to consent to an unlawful representation. The lawyer may not ask the client to consent to the representation of a client claiming against this client in the same litigation.

INFORMED CONSENT

The lawyer may, however, seek informed consent in other instances. If a lawyer reasonably believes they are able to provide competent and diligent representation to each client and the representation is not a prohibited representation, the lawyer may seek informed consent.

Informed consent requires that each affected client be aware of the relevant circumstances and the material and foreseeable ways the conflict could have adverse effects on the interests of that client. Informed consent is an agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and

reasonably available alternatives to the proposed course of conduct.¹ Informed consent must be confirmed in writing.

THE TAKEAWAY

The representation of clients who are averse to one another or whose representation may materially limit or be limited by the representation of another client or other interests of the lawyer will create a concurrent conflict of interest. Other conflict rules govern other situations, but an exploration of those rules will have to wait for another day.

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

ENDNOTE

1. ORPC 1.0(e).



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.



Meeting Summary

The Oklahoma Bar Association Board of Governors met Aug. 19, 2022.

REPORT OF THE PRESIDENT

President Hicks welcomed attendees to the Tulsa County Bar Center and thanked those who coordinated the board's visit to Greenwood Rising History Center the previous evening. He reported he attended the National Conference of Bar Presidents annual meeting in Chicago, the State Bar of New Mexico's annual meeting and served as an Oklahoma delegate at the American Bar Association's House of Delegates. He also addressed the Cleveland County Bar Association in Norman and met with the Executive Search Committee and the Oklahoma Center for Nonprofits to develop a job description and application for the role of executive director. He also met with visiting judges from Mongolia through a Tulsa County Bar Association event.

REPORT OF THE PRESIDENT-ELECT

President-Elect Hermanson reported he attended the Southern Conference of Bar Presidents meeting, the National Conference of Bar Presidents meeting, the ABA House of Delegates meeting and the Violence Against Women Act Grant board meeting. He also attended the OBA Legislative Debrief, where he presented the new criminal law legislation and virtually attended the Membership Engagement Committee meeting. He was also in

attendance at the District Attorneys Council meeting and the Oklahoma District Attorneys Association board meeting as well as the OBA Board of Governors/Tulsa County Bar Association dinner and event at the Greenwood Rising History Center and Tulsa Afterglow event. Additionally, he worked on appointments and chaired the Justice Assistance Grant board meeting.

REPORT OF THE VICE PRESIDENT

Vice President Pringle reported he planned and moderated the OBA Legislative Debrief. He also attended the joint Tulsa County and OBA event and attended a meeting of the Membership Engagement Committee.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the Membership Engagement Committee meeting, OBA Legislative Debrief, Tulsa County Bar Association open house and annual luncheon, National Association of Bar Executives annual meeting, National Conference of Bar Presidents annual meeting, meeting of the Southern Conference of Bar Presidents and the OBA Board of Governors/Tulsa County Bar Association dinner and event at the Greenwood Rising History Center and Tulsa Afterglow event. He also attended the OBA monthly staff celebration and participated in weekly disaster response calls with FEMA.

REPORT OF THE PAST PRESIDENT

Past President Mordy reported he attended the ABA Annual Meeting in Chicago and the OBA Legislative Debrief.

BOARD MEMBER REPORTS

Governor Ailles Bahm reported by email she attended the Legislative Monitoring Committee meeting and presented at the Legislative Debrief. She also presided over the annual meeting of the Professional Responsibility Tribunal and welcomed new members. **Governor Bracken** reported he attended the OBA Legislative Debrief and the Oklahoma County Bar Association Young Lawyers Bowling Tournament. He also met with the OBA Heroes Program director to discuss ways to improve assistance and outreach to veterans. **Governor Conner** reported he attended the OBA Awards Committee meeting. **Governor Davis** reported by email he attended the Bryan County Bar Association meeting and the meeting of the Law Schools Committee. **Governor Dow** reported by email she attended the 2022 OBA Legislative Debrief on Aug. 11. **Governor Edwards** reported he graded examinees' responses to one question from the July bar exam. **Governor Garrett** reported she attended a Lawyers Helping Lawyers discussion group meeting and chaired the OBA Cannabis Law Committee meeting. She also attended the OBA

Board of Governors/Tulsa County Bar Association dinner and event at the Greenwood Rising History Center and Tulsa Afterglow event. **Governor Hilfiger** reported he attended the Muskogee County Bar Association meeting and reported that the association would like to host an upcoming Board of Governors meeting in Muskogee. **Governor Rochelle** reported he attended the Comanche County Bar Association's August meeting. **Governor Smith** reported she attended the Diversity Committee meeting and the Awards Committee meeting. **Governor Vanderburg** reported he attended the Oklahoma Association of Municipal Attorneys Board of Directors meeting and a meeting of the Kay County Bar Association, where the association announced new scholarships. **Governor White** reported he attended the Legal Internship Committee meeting and the Tulsa County Bar Association annual luncheon.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Erwin reported he attended the YLD July meeting, where bar exam survival kits were assembled. He also attended the Access to Justice planning meeting and the ABA Annual Meeting and delegate dinner in Chicago.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx discussed recent staffing changes and

reported from July 1 to July 31, the Office of the General Counsel received 18 formal grievances and 84 informal grievances. These numbers compare with 26 formal grievances and 53 informal grievances respectively the same time period last year. From July 1 to July 31, there were three disciplinary cases awaiting decisions from the Oklahoma Supreme Court. The Supreme Court issued one Order of Dismissal. As of July 31, there were 178 grievances pending investigation by the Office of the General Counsel for future presentation to the Professional Responsibility Commission. In addition to the pending investigations, there is one grievance awaiting a private reprimand and three grievances to be filed as formal charges with the Oklahoma Supreme Court. Furthermore, upon the successful

completion of the Attorney Diversion Program, 10 participating attorneys are to receive private reprimands involving 20 grievances and 10 attorneys are to receive letters of admonition involving 12 grievances. 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 Conner reported the **Awards Committee** has met, and the slate of recommendations for OBA Annual Awards will be presented during this meeting. President-Elect Hermanson reported the **Membership Engagement Committee** met and discussed a planned campaign to encourage more members to take advantage of the free Fastcase legal research service through improved training. He said the

President-Elect Hermanson reported the Membership Engagement Committee met and discussed a planned campaign to encourage more members to take advantage of the free Fastcase legal research service through improved training.

training dates that will include free CLE have been announced. Governor Hilfiger said the **Law Day Committee** will meet later today and contests for next year are being discussed. Governor Garrett said the **Cannabis Law Committee** has met, and the **Lawyers Helping Lawyers Assistance Program Committee** has met and discussed that monthly LHL support meetings are getting good attendance. Governor White reported the **Legal Internship Committee** met and chose its Legal Intern of the Year honoree who will be recognized at the OU College of Law Alumni Luncheon. The committee is also working to determine and refine the acceptable scope of services for legal interns. Vice President Pringle reported the **Legislative Monitoring Committee** held its annual Legislative Debrief, which was well attended both in person and virtually. Governor Smith reported the **Diversity Committee** has extended its deadline for nominations for the annual Diversity Awards. The annual Diversity Awards Dinner to be held in conjunction with the OBA Annual Meeting is also being planned. Also being discussed is a CLE. Governor Bracken said the **Military Assistance Committee** has been working with the OBA Heroes Program to discuss expanding income limits for those needing services. Also being discussed is participation in the annual “Sooner Stand Down” event for homeless Oklahoma veterans.

OKLAHOMA BAR FOUNDATION APPOINTMENT

The board passed a motion to approve the appointment of Kimberly Hays, Tulsa, to a term expiring Dec. 31, 2023.

COMMISSION ON CHILDREN AND YOUTH

The board passed a motion to approve the submission of three names to the governor for his consideration and appointment of one to a term expiring Dec. 31, 2024: Bradley James Wilson, Ardmore; Judge Jennifer Ann Brock, Newkirk; and Jaclyn Jean Rivera, Oklahoma City.

REVIEW AND APPROVAL OF PROPOSED CHANGES TO REVISED OBA SOCIAL MEDIA POLICY AS APPROVED BY BOG ON APRIL 22, 2022

The issue was tabled until the September meeting.

REVIEW AND APPROVAL OF AWARDS COMMITTEE RECIPIENT RECOMMENDATIONS

The board reviewed the Awards Committee’s list of recommendations for 2022 OBA Awards and passed a motion to approve the committee’s recommendations.

CONSIDERATION OF DWIGHT BIRDWELL FOR OBA MEDAL OF VALOR

The board unanimously passed a motion to present the OBA Medal of Valor to OBA member Dwight Birdwell in recognition of his military service actions that were recently distinguished with a Congressional Medal of Honor.

LAW SCHOOLS COMMITTEE ANNUAL REPORT

The board reviewed, discussed and accepted the committee’s written report.

EXECUTIVE SEARCH COMMITTEE

President Hicks provided an update that the committee has received nine applications for the role of OBA executive director.

OCTOBER BOARD MEETING

A possible date change to the scheduled meeting was discussed with follow-up to be conducted via email.

UPCOMING OBA AND COUNTY BAR EVENTS

President Hicks reviewed upcoming bar-related events, including the Tulsa County Bar Association Affinity Bar Associations Open House, Aug. 30, Tulsa; Boiling Springs Legal Institute, Sept. 20, Woodward; Swearing-In Ceremony for new admittees, Sept. 29, Oklahoma Judicial Center, Oklahoma City; OBA Women in Law Conference, Sept. 30, Civic Center Music Hall, Oklahoma City; Third Annual Access to Justice Summit, Oct. 21, Oklahoma City; and the OBA Annual Meeting, Nov. 2-4, Oklahoma City Convention Center, Oklahoma City.

NEXT BOARD MEETING

The Board of Governors met in September, and a summary of those actions will be published in the *Oklahoma Bar Journal* once the minutes are approved. The next board meeting will be at 10 a.m. Friday, Oct. 14 at the Oklahoma Bar Center in Oklahoma City.

OPENING YOUR LAW PRACTICE

OCT. 18 | PRESENTED BY THE OKLAHOMA BAR ASSOCIATION

A free seminar for new lawyers or those going into private practice. NEW this year is the option to attend in person or virtually. Registration is required. Contact Renee Montgomery at 405-416-7029 or reneem@okbar.org.

- 8:30 a.m. Registration and Continental Breakfast**
- 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. Tools of the Modern Law Office, Hardware/Software and Fastcase**
Jim Calloway and Julie Bays, OBA Management Assistance Program
- 12:15 a.m. Lunch**
Provided by Oklahoma Attorneys Mutual Insurance Company
- 12:30 p.m. Professional Liability Insurance and Risk Management**
Phil Fraim, President, Oklahoma Attorneys Mutual Insurance Company (OAMIC)
- 1:30 p.m. Professionalism in the Practice of Law**
Presiding Judge David Lewis, Oklahoma Court of Criminal Appeals
- 1:50 p.m. Break**
- 2:00 p.m. Trust Accounting and Legal Ethics**
Gina Hendryx, OBA General Counsel
- 2:50 p.m. Break**
- 3:00 p.m. How to Succeed in Law Practice**
Jim Calloway and Julie Bays, OBA Management Assistance Program
- 4:00 p.m. Adjourn**

*Sponsored by Oklahoma Attorneys Mutual Insurance Company
This program does not qualify for MCLE credit.*

How a Municipal Ticket Changed the Life of a Homeless Man

FOR THREE AND A HALF years, SB had been living in a tent in a homeless encampment along the highway. He suffered from undiagnosed health problems and thought he'd had a stroke. He could not close one eye, and his health worsened while he lived outdoors.

He had no food, no clothes and no identification, but the problem that bothered him the most was that he had no shoes. He has very large feet, and every time he searched the donation resources for shoes, there were none in his size.

SB received a ticket and had to go to the Tulsa Municipal Court. To his surprise, he found the help he desperately needed there. He was paired with a case manager through the Special Services Docket at the Mental Health Association of Oklahoma, an OBF-funded program, and as a result, his life was changed.

SB's case manager helped him get shoes in his size, and once he had this very basic need met, the case manager worked with him on his other goals for housing and self-sufficiency. They completed his housing application, acquired new identification documents, registered for food stamps, received

MENTAL HEALTH ASSOCIATION OF OKLAHOMA

Special Services Docket

- 240 clients assisted each year
- 85% recidivism rate
- \$277 provides a client with 1 month of case management



Left: SB's encampment

Right: SB's move-in day

donated blankets so he could keep warm in the encampment and got him clothing and more shoes. They also helped him get access to healthcare, and he was diagnosed with Bell's palsy. He finally knew why he couldn't close his eye! SB's case manager helped him get to his doctor's appointments two times each week to treat his eye until he reached program graduation.

The best part is a year ago, SB moved into his own apartment. As he was moving in, he told his case manager, "I'm so glad I got that ticket. If that hadn't happened, I wouldn't have a home right now."

OBF Partners for Justice help clients like SB who need special assistance to overcome barriers so they can move on to live self-sufficient lives.

OKLAHOMA BAR FOUNDATION TRUSTEE NOMINATIONS ANNOUNCED

Pursuant to Article IV, Section 2 of the Bylaws of the Oklahoma Bar Foundation (OBF), the following OBF members have been nominated by the 2022 Nominating Committee to serve as Trustees for first three-year terms: Todd Taylor, April Moaning and Judge Richard Ogden, all of Oklahoma City, and Bob Burke of Oklahoma City and Ryan Ray of Tulsa for second three-year terms.

Any group of 25 or more Partners for Justice (formerly Fellows) may submit the name of a member of the Foundation as an additional nominee, by submitting a petition duly signed by said Partners and submitted to the OBF Executive Committee on or before Oct. 11, 2022. Nominating petitions can be mailed to Renee DeMoss, Executive Director, Oklahoma Bar Foundation, P.O. Box 53036, Oklahoma City, 73152-3036, or delivered to 1901 N. Lincoln Blvd., Oklahoma City, 73105-4901.

Oklahoma Bar Foundation 2023 Officers and Board of Trustees Slate of Nominees

OFFICERS

Past President – Valerie Couch, Oklahoma City (Per Bylaws)
President – Deanna Hartley-Kelso, Ada (Per Bylaws)
President-Elect – Nominee Allen Hutson, Oklahoma City
Vice President – Nominee Jim Dowell, Woodward
Treasurer – Nominee Courtney Briggs, Oklahoma City
Secretary – Nominee Andy Shank, Tulsa

FIRST THREE-YEAR TERM

Nominee Todd Taylor, Oklahoma City

SECOND THREE-YEAR TERMS

Nominee Bob Burke, Oklahoma City
Nominee Ryan Ray, Tulsa

NEW TRUSTEE POSITIONS

Nominee April Moaning, Oklahoma City
Nominee Judge Richard Ogden, Oklahoma City

APPOINTMENTS

Kim Hayes, Tulsa – OBA President/BOG Appointment (One-Year Term)
Miles Pringle, Oklahoma City – OBA President-Elect Position (One-Year Term)
Dylan Erwin, Oklahoma City – YLD Representative (One-Year Term)

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Make access to justice a priority in your charitable giving!

Partners Advancing Justice



Partners Advancing Justice

Individual giving program – giving starts at \$10/month or \$100/year.



Community Partners for Justice

Group annual giving program – giving starts at \$1,000.



Legacy Partners for Justice

Leave a legacy by making a planned gift to the OBF. Joining as a Legacy Partner is one of the most powerful actions you can take to ensure justice is possible for all.



More Ways to Support the OBF

Cy Pres

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



Memorials & Tributes

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



Unclaimed Trust Funds

Contact the OBF office if you have unclaimed trust funds in your IOLTA Account (405-416-7070 or foundation@okbar.org).



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P.O. Box 53036, Oklahoma City, OK 73152

The Tort on Haunted Hill

By Dylan D. Erwin

OCTOBER HAS ARRIVED. AS I do every year, the change in the season has turned me into one of the inhabitants of Ray Bradbury's October Country: "That country whose people are autumn people, thinking only autumn thoughts. Whose people passing at night on the empty walks sound like rain[.]" October brings with it cooler temperatures, pumpkin-based libations and the bizarre desire, especially for this writer, to get scared in a controlled environment. Law is not a profession for the faint of heart, but for this month's article, I want to spend some time talking about something *especially* frightening: haunted house litigation.

On Oct. 31, 2017, *USA Today* opinion contributor Randy Maniloff published an article titled "When haunted house visits go from 'boo' to sue, the house usually wins." In the article, Mr. Maniloff posits the question of whether the legal system tolerates "otherwise unacceptable behavior simply because it takes place in the season of ghosts and goblins." The short answer? It does. As one would assume, a lot of this "behavior" would be covered under various theories, including, but not limited to, the assumption of risk. But where's the fun in this? Let's forget about that. I want to highlight some of my favorite cases.

In *Mays v. Gretna Athletic Boosters*, a 10-year-old girl was so frightened when a haunted house performer jumped out to scare her, she hightailed it directly into a cinderblock wall. Injury aside, the court held, "Patrons



in a Halloween haunted house are expected to be surprised, startled and scared by the exhibits but the operator does not have a duty to guard against patrons reacting in bizarre, frightened and unpredictable ways."¹

In *Bonanno v. Continental Casualty Company*, an 84-year-old woman was jostled by young patrons (or simply fell, depending on which litigant you believe) while fleeing from a person dressed as the devil being mechanically projected onto an overhead track. The court found that the devil may have been in the room, but he wasn't in the details, and it didn't matter if she fell as a result of being jostled by a frightened crowd. It was held that, "It would be inconsistent in this case for this court to allow plaintiff to recover for damages which resulted from her being frightened, precisely the effect that the 'Haunted House' was calculated to produce."²

Although these haunted house cases are interesting, there's a specific quote from *Griffin v. The Haunted Hotel, Inc.* – a case in which a plaintiff

fell while being chased in a haunted attraction – that takes the candy corn and deserves to be framed in every household: "Being chased within the physical confines of The Haunted Trail by a chainsaw carrying maniac is a fundamental part and inherent risk of this amusement."³

So, in closing, I warn thee, dear reader. As the moon rises on Halloween night, it is not the ghouls and goblins that you should fear. No. It's the TORTS!

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

ENDNOTES

1. *Mays v. Gretna Athletic Boosters*, 668 So. 2d 1207, 1209 (La. App. 5th Cir. Jan. 17, 1996).
2. *Bonanno v. Continental Casualty Co.*, 285 So. 2d 591, 592 La. App. 4th Cir. Nov. 2, 1973).
3. *Griffin v. The Haunted Hotel, Inc.*, 242 Cal. App. 4th 490, 509 (Oct. 23, 2015). In other words, when it comes to haunted houses, you get what you pay for.

FOR YOUR INFORMATION



FIRST LICENSED LEGAL INTERN OF THE YEAR SELECTED

Jessica Goodwin, a May 2022 graduate of the OU College of Law, was named Licensed Legal Intern of the Year by the OBA Legal Internship Committee. The committee solicited nominations from licensed legal interns supervising attorneys for this inaugural award, which will be presented at the OU Law Alumni Luncheon during the Annual Meeting in November. Ms. Goodwin will receive a commemorative plaque and a \$500 cash award funded by the OBA Estate Planning, Probate and Trust Section of the OBA.

Ms. Goodwin interned with Legal Aid Services of Oklahoma in Stillwater for two years, assisting primarily on the Iowa Tribe VOCA grant. During her time with Legal Aid, she also helped domestic violence victims and survivors in a variety of legal matters, located resources for clients and prepared pro se expungements for clients wishing to access new career and housing opportunities. Additionally, she served as Area 3 representative for the National Native American Law Students Association, president of Lawyers Against Human Trafficking and public relations and event coordinator for the OU Native American Law Student Association.

Nominated by Mozella Irwin-Smith, Ms. Goodwin was highly praised for her dedication to the legal profession and her demonstrated commitment to serving low-income individuals, particularly those who have been severely traumatized by domestic violence. Ms. Irwin-Smith wrote, "Her ability to be professional with clients, opposing attorneys, judges, and other court personnel is impressive."

With a J.D. and a Certificate in American Indian Law, Ms. Goodwin plans to continue her work with domestic violence victims and survivors and Indian country throughout her career.

The Oklahoma Licensed Legal Intern Program provides supervised practical training in the practice of law, trial advocacy and professional ethics to law students. The Legal Internship Committee urges Oklahoma licensed attorneys to review the Rules of the Supreme Court on Licensed Legal Internship at okbar.org/LLI and consider becoming supervising attorneys.



LHL DISCUSSION GROUP HOSTS NOVEMBER MEETINGS

The Lawyers Helping Lawyers monthly discussion group will meet Nov. 3 in Oklahoma City at the office of Tom Cummings, 701 NW 13th St. The group will also meet Nov. 10 in Tulsa at the office of Scott Goode, 1437 S. Boulder Ave., Ste. 1200.

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 for more information.

2023 PROPOSED BUDGET

Pursuant to Article VII, Section 1 of the Rules Creating and Controlling the Oklahoma Bar Association, Brian T. Hermanson, president-elect and Budget Committee chairperson, has set a public hearing on the 2023 OBA budget for Thursday, Oct. 13, at 4 p.m. at the Oklahoma Bar Center, 1901 N. Lincoln Blvd., in Oklahoma City.

IMPORTANT UPCOMING DATES

Don't forget the Oklahoma Bar Center will be closed Friday, Nov. 11, in observance of Veterans Day. The bar center will also be closed Thursday and Friday, Nov. 24-25, for Thanksgiving. Remember to register and join us for the OBA Annual Meeting to be held at the Oklahoma City Convention Center Nov. 2-4.

THE BACK PAGE: YOUR TIME TO SHINE

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.

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/3lpCrec>, and be sure to find the OBA on Twitter, Facebook and Instagram.



ESTATE PLANNING, PROBATE AND TRUST SECTION ANNUAL MEETING



OCT. 27
8 AM-5:30 PM

TOPGOLF OKLAHOMA CITY
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\$100 FOR SECTION MEMBERS

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*Breakfast, lunch and a reception are included
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FOR MORE INFORMATION AND TO REGISTER, VISIT [HTTPS://BIT.LY/3EJ1AJZ](https://bit.ly/3EJ1AJZ)

ON THE MOVE

Kelsey A. Chilcoat has joined the Oklahoma City office of Phillips Murrah. Ms. Chilcoat represents individuals and corporations in a broad range of matters and through all stages of litigation, including first- and third-party insurance defense, intellectual property, landlord/tenant disputes and breach of contract. She practices in the area of insurance litigation, with an emphasis on first-party automobile and property, breach of contract, bad faith and construction law. She is a member of the Oklahoma County Bar Association and admitted to practice before the U.S. District Courts for the Western, Northern and Eastern districts of Oklahoma. She received her J.D. with honors from the TU College of Law in 2016.

Garry M. Gaskins II was named president of Drummond Law PLLC., **Donald A. Lepp** was named managing attorney and **Samuel Black** has joined the firm as an associate. Mr. Gaskins, who practices in the areas of banking, real estate, employment, construction and complex civil litigation, will be responsible for managing the day-to-day operations of the

firm. He originally joined the firm as an associate in 2008. Mr. Lepp has been with the firm since 2011 and will continue with his practice, focused primarily on civil litigation. Mr. Black is a certified peacemaker of the Sac and Fox Nation. He practices in the areas of banking, employment, oil and gas and complex civil litigation.

Matt A. Thomas has joined the community association law firm of Winton Law. Mr. Thomas directs the firm's HOA and condo collections practice and serves firm clients regarding civil litigation matters. He received his J.D. with highest honors from the OCU School of Law in 2014 and may be contacted at mthomas@wintonlaw.net.

Bailey Betz has joined the Tulsa office of Hall Estill, **Alyssa Gillette** and **Alexandra Crawley** have joined the firm's Oklahoma City office and **J. Kirk McGill** has joined the firm's Denver office as special counsel. Mr. Betz focuses his practice on the corporate services and litigation arenas. Within his practice, he also assists clients in the cannabis law industry. Ms. Gillette practices in the areas

of energy and environmental law as well as litigation. Ms. Crawley practices in the areas of general civil litigation, including contract disputes, securities litigation and complex business litigation. Mr. McGill practices in the areas of federal and state appeals, litigation, constitutional law and civil rights defense, tax, estates and trusts, business law, administrative law and regulatory compliance, contracts and commercial transactions.

David L. Mossman, **Chandran D. Kumar** and **Gene L. Tyler** have joined the Houston office of Crowe & Dunlevy. They will manage the firm's newly opened Texas office, which will assist clients in a variety of intellectual property-related matters across a full spectrum of the technical arts. Mr. Mossman has more than 40 years of experience in intellectual property law. He has prepared and prosecuted several hundred patent applications in numerous specialized environments across multiple industries and possesses extensive infringement, validity and patentability study experience. Mr. Kumar routinely directs prosecution in a number

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 December issue must be received by Nov. 1.

KUDOS

of overseas jurisdictions within Central America, South America, Europe and the Far East. He also has experience in the preparation of infringement and validity studies. Mr. Tyler has practiced intellectual property law since 1990 and possesses extensive experience in U.S. and international patent and trademark prosecution. His areas of focus include chemicals and oilfield chemical-based products and equipment.

M. Scott Mogan has joined the Tulsa law firm of Johnson & Jones PC in a senior counsel position. Mr. Mogan will practice primarily with the firm's transactional department and will focus on general corporate law, commercial transactions, acquisitions/divestitures, tax and estate planning. He previously served as vice president/loan documentation manager at Bank of Oklahoma since February 2020. Before that, he spent nearly eight years with the Office of Legal Counsel of the University of Oklahoma. Mr. Mogan graduated from the OU College of Law in 2004.

Crowe & Dunlevy celebrated its 120th anniversary on Aug. 26. The firm was founded in 1902, five years before statehood, and is named for Vincil P. Crowe and Fred W. Dunlevy, who joined in 1920 and 1937, respectively. The firm now has offices in Oklahoma City, Tulsa, Dallas and Houston. Crowe & Dunlevy has a long history of civic and nonprofit involvement. Since 2018, the firm and its attorneys and staff have donated more than \$3.78 million in civic and charitable contributions and pro bono legal services to causes and organizations that support the communities in which they live and work.

IN MEMORIAM

Andrew B. Allen of Tulsa died July 26. He was born Sept. 8, 1931, in Tulsa. After graduating from Tulsa Central High School and working full time at the National Bank of Tulsa, he received his J.D. from the TU College of Law in 1965. From 1968 to 1980, Mr. Allen worked as chief civil prosecutor for the Tulsa County district attorney, was elected chairman of the Indian Nations Council of Governments Criminal Justice Council and was an adjunct professor at the TU College of Law. In 1981, after working as an attorney for Williams Brothers Engineering Co., he became a litigation lawyer for Ashland Inc., a role he enjoyed for more than 20 years. Upon retiring in 2003, he continued doing contract work for Ashland for nearly a decade. Memorial contributions may be made to the TU College of Law.

Terry Lee Askins of San Antonio died Aug. 23. He was born Oct. 29, 1946, in Columbus, Ohio. **Mr. Askins served in the U.S. Air Force as a staff sergeant from 1965 to 1973.** He received his J.D. from the OU College of Law and spent the majority of his working career with the Office of Disability Adjudication and Review for the Social Security Administration in San Antonio, retiring in 2014.

Robert K. Chiles of Sarasota, Florida, died Aug. 5. He was born Aug. 12, 1930, in Vinita. **Mr. Chiles served in the U.S. Army and received his J.D. from the OU College of Law in 1957.** He was a member of the American Bar Association, Church of the Palms and he served as chairman of the Bylaws Committee for Heritage Oaks Country Club.

Barbara Kay Christiansen of Norman died Aug. 23. She was born Oct. 2, 1938, in Pleasant Hill, Missouri. Ms. Christiansen studied

at Oklahoma Baptist University and OU, where she earned her bachelor's and master's degrees in music. She received her J.D. from the OU College of Law in 1990 and served as district attorney for Lincoln and Pottawatomie counties until 2004. For the next two years, she worked as an attorney for El Reno and the surrounding communities. In 2004, she also became the executive director of Bethesda Inc. She was a member of the Norman Music Club, Fred Jones Jr. Museum of Art, Cleveland-McClain County Medical Auxiliary and SAI, a music fraternity. She served as the organist at St. John's Episcopal Church during the late '90s and was head of the music program.

Charles Gordon Davis Jr. of Tulsa died Aug. 21. He was born March 14, 1938, in Brattleboro, Vermont. Mr. Davis received his J.D. from the TU College of Law in 1973 and made Tulsa his home.

Ivan Duke Halley of Edmond died Aug. 8. He was born July 7, 1948, in Vici. Mr. Halley attended 15 schools during his first three years of public education, ranging from Pensacola, Florida, to Devils Lake, North Dakota. He earned his bachelor's degree from Southwestern Oklahoma State University in 1970 and his J.D. from the OU College of Law in 1973. Upon graduation, he joined the Woodward law firm that would become Hieronymus, Hodgden, Halley & Meyer and soon developed a passion for trying lawsuits and preparing them for trial or settlement. After nine years, he established Duke Halley Law Firm, and in 2004, he established the Oklahoma City office of Halley, Talbot, & Smithton. He continued to practice in both locations until

his retirement in 2021. Mr. Halley had extensive trial experience and participated in litigation in Oklahoma, Arkansas, Kansas, New Mexico and Texas.

Joe W. Hamlin of Lawton died July 30. He was born Sept. 23, 1945, in Tulsa. **After his first year of law school, Mr. Hamlin was commissioned as a second lieutenant in the Army ROTC program. He attended U.S. Army Intelligence School and served in Vietnam as an intelligence officer in the Phoenix program in Hoa Tu. He was awarded the Bronze Star with V device, ARCOM with V device, Republic of Vietnam Service Medal, Republic of Vietnam Campaign Medal, Republic of Vietnam Gallantry Cross with Palm, Combat Infantry Badge and Expert Rifleman badge with M-16 and pistol.** After returning to Oklahoma as a first lieutenant, he received his J.D. from the OU College of Law in 1973. He began a private practice in Lawton later that year, where he worked for 34 years. Mr. Hamlin served as president of the Comanche County Bar Association and on the boards of The United Way and The Salvation Army. He was a consistent supporter of St. Jude Children's Hospital as well as many Lawton Public School activities and fundraisers.

Robert Allen Pendergrass of Jasper, Georgia, died Aug. 14. He was born Dec. 8, 1945. Mr. Pendergrass received his J.D. from the TU College of Law in 1979.

Jack Sterling Pratt of Oklahoma City died Jan. 9. He was born March 25, 1943, in Durant. Mr. Pratt attended OU, where he was a member of the Delta Tau Delta fraternity and a walk-on on the baseball team.

He received his J.D. from the OU College of Law in 1968. **He served as a second lieutenant in the U.S. Army until 1970, including a year in Vietnam.** After spending one year as assistant attorney general, Mr. Pratt became counsel to Legal Aid Services of Oklahoma and general counsel for the insurance commissioner. He later joined his family's business, Jack Pratt Screen Ad Co., until his retirement in 2000. Memorial contributions may be made to Stand Up to Cancer.

Judge W. Keith Rapp of Tulsa died Aug. 16. He was born May 2 in Wheelersburg, Ohio. **Judge Rapp joined the U.S. Navy in 1951. He served two aircraft carrier tours off the coasts of Korea and Formosa as a navigator bombardier. He retired from the Naval Reserves in 1994 as a Judge Advocate General Corps commander and was the last person authorized to wear Combat Aircrew Wings earned on the carrier in Korea.** Upon his retirement, he became an aerospace engineer, specializing in guidance systems and working on the Mercury, Apollo, Lunar Landing and Skylab projects. He then received his J.D. from the TU College of Law and his LL.M. from the University of Virginia School of Law. Judge Rapp served as a Tulsa public defender, Broken Arrow city prosecutor, Bixby municipal judge and alternate municipal judge for the city of Tulsa. He served the 14th Judicial District as district judge until being appointed to the Court of Civil Appeals, District 2, Office 2, in 1984 – he was named the longest-serving judge on the Oklahoma Court of Civil Appeals. Judge Rapp received a Judicial Excellence Award from the Oklahoma Supreme Court in 2016. Memorial contributions may be made to Creek Pet Adoption.

Gary C. Rawlinson of Pagosa Springs, Colorado, died Aug. 14. He was born July 2, 1941, in Champaign, Illinois. Mr. Rawlinson earned his bachelor's degree from OU in 1963, where he served as treasurer and president of the Sigma Alpha Epsilon fraternity. **He was commissioned as a second lieutenant in the U.S. Marine Corps.** In 1966, he received his J.D. from Cornell Law School, where he managed the law school bookstore and was elected vice president of his graduating class. He then practiced in Norman for many years before joining the law firm of Crowe & Dunlevy and anchoring its newly formed Norman office. He retired from the law practice at the end of 2018. Mr. Rawlinson served as president of the Cleveland County Bar Association, adjunct professor at the OU College of Law, lecturer at many OBA-sponsored seminars and was a member of the Professional Responsibility Tribunal. In 1970, he was selected as the OBA Outstanding Young Lawyer. He was also elected to the prestigious American College of Real Estate Lawyers. Memorial contributions may be made to the Ken Rawlinson Endowment for student athletic trainers at OU or the columbarium fund at McFarlin United Methodist Church.

Larry Dean Stewart of Noble died Aug. 10. He was born Oct. 1, 1955, in Newark. Mr. Stewart was raised in Inola and was a proud member of the town's first high school football team. **After graduation, he joined the U.S. Army, serving active duty for four years. After a brief break, he joined the U.S. Army Reserves and retired in 2015 after a total of 40 years of service.** He received his J.D. from the OU College of Law in 1998.

Floyd W. Taylor of Edmond died Aug. 15. He was born Aug. 6, 1943, in Ft. Stockton, Texas. Mr. Taylor attended OU and pledged the Phi Sigma Kappa fraternity. He received his J.D. from the OU College of Law in 1968 and began his legal career as a trial attorney for the Department of Highways. After serving as general counsel for the department, he accepted an invitation to join Attorney General Jan Eric Cartwright as his first assistant. After serving as an Oklahoma County judge, he was a private practitioner for nearly 40 years, the last 15 years of which were with his son at The Taylor Law Firm. He retired from the firm in 2019.

Timothy Roger Traynor of Enid died Aug. 17. He was born Oct. 31, 1943, in Enid. Mr. Traynor received his J.D. from the OU College of Law in 1968. **He was commissioned as an officer in the U.S. Army and was stationed in El Paso at Fort Bliss. During his military service in the Vietnam War, he received the Bronze Star Medal.** After honorably retiring from the Army, he began his legal career in Enid with the Wright-Sawyer Law Firm. He served as president and campaign chairman of the Enid United Way, president of the Garfield County Bar Association, member of the Enid Rotary Club, member and past president of the Enid Estate Planning Council and was on the Parrish Council at St. Francis Xavier Church. He also served 20 years on the Oklahoma Catholic Foundation Board of Trustees and helped establish the Enid Community Foundation, now the Cherokee Strip Community Foundation. Memorial contributions may be made to the Cherokee Strip Community Foundation.

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POSITIONS AVAILABLE

THE LAW FIRM OF COLLINS, ZORN & WAGNER, P.L.L.C. is currently seeking an associate attorney with a minimum of 5 years' experience in litigation. The associate in this position will be responsible for court appearances, depositions, performing discovery, interviews and trials in active cases filed in the Oklahoma Eastern, Northern, and Western Federal District Courts and Oklahoma Courts statewide. Collins, Zorn & Wagner, P.L.L.C., is primarily a defense litigation firm focusing on civil rights, employment, constitutional law and general insurance defense. Salary is commensurate with experience. Please provide your resume, references and a cover letter including salary requirements to Collins, Zorn & Wagner, PLLC, Attn: Stephen L. Gerjes, 429 NE 50th, Second Floor, Oklahoma City, OK 73105.

POSITIONS AVAILABLE

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

ASSOCIATE ATTORNEY OR JUNIOR PARTNER SOUGHT, preferably with 2+ years post-graduate experience. Claremore, OK (Rogers County). Excellent opportunity to utilize or develop litigation and trial skills. Nice work location with friendly, talented co-workers. Pay: \$64,000 - \$110,000.00 per year, depending upon qualifications. Send replies, including a resume, by email to advertising@okbar.org, with the subject line, "Position TU."

DISTRICT 17 DA'S OFFICE IS LOOKING FOR AN ASSISTANT DISTRICT ATTORNEY. Located only a short drive from majestic Broken Bow State Park/Hochatown, an outdoorsman's paradise. Fastest growing area in Oklahoma! Requires a Juris Doctorate from an accredited law school. Salary range \$65,000-\$85,000. Must be admitted to the Oklahoma state bar and be in good standing. Submit a resume by email: tammy.toten@dac.state.ok.us. Office: 580-286-7611, Fax: 580-286-7613.

ATTORNEY-OKLAHOMA DEPARTMENT OF SECURITIES. The Oklahoma Department of Securities seeks to hire a full-time attorney to evaluate and prepare enforcement cases involving violations of state securities laws. An applicant must have a Juris Doctor degree and be a member of the Oklahoma Bar Association in good standing. An applicant must have at least five years' experience identifying legal issues, providing legal analysis, preparing legal solutions/recommendations, and drafting legal documents. Preference will be given to applicants with demonstrated litigation experience, including witness interviews and depositions, and experience analyzing/reviewing financial records. Competitive salary and excellent benefits. Apply by submitting a cover letter, resume and writing sample to HR@securities.ok.gov.

POSITIONS AVAILABLE

THE LAW FIRM OF ATKINSON, BRITTINGHAM, GLADD, FIASCO & EDMONDS is currently seeking an associate attorney with a minimum of 5 years' experience in litigation. The associate in this position will be responsible for court appearances, depositions, performing discovery, interviews and trials in active cases filed in the Oklahoma Eastern, Northern, and Western Federal District Courts and Oklahoma Courts statewide. Atkinson, Brittingham, Gladd, Fiasco & Edmonds is primarily a defense litigation firm focusing on general civil trial and appellate practice, insurance defense, medical and legal malpractice, and Native American law. Salary is commensurate with experience. Please provide your resume, references and a cover letter including salary requirements to J. Andrew Brown at dbrown@abg-oklaw.com.

ASSISTANT DISTRICT ATTORNEY, District 27 is currently seeking two full-time Assistant District Attorney positions for Wagoner County and Cherokee County. Applicants will be considered from 0-2 years' experience. If you would like to be a part of an exciting team and obtain valuable prosecutorial knowledge both in and out of the courtroom, please apply. Salary commensurate with experience and includes full State Benefits package. Please send resumes and inquiries to diana.baker@dac.state.ok.us.

ADMINISTRATIVE LAW JUDGE. Under immediate to general supervision, reviews records, conducts hearings, determines pertinent issues and issues recommendations regarding cases before the Oklahoma Corporation Commission ("Commission"), including but not limited to public utility, energy, telecommunications, and oil & gas cases. Conducts complex, technical hearings. Manages all aspects of the hearing as well as the courtroom environment. Determines elements of a complete case record and affords due process to all parties in a case. Issues written recommendations that clearly set forth facts, relevant legal standard, jurisdiction, legal conclusions and recommendation(s). Performs related work as required and assigned. To apply, please visit <https://bit.ly/3B8Go4c>.

POSITIONS AVAILABLE

TWO ATTORNEY POSITION OPENINGS: Ritchie, Rock & Atwood Law Firm seeks to fill two attorney positions. One position for the firm's office in Shawnee and one position for the firm's office in Pryor. The positions are for general civil practice attorneys. General information about the firm may be found on the web at www.rrmalaw.com. Newly admitted attorneys to the Bar are welcome to apply. 2-5 years of experience is preferred but not required. Compensation commensurate with qualifications. To apply, please submit your resume by email to hgerhart@rrmalaw.com. You may also mail a resume to Ritchie, Rock & Atwood, P.O. Box 246, Pryor, OK 74362.

THE OKLAHOMA CORPORATION COMMISSION IS SEEKING a deputy general counsel to provide legal representation for the Commission, a regulatory agency in the areas of Fuel, Oil and Gas, Public Utilities, and Transportation. Admission to the OBA; five (5) years' experience in the practice of law including three (3) years of litigation; (or) an equivalent combination of education and experience is required. Administrative and/or employment law experience preferred. For more information and to apply, visit <https://bit.ly/3BsAf4y>.

ATKINSON, BRITTINGHAM, GLADD, FIASCO & EDMONDS is seeking a research attorney with zero to five years of experience to assist in its research department. Compensation and benefits package will be commensurate with the applicant's experience. Applicants should submit a resume, writing sample and transcript to James Edmonds at jedmonds@abg-oklaw.com.

THE OKLAHOMA CORPORATION COMMISSION IS SEEKING an attorney to provide legal representation to the Corporation Commission's Public Utility Division in matters filed at the Commission. Applicant must be admitted to the Oklahoma Bar and have three (3) years of experience in the practice of law with one (1) year of litigation experience, including depositions and courtroom appearances. For more information and to apply, visit <https://bit.ly/3QiZsTb>.

POSITIONS AVAILABLE

NATIONWIDE LAW FIRM SEEKS AN ON-SITE ATTORNEY. Candidates must be self-motivated and detail-oriented. Excellent communication skills and ability to multitask required. Forty hours per week; Monday through Friday. Competitive compensation package. Email resume to Pam@KlepperLaw.com.

THE OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION seeks an Executive Director. The Commission licenses and regulates used motor vehicle dealers, automotive dismantlers and manufactured home manufacturers, dealers, and installers. The Commission is a non-appropriated state agency, supervised by a board of ten Commissioners, who are appointed by the Governor. The board members hire the Executive Director, who reports to the Commissioners in its monthly meeting. The Director is responsible for managing the daily operation of a staff of 10-12 employees consisting of office staff, auditors, and investigators. Sufficient knowledge of the motor vehicle industry to effectively execute the duties of the Director is required. If the successful applicant is a licensed attorney, the duties would include filing injunctions in District Court, prosecuting disciplinary proceedings and writing Rules. The Director must have good verbal and writing skills. Some interaction with other state agencies and state government officials is required. Send resume to Used Motor Vehicle and Parts Commission, 421 NW 13th Street, Suite 330, Oklahoma City, OK 73103.

BUSY COMMERCIAL TITLE AND ESCROW COMPANY IN TULSA seeks Commercial Real Estate Closer. Extensive experience in commercial or residential closings a must. Experience using SoftPro a plus. Salary commensurate with experience. Usual and customary benefits available. Send resume to Elysia@smr-law.com.

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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Unseen Unheard Unspoken

By Mark S. Darrah

ATTORNEY MATT Waldman* came into my office one day to talk about a contract he was drafting. Matt believed and practiced cold, hard logic. He had that enviable ability to unwind any legal problem, discover the real issues and arrive at several options for a solution.

"We are selling our house, and I have a question," he said.

"Why are you getting rid of it?"

Matt and his wife, Elizabeth, lived in an old oil money mansion near Tulsa's Woodward Park with their three grade-school-age sons. Matt and Elizabeth met while attending a Little Ivy in the upper Midwest. Elizabeth remained a bit of a hippy but was brilliant. She claimed to be an agnostic – Matt, an atheist.

"Our house went up in the early 1920s. The basement was completely built out as a part of the original construction. Our washer and dryer are down there. Sometimes, when Elizabeth does

the laundry, she hears Jazz Age party noise in full swing. She turns around, and no one is there."

"Have you heard it?"

Matt nodded and held up the draft contract.

"Do we have to disclose it?"

George Becker's health failed in his early 60s and forced the end of his lifetime bookkeeping career. Now in his 70s, George was homebound in a ragged west side apartment.

"Thank you for coming," George said. "My pastor suggested I call you." He motioned me to a rust-colored easy chair in his living room.

"What can I do for you?"

George handed me a newspaper that had been published several weeks before. "Do you see that article about the man who preyed on old women and stole tens of thousands of dollars from them?"

I nodded.

"I think my ex-wife was one of his victims. She died late last year. We had one child, a daughter. Everything went to her. My ex-wife had a lot less than she should have had when she died."

George continued, "Two nights ago, about 2 a.m., my ex-wife appeared, all shiny, standing right over there."

He nodded toward the other side of the room. "She said 'Seek justice.'"

George paused.

"Can you help me?"

Walter Burton, at the age of 91, still combed his hair and dressed with the precision of a soldier. After his military stint, he continued to serve his community and country honorably. His wife had died the year before. He needed to update his will. He spoke with a crisp cadence.

"I want my cash and investments to be split four ways among my children. I would like my house to go to a granddaughter, but there's a problem."

I nodded.

"My wife and I moved into this house in 2005. Not too long after, apparitions began visiting us. They don't speak or frighten us. They usually just walk through."

"Do I have the house sold when I die or just give the house with its apparitions to my granddaughter?"

Attorneys don't speak about some things.

**Names and immaterial facts have been changed to preserve confidences.*



Mark S. Darrah is a general civil practice attorney in Tulsa and the author of *A Catalogue of Common People*.

FRIDAY,
OCTOBER 28, 2022

10 a.m. - Noon CST

Oklahoma Bar Center



MCLE 2/1



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DAVE MOORE, CISSP

FOUNDER/CEO,
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