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THE OKLAHOMA BAR
Journal

Volume 94 — No. 4 — April 2023



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& Aging**

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This program will provide a reenactment of the criminal jury trial of Oklahoma County Case No CF-19-150 *State of Oklahoma v. Patrick Thao*. The program offers a trial-like atmosphere in recreating the events and parties to the case of this criminal matter. Criminal trial experience is unnecessary as you learn from a panel of Oklahoma Criminal Jury Trial Masters. A complete copy of the court transcript is provided in electronic format only to registered guests.

Program Planner(s): David T. McKenzie and Shelley L. Levisay,

Faculty: David McKenzie; Shelley Levisay; Malcolm Savage; Kent Bridge; Tamala Bridge; David Autry; Robert Don Gifford; Tony Coleman; Tommy Adler and Jarrod Stevenson

Ethics Advisor and Moderator: Former District Judge Kenny Adair

Prosecution Counsel: Robert Don Gifford and Shelley L. Levisay

Defense Counsel: David Autry, Jarrod Stevenson and Kent Bridge

Judge: Pottawatomie County Special District Judge David Cawthon

Witnesses: Sheila Cunningham and Jim Levine

Bailliff: TBA

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THE OKLAHOMA BAR Journal

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Perhaps the Toughest Decision of All

By Brian Hermanson

HAVING PRACTICED LAW FOR MORE THAN 43 years, I have watched many lawyers come to the end of their practice. For many, it is a time of concern and doubt; giving up what has defined your existence is never going to be easy. Deciding when it is the right time to quit practicing law and navigating how to make the transition to closing your practice is certainly a life-changing event.

Many attorneys have law partners who can help with making the decision. It is hoped that the associates of those lawyers will take the time to help their officemate understand the need to retire from the practice. Unfortunately, that is not always the case. It is difficult to tell someone who was your mentor in your earlier years as an attorney that they need to step aside. I have seen lawyers from great firms have difficulty with legal issues that, a few

years earlier, were second nature to them. It seemed that no one was willing to have that talk with their partner.

In the solo practice setting, it may be even more difficult for someone to take a friend aside and have a difficult talk about closing one's practice. The independence the solo practitioner has in their practice may make others afraid to discuss such sensitive issues, but there is a great need for someone to help their friend with such a difficult decision.

Right now, the question may be how to go about preparing for the time that each of us will certainly be facing somewhere down the road. How do we prepare for the end of our practice, and equally important, how do we recognize that the time for us to call it a career is now?

The articles in this month's bar journal are meant to help each of us. They seek to make us think about our fellow senior lawyers and consider what each of us will face in the future. By following the guides provided in this month's journal, we can prepare and be ready for those upcoming decisions. Preparation can help us to be ready and lessen the emotional impact of that difficult decision on us and our family members.

Something we as attorneys need to understand is that the mere closing of one's practice does not mean we stop being lawyers. We are still highly trained people who are great at problem solving and aiding others with difficult decisions. I see many of my fellow attorneys volunteer their time to their churches, service clubs, nonprofits and many of the thousands of organizations that would celebrate the skills that a retired attorney would bring to their group. There is an opportunity to do things in the community that we may have wished we had time to do over the years but were too busy.

We all get great comfort and joy from our law practice. But think how much joy you could feel from reading a child a book, teaching a Sunday school class or helping the homeless. There are so many additional things we can do. Getting away from the pressure of practicing law and spreading your wings by volunteering your time to others may be the best way to write that next chapter.

Because closing down one's practice is not an ending in the strictest sense. It is the beginning of a new adventure – a new adventure that may be the very thing our life story needed.



A stylized, handwritten signature in black ink, appearing to read 'B. Hermanson'.

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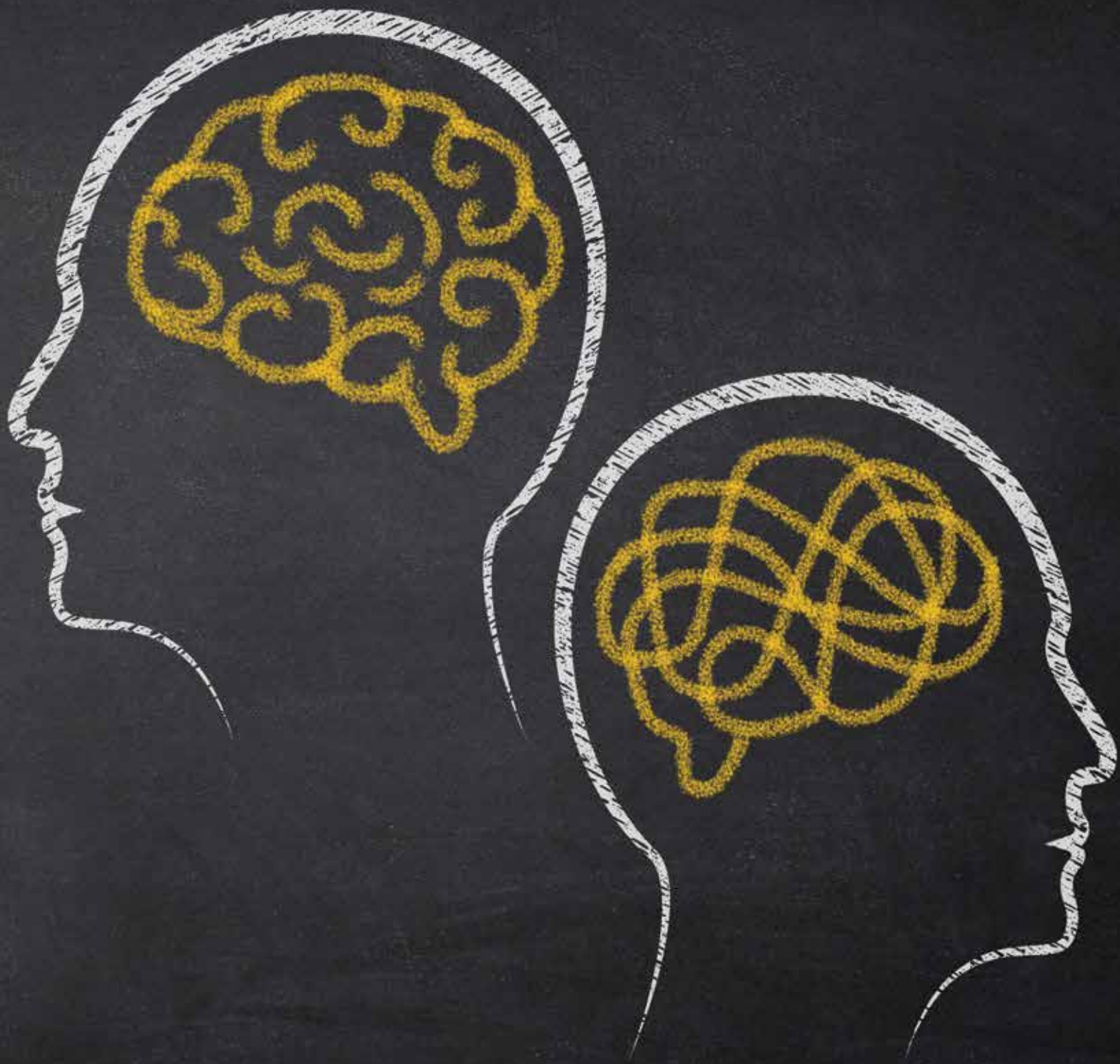
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Aging and Declining Cognitive Ability in Lawyers

By Rhiannon K. Baker

IN MY FORMER LIFE (BEFORE LAW SCHOOL), I worked for the Oklahoma Department of Human Services in Adult Protective Services. As a regular part of my job, I made mental capacity determinations of adults potentially in need of services. That experience serves me well now that I have transitioned my practice to elder law and estate planning. Determining whether someone has testamentary capacity is now important in my position, as well as understanding the nuances of declining cognitive abilities in those who may be in need of a guardianship. While it may be difficult to assess a client with declining cognitive abilities, it is another situation entirely in cases where we may encounter another attorney who may have declining cognitive abilities.

As our profession ages and as the general public becomes more aware of cognitive decline, lawyers with dementia have become a subject of growing concern. Maybe someone in our legal profession comes immediately to your mind. Maybe they are a colleague, opposing counsel or potentially even a judge. Maybe they are someone you suspect has cognitive impairment, but you would hate to wrongly accuse someone of being impaired. After all, that person may be well known and maybe even revered in the community. That person may have served on numerous boards over the years, won awards, raised their children in the community and even may have been practicing law longer than you have been alive. Maybe their forgetfulness or

eccentricities have another explanation. Who are you to raise the issue of their suspected declining cognitive ability? Do you have an ethical duty as a fellow attorney or judge to report that individual, and do you confront that person about their declining abilities? If so, how do you do so nonconfrontationally and tactfully?

This article looks at trends and demographics in the legal profession, how to identify early signs of cognitive impairment and ethical issues related to attorneys practicing with cognitive impairment.

OUR AGING PROFESSION

In 2022, the *ABA Profile of the Legal Profession*¹ included a number of relevant demographics that confirm the profession is aging:

- U.S. workers age 65 or older: 7% (about 1 in 14)
- Lawyers age 65 or older: 13% (about 1 in 8)
- Median age of U.S. workers in 2019: 42.3 years old
- Median age of lawyers in 2019: 47.5 years old

The median age of lawyers has been rising over time. In 1991, the median age of lawyers was 41; it was 45 in 2000; and in 2019, it was 47.5. Part of this could be attributed to baby boomer lawyers postponing retirement and working into older age. The reasons for this vary – whether for financial reasons, personal satisfaction or simply a desire to keep busy or contribute to society. As noted above, in 2020, roughly 13% of

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American lawyers were over 65, compared to only 7% of workers generally. Meanwhile, more than one in nine people over 65 are diagnosed with Alzheimer's disease, the most common type of dementia. The risk increases dramatically with age.

COGNITIVE IMPAIRMENT

It is important to point out that merely getting older is not, in and of itself, a sign of cognitive impairment. While there are natural changes to our brains as we age, these changes do not interfere with our ability to function normally. The term "cognitive impairment" is "when a person has trouble remembering, learning new things, concentrating, or making decisions that affect their everyday life."² Cognitive impairment occurs on a continuum and ranges from mild to severe.

Mild Cognitive Impairment

Mild cognitive impairment (MCI) is an early stage of memory or other cognitive ability loss in individuals who are able to maintain the ability to independently perform most activities of daily living.³ The impairment must be more problematic than that associated with normal aging. The cognitive changes are serious enough to be noticed by family and friends but generally do not affect the individual's ability to carry out daily activities.

There are two classifications of MCI: amnesic MCI and nonamnesic MCI. Amnesic MCI primarily affects a person's memory, whereas nonamnesic MCI affects thinking skills other than memory, such as visual perception, the ability to make sound decisions or the ability to judge time or sequence of steps to complete a task.

Symptoms that may indicate possible MCI include:

- You forget things more often.
- You forget important events such as appointments or social engagements.
- You lose your train of thought or the thread of conversations, books or movies.
- You feel increasingly overwhelmed by making decisions, planning steps to accomplish a task or understanding instructions.
- You start to have trouble finding your way around familiar environments.
- You become more impulsive or show increasingly poor judgment.

The causes of MCI are not completely understood. Experts believe that many (but not all) cases result from brain changes occurring in the early stages of Alzheimer's or other neurodegenerative diseases that cause dementia. As with any

medical diagnosis, it's important to speak with a medical professional to rule out other conditions that may cause the above symptoms.

Dementia

Dementia is an overall term for a group of symptoms characterized by difficulties with memory, language, problem-solving and other thinking skills.⁴ There are at least 70 causes of dementia, one of which is the commonly known Alzheimer's. Some causes are reversible, but many are not. There are several warning signs that are applicable to all types of dementia, including Alzheimer's.

Some of these warning signs include:⁵

- Memory loss that disrupts daily life. This would include forgetting recently learned information, forgetting important dates or events, asking the same questions repeatedly and increasingly needing to rely on memory



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aids or other people for things they used to be able to handle on their own. The occasional slip is usually not a concern, but persistent, consequential memory problems call for some professional attention.

- Difficulty performing familiar tasks. Difficulty driving to a familiar location, organizing lists or handling routine tasks that used to be habit could all be signs of dementia.
- New problems with language. Lawyers often have a way with words, both written and oral. However, those with the beginning stages of dementia may have trouble following or joining a conversation, forgetting vocabulary, repeating themselves, and they may stop in the middle of a thought without knowing how to continue.
- Confusion and disorientation with place or time. People with dementia can lose track of dates, seasons and the passage of time. Obviously, counsel's failure to know where and when to show up could be a significant problem. These symptoms are often easy to spot and should be investigated promptly.
- Decreased or poor judgment. Significant changes in judgment or decision-making are not normal signs of aging. A lawyer's judgment and ability to make important decisions is a critical part of their job, and impairment from dementia can have catastrophic consequences for the attorney and the client.

- Misplacing things and losing the ability to retrace steps. Misplacing a file, a phone number or a set of keys may be frustrating and sometimes comedic, but persistent problems of this nature can snowball to the point that more serious errors may result. As the disease progresses, they may accuse others of stealing the missing items.
- Changes in mood and personality. Those with dementia can become confused, suspicious, depressed, fearful or anxious. This is particularly true when an individual is out of their comfort zone and out of their routine.
- Withdrawal from work or social activities. Recognizing the difficulties they are beginning to experience, individuals may withdraw from hobbies, work, social activities or other engagements due to their inability to hold or follow a conversation.
- Challenges in planning, problem-solving and abstract thought. Some people with dementia may experience changes in their ability to develop and follow a plan. Difficulty concentrating and taking much longer to do tasks than they used to are also signs of dementia. Dementia can involve a deterioration in executive functioning, and the ability to develop a viable case strategy – much less the ability to carry it out – may become problematic.

Although age alone is not indicative of dementia, advancing age is the greatest known risk factor for Alzheimer's. The typical onset of Alzheimer's is after age 65, and the likelihood of developing it doubles every five years after the age of 65. The risk reaches nearly 50% after the age of 85. Accordingly, there is a greater concern and risk of dementia as attorneys work into older age.

As mentioned above, some instances of cognitive impairment are reversible. Examples of reversible cognitive decline include certain medical conditions, alcohol/drug use or situational stressors. However, the hard truth is that age-related cognitive decline is not usually reversible. And when that happens, the best resolution often involves ceasing the practice of law.

Spotting Dementia in Lawyers

As demonstrated above, forgetfulness is only one indicator of dementia. Other signs, some specific to our profession, may include:

- Failure to use technology or forgetting how to use technology after being taught
- Forgetting deadlines, hearings or other important docket dates
- Missing meetings or calls despite them appearing on the calendar
- A decline in the lawyer's writing and oral argument abilities
- Arriving to or leaving work at odd hours
- Forgetting colleagues' and clients' names
- Appearing disheveled
- Unexplained irritability and changes to mood or demeanor

- Falling or injuring themselves at work
- Significant and rapid weight loss or gain

RESISTANCE TO THE CESSATION OF PRACTICE

Many times, a lawyer's identity is directly related to their title, their employer and their profession. Being a lawyer is a significant portion of their personal identity, and it is more than just a job or career. Walking away from that can be a scary proposition. Even in the face of a formal diagnosis of dementia or Alzheimer's, an impaired lawyer may be in denial and may continue to believe they are still functioning enough to continue to practice. There may also be a real or perceived financial need to continue practicing in order to support themselves or their family. Sometimes the problem of cognitive decline is ignored until it is too late, and the problem leads to an ethics or malpractice claim that must be addressed.

ETHICAL AND MALPRACTICE ISSUES

Often, an impaired lawyer has had a long, successful and well-respected career. However, that does not mean they are insulated from having problems down the road. The following are several Oklahoma Rules of Professional Conduct that may apply to an attorney who suffers from dementia:

Rule 1.1: Competence

This rule states that a "lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation." According to the American Bar Association, the most common ethical problem for a lawyer with cognitive impairment is violating the rule of competence.⁶ Much like when a new attorney is starting out, it may be helpful for a lawyer to pair up with another attorney to provide a system of checks and balances.

Rule 1.3: Diligence

"A lawyer shall act with reasonable diligence and promptness in representing a client." To avoid issues related to diligence, ensure deadlines are docketed so that reminders are provided to attorneys. Set up a tickler system so that the file is regularly touched by the attorney to ensure that a case doesn't wallow.

Rule 1.4: Communication

Regardless of the age of the attorney, Rule 1.4 is the source of the most client complaints. To avoid issues related to communication, ensure the attorney is able to explain the case to the client so that they can make informed decisions. Also important to this rule is keeping up with technology and different means of communication.

Rule 1.6: Confidentiality of Information

An attorney who is experiencing cognitive decline may also experience a loss of inhibition, making them more inclined to divulge confidential client information (knowingly or not).

Given the specialized nature of our work and the opportunities we have to notice the performance of other lawyers, we are in a good position to pick up on and notice cognitive decline in our peers.

Rule 8.3: Reporting Professional Misconduct

This rule comes into play for all of us, and we need to be aware of our reporting obligations under the rule. It states, "A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority."

RECOMMENDING ASSISTANCE AND OFFERING HELP

Given the specialized nature of our work and the opportunities we have to notice the performance of other lawyers, we are in a good position to pick up on and notice cognitive decline in our peers. Noticing cognitive decline in our colleagues is one thing, but doing something about it is another. It is a tricky, sensitive and difficult subject to broach. It is often easier to get involved in cases of substance abuse or mental health problems because that can mean saving someone's career. Whereas in the case of progressing dementia, intervening often means ending one. Nonetheless, we need to stop encouraging denial, have the uncomfortable conversations and make the hard decisions.

Oftentimes, the attorney is given great deference due to their many years of experience and the negative stigma surrounding cognitive decline. Others do not want to address the issue out of respect or fear of being wrong. The hesitancy is understandable. Recommending assistance to one's colleague should not be undertaken lightly. An insinuation that a fellow attorney is experiencing cognitive decline is likely to be seen as a personal and professional

attack. This is not to discourage you to act but to convey that some approaches are better than others.

Approaching a colleague from a place of concern and not of confrontation is a better approach. Also, leaving out your suspicion of certain specific diagnoses, such as "dementia," is recommended. Leave that to the medical professionals to diagnose. And remember, it is far better to approach someone before it becomes a malpractice or professional responsibility issue for them.

I have met plenty of older attorneys who are sharp as a tack and who could go head-to-head with the best lawyers in the state, so this article is certainly not intended to be ageist in the least. But it serves as a cautionary tale for those whose cognitive decline cannot and should not be ignored. Medical and professional assistance is available to those who are struggling.

ABOUT THE AUTHOR



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

ENDNOTES

1. 2022 ABA Profile of the Legal Profession report (July 18, 2022) (available at <http://bit.ly/3ESYo5>).
2. *Cognitive Impairment: A Call for Action, Now!* (available at <https://bit.ly/3EWWDEu>).
3. "More than Normal Aging: Understanding Mild Cognitive Impairment" (available at <https://bit.ly/3YkXkye>).
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6. Hudson Jr., David L., *ABA Journal*, "Lawyers and cognitive decline: Diminished capacity may bring ethics problems for sufferers" (available at <http://bit.ly/3EU9qHy>) (Sept. 1, 2018).



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Law Practice Transition: Preparing a Practice for Sale or Retirement

By Claude E. Ducloux



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TO QUOTE THOMAS JEFFERSON, “the Laws of Nature and of Nature’s God” shall dictate that every lawyer will stop practicing law at some point. Clearly, it will be best if that event was occasioned by thoughtful planning and a smooth transition or a calculated termination of practice.

But most of us are frail humans, burdened by work, doubt and a studied avoidance of our mortal limits. The following factors and evasions all work in a suspicious conspiracy to block us from doing what our brilliant legal minds tell us is prudent, thoughtful and caring for those who are affected by our lives and careers.

THE PSYCHOLOGY OF PRACTICING LAW

Most of us proudly declare that we are attorneys at law. Even though society enjoys demeaning the profession and its demands, we still take pride in the accomplishment that rendered licensure.

So the primacy of our concerns in practice turns to churning out the work, billing and collecting. Although many lawyers acknowledge their inevitable decline and demise, our fears and superstitions

prevent us from addressing or formulating a plan. If we do, some of us suspect we shall hasten that inevitability.

I AM NOT PLANNING TO DIE

Yes, of course. You’ll be the one lawyer who lives forever. Good on you. Don’t plan to retire or transition. People will admire your inestimable work ethic, right? Wrong. Judges will be calling the bar association, asking someone to involuntarily take away your license. Your secretary will have to help you to the restroom, and curiously, they are not thrilled with those chores. Your trust account will bounce, and many people will spend hours curing your many oversights, all on your nickel. You will, indeed, get your name in the bar journal, but for the wrong reasons.

Strategy: Check with a medical expert as to the likelihood of

immortality. Then, regale in your good health, retire and enjoy it.

As we discuss this, know that I speak from experience. I have had to close down two lawyers’ practices: one after a sudden death and another when the lawyer (now deceased) contracted Parkinson’s disease and became permanently disabled. Both times it was difficult and eye-opening, with many unexpected issues from office leases, canceling multi-year contracts with book or research technology providers and multiple client issues, ranging from the unhappy to the unreachable.

Listen to me well and think about your own practices and what could happen if that driver who is busy texting their opinion of that latest Sooner game doesn’t see you in the crosswalk. (Spoiler alert: Moving vehicles usually prevail over pedestrians.)

ENCOURAGING THE UNWILLING

Most importantly, those of us who work with older attorneys or who are familiar with the visible decline of our colleagues need to encourage and intervene when it becomes clear the lawyer is not competently practicing or is unable to practice due to infirmity. Solicit other friends and colleagues. I have never had a family member resent such a call, asking if there is anything I might do. They are usually aware of the issue.

FULL RETIREMENT VERSUS PART-TIME PRACTICE

One wise lawyer offered this assessment of being a part-time lawyer: "There is really no such thing as practicing part time unless you are working for a government or third party or doing 'piece work' like mediation, and you do not go to the courthouse."

I agree, as the demands of litigation practice are typically all-consuming and unpredictable. Undoubtedly, running your *own* office part time is inevitably a losing endeavor as the costs and inconveniences outweigh the benefit (or even the satisfaction).

If, however, you perform discrete legal services like mediation, arbitration or simple briefing, a part-time practice could work, assuming there is a market for you and not just those services. Here are three strategies:

- 1) First, assess how often you are now being requested to perform the services you believe you can perform part time. If there is little market for you now, realize that market demand is highly unlikely to grow in a part-time environment.

- 2) Secondly, consider what support you will need to perform your part-time practice and do that math. It makes no sense to engage in a practice that barely breaks even.
- 3) Third, consider if there is a third party, company or agency in the market for your skills. That is a nice way to wind down while still enjoying applying your legal skills and knowledge.

FINAL COMMENTS ON THE JOYS OF RETIREMENT

All too often, we hear about the ineffable desire of older lawyers to continue practicing law. Sidebar stories in law journals always feature lawyers who often are practicing far beyond their "sell by" date, and their dedication is treated with admiration. But those stories, in fact, are somewhat antithetical to my experience as a writer, practitioner and CLE speaker. Many older lawyers are not staying up to date with the law and technology, leading to problems in practice, calls from judges to the relevant bar associations and obvious prejudice to too many client matters.

During the past seven years, I have participated in many programs on the process of retirement. In each of these programs, I moderate a panel of retired lawyers, expounding on the way they planned for and accomplished their respective withdrawals from the practice of law. It will come as no surprise to you readers that "big firm" lawyers with partners and obvious support to fill in their vacancies always had the easiest time. Solo lawyers had the most difficulty negotiating their exit.

Nevertheless, in nine interviews, I ended with this seminal question: "Do you miss the practice of law?" Hand to my heart, I have yet to have a retired lawyer say, "Yes." Most of them will say expected comments like, "I sometimes miss seeing my old friends," but they make it clear that they do not miss practicing and the stress that comes with it.

I will end where I started. None of us will live or practice forever. I hope every one of us will have both the luck and wisdom to leave the practice with the same optimism and confidence that brought us to these wonderful and important careers those many years ago.

ABOUT THE AUTHOR



Claude E. Ducloux is a nationally recognized CLE speaker and writer who focuses on ethics, office management and trial and practice skills. He is licensed in Texas, California and Colorado and has had an active trial and appellate practice for more than 45 years. During his career, Mr. Ducloux has received the State Bar of Texas' highest awards for CLE, legal ethics, professionalism, pro bono and public service, and he has written more than 150 articles on ethics, law office management and practice skills. He is now the national CLE director for LawPay in Austin, Texas, and serves as a Supreme Court appointee on the Texas Committee on Disciplinary Rules.

WHAT TO DO WHEN YOUR BOSS OR RELATIVE IS NO LONGER ABLE TO PRACTICE LAW: A CHECKLIST FOR STAFF AND FAMILY MEMBERS

When an attorney is, with or without warning, unable to practice law and is a sole practitioner, what to do with the attorney's law practice can be bewildering to the attorney's staff, if there is any staff, and devastating to the family. This checklist is intended as a guideline to help the incapacitated or deceased attorney's staff and/or family close the attorney's practice.

- 1) First, remember that although it may seem an impossible task to close an attorney's office, it has been done by others, including those without any legal experience, and it can be done by you.
- 2) For the remaining staff, if there is any way you can afford it, please consider staying around to help close the practice. Some staff may agree to help close the practice while looking for another job, helping a few hours here and there. The family will be very grateful.
- 3) For the family member left with the attorney's practice, try to get the attorney's staff to stay with you for at least a month to help close the practice. This will probably work fine if you can afford to pay the staff and are willing to provide a good reference. Make sure you are flexible about allowing the staff to interview for new jobs.
- 4) If an attorney friend offers to help, a family member or staff person should contact the clients and ask for the clients' permission for the attorney friend to contact them. With permission to contact the clients, the attorney friend is not engaging in solicitation by contacting the clients.
- 5) If no one has stepped forward to help and you feel that you need help, consider contacting a law section or a local bar association the incapacitated or deceased attorney was associated with. In the past, law sections such as the local Family Law Section or the local bar association have had members help close an attorney's practice.
- 6) If it is left to you to close the practice, start by checking the attorney's calendars to look for case deadlines.
- 7) Search the attorney's office to look for documents that need to be filed.
- 8) Open and review all unopened mail, especially certified mail, and file it.
- 9) Review electronic sources to ensure the client file is complete and up to date. Review the firm's electronic records for client-related material, including such things as email communications, instant messages or other documents generated during the course of the case, especially those communications that indicate pending deadlines.
- 10) Look for an office procedure manual. Determine whether anyone has access to a list of clients with active files.
- 11) Review active client files to determine which cases need to be dealt with first.
- 12) Make sure that any case with a statute of limitations running or that is set for hearing or trial is handled immediately. Look for cases with discovery settings. It is important to handle these cases immediately not only to protect clients' interests but to prevent malpractice lawsuits against the attorney's estate.
- 13) Contact the client for matters that are urgent or set for the near future. Give the client the contact information for the court so the client can reset any pending deadlines as necessary.
- 14) Contact courts and opposing counsel immediately for files that require court appearances or have discovery pending.
- 15) Send clients who have active files a letter explaining that the law office is being closed and instructing them to retain a new attorney. Inform the clients about time limitations and time frames important to their cases.
- 16) If the client wishes for the file to be sent to new counsel, have the client sign an authorization for the original file to be released to the new attorney.
- 17) If the client wants to pick up their file, inform the client of days and times when they can pick up their original file.
- 18) The law firm may want to keep a copy of the file. If so, the file should be copied at the law firm's expense.
- 19) Try to ensure that a phone number is available for the clients to either speak with someone about their file or so they can leave a message.
- 20) Other client property should be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

Closing Your IOLTA Account: A Checklist

This list was originally published by the Oklahoma Bar Foundation and is available online at <https://bit.ly/3Zp8289>.

- 1) Fully reconcile the IOLTA account. Any funds remaining in the account should correspond to specific clients or nominal funds used to open the account or should cover reasonably anticipated bank charges. See ORPC 1.15(b).
- 2) Contact the bank to determine whether there will be any charges associated with closing the account. If a closing fee will be assessed, deposit sufficient funds to cover the closing fee. You are responsible for this bank charge – *do not use client funds to cover this fee*.
- 3) Prepare and send final client bills, if necessary.
- 4) Disburse funds belonging to you (earned fees, reimbursement for costs advanced) and deposit them into your operating account.
- 5) Disburse funds belonging to clients. Send funds to clients with a duplicate copy of their final bill or prepare cover letters transmitting your checks. If you are unable to locate a client, you may use IOLTA funds to hire a private investigator, process server or private company to locate the client.
- 6) If there are unclaimed funds or unlocatable client funds remaining in the account, you may write a check to the Oklahoma Bar Foundation with a letter of explanation. Please give as much information as possible, including when the funds were deposited and all steps you have taken to locate the owner. If the foundation receives a claim for these funds in the future, you must verify to the foundation in writing that the person asking for the funds is entitled to them. After verification, the foundation will send a check payable to you or your law firm, and you can then provide the funds to your client. No interest will be paid on the original amount of the funds. Questions about forwarding abandoned funds may be directed to the Oklahoma Bar Foundation at 405-416-7070. Letters and checks may be mailed to the Oklahoma Bar Foundation, P.O. Box 53036, Oklahoma City, OK 73152.
- 7) Do not close the account until all outstanding checks have cleared.
- 8) Shred unused checks and deposit slips once the IOLTA account is closed. This will prevent fraud and protect you from mistakenly using checks and deposit slips from your closed account.
- 9) Keep the IOLTA check register, client ledgers, bank statements and other records for at least five years from the end of representation. Rule 1.15 (a) ORPC.
- 10) Send notice of the closure of your IOLTA account to the OBA and the OBF by completing and mailing, emailing or faxing a trust account reporting form within 30 days of the closure.

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BANK

A Guide to File Retention and Destruction

By Jimmy Oliver

EVERY ATTORNEY IN PRIVATE PRACTICE has been faced with a file cabinet bulging with files related to long-finished matters and past clients. Perhaps more typical these days is an attorney who is faced with unorganized or cluttered electronic files on computers, hard drives or other external servers. Whether the file is paper or digital, an attorney has certain obligations to maintain and properly destroy a client's file, even when the case is finished. What policies should an attorney have in place to ensure proper file retention and destruction?

The Oklahoma Rules of Professional Conduct do not provide specific instructions about file retention and destruction. However, Rule 1.15(a) requires that complete records of client account funds and other client property be maintained for five years after termination of the representation. Rule 1.15(a) mirrors the American Bar Association's model rule on the same subject. It would seem a general office rule should be to retain a file for five years, but the length of time to retain a file should take into consideration the type of case and the contents of the file.

Consider, for example, the following types of cases:

- 1) Matters involving a minor child
- 2) Estate planning and probate
- 3) Guardianship and adoption matters
- 4) Civil cases where a judgment must be renewed

- 5) Criminal matters where expungement opportunities exist in the future
- 6) Support or custody matter in which children are minors or the support obligation continues
- 7) Corporate records and books
- 8) Intellectual property files
- 9) Real estate title claims and title insurance work
- 10) Documents that would be needed to defend against a malpractice claim or a claim the attorney violated the Rules of Profession Conduct¹

Many attorneys believe a file should be retained for longer than five years. Ultimately, the length of file retention should be based on the needs of the client and the particulars of each case with consideration of any applicable substantive law or statute of limitations. An attorney should also speak to their malpractice carrier to see if it has any specific file retention obligations.

Every lawyer or firm should have a written file storage, management, retention and destruction policy that is followed consistently. Consider the following when developing a file retention policy:

- 1) The time period a file will be maintained and then destroyed
- 2) Returning original documents to the client immediately after use
- 3) How and at what cost a client may request a copy of the file
- 4) Notification to a client of the file retention policy and the date the file will be destroyed

The file retention process begins when a new client is retained. The employment contract or fee agreement should include a section that notifies the client that their file will eventually be destroyed and the

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date when that will occur. The client's signature on the contract will provide consent to destroy the file. If a file will only be kept electronically, the contract should so specify. Best practices would include a brief explanation of how the digital file will be stored and protected.

While representing the client, it is important to send the client all pleadings, correspondence and other documents as they are received. This allows the client to create their personal copy of the file as the attorney creates the copy that will be maintained in the office. Special care should be made to return all original documents to the client as soon as they are no longer needed by the attorney. The client should acknowledge receiving the documents by signing a receipt. Following this step could reduce the need to copy the entire file for the client at a later date. Further, this ensures the file maintained in the office belongs to the attorney and can be disposed of according to office policies.

The next step is when the file is closed. A permanent inventory should be made related to each closed file that includes the date the file is

closed, where the file is stored and the date the file will be destroyed. The destruction date should be calendared so the files are destroyed according to schedule. Once the file is closed, the client should be sent a letter notifying them of the specific destruction date for the file. Before a file is closed or put into storage, the attorney should again make sure there are no original documents belonging to the client. This ensures the file that is put in storage can be destroyed immediately on the scheduled date without further investigation.

When the date arrives to destroy the file, an attorney must protect the client's confidential information that remains in the closed file. Generally, this means the file should be shredded or incinerated. If an outside company is hired to destroy the files, it should be confirmed that the files will be disposed of without being reviewed by employees or other third parties. Many companies will provide a certificate of destruction once the files have been destroyed. Once the files are destroyed, the only things that should remain are the index of destroyed files, a copy of the fee agreement and any

correspondence that notified the client of the file retention policy and date of file destruction.

There is no obligation to maintain a paper file. Other than original documents that maintain legal significance, many offices have moved to electronic file storage. An office should have a procedure for how and when documents will be scanned when they are received in the office. When a document is scanned or copied, it should be saved in a searchable PDF format. Ensuring that all documents are searchable from the onset will save time and energy in the future. If necessary, contact an IT professional to make sure the copier automatically saves documents in a searchable format. Office procedures should also be in place about what happens to the documents once they have been saved electronically. If the documents are destroyed in the office, care should be taken so that any confidential information is protected during the process.

Some attorneys adopt a hybrid approach and keep a paper file during the client representation, but once the case is concluded, the file is scanned to be kept electronically. After giving

the client notice that the paper file will be destroyed, it is destroyed within a shorter time period and does not necessitate the need to rent a storage unit or other space to hold a vast quantity of closed files.

A backup of digital files should be stored off-site or in a secure cloud-based system. This will ensure the files can still be accessed if there is a system failure or other emergency at the office. Procedures should be put in place to maintain these backup files and ensure they remain up to date. When digital files are closed, they should be organized uniformly and segregated from current files. Having a plan in place for how this will be

done will ensure not only that a file can be found when needed but also that the office server does not become unorganized with many years of files. Like paper files, a digital file should be organized by the date of closing and the date the file will be destroyed.

An attorney must still maintain a client's confidential information in an electronic file. Care should be taken so that this information is not at risk of being compromised. Hackers can target both the devices that store the information and the networks that transmit it. An attorney should confirm that the office servers and electronic data are safe from this type of theft.

ABOUT THE AUTHOR



Jimmy Oliver has more than 10 years of experience in the areas of family law, juvenile law, guardianship and probate.

He has served on the OBA Board of Governors and the Professional Responsibility Commission.

ENDNOTE

1. *Planning Ahead Guide: Attorney Transition Planning in the Event of Death or Incapacity*, available on the OBA website at <https://bit.ly/41Znqty>.

Below is sample language to add to a client contract and a closing letter to notify a client of the file destruction date.

FILE RETENTION AND DESTRUCTION POLICY

It is our firm's general policy to keep a file for ___ years once it is closed. After that time, your file will be destroyed. As your case progresses, you will be provided with pleadings, documents and correspondence as it is received in the office. This will allow you to create a personal file for your own use. The original documents you provided will be returned to you after use or at the end of your matter. When your file is closed, you will be sent a letter notifying you of the date the file held in the office will be destroyed.

CLOSING LETTER

RE: Final Statement and File Closure

Dear [client name]:

Enclosed you will find the final statement for the above-referenced matter. If you have any questions about this statement, please contact the office as soon as possible. I have now closed your file and consider my representation of you in this matter completed.

I have also enclosed all original documents that were in your file. If you believe there are additional documents in my possession, please let me know immediately so that I may search for them prior to the file being taken to storage. The file that I maintain related to your matter will be destroyed on or after [insert date]. If you need anything from your file prior to that date, it is important that you notify me in writing about what you need and where it should be sent. Retrieval and copying charges may apply.

It has been my pleasure to represent you in this matter. If you need assistance in the future, do not hesitate to contact me.

Sincerely,
[attorney signature]

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A Checklist for Closing Your Law Office

This article was adapted from the Planning Ahead Guide: Attorney Transition Planning in the Event of Death or Incapacity available on the OBA website at <https://bit.ly/41Znqty>.

- 1) Calculate accounts receivable. Ensure sufficient cash is on hand or a sufficient amount will be coming in to sustain you through the announcement and closure of your office.
- 2) Stop taking new matters.
- 3) Inform your staff, in person and in writing.
- 4) Provide your staff with a simple, truthful reason for the closure.
- 5) Finalize as many active files as possible.
- 6) Write to clients with active files, advising them that you are unable to continue representing them and that they need to retain new counsel. Your letter should inform them about time limitations and time frames important to their cases. The letter should explain how and where they can pick up copies of their files and should give a deadline for doing this.
- 7) For cases with pending court dates, depositions or hearings, discuss with the clients how to proceed. When appropriate, request extensions, continuances and resetting of hearing dates. Send written confirmations of these extensions, continuances and resets to opposing counsel and your client.
- 8) Obtain your clients' permission to submit a motion and order to withdraw as attorney of record.
- 9) If a client is obtaining a new attorney, be certain that a substitution of attorney is filed.
- 10) Pick an appropriate date to check whether all cases either have a motion and order allowing your withdrawal as attorney of record or have a substitution of attorney filed with the court.
- 11) Give notice and terminate leases and rental agreements.
- 12) Make copies of files for clients. Retain your original files, unless it makes more sense to provide the client with the original file – for example, for an ongoing case. All clients should either pick up their files (and sign a receipt acknowledging they received them) or sign an authorization for you to release the files to their new attorneys. (See "A Guide to File Retention and Destruction" on page 18 in this issue of the *Oklahoma Bar Journal*. You may use the "Acknowledgment of Receipt of File and Authorization for Transfer of Client File" form provided in Chapter 4 of the OBA's *Planning Ahead Guide*.¹) If a client is picking up the file, return their original documents to the client and keep copies in your file. You may scan and digitally store your documents, but be careful to keep original documents that may be helpful to you in the event of a dispute with a client, e.g., fee agreement, letters, etc. An original may be preferred for evidentiary purposes. Create a log as to the disposition of every file, e.g., delivered to a client, stored, transferred to a new attorney, etc.
- 13) Tell all clients where their closed files will be stored and whom they should contact to retrieve them. Obtain all clients' permission, if you have not

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- already, to destroy the files after five years following the end of the representation (but review the file to determine if special circumstances require keeping the file longer). If a closed file is to be stored by another attorney, get the client's permission to allow the attorney to store the file for you, and provide the client with the attorney's name, address and phone number.
- 14) If you are a sole practitioner, ask the telephone company for a new phone number to be given out when your disconnected phone number is called. This eliminates the problem created when clients call your phone number, get a recording stating the number is disconnected and do not know where else to turn for information.
 - 15) Close IOLTA accounts and distribute to yourself fees (if earned) and/or the minimal amount you deposited for bank charges or to the clients or third parties. Notify the OBA and the Oklahoma Bar Foundation of the closure within 30 days. ORPC 1.15 (See "Closing Your IOLTA Account: A Checklist" on page 16 of this issue of the *Oklahoma Bar Journal*).
 - 16) Notify the postal service and provide a forwarding address.
 - 17) Consult with your malpractice carrier regarding extended reporting or "tail" coverage. (See the article "Considering Closing Your Practice? Protect Yourself From Malpractice Claims When You Wind Up" on page 28 of this issue of the *Oklahoma Bar Journal*.)
 - 18) Notify the OBA of new contact information within 30 days of office closure.
 - 19) Prepare instructions in the event of your later death, incapacity or disappearance.

ENDNOTE

1. *Planning Ahead Guide: Attorney Transition Planning in the Event of Death or Incapacity*, available on the OBA website at <https://bit.ly/41Znqty>.

The Graying of the Legal Profession and Its Effect on Disciplinary Models

By Gina Hendryx

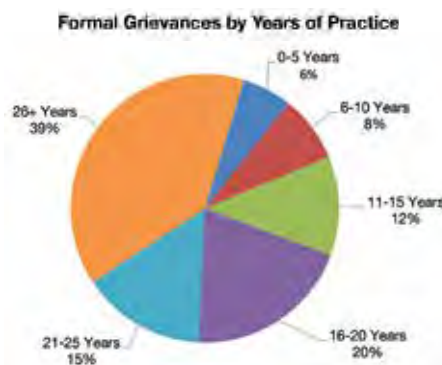
IN 2007, A JOINT COMMITTEE comprised of members from the National Organization of Bar Counsel (NOBC) and the Association of Professional Responsibility Lawyers (APRL) published a report on issues facing aging lawyers and the effectiveness of traditional attorney discipline models when applied to senior lawyers. The primary focus of the study, as well as that of most attorney regulatory offices, was the protection of the public while respecting the integrity and dignity of our aging attorney populations.

According to the United States Census Bureau, more than 56 million adults aged 65 and older live in the United States and account for about 16.5% of this nation's population. This figure is expected to reach 22% by 2050 and represents a significant increase from 1950, when the population of people aged 65 and over was only 8%. This "senior tsunami" or "baby boomer" generation is mirrored in our own bar association statistics. At the end of 2022, membership in the Oklahoma Bar Association was 18,588. Oklahoma attorneys over the age of 60 accounted for 42% of that total, and if you include attorneys over the age of 50, the total increases to 60%. We have more attorneys over the age of 70 practicing law in Oklahoma than we have under the age of 30.

Lawyers are continuing to practice beyond the traditional retirement age of 65. The NOBC/APRL report attributed this aging workforce to "1) the steady increase in the past fifty years in the number of lawyers admitted to practice each year; 2) the demographic shift in the elderly population; 3) dramatic improvements in health care which have extended professional work lives;

4) the strong desire among many senior lawyers to continue making positive contributions to society; and 5) economic necessity, which will compel lawyers to continue working because their pensions or savings are insufficient to support themselves and their families."¹

All these factors are readily identifiable when reviewing and investigating grievances submitted against senior lawyers. The vast majority of Oklahoma's senior lawyer community provides good, competent legal representation to their clients. These lawyers also serve as indispensable mentors to younger lawyers and provide much-needed pro bono representation to underserved populations. However, 40% of the formal grievances submitted in 2022 were against lawyers who have been in practice for more than



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26 years. Lawyers over the age of 50 accounted for 67% of these complaints, while those over the age of 60 accounted for 35% of the complaints.²

Of the lawyers receiving formal discipline from the Oklahoma Supreme Court in 2022, 73% were over the age of 50, and 42% were over the age of 60. These numbers and percentages are consistent with previous years' reports. The reports reflect a graying lawyer population, wherein the majority of grievances are lodged against our older members. This statistical certainty could be merely one of demographics. Most of our population "fits" into the age and years of practice group that historically receives the most complaints. However, a deeper look into the allegations lodged against these lawyers confirms that age-related impairments are impacting the quality of legal work and pose a risk of harm to clients and/or the public. These allegations include neglect of clients and their legal matters, decreased competency in the representation of clients and knowledge of the law, alcohol and substance abuse and mental



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The goal when assessing a senior lawyer's ability to continue to practice law should always be to preserve the lawyer's dignity while protecting the public and preserving the public's confidence in the legal system.

illness. These lawyers are often in denial about any age-related issues affecting their legal skills and are resistant to discussing the same with others.

Lawyers, judges, and family members are usually the first to notice when a colleague or contemporary is experiencing age-related impairment issues. Most are uncomfortable with confronting the lawyer with these concerns or reporting the same to the Oklahoma Bar Association. However, with early intervention, outcomes are usually better for both the lawyer and their clients. Options that serve to protect the public while maintaining the dignity of the senior lawyer include:

- *Retired membership status.* Upon reaching the age of 70, an active member in good standing of the OBA may elect to be designated as a "retired member." A retired member may not be engaged in the practice of law and is no longer required to pay annual membership dues. By electing to take "retired"

status, the senior lawyer remains a member of the OBA but agrees to no longer practice law.

- *Associate membership status.* An OBA member of any age may request associate membership status based upon illness, infirmity or other disability. Associate members are unable to practice law for the duration of their illness and must make an appropriate showing to be reclassified as active members. During the term of the associate status, the lawyer may not be engaged in the practice of law and is not required to pay annual membership dues.
- *Suspension for personal incapacity to practice law.* The Rules Governing Disciplinary Procedures sets forth the procedures for the suspension of a lawyer's license due to being personally incapable of practicing law due to a mental or physical illness.³ Proceedings to determine whether a lawyer

is incapable of practicing law are instituted by the OBA Office of the General Counsel and conducted in the same manner as disciplinary proceedings and are strictly confidential. Usually, the lawyer is subject to a mental health evaluation by qualified medical personnel. The lawyer may consent to the suspension or contest the same in a formal hearing. If it is determined that the lawyer is incapable of practicing law, their license shall be suspended until reinstated by the Oklahoma Supreme Court.

The goal when assessing a senior lawyer's ability to continue to practice law should always be to preserve the lawyer's dignity while protecting the public and preserving the public's confidence in the legal system. Identification and early intervention are the keys to achieving these outcomes. Retired and associate membership categories afford senior lawyers a more palatable option to resign and often can avoid the need for disciplinary intervention.

ABOUT THE AUTHOR

Gina Hendryx serves as OBA general counsel.

ENDNOTES

1. "NOBC-APRL Joint Committee on Aging Lawyers Final Report," May 2007.
2. The OBA Office of the General Counsel received 198 formal grievances involving 151 attorneys in 2022. A formal grievance is one that, based upon the allegations, is designated for assignment to an attorney and investigator for formal review.
3. Rule 10, Rules Governing Disciplinary Proceedings, 5 O.S. 2021, Ch.1, App. 1-A.

A black and white portrait of a middle-aged man with short hair, wearing a suit jacket, light-colored shirt, and patterned tie. He is smiling slightly and looking directly at the camera. The background is a plain, light color.

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- Scott B. Goode, Oklahoma Bar Association Member

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Considering Closing Your Practice? Protect Yourself From Malpractice Claims When You Wind Up

By Phil Fraim and John E. Barbush



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BABY BOOMERS WHO MAY BE CONSIDERING CLOSING THEIR PRACTICE are doing so at a time when legal malpractice claims are on the rise and are expected to continue to do so.¹ Thankfully, in Oklahoma, the total number of malpractice claims received by Oklahoma Attorneys Mutual Insurance Co. has not varied greatly, but the percentage of claims against attorneys in the baby boomer demographic has increased. Accordingly, it is imperative that thoughtful consideration be given to both when to retire and how to do so in a manner that decreases the chance of a malpractice claim.

MAKING THE DECISION ON CLOSING YOUR PRACTICE

When should an attorney wind up their practice? All great questions have something in common: There is no surefire formula for arriving at an answer. Deciding when to retire and how to exit your practice is undoubtedly tough. There is no magical age (*i.e.*, 65) when an attorney needs to retire. The Oklahoma Rules of Professional Conduct make clear that an attorney may continue to practice law as long as the “lawyer [can] provide competent representation to a client.”² The Rules Governing Disciplinary Proceedings defines the term “personally incapable of practicing law.”³ Therefore, attorneys are required to “self-evaluate” their competence to continue practicing law, regardless of how difficult or painful that self-evaluation might be.

At the center of that evaluation should be your clients; secondary to that is one’s legacy as a lawyer. There is nothing sadder than seeing bar complaints or legal malpractice claims against once well-regarded attorneys who have fallen into a trap that they would not have a few years earlier. Although legal malpractice and bar complaints are not the same, attorneys in the demographic of practicing 26 or more years have received the highest percentage of formal grievances from the Oklahoma Bar Association for at least the past decade.⁴

Consideration of one’s health, mental capacity and the effectiveness of the representation one is providing to their clients in the types of cases that are being undertaken is a task that anyone considering whether it is time to retire should undertake. One should also discuss the topic

with their spouse and/or trusted colleagues to obtain more objective views. Even if you determine you are still able to provide competent representation, you might determine to change the focus of your practice. As Daniel Owens, retired district court judge for Oklahoma County, once pronounced from the bench during a motion docket, “Trial attorneys are like gunfighters, you don’t see very many old ones walking around.”

PLANNING THE CLOSING OF YOUR PRACTICE

Once you decide to close your practice, your first step should be to read “Closing an Oklahoma Law Practice,”⁵ which provides “A Basic Checklist for Closing a Practice” as well as references to other resources to come up with your closing plan. Failing to properly plan is planning to fail.

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ADDITIONAL THOUGHTS TO PROTECT YOURSELF FROM MALPRACTICE CLAIMS

After you begin the process of closing your practice, stop taking on new matters. This may appear obvious, but it will be difficult to implement, especially for longtime clients, friends and, of course, family. It is not uncommon for an insured who receives a legal malpractice claim to explain that the underlying legal matter was one that came in after they had “basically retired” but had not closed their practice.

The importance of the attorney, with the assistance of any support staff, making sure that every client/legal matter is accounted for and that each file is properly organized and documented with upcoming deadlines and tasks, cannot be overemphasized. Countless attorneys have reported “relying on an assistant” to docket a statute of limitation or undertake other important tasks that simply fell through the cracks, resulting in a legal malpractice claim.

Whether giving files back to clients or new counsel taking over the representation or even placing them in storage, after you have reviewed and organized the file (to include any substantive emails), make sure that you scan an exact copy of it (insert pages with the names of any subfolders) to keep electronically for your records before doing so. Likewise, the attorney should document when and to whom any files were provided, and that list should be preserved by the attorney. It is difficult to defend a claim of legal malpractice without having the complete underlying file. You don't want to be the attorney digging through an attic, garage or storage unit looking for a file.

PROTECT YOUR TAIL ON THE WAY OUT THE DOOR

If you have maintained legal malpractice insurance, contact your insurance company and discuss the options for extended reporting endorsement (ERE),⁶⁵ often known as tail-end coverage. Professional liability coverage is written on a claims-made policy form, and once coverage terminates, so does the ability to report a new claim. Accordingly, purchasing tail-end coverage to protect against acts or omissions on matters you handled prior to retiring should be considered, especially if an attorney wants to retire without worrying about the effect a potential claim will have on their retirement. Those debating whether tail-end coverage is a necessary business expense should keep in mind that the average cost of defense for any legal malpractice claim is between \$50,000 and \$75,000, regardless of whether it was meritorious or not. This amount does not include any amount paid to settle or to pay a judgment on a malpractice claim. There is no guaranteed way to avoid a legal malpractice claim, but purchasing tail-end coverage will certainly protect you from one when you are supposed to be enjoying retirement after what was hopefully a successful and fulfilling legal career.

ABOUT THE AUTHORS



Phil Frain has been at Oklahoma Attorneys Mutual Insurance Co. since 1989 and has served as president and CEO since 1993. He is the past president of the National Association of Bar Related Insurance Companies (NABRICO) and currently serves as secretary of the organization. He also serves

as secretary of The Bar Plan Surety and Fidelity Co., is a board member of the National Association of Mutual Insurance Companies (NAMIC) and is also a member of the Professional Liability Underwriting Society (PLUS).



John E. Barbush is a solo, civil trial attorney who practices in the areas of torts, business litigation, securities and family law. He is also an approved provider for OAMIC, representing attorneys in legal malpractice cases. He is a trained mediator and has served as an arbitrator. Mr. Barbush was part of the 2017-2018 OBA Leadership Academy class and has served as a delegate and an executive committee member of the Oklahoma County Bar Association Family Law Section. He currently serves on the OBA Board of Governors.

ENDNOTES

1. *Today's General Counsel*, “Expected Increase in Legal Malpractice Claims,” Dec. 7, 2022; ALM/Law.com, “Legal Malpractice Experts Brace for Influx of Claims Amid Economic Strain,” Nov. 14, 2022; Law360, “Risk Mitigation In Face Of Rising Legal Malpractice Claims,” Oct. 11, 2022.
2. Oklahoma Rules of Professional Conduct, Rule 1.1.
3. Rules Governing Disciplinary Proceedings, §10.1: “The term ‘personally incapable of practicing law’ shall include: (a) Suffering from mental or physical illness of such character as to render the person afflicted incapable of managing himself, his affairs or the affairs of others with the integrity and competence requisite for the proper practice of law; (b) Active misfeasance or repeated neglect of duty in respect to the affairs of a client, whether in matters pending before a tribunal or in other matters constituting the practice of law; or (c) Habitual use of alcoholic beverages or liquids of any alcoholic content, hallucinogens, sedatives, drugs, or other mentally or physically disabling substances of any character whatsoever to any extent which impairs or tends to impair ability to conduct efficiently and properly the affairs undertaken for a client in the practice of law.”
4. Annual Report of the Professional Responsibility Commission for years 2012-2021, available on the OBA website.
5. “Closing an Oklahoma Law Practice,” Callaway, Jim, *OBJ*, May 2021 (Vol. 92, No. 5).
6. ERE should also be considered by attorneys who are leaving private practice but not retiring (*i.e.*, taking the bench, going in-house, changing profession).

NOTICE OF JUDICIAL VACANCY

The Judicial Nominating Commission seeks applicants to fill a vacancy for:

District Judge for the Third Judicial District, Office 1

This vacancy is created by the retirement of the Honorable Brad D. Leverett effective May 1, 2023.

Office 1 is an at-large position to be appointed from the Third Judicial District, including, Greer, Harmon, Jackson, Kiowa and Tillman Counties. To be appointed to the office of District Judge for the Third Judicial District, Office 1, one must be a legal resident and registered voter of the district at the time (s)he takes the oath of office and assumes the duties of office. Additionally, prior to appointment, such appointee shall have had a minimum of four years' experience in Oklahoma as a licensed practicing attorney, a judge of a court of record, or both.

Application forms can be obtained online at okjnc.com or by contacting Tammy Reaves at (405) 556-9300. Applications must be submitted to the Chairman of the JNC no later than 5:00 p.m., Friday, April 14, 2023. Applications may be mailed, hand delivered or delivered by third party commercial carrier. If mailed or delivered by third party commercial carrier, they must be postmarked on or before April 14, 2023 to be deemed timely.

Applications should be mailed/delivered to:

Jim Bland, Chairman
Oklahoma Judicial Nominating Commission
c/o Tammy Reaves
Administrative Office of the Courts
2100 N. Lincoln Blvd., Suite 3
Oklahoma City, OK 73105

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.



ORPC 1.17 and the Ethical Sale of a Law Practice

By Richard Stevens

WHEN I SPEAK TO GROUPS OF LAWYERS, I often remind them that while there are very few things in this life that are certain, one thing is: Someday, we will not be practicing law. If that day comes because of careful thought and planning, then you, your friends and your family will be better served. If that day comes because of illness, incapacity or death, it is imperative that you have taken the time to plan for a smooth transition or termination of your practice.

I suggest you consult the OBA Management Assistance Program page at www.okbar.org/map. There are links to articles about closing a law practice and one to the *Planning Ahead Guide: Attorney Transition Planning in the Event of Death or Incapacity, A Handbook and Forms*. Lawyers should take advantage of these resources to make plans and anticipate the day that – either by design or happenstance – will come to us all. There is significant, useful information contained in the handbook, particularly regarding a smooth transition of trust accounts and trust funds.

When a lawyer decides to retire, one option that presents itself is the sale of a law practice. While not all law practices are candidates for sale, many may be. Most large firms continue to exist after a partner or partners leave the firm, but many solo and small practices may be candidates for sale. A case in

point is the small-town sole practitioner who is planning to retire and seeks a young lawyer to take over the practice. Small firms in desirable locations may be prime targets for acquisition by larger firms.

WHAT IS THE RULE?

The sale of a law practice is governed by the Oklahoma Rules of Professional Conduct (ORPC) 1.17. The rule sets ethical limits on the sale of a law practice.

ORPC 1.17 makes clear that a lawyer may buy or sell a law practice or a particular area of practice including “good will.” Up until the latter 20th century, the sale of a law practice was considered unethical. The inability to sell a law practice advantaged law firms over sole practitioners. While members of a law firm were able to make agreements to pay retiring members, sole practitioners were unable to do so. Similarly, clients who used sole practitioners were left

on their own when their lawyer died or retired. ORPC 1.17, allowing the sale of a law practice, was adopted in 1995. The rule was amended in 2008 to expressly permit the sale of “good will.”

Required Conditions for the Sale of a Law Practice

To ethically sell a law practice in Oklahoma, certain conditions must be met. ORPC 1.17(a) requires that “[t]he seller ceases to engage in the private practice of law, or in the area of practice that has been sold, in the geographic area in Oklahoma in which the practice has been conducted.” The comments to this portion of the rule make clear that a seller need not cease to practice law forever. A seller may, for example, take judicial office or employment as in-house counsel to a business or with a public agency, including Legal Aid Services. Further, the



selling lawyer may assist the purchaser with matters relating to the orderly transition of cases between the two lawyers.

ORPC 1.17(b) seeks to protect clients of the seller when a law firm is sold. These sections prevent lawyers from treating clients as property to be divided. Section (b) (1) makes clear that lawyers must have a client's consent before any representation may be transferred to the purchasing lawyer. Section (b) (2) further protects clients by requiring that the seller reasonably believes or has reasonable assurances that the purchasing lawyer is competent to handle the matters transferred in the sale. Section (b) (3) prohibits the transfer

of any cases or representations to a lawyer who is not able to take those cases or representations by virtue of the conflict rules ORPC 1.7 through 1.10 or any other rule. Section (b) (4) requires the necessary judicial approval of any transfer of representation.

Paragraph (c) contains the requirements for the seller's notice to each client whose representation is proposed to be transferred. The written notice to clients given by the seller or a representative on the seller's behalf must contain the following information:

- (1) a sale of the entire practice, or the entire area of practice, is proposed;

- (2) a transfer of the representation of such client to a specified lawyer, lawyers, or law firm is contemplated;
- (3) the client has the right to take possession of the file and retain other counsel;
- (4) the existence and status of any funds or property held for the client, including but not limited to, retainers or other prepayments; and
- (5) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of the date of the notice.

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Not all law practices are good candidates for sale, but Oklahoma lawyers who are considering selling their practices must comply with ORPC Rule 1.17.

Paragraph (c) further provides:

The signed written consent of each client whose representation is proposed to be transferred to a purchaser must be obtained; provided that the client's consent to the transfer of the client's files shall be presumed if the client does not take any action or does not otherwise object within ninety (90) days of the date of the notice. If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller must disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of the file.

Finally, paragraph (d) allows the purchaser to refuse to undertake representations in which the client does not consent to pay the purchaser's fees, which may not exceed the fees charged for similar services prior to purchase negotiations. Those lawyers considering purchasing a law practice should review comment [10], which states, "[10] The sale may not be financed by increases in fees charged the clients of the practice. Existing agreements between the seller and the client as to fees and the scope of the work must be honored by the purchaser." It is also worth comparing ABA Model Rule 1.17(d), which states, "The fees charged clients shall not be increased by reason of the sale." The language of the Oklahoma paragraph (d) was dropped in favor of the present Model Rule's language in 2002.

Not all law practices are good candidates for sale, but Oklahoma lawyers who are considering selling their practices must comply

with ORPC Rule 1.17. The rule provides protection for clients and, by requiring written notice, also provides protection to lawyers from claims of overreaching and unfair dealing.

ABOUT THE AUTHOR



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

OKLAHOMA RULES OF PROFESSIONAL CONDUCT
CHAPTER 1, APP. 3-A
CLIENT-LAWYER RELATIONSHIP
RULE 1.17. SALE OF LAW PRACTICE

A lawyer or a law firm (or the authorized representative of a lawyer or a law firm) may sell or purchase a law practice, or an area of practice, including good will, if the following conditions are satisfied:

(a) The seller ceases to engage in the private practice of law, or in the area of practice that has been sold, in the geographic area in Oklahoma in which the practice has been conducted; and

(b) The entire practice, or the entire area of practice, is sold to one or more lawyers or law firms, except that:

- (1) the representation of any client who does not consent as provided in paragraph (c) shall not be transferred;
- (2) matters shall not be transferred to a purchaser unless the seller has reasonable basis to believe that the purchaser has the requisite knowledge and skill to handle such matters, or reasonable assurances are obtained that such purchaser will either acquire such knowledge and skill or associate with another lawyer having such competence;
- (3) matters shall not be transferred to a purchaser who would not be permitted to assume such representation by reason of restrictions contained in Rules 1.7 through 1.10 or other Rules; and
- (4) where matters in litigation are involved, any necessary judicial approvals of the transfer of representation must be obtained.

(c) The seller or the seller's representative shall give written notice to each client whose representation is proposed to be transferred, stating:

- (1) a sale of the entire practice, or the entire area of practice, is proposed;
- (2) a transfer of the representation of such client to a specified lawyer, lawyers, or law firm is contemplated;
- (3) the client has the right to take possession of the file and retain other counsel;
- (4) the existence and status of any funds or property held for the client, including but not limited to retainers or other prepayments; and
- (5) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of the date of the notice.

The signed written consent of each client whose representation is proposed to be transferred to a purchaser must be obtained; provided that the client's consent to the transfer of the client's files shall be presumed if the client does not take any action or does not otherwise object within ninety (90) days of the date of the notice. If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller must disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of the file.

(d) The purchaser may, however, refuse to undertake the representation unless the client consents to pay the purchaser fees at a rate not exceeding the fees charged by the purchaser for rendering substantially similar services prior to the initiation of the purchase negotiations.

Additional information on Rule 1.17 can be found at <https://bit.ly/3EUTK6X>.

Judicial Nominating Commission Elections

Nomination Period Opens

THE SELECTION OF QUALIFIED persons for appointment to the judiciary is of the utmost importance to the administration of justice in this state. Since the adoption of Article 7-B to the Oklahoma Constitution in 1967, there has been significant improvement in the quality of the appointments to the bench. Originally, the Judicial Nominating Commission was involved in the nomination of justices of the Supreme Court and judges of the Court of Criminal Appeals. Since the adoption of the amendment, the Legislature added the requirement that vacancies in all judgeships, appellate and trial, be filled by appointment of the governor from nominees submitted by the Judicial Nominating Commission.

The commission is composed of 15 members. There are six non-lawyers appointed by the governor, six lawyers elected by members of the bar, and three at large members, one selected by the Speaker of the House of Representatives; one selected by the President Pro Tempore of the Senate; and one selected by not less than eight members of the commission. All serve six-year terms, except the members at large who serve two-year terms. Members may not succeed themselves on the commission. The

lawyer members are elected from each of the six congressional districts as they existed in 1967. (Congressional districts were redrawn in 2011.) Elections are held each odd-numbered year for members from two districts.

2023 ELECTIONS

This year there will be elections for members in Districts 1 and 2. District 1 is composed of Creek and Tulsa counties. District 2 is composed of Adair, Cherokee, Craig, Delaware, Mayes, McIntosh, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Rogers, Sequoyah, Wagoner and Washington counties.

Lawyers desiring to be candidates for the Judicial Nominating Commission positions have until May 19, 2023, at 5 p.m. to submit their nominating petitions. Members can download petition forms at www.okbar.org/jnc. When submitting a nominating petition, candidates should include a biography of 100 words or less and a photo (preferably both digital). For additional details and a sample bio format, email Mark Schneidewent at marks@okbar.org.

Ballots will be mailed June 2, 2023, to active attorneys in good standing in Congressional Districts 1 and 2, as they existed in 1967. Ballots must be received at

the Oklahoma Bar Center by 5 p.m. Friday, June 16, 2023. Ballots will be tabulated on June 19, 2023, at 9 a.m. Elections results will be posted June 19, 2023. In the event of a runoff, the ballots for the runoff election will be mailed June 23, 2023, and the deadline for their return is 5 p.m. July 21, 2023. Those ballots would be tabulated on July 24, 2023.

It is important to the administration of justice that the OBA members in the Congressional Districts 1 and 2 become informed on the candidates and cast their votes. The framers of the constitutional amendment entrusted to the lawyers the responsibility of electing qualified people to serve on the commission. Hopefully, the lawyers in Congressional Districts 1 and 2 will fulfill their responsibility by voting.

OBA PROCEDURES GOVERNING THE ELECTION OF LAWYER MEMBERS TO THE JUDICIAL NOMINATING COMMISSION

1. Article 7-B, Section 3, of the Oklahoma Constitution requires elections be held in each odd numbered year by Active members of the Oklahoma Bar Association to elect two members of the Judicial Nominating Commission for six-year terms from Congressional Districts as such districts existed at

the date of adoption of Article 7-B of the Oklahoma Constitution (1967).

2. Ten (10) Active members of the Association, within the Congressional District from which a member of the Commission is to be elected, shall file with the Executive Director a signed petition (which may be in parts) nominating a candidate for the Commission; or, one or more County Bar Associations within said Congressional District may file with the Executive Director a nominating resolution nominating such a candidate for the Commission.

3. Nominating petitions must be received at the Bar Center by 5 p.m. on the third Friday in May.

4. All candidates shall be advised of their nominations, and unless they indicate they do not desire to serve on the Commission, their name shall be placed on the ballot.

5. If no candidates are nominated for any Congressional District, the Board of Governors shall select at least two candidates to stand for election to such office.

6. Under the supervision of the Executive Director, or his designee, ballots shall be mailed to every Active member of the Association in the respective Congressional District on the first Friday in June, and all ballots must be received at the Bar Center by 5 p.m. on the third Friday in June.



7. Under the supervision of the Executive Director, or his designee, the ballots shall be opened, tabulated and certified at 9 a.m. on the Monday following the third Friday of June.

8. If there are three or more candidates, the candidate who receives forty percent (40%) or more of the votes cast, shall be declared the winner. If two candidates receive more than forty percent (40%) of the votes each, the candidate with the highest number of votes shall be declared the winner.

9. In case a runoff election is necessary in any Congressional District, runoff ballots shall be mailed, under the supervision

of the Executive Director, or his designee, to every Active member of the Association therein on the fourth Friday in June, and all runoff ballots must be received at the Bar Center by 5 p.m. on the third Friday in July.

10. Under the supervision of the Executive Director, or his designee, the runoff ballots shall be opened, tabulated and certified at 9 a.m. on the Monday following the third Friday in July.

11. Those elected shall be immediately notified, and their function certified to the Secretary of State by the President of the Oklahoma Bar Association, attested by the Executive Director.

12. The Executive Director, or his designee, shall take possession of and destroy any ballots printed and unused.

13. Following the approval of these procedures, the election procedures, with the specific dates included, shall be published in all print and electronic publications of the Oklahoma Bar Association and placed on the Oklahoma Bar Association website until the deadline for filing nominating petitions.

NOTICE

Judicial Nominating Commission Elections Congressional Districts 1 And 2

Nominating petitions for election as members of the Judicial Nominating Commission from Congressional Districts 1 and 2 (as they existed in 1967) will be accepted by the Executive Director until 5 p.m., May 19, 2023. Ballots will be mailed June 2, 2023, and must be received at the Oklahoma Bar Center by 5 p.m. on June 16, 2023. Members can download nominating petition forms at www.okbar.org/jnc.

The six districts as they were in 1967, and as shown in Title 14 §3 of the Oklahoma Statutes.



DISTRICT NO. 1

Creek County
Tulsa County

DISTRICT NO. 2

Adair County
Cherokee County
Craig County
Delaware County
Mayes County
McIntosh County
Muskogee County
Nowata County
Okfuskee County
Oklmulgee County
Osage County
Ottawa County
Pawnee County
Rogers County
Sequoyah County
Wagoner County
Washington County

OKLAHOMA BAR ASSOCIATION



BAR BENEFITS

**You make a difference.
OBA member benefits
make it easier.**

MYOKBAR

DID YOU KNOW?

Members can update their roster information and access Fastcase, HeinOnline, the OBA member directory and get quick links to their committees and sections. Plus, MyOKBar Communities serves as the main communication tool for committees and sections, and it automatically links with members' MyOKBar account so information is synced.

CHECK IT OUT

Log in with the "MyOKBar Login" link at the top of www.okbar.org.

FIND MORE MEMBER BENEFITS AT WWW.OKBAR.ORG/MEMBERBENEFITS

VOLUNTEER LAWYERS NEEDED!

Law Day 2023 | Monday, May 1

ASK A LAWYER STATEWIDE FREE LEGAL ADVICE

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

Oklahoma City:

Connie Simmons
405-236-8421
connie@okcbar.org
www.okcbar.org/events

Tulsa:

Dan Crawford
918-240-7331
lawdaytulsa@okbar.org
or liondc@gmail.com

Other counties:

Contact your Law Day chairperson for details. See the list of chairs at www.okbar.org/lawday.





ONE ASSOCIATION MANY OPPORTUNITIES

JOIN AN OBA COMMITTEE TODAY!

Get more involved in the OBA, network with colleagues and work together for the betterment of our profession and our communities. More than 20 active committees offer you the chance to serve in a way that is meaningful for you.

Now is your opportunity to join other volunteer lawyers in making our association the best of its kind!



One Deadline Down, Several to Go

By Shanda McKenney

THE BEGINNING OF MARCH brings several harbingers of spring – Bradford pear trees and forsythias begin blooming, severe weather alerts interrupt our regular rhythms, and the first deadline of the 2023 legislative session comes and goes.

At this point, if a bill did not get out of the committee in its house of origin with a “do pass” recommendation, then it is dead for the rest of this session. If the measure was considered in committee but given a “do not pass” recommendation, then it is dead for next year too. However, if a bill simply did not get a hearing in committee, it continues to be a “live round” for purposes of next year’s session. Rest assured we will continue to keep our eye on those measures.

The Oklahoma Legislature worked through March 23 on getting measures to the floor for votes in the house of origin. Any measure passed by the House floor was moved along to the Senate and assigned to a committee there. Anything passed by the Senate floor was moved to the House for assignment to a committee in that chamber. Committee meetings resumed after March 23 for purposes of considering bills referred by the opposite chamber. A complete list of meeting notices can be found at www.oklegislature.gov



by clicking on the “Committees” tab at the top of the page. All proposed legislation is accessible through this site. Type in the bill number under “Find Legislation,” or search for key words through the “Legislation” drop-down menu and click on “Text of Measures.”

BILLS OF INTEREST

Some of the bills that survived the first deadline that may be of interest include the following:

SB 296 – provides alternatives for hiring private court reporters if a staff court reporter is not available

HB 2794 – creates the Judicial Security and Privacy Act

HB 2850 – creates a judicial performance evaluation

HB 1005 – allows physician assistants and advanced practice registered nurses to provide documents excusing patients in their care from jury duty under certain circumstances

HB 1017 – creates the Family Representation and Advocacy Act, which establishes a program within the courts to provide legal representation to certain adults and children involved in deprived actions

HB 1396 – increases amounts payable to salaried court reporters

HB 1405 – defines “online harassment,” creates cause of action, outlines penalties for violations

HB 1588 – modifies adverse possession requirements and statute of limitations

HB 1612 – crimes and punishments; adds criminal offense to list of crimes

HB 1613 – larceny; changes and deletes certain penalty provisions

HB 1618 – alters licensing process for process servers

HB 1777 – removes various fines and fees throughout the court system

HB 1792 – creates the Oklahoma Crime Reclassification Act of 2023

HB 2005 – allows any guardian to authorize in writing co-guardians to act on that guardian's behalf in cases where there are more than two guardians

HB 2085 – places limitations on types of legal advice that can be given to state boards and commissions and the types of attorneys who can provide such legal advice

HB 2130 – requires child support payments to be made following certain vehicle accidents that result in the death of a parent

HB 2132 – prohibits law enforcement agencies from disclosing certain information

HB 2153 – lowers threshold amount constituting grand larceny; emergency clause

HB 2259 – substantial changes to court costs; application and enforcement

HB 2279 – changes to public employee retirement benefits and funds

HB 2372 – alters procedures for obtaining default judgments and calculation of interest thereon

HB 2792 – requirements for court form development and publication to the Oklahoma State Courts Network website

SB 79 – modifies procedures for offers to confess judgment

SB 298 – prohibits beneficiaries from accepting a transfer-on-death deed on behalf of other designated beneficiaries; requires all named beneficiaries to execute separate affidavits

SB 515 – modifies Administrative Procedures Act; modifies provisions for rule submission and Joint Committee; emergency clause

SB 617 – clarifies proper venue for suit against a limited liability company

SB 713 – increases juror pay from \$20 per day to \$30 per day for court attendance

SB 899 – addresses indigent defense matters; increases compensation for capital cases

This is by no means an exhaustive list. Each and every one of our members is encouraged to educate themselves on pending legislation and be an active part of the law-making process in their individual capacities. All members are welcome to join the Legislative Monitoring Committee and become

active as we strive to keep all of our membership as informed as possible on bills affecting the practice of law. Thank you all for remaining engaged in the process!

REMAINING LEGISLATIVE DEADLINES:

April 13 – Bills must be voted out of committee in the opposite house

April 27 – Third reading in opposite house deadline

May 26 – *Sine die* adjournment

Author's Note: The views expressed therein are those of the author individually and are not the views of State Farm.

ABOUT THE AUTHOR



Shanda McKenney practices in Oklahoma City. She co-chairs the OBA Legislative Monitoring Committee.

Owasso High School Crowned Oklahoma Mock Trial State Champion



Owasso High School Team Elle celebrates its championship win. From left Jace Plum, Kyra Schmidt, Anakin Wyrick, Terry Waller, Parker Baskerville, Judge Daman Cantrell, Ava Brigman, Lauren Hughes, Katelyn Wiehe, Joey Grabeal, Ken Underwood and, in front, Alyson Bushey.

OWASSO HIGH SCHOOL'S Team Elle edged out Jenks High School's Team Justice for All to claim the Oklahoma High School Mock Trial Championship. Owasso High School has won the state championship five of the last six years.

The Mock Trial program, now in its 43rd year, involves teams of students portraying attorneys and defendants in a courtroom setting, with judges and attorneys evaluating their performance. The final round of competition was held Tuesday, March 7, at the Page Belcher Federal Building in Tulsa. The case the two teams argued was a fictional criminal trial in which drivers in Wheatville, Oklahoma, were terrorized for months by "The Freeway Menace," who threw objects and shot at passing vehicles. After being arrested due to a tip from a witness, they admitted to 26 incidents of throwing objects or shooting at cars and faced multiple charges. The primary issue in this case was that the defendant, who had been previously diagnosed with paranoid schizophrenia, had raised an insanity defense to their charges.

"The Mock Trial competition has grown and now appeals to high school students who are interested in drama, debate, public speaking, art and journalism," OBA Mock Trial Committee Chair Jennifer Bruner Soltani said. "This competition gives



The courtroom artist competition continued to thrive in its fourth year. The winning entry came from Tru West with Broken Arrow High School.

students a unique opportunity to develop public speaking, presentation and critical thinking skills in a trial format but also offers courtroom artist and journalist components. The experience is one of a kind for students, teachers and legal community volunteers."

COACHES AND TEAM MEMBERS

The Owasso team was coached by Judge Daman Cantrell, attorney coaches Kaylind Baker and Ken Underwood, and teachers Terry Waller and Krya Schmidt. Team members were Parker Baskerville, Ava Brigman, Alyson Bushey, Lauren Hughes, Katelyn Wiehe and Anakin Wyrick.

The Jenks team was coached by attorneys Jacob Downs, Michael Horn, Morgan Medders, Stacy Accord and Jenny Proehl-Day and teachers Michael Horn, Danielle Henry and Dana Mackay. Team members were Cora Brown, Leah Brown, Alyssa Engle, Ann Gao, Elaine Gao, Satchel Grider, Sara Moreno, Samuel Meyers, Jacob Shaddock, Kimhoi Thang and Molly Thomas.

Other top finishers were:

- 3rd Place – Jenks High School's Team Clones
- 4th Place – The Academy of Classical Christian Studies, Oklahoma City
- 5th Place – Moore High School's Team Varsity
- 6th Place – Ada High School's Team Varsity
- 7th Place – Owasso High School's Team Enrique
- 8th Place – Jenks High School's Team Mandalorians

Earning awards as best attorneys were Elaine Gao and Alyson Bushey, with Jacob Shaddock and Lauren Hughes winning best witness honors. Tru West, with Broken Arrow High School, won the best courtroom artist award, and Clinton High School's Emily Stephens won the courtroom journalist award.

MOCK TRIAL VOLUNTEERS

The Mock Trial Program is sponsored and funded by the Oklahoma Bar Foundation and the OBA Young Lawyers Division with coordination by Judy Spencer. More than 300 judges and attorneys volunteered their time to work with mock trial teams as coaches and to conduct the competitions.

Presiding and Scoring Judges

Judge Shon T. Erwin served as presiding judge during the competition finals. Scoring judges were:

- Judge Jane Wiseman
- Judge Stacie Hixon
- Mark Schwebke
- Dan Crawford

The judges evaluated the students based on their familiarity with the case and the formulation of their arguments. Students received points for each phase of the trial, opening, direct and cross-examination, closing argument and how well their witnesses responded. Teams were paired with volunteer attorney coaches.

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Judging the final championship round were, from left, Judge Jane Wiseman, Mark Schwebke, Judge Shon T. Erwin, Dan Crawford and Judge Stacie Hixon.



(From left) Orion Strand, Nicole Longwell, Andrea Medley, Judy Spencer, Jennifer Bruner Soltani and Todd Murray wrap up a successful year on the Mock Trial Executive Committee.



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In 1953, Sir Edmund Hillary and Tenzing Norgay were the first to successfully summit Mount Everest, the Korean conflict ended after three years and one month, the first color television sets went on sale for about \$1,175, and the U.S. Department of Health, Education and Welfare (now Health and Human Services) was created.

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In 1963, President John F. Kennedy was assassinated, the U.S. Postal Service introduced ZIP Codes, Soviet cosmonaut Valentina Tereshkova became the first woman in space, Martin Luther King Jr. delivered his "I Have a Dream" speech, and Beatlemania began with the release of *I Want to Hold Your Hand*/*I Saw Her Standing There* and *Meet the Beatles!*

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In 1973, Secretariat became the first horse in 25 years to win the Triple Crown, the U.S. Supreme Court ruled on *Roe v. Wade*, the Sydney Opera House was formally opened, and Billie Jean King and Bobby Riggs competed in the Battle of the Sexes exhibition tennis match.

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Registration is now open. Visit the conference website at www.okbar.org/solo for the complete schedule plus online conference and hotel registration. Be sure to register using the OBA hotel room block to receive the discounted room rate, which is available through May 21.

You won't want to miss out on this year's great programs and events, so register today! The early-bird registration deadline ends June 5.



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The ‘Meat’ of Meetings

By Janet Johnson

IN FEBRUARY, I HAD MY FIRST opportunity to expand my circle of influence. I attended numerous meetings for bar leaders in positions like mine and other officer roles. These meetings took place in New Orleans. I was able to attend the Southern Conference of Bar Presidents, National Conference of Bar Professionals and American Bar Association meetings and programs. It was such a rewarding time with many takeaways. It left me wishing I had a way to share with

you all the value of expanding your circle of influence. Then it occurred to me that I had this article to write, which was my opportunity to share.

First, the sense of fellowship was astounding. From discussions on specific areas of law to thoughts on overall improvements for members of the bar and the practice of law, it was a safe place to ask any question and discuss any topic. I am happy to say that I think I have formed the foundation for some lifelong friendships and worthy sounding boards.

Next, I would be remiss if I did not mention all that New Orleans had to offer. The Louisiana State Bar was most hospitable. From food to history, there was much to enjoy. I can safely say that Louisiana was an amazing host, and I indulged in many, many oysters prepared in a variety of ways. All delicious, I must add. However, the highlight of their hosting was a second line to the Louisiana State Supreme Court, where we enjoyed a tour and saw many historical books dating to the 1500s. It was a memorable experience on a personal and professional level, and I am so glad I was lucky enough to experience it.

Lastly, my biggest takeaway is to maintain the connections I made. This circle of influence will be a remarkable asset for myself and the Oklahoma bar membership. Learning from our peers and fellow bar associations is invaluable. Trends come and go; case law is overturned and new law is created. Staying on top of it all seems impossible. But with a good circle of influence, anything is possible.

So I leave you with a personal challenge: Keep up with your *Oklahoma Bar Journal*, *Courts & More* and the OBA Communities pages. The sections and communities are a wonderful circle of influence. There is so much the OBA and local county bars have to offer. I challenge you to find a way to become more involved and attend some meetings or CLEs. You will be amazed by what our fellow members have to offer and how long-lasting relationships can be formed. And don't forget, we love to expand our pool of contributors in our member-facing publications and CLE programming, so keep an eye out for those opportunities as well.



2022 President Jim Hicks, Executive Director Janet Johnson and President-Elect Miles Pringle meet with their counterparts from across the country during a series of bar leadership meeting in New Orleans.



To contact Executive Director Johnson, email her at janetj@okbar.org.

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Takeaways from ABA TECHSHOW 2023

By Jim Calloway and Julie Bays

ABA TECHSHOW WAS HELD March 1 in Chicago. After 2021 resulted in a virtual TECHSHOW and 2022 was a hybrid show, the consensus among attendees was that it was great to be 100% in person again.

For us, the ABA TECHSHOW began on Wednesday. We attended a day-long retreat with practice management advisors from across the U.S. and Canada. This year, there were at least 22 PMAs attending our retreat. We spent the day learning about new technologies available on the market. Julie demonstrated Descript, an all-in-one video editor. If you haven't heard of this product, she wrote about it in the January/February issue of the ABA's *Law Practice* magazine.¹ Videos are a great way to connect with people, and this text-based editor for videos is a good way to create them.

There seemed to be more Oklahomans than usual attending this year. Although, that could be because Kenton Brice of the OU College of Law and the ABA TECHSHOW Planning Board had red Oklahoma ribbons printed so that he could add them to our badges. Surprisingly, they turned out to be quite the conversation starters.

All three of Oklahoma's law schools had faculty attending the ABA TECHSHOW, with two of

them represented on the organization's planning board: Kenton Brice and Darla Jackson from the TU College of Law. Ms. Jackson will reprise her TECHSHOW program "I Didn't Know PDFs Could do That" for our OBA Solo & Small Firm Conference this summer. Mr. Brice will speak on several programs at the conference, including one Jim will co-present with him about lawyers' use of ChatGPT.

Julie's focus at ABA TECHSHOW was on the marketing track. As we frequently point out, people law requires a constant flow of new business, and active marketing is required to accomplish this. She will teach "Legal Marketing Design: Crafting a Standout Strategy" at the Solo & Small Firm Conference and wanted to hear what experts in the field are saying today.

Tulsa attorney Trevor Riddle was a co-presenter on two TECHSHOW sessions on optimizing your law firm efficiency through automation, discussing the tools he uses in his estate planning practice. Texas attorney and veteran legal technologist Mark Unger said of one of his sessions:

In what I previously termed a "mind-bending creation" of spreadsheet backups while pulling via keywords from

Gmail using Chat GPT, Alex and Trevor walked the entire audience through a how-to workshop; they combined the use of Zapier with Gmail and Chat GPT to create a Zap in this fashion. While much was above some of our heads, the concept was analogous to all kinds of use-case workflows and its practicality after the front-end work was illuminating. While Alex focused on the Google steps, Trevor complemented [*sic*] the same workflow on the Microsoft side.²

Mr. Riddle will also be speaking at the OBA Solo & Small Firm Conference. His presentation is titled "Law Firm Efficiency Overhaul: Optimize Your Technology for Maximum Performance."

Artificial intelligence and ChatGPT were on the mind of many speakers and attendees, given the explosion of ChatGPT in recent months. Many vendors' displays had a ChatGPT reference on their booth background. We were impressed with how they got those items printed so quickly.

Our thought is that they should have named ChatGPT "First Drafts." If you know how to do something, ChatGPT lets you do it faster and sometimes better. But if you don't understand something



well, you need to carefully proof the ChatGPT output since it has been known to “hallucinate” non-existent legal citations.

We agree with the prevailing TECHSHOW wisdom that these large language model³ AI tools, like ChatGPT, will be a significant disruptor for many soon. One thought repeated so many times at TECHSHOW it seemed like a cliché was, “AI won’t replace lawyers, but lawyers using AI may replace lawyers who don’t.”

In fact, there was an interesting preconference event: Casetext⁴ announced what it describes as “the first AI legal assistant,” CoCounsel,⁵ on a national network morning show. The company representatives noted it differed from the commercially available version of ChatGPT because it was trained on Casetext’s legal information database. The service was discussed in a TECHSHOW session the *ABA Journal* covered in “How Can Lawyers Use AI to Improve Their Practice?”⁶

Premier legal technology journalist Bob Ambrogi has posted his review of ABA TECHSHOW.⁷ Mr. Ambrogi was surprised with an unexpected lifetime achievement award that made him speechless.⁸ His blog, *Law Sites* at www.lawnext.com, is an important source of legal technology news. As the acquisitions and mergers of legal technology companies heated up greatly, it was one place we could go to remember which company now owned what tool.

Some presenters talked about how they were running their operations in a way most would believe to be impossible – a family law or consumer bankruptcy practice where they do not answer the phone. Regina Edwards and Jen Lee gave a compelling presentation titled “Early and Often: Better Client Communication through Automation.” Ms. Edwards has been practicing family law in Georgia since 2001 and just added an estate planning division to her

practice. Ms. Lee is a bankruptcy attorney (or, as she likes to call it, a debt and credit strategy attorney) and is licensed in California and North Dakota.

But do not think that you can stop answering your phone and have good results. Both of these lawyers have sophisticated automation systems and virtual receptionists in place who have been well-trained to triage incoming calls, *e.g.*, “Your honor, when is a good time for her to call you back today?” Existing clients may be asked if they have posted their questions to the client portal. Potential new client inquiries are prioritized appropriately. Onboarding new clients involves detailed explanations of the process and obtaining the new client’s agreement with this communication system. But clients generally seem accepting. Isn’t a scheduled call better than waiting for a phone call to be returned whenever?

The lawyers then have their days arranged with blocks of time

Her presentation focused on (e)xpertise, (a)uthority and (t)rustworthiness, or EAT for the acronym. It's a good way to remember what your focus should be when trying to engage with new clients.

for uninterrupted work and scheduled blocks of time to handle the phone appointments. Ms. Edwards quipped, "I'm divorced. If you have spent 20 years building up the anger, you can wait 20 minutes to talk to me." The speakers acknowledged that some practice areas, like criminal defense and personal injury plaintiffs work, may require traditional immediate office phone availability.

One excellent presentation was "Creating Content That Earns Clients" by Annette Choti, the founder of Law Quill, a digital marketing agency for law firms. Her presentation focused on (e)xpertise, (a)uthority and (t)rustworthiness, or EAT for the acronym. It's a good way to remember what your focus should be when trying to engage with new clients. She explained that websites shouldn't showcase

lawyers' academic experience or awards, but the focus should be on what you can do for them as a lawyer. Videos are a good way to convey your EAT. Stanley Tate will teach about video marketing at our Solo & Small Firm Conference.

Another interesting discussion took place in a workshop titled "Designing an A+ Client Experience" and presented by Jessica Bednarz, director of legal services and the profession at the Institute for the Advancement of the American Legal System, and Catherine Sanders Reach, director of the Center for Practice Management at the North Carolina Bar Association. They used examples from a new ABA book, *Design Your Law Practice, Creating Exceptional Customer Service*, to reimagine new and improved ways of interacting with clients.

Legal Talk Network was at TECHSHOW, and they interviewed many of the presenters right after their presentations. Their posted collection of audio interviews⁹ provides highlights of several presentations.

Next year, ABA TECHSHOW will be held Feb. 14-17. Doesn't attending ABA TECHSHOW sound like the perfect Valentine's Day date? In the past, we've had OBA discount codes available and hope to have them again.

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

Ms. Bays is the OBA practice management advisor, aiding attorneys in using technology and other tools to efficiently manage their offices.

ENDNOTES

1. <http://bit.ly/3ytKV0p>.
2. <http://bit.ly/3T0o6Lb>.
3. <http://bit.ly/3ZPV2J7v>.
4. <https://casetext.com>.
5. <https://casetext.com/cocounsel>.
6. <http://bit.ly/41Tmabv>.
7. "This Was Not Your Grandparents' ABA TECHSHOW" <http://bit.ly/3T58gz5>.
8. "So This Happened ... And For Once I Had No Words" <http://bit.ly/3mHTq5a>.
9. <http://bit.ly/3T2zw0R>.

Sweet.



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Meeting Summary

The Oklahoma Bar Association Board of Governors met Feb. 17, 2023.

REPORT OF THE PRESIDENT

President Hermanson reported he attended meetings of the Strategic Planning, Law Day and Professionalism committees, as well as the OBA Legislative Kickoff, where he presented the welcome message. He also attended the ABA Midyear Meeting and the ABA House of Delegates meeting and discussed the House of Delegates agenda and issues while attending the OBA Delegation Dinner and the Western States Delegates Breakfast. He also attended meetings of the National Conference of Bar Presidents and the Southern Conference of Bar Presidents. He attended meetings of the Oklahoma District Attorneys Association board, Oklahoma District Attorneys Association Legislative Committee, District Attorneys Council board and the Blackwell Legislative Breakfast. He participated in discussion and planning related to the OBA, OBF and District Attorneys Council joint reception and attended the event. He also attended the memorial service for Ponca City attorney Guy Clark. He reviewed the draft membership survey related to the development of an app for members, wrote his monthly column for the *Oklahoma Bar Journal* and continued the process of appointments and nominations.

REPORT OF THE VICE PRESIDENT

Vice President Williams reported he attended the OBA Legislative Kickoff, participated in the Feb. 13 Strategic Planning Committee meeting, chaired the Feb. 14 Professionalism Committee meeting and attended the Feb. 16 joint reception for the OBA, OBF and District Attorneys Council.

REPORT OF THE PRESIDENT-ELECT

President-Elect Pringle reported he attended an orientation for Oklahoma Bar Foundation Trustees, the Midyear Meeting for the Southern Conference of Bar Presidents, the Midyear Meeting for the National Conference of Bar Presidents, the Midyear Meeting for the ABA, including the House of Delegates, and an OBA Membership Engagement Committee meeting. He also helped coordinate the OBA Legislative Kickoff and chaired an OBA Strategic Planning Committee meeting.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Johnson reported she facilitated the OBA Legislative Kickoff and the OBA Section and Committee Chair Orientation meeting, as well as scheduled many other CLE programs. She attended the Midyear Meeting for the Southern Conference of Bar Presidents, the Midyear Meeting for the ABA, the

OBA Membership Engagement Committee meeting and the OBA Access to Justice Commission planning meeting.

REPORT OF THE PAST PRESIDENT

Past President Hicks reported he attended the National Conference of Bar Presidents in conjunction with the ABA Midyear Meeting in New Orleans, the Oklahoma Delegation meeting and dinner, a reception at the Louisiana Supreme Court and a dinner meeting with the Louisiana State Bar Association president and the Mississippi Bar president.

BOARD MEMBER REPORTS

Governor Ailles Bahm reported she attended the OBA Legislative Monitoring Committee meeting and Judge Timmons' Black History Lunch, where she spoke with Judge Ogden about upcoming Bench and Bar Committee meetings. She also presented at the OBA Legislative Kickoff. **Governor Barbush** reported he has reached out to every county bar president in his district to ask them to make him aware of meetings and events so he can attend. He also has met with young lawyers from the Bryan County and Choctaw Nation bar associations to recruit their participation. He attended an event at the Capitol to watch the page program of the House of Representatives conduct a mock session, where his daughter was

included as the speaker of the House, as well as met with the pages and some of the Oklahoma House of Representatives members afterward. Additionally, he has continued to work on putting together a summit for this summer for attorneys in his district. **Governor Bracken** reported he attended the OBA Legislative Kickoff and the 2023 Joint Reception. He worked with various committee chairs and other OBA members to recruit members to the OBA Military Assistance Committee and gather ideas of how to improve the committee. **Governor Conner** reported he attended the Garfield County Bar Association meeting. **Governor Dow** reported she attended the Cleveland County Bar Association meeting, a virtual meeting of the Civil Procedure

and Evidence Code Committee and the OBA Family Law Section meeting. **Governor Thurman** attended a Pontotoc County Bar Association meeting, an Oklahoma City Fire Department and Police Department charity event and the Pontotoc County Drug Court Graduation. He began contacting Pontotoc County board members and Oklahoma Supreme Court justices to plan the Sheep Creek event this summer and headed the Pontotoc County Bar Association officer meeting to begin preparations for events for the year. **Governor Smith** reported she attended the OBA Member Services Committee meeting and the OBA Joint Reception. **Governor Vanderburg** reported he attended the International Association of Municipal Attorneys – Municipal

Fellows meeting, the OBA Government and Administrative Law Practice Section meeting and the February Cost Administration Implementation Committee meeting. He audited the Oklahoma Municipal Judges Association meeting and the January meeting of the Cost Administration Implementation Committee. Additionally, he met with the Climate Change Committee for the International Association of Municipal Attorneys and took the OJIS training. He also attended the Oklahoma Municipal Attorneys Association February meeting.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Shaffer Siex reported she attended the OBA YLD initial meeting, where they had an orientation for new members, hosted the roast of outgoing chair Dylan Erwin and appointed vacancies, reporting that all board positions are filled. She attended the ABA Midyear Meeting, which included events such as the YLD Assembly, the Oklahoma Delegates Dinner and the House of Delegates meeting. She reported there is an opportunity for the OBA YLD to join the ABA Litigation Section's national news magazine as contributing editors and sent the opportunity to board members to spread the word. At the House of Delegates meeting, attendees considered several resolutions on a variety of topics and passed a number of them. Additionally, she attended the OBA

Governor Bracken reported he worked with various committee chairs and other OBA members to recruit members to the OBA Military Assistance Committee and gather ideas of how to improve the committee.

Governor Hilfiger reported the Law Day Committee received 1,340 entries into its annual student art and writing contests, and the judging is nearing completion.

Solo and Small Firm Conference Planning Committee meeting. At the meeting, they requested input on how to attract young lawyers to the conference and decided the OBA YLD will host a CLE program. She reviewed the minutes from the Access to Justice Committee meeting.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported that annual reports of the Professional Responsibility Commission and Professional Responsibility Tribunal were filed timely with the Supreme Court and reviewed highlights from those reports. In 2022, 1,038 grievances were filed against 794 lawyers. Therefore, fewer than 5% of licensed attorneys received a complaint. The majority of complaints pertain to neglect, and most typically, complaints are filed against solo and small firm practitioners, and the largest number of grievances received were against lawyers who have been in practice 26 years or more. 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 Ailles Bahm said the **Bench and Bar Committee** is preparing to meet soon. Governor Dow reported the **Civil Procedure and Evidence Code Committee** met recently and discussed current legislation. Governor Rogers said the **Professionalism Committee** met recently and is setting a regular meeting schedule. Governor Smith said the **Member Services Committee** met Feb. 9 and is considering new contracts for services. Past President Hicks said the **Investment Committee** is planning to meet soon. Governor Hilfiger reported the **Law Day Committee** received 1,340 entries into its annual student art and writing contests, and the judging is nearing completion. Chief Justice Kane will speak to this year's winners during a ceremony at the state Capitol on March 21. Governor Barbush said the **Lawyers Helping Lawyers Assistance Program Committee** is meeting regularly and continues to host the monthly discussion groups. Co-Chairs Goode and Naifeh have sent him their committee meeting and event schedule so that he can attend. They have also confirmed their availability to attend a planned summit to further the goal of reaching rural

Oklahoma attorneys. Governor White said the **Legal Internship Committee** met Feb. 3 and discussed changes to the admittance exam; the committee will meet again in March. Vice President Williams said the **Legislative Monitoring Committee** hosted its annual Legislative Kickoff, and it was a successful, well-attended event. OBA Day at the Capitol is coming up in March. He also reported the **Membership Engagement Committee** has met and is discussing a membership survey. Governor Bracken said the **Military Assistance Committee** will be meeting Feb. 28, and plans are being made to coordinate a joint CLE program with the Family Law Section. Governor Shaffer Siex reported the **Solo and Small Firm Conference Planning Committee** has met and is discussing plans to attract young lawyers to the event to stimulate engagement.

PRESIDENT HERMANSON'S APPOINTMENTS

The board passed motions to approve the following appointments:

MCLE Commission – President Hermanson appoints John R. Andrew, Ponca City, to complete the unexpired term of Jimmy Oliver – term expires Dec. 31, 2023.

National Conference of Commissioners for Uniform State Laws – President Hermanson proposes to submit the three names of Cheryl Plaxico Hunter, Oklahoma City; Amy Pepper, Norman; and Brian McCall, Norman; to the governor for consideration and one appointment – term expires June 1, 2027.

Professional Responsibility Tribunal – President Hermanson appoints Greg Mashburn, Norman, to complete the unexpired term of Roy Tucker – term expires June 30, 2024.

Professional Responsibility Commission – President Hermanson appoints Jennifer M. Castillo, Oklahoma City, to complete the unexpired term of Michael C. Mordy – term expires Dec. 31, 2025.

REPORT ON LEGISLATIVE KICKOFF

Legislative Monitoring Committee Co-Chairperson and President-Elect Miles T. Pringle reported that this year's Legislative Kickoff was successful. The invited panelists were very thoughtful and presented meaningful insights. Lots of good feedback from attendees. Day at the Capitol is being planned now to continue monitoring throughout the spring legislative session.

ABA OKLAHOMA COUNTY DELEGATE REPORT

ABA Oklahoma County Delegate William Hoch said delegates are working to advance the interests of the Oklahoma bar. He thanked those who attended this year's meeting and presented the ABA impact report. He discussed areas of focus the ABA is monitoring related to immigration, homelessness, poverty and access to justice. He said the ABA has participated in discussions of the LSAT exam and reviewed resolutions passed at the most recent ABA House of Delegates.

BOARD ORIENTATION

Executive Director Johnson introduced each of the OBA staff directors, who in turn presented and explained the various functions, roles and responsibilities of their departments.

UPCOMING OBA AND COUNTY BAR EVENTS

President Hermanson reviewed upcoming bar-related events, including the Oklahoma High School Mock Trial Championship, March 7, Tulsa; Day at the Capitol, March 21, Oklahoma State Capitol; New Admittee Swearing-In Ceremony, April 25; Law Day, May 1, events take place statewide; and the OBA Solo & Small Firm Conference, June 22-24, Osage Casino, Tulsa.

NEXT BOARD MEETING

The Board of Governors met in March, 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 held Friday, April 21, at the Oklahoma Bar Center in Oklahoma City.

OKLAHOMA BAR FOUNDATION 2022-2023

Scholarship and Award Recipients



Matthew Blewitt
TU College of Law
Chapman-Rogers Scholarship



Seth Marler
OU College of Law
Chapman-Rogers Scholarship



Sydney Scott
OCU School of Law
Chapman-Rogers Scholarship



Anna C. Bookout
OU College of Law
W.B. Clark Scholarship



Gavin Boone
TU College of Law
W.B. Clark Scholarship



Amy Hernandez
TU College of Law
Partners for Justice Scholarship



Sidney Jones
OU College of Law
Partners for Justice Scholarship



Luciana Perez
OCU School of Law
Partners for Justice Scholarship



Jordan Clapp
TU College of Law
W.B. Clark Scholarship



Jamie Jagosh
OCU School of Law
W.B. Clark Scholarship



Alyssa Sloan
OU College of Law
Maurice H. Merrill Award



Nicholas Rinehart
OU College of Law
Phillips Allen Porte Award



Blake Trezell
OU College of Law
Thomas L. Hieronymus Award



Kayla Patten
OCU School of Law
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Taylor Whitefield
OU College of Law
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I Need to Find My Sunscreen Because the Young Lawyers are Coming to Solo & Small Firm!

By Caroline M. Shaffer Siex

AFTER THREE YEARS OF THE Socratic method of teaching, countless lattes and cold brews and maybe some frustrated tears, the conquerors of the February bar will be sworn in next month – an exciting reason to celebrate! As a TU College of Law spring starter (aka “Half-L”), I find the May swearing-in to be the best one. It’s a smaller ceremony, and you get a jump start to a year of practice. Of course, you get sworn in before the Solo & Small Firm Conference!

I have attended multiple Solo & Small Firm Conferences, and I feel that every year, it gets better. From great hotel accommodations to a large choice of CLEs, the conference has something to offer everyone. You are able to complete all your CLE for the year; there is everything from a YLD-focused CLE to ethics, family law and estate planning.

Even if you are one of the newer bar members who will enjoy a CLE exemption for the year, there is still much to offer. I have had some of the best networking experiences at the conference. The YLD has historically provided a hospitality suite – it has included hand-rolled cigars, limbo contests and direct pool access. Of course, we cannot wait to see what we are up to this



YLD members attend a social event at the FlyingTee in Tulsa during the 2018 Solo & Small Firm Conference.

year! As the former hospitality suite chair, I know we will have something big.

That is not the only highlight. The Oklahoma Bar Foundation always brings a ton of fun swag! I still have a Tiffany Blue mug and beach towel. Likewise, there are plenty of vendors with innovative legal technology to help support our community. Lastly, there is always a fabulous party following the dinner.

So please join the YLD at the Solo & Small Firm Conference

June 22-24 at the Osage Casino Hotel in Tulsa. Feel welcome to bring a guest, and don’t forget the SPF! We will have a seat at our cabana waiting for you!

Ms. Shaffer Siex practices in Tulsa and serves as the YLD chair. She may be contacted at cshaffer@gablawyers.com.

FOR YOUR INFORMATION



OKLAHOMA BAR ASSOCIATION
2023 SOLO
& SMALL FIRM CONFERENCE | YLD MIDYEAR MEETING
JUNE 22-24 | OSAGE CASINO HOTEL | TULSA

2023.” He will also join the popular “60 Tips in 60 Minutes” panel. During this conference, you’ll attend a wide range of substantive law and law practice management CLE sessions, with a focus on tools for and frequent challenges encountered by small firm lawyers. Evening social events offer the opportunity to meet and network with other attorneys from across the state. Register by June 5 to get the early-bird rate. And don’t forget to book your hotel room early – the hotel room block is only available until May 21. Use the code *OBA23* for your discounted room rate. Registration and hotel information are available at www.okbar.org/solo/registration.

REGISTRATION IS NOW OPEN FOR THE SOLO & SMALL FIRM CONFERENCE

Register now for the Solo & Small Firm Conference and YLD Midyear Meeting, to be held June 22-24 at the Osage Casino Hotel in Tulsa. This year, Stanley Tate will be joining us as our special guest speaker, covering “Carving Your Path: Developing a Successful Law Practice in a Niche Area of Law” and “Everything You Need to Know About Student Loans in

THE BACK PAGE: SHOW YOUR CREATIVE SIDE

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 at lorir@okbar.org.

CONNECT WITH THE OBA THROUGH SOCIAL MEDIA

Are you following the OBA on social media? Keep up to date on future CLEs, upcoming events and the latest information about the Oklahoma legal community. Connect with us on LinkedIn, Twitter, Facebook and Instagram.



NOTICE: JUDICIAL NOMINATING COMMISSION ELECTIONS

Nominating petitions for election as members of the Judicial Nominating Commission from Congressional Districts 1 and 2 (as they existed in 1967) will be accepted by the executive director until 5 p.m., May 19, 2023. Ballots will be mailed June 2, 2023, and must be received at the Oklahoma Bar Center by 5 p.m. on June 16, 2023. Members can download nominating petition forms at www.okbar.org/jnc. See the article on page 36 for more information.

MEET THE NEW DIRECTOR OF EDUCATIONAL PROGRAMS GIGI MCCORMICK



The Oklahoma Bar Association welcomes Gigi McCormick as the new director of educational programs. In this position, Ms. McCormick will be in charge of the Continuing Legal Education Department.

Ms. McCormick is a native of Yukon and currently resides in Oklahoma City. After starting college in New York City to pursue an acting career, she attended the University of Oklahoma, where she graduated with a Bachelor of Arts in political science and women and gender studies. After undergrad, she worked at various public

service jobs, including an after-school program through AmeriCorps. Ms. McCormick received her J.D. from the OU College of Law.

For the past year, she served as the director of licensing at the Oklahoma Department of Public Safety and Service Oklahoma. Prior to that, she served as an attorney for the Child Support Division of the Oklahoma Department of Human Services, where she handled various family law matters at the district and appellate levels.

Ms. McCormick is a member of Leadership Oklahoma City LOYAL class XVI and the OBA 2018 Leadership Academy. She has volunteered for Food for Kids, served on deadCenter's 2023 GlitterBall planning committee and taught family law classes for Family Expectations. In her free time, she enjoys reading, traveling and playing with her goldendoodle, Gatsby.

LHL DISCUSSION GROUP HOSTS MAY MEETINGS

The Lawyers Helping Lawyers monthly discussion group will meet May 4 in Oklahoma City at the office of Tom Cummings, 701 NW 13th St. The group will also meet May 11 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.

**NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT
OF DOUGLAS MARK GIERHART, SCBD # 7375
TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION**

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

Any person desiring to be heard in opposition to or in support of the petition may appear before the Professional Responsibility Tribunal at the Oklahoma Bar Center at 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma, at 9:30 a.m. on **TUESDAY, APRIL 11, 2023**. Any person wishing to appear should contact Gina Hendryx, General Counsel, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152, telephone (405) 416-7007.

PROFESSIONAL RESPONSIBILITY TRIBUNAL

**NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT
OF MITCHELL AVILA KATINE, SCBD # 7353
TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION**

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

Any person desiring to be heard in opposition to or in support of the petition may appear before the Professional Responsibility Tribunal at the Oklahoma Bar Center at 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma, at 9:30 a.m. on **TUESDAY, APRIL 18, 2023**. Any person wishing to appear should contact Gina Hendryx, General Counsel, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152, telephone (405) 416-7007.

PROFESSIONAL RESPONSIBILITY TRIBUNAL



OKLAHOMA BAR ASSOCIATION



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ON THE MOVE

Michael J. Power Jr. has joined the Oklahoma City law firm of McAfee & Taft as a transactional attorney in the Aviation Group. He focuses on the representation of clients, both domestic and international, in matters involving the buying, selling, leasing and registration of aircraft. He primarily works on documentation of aircraft transactions and registration matters and negotiating and drafting contracts. He received his J.D. from the OCU School of Law. Previously, Mr. Power served as the assistant general counsel for the Chickasaw Nation Chamber of Commerce, where he researched and advised leadership on topics such as employment, ERISA, contract, taxation and tribal matters affecting the Chickasaw Nation.

Braden W. Mason has joined the Oklahoma City office of Hall Estill. He practices in the area of insurance litigation. During law school, he worked for Judge Robert Hudson at the Oklahoma Court of Criminal Appeals, where he focused on reviewing post-conviction appeals and received an OBA Business and Corporate Law Section award. He received his J.D. with honors from

the OU College of Law and was named a member of the Order of the Coif.

James R. Hicks has transitioned from an of counsel role to a common shareholder at the Tulsa law firm of Barrow & Grimm. He practices business and construction-related litigation, as well as civil litigation. Mr. Hicks served as the president of the OBA in 2022. Awards he has received include the American Bar Association's First Place Award of Achievement for Service to the Public in 1994, the OBA's Outstanding Young Lawyer Award in 1995, the Tulsa County Bar Association's Outstanding Young Lawyer Award in 1993 and the Tulsa County Bar Association's President's Award in 1992. Mr. Hicks was voted by the readers of *Oklahoma Magazine* as Best Attorney in the 2011 and 2012 "Best of the Best" editions.

Anne S. Maguire has been promoted to common shareholder at the Tulsa law firm of Barrow & Grimm. She received her J.D. from the OU College of Law in 2014 and previously practiced at another prestigious firm in Tulsa.

Ms. Maguire practices in the areas of business law, trust and estate litigation, real estate and estate planning. She regularly counsels on contract negotiations, real estate transactions and trust administrations and other related matters.

John S. Wolfe has been promoted to a preferred shareholder at the Tulsa law firm of Barrow & Grimm. He received his J.D. from the OU College of Law in 2014 and graduated from the Tax Program at the Northwestern University Pritzker School of Law. Mr. Wolfe joined the firm in 2016, practicing in the areas of corporate law, estate planning, real estate and tax. He counsels entrepreneurs, businesses and investors on business formation and succession planning, mergers and acquisitions, securities offerings, contract negotiation and real estate transactions.

Emily B. Kosmider has been promoted to preferred shareholder at the Tulsa law firm of Barrow & Grimm. She received her J.D. with honors from the OU College of Law in 2014. Ms. Kosmider is a trial lawyer whose state and federal litigation practice areas

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:

Hailey Boyd
Communications Dept.
Oklahoma Bar Association
405-416-7018
barbriefs@okbar.org

Articles for the August issue must be received by July 1.

include construction law, as well as all areas of general civil and business litigation. She joined the firm in 2019.

Melissa A. Bell has been promoted to a member of the Tulsa law firm of Barrow & Grimm. Ms. Bell joined the firm in 2019, primarily practicing in the areas of estate planning, trust and estate administration and probate and guardianship matters. She received her J.D. from the TU College of Law in 2013 and began her career at the Law Office of Karen L. Carmichael & Associates.

Dillon J. Hollingsworth has been promoted to a member of the Tulsa law firm of Barrow & Grimm. Mr. Hollingsworth joined the firm in 2019, practicing in the area of general civil litigation, with a focus on business and real estate law and corporate transactional services. He also provides regulatory and corporate guidance to a wide range of medical marijuana commercial licensees.

Sam Ikard has joined the Oklahoma City law firm of McAfee & Taft as a trial lawyer. His areas of practice include product liability defense, toxic torts and asbestos litigation, class actions and other complex business litigation. Mr. Ikard is primarily devoted to representing clients in the automotive industry in high-stakes consumer fraud class actions and personal injury and wrongful death cases involving allegations of defective design, defective manufacturing, negligence, failure to warn, breach of warranty, common law fraud and violation of consumer protection statutes. Prior to joining McAfee & Taft, he worked as a litigation partner for more than eight years, representing clients through all phases of civil litigation.

John D. Sullivan has been named a shareholder at the law firm of GableGotwals. He will lead the firm's presence in Texas and help launch the firm's Houston office. Mr. Sullivan has spent the last five years in private practice and previously served as in-house litigation

counsel for Texaco Inc. and Shell Oil Co. He has experience counseling in a broad range of litigation matters and disputes covering all aspects of the energy business, including onshore and offshore exploration and production, pipelines and terminals, refineries and chemical plants, service station and retail operations, shipping and trading.

Jason A. Sansone has joined the Oklahoma City office of Phillips Murrah as a litigation attorney. He primarily represents businesses and individuals in financial distress. Prior to joining the firm, he had his own private practice where he represented clients in matters with the IRS, Oklahoma Tax Commission, Oklahoma Department of Labor, Office of the Oklahoma Attorney General and the Consumer Financial Protection Bureau. Mr. Sansone previously served as general counsel and corporate compliance officer for a local collecting agency.

AT THE PODIUM

Paul R. Foster of Paul Foster Law Offices PC in Norman spoke at the Community Bankers Association of Oklahoma's Winter Leadership Conference in Florida. He presented to attendees from a wide variety of states, taking part in a panel of banking regulators from the Federal Reserve, Federal Deposit Insurance Corp., Oklahoma Corporation Commission and Oklahoma Banking Department.

Paul R. Foster and **Carrie L. Foster** of Paul Foster Law Offices PC in Norman presented "Bank M&A from the Trenches: What We Wish You Knew, Key Pointers & Helpful List" at the Community Bankers Association of Oklahoma's Winter Leadership Conference in Florida.

Robert Don Gifford has been appointed as a tribal court judge by the Absentee-Shawnee Tribe of Oklahoma. He will oversee the civil docket. Mr. Gifford also serves as a tribal court judge for the Seminole Nation, Kaw Nation, Iowa Tribe of Oklahoma, Miami Tribe of Oklahoma, Comanche Nation and Kickapoo Tribe of Kansas. He previously served as a municipal judge for Oklahoma City for four years and currently maintains a criminal law and civil rights law practice in Oklahoma City and Tulsa.

Susan Shields has been elected to the Board of Regents at the American College of Trust and Estate Counsel. Ms. Shields is an ACTEC Fellow and served as the Oklahoma state chair from 2016 to 2021. She is a shareholder and tax and family wealth attorney at the Oklahoma City office of McAfee & Taft. Active in her community and professional legal organizations, she has served on the boards for the Oklahoma County Bar Association, Oklahoma Bar Foundation, Oklahoma City Estate Planning Council, Oklahoma Center for Nonprofits, SpiritBank and Oklahoma Cleats for Kids. Previously, Ms. Shields served as the 2020 OBA president and an adjunct professor of law in estate planning and wealth transfer tax at the OU College of Law.



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A free seminar for new lawyers or those going into private practice. 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**
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**

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Mary Ridgeway Bailey of Fairview died Feb. 21. She was born Sept. 19, 1929, in Ashland, Kansas. Ms. Bailey grew up in Clear Lake and graduated from Beaver High School in 1946. After high school, she moved to Norman and attended OU, where she received a bachelor's degree in business. She received her J.D. from the OCU School of Law in 1957. Ms. Bailey moved to Fairview and worked for Speck, Flieg, Hewitt & Philbin Law Firm before forming Bailey & Bailey Attorneys at Law with her husband. She was a member of AMBUCS, Iota Tau Tau, the Oklahoma Association of Women Lawyers, the Oklahoma Thoroughbred Association and the Oklahoma Horsemen's Benevolent and Protection Association. Memorial contributions may be made to the Horse and Hound Rescue Foundation or the World Children's Fund.

Benjamin J. Curtis of Poteau died Feb. 13. He was born Oct. 31, 1936, in Summerfield. He graduated from LeFlore High School and continued his education at Eastern Oklahoma State College, OSU and Wichita State University. He earned a master's degree in business management. Mr. Curtis received his J.D. from the OCU School of Law. His family soon moved to Poteau, where he opened his law practice. He was appointed to the board of the Oklahoma Indigent Defense System by Gov. Frank Keating to provide legal counsel to those in need. In 1980, he founded the LeFlore County Bar Association. Mr. Curtis was a member of the Chamber of Commerce, Community State Bank Board of Directors, First United Methodist Church, Kiwanis Club

and chair of the Poteau Rodeo and Parade. Additionally, he was the first person in Oklahoma to run as a Republican for State Senate District Four.

Thomas George Hilborne Jr. of Tulsa died March 8. He was born Sept. 8, 1946, in Oklahoma City. He received his J.D. from the OU College of Law in 1971. While in law school, he was an editor of the *Oklahoma Law Review*. **Mr. Hilborne was commissioned as a lieutenant in the U.S. Army Reserve in 1970, then as a lieutenant in the Judge Advocate General Corps., U.S. Navy Ready Reserve in 1972 and was promoted to the rank of lieutenant commander before receiving an honorable discharge in 1982.** He was a founding member of the law firm Hilborne & Weidman, where he practiced in the areas of municipal bonds and public finance. He was involved in various organizations, including serving as a commissioner of the Professional Responsibility Commission, a charter member of the National Association of Bond Lawyers and a member of the American College of Bond Counsel. He worked as a frequent lecturer and author in the fields of public finance and municipal bonds and represented clients in landmark municipal finance cases before the Oklahoma Supreme Court.

R. Dobie Langenkamp of Tulsa died Jan. 21. He was born Aug. 14, 1936, in Tulsa. He received his J.D. from Harvard Law School. After graduation, he practiced oil and gas law. Mr. Langenkamp was appointed twice as deputy assistant secretary

for the Office of Oil and Natural Gas in the U.S. Department of Energy, where he supervised the Naval Petroleum Reserve, amongst other responsibilities. Following his service in the government, he opened an independent oil and gas exploration company. Mr. Langenkamp was appointed professor of energy and director of the National Energy Law and Policy Institute at the TU College of Law. Additionally, he served as an energy consultant for the Oklahoma State Energy Office and the Department of Energy in Kazakhstan, the Republic of Georgia and Iraq. Memorial contributions may be made to the Tulsa Botanic Gardens for plant nameplates.

W. Howard Patrick O'Bryan Jr. of Bethany died April 6, 2021. He was born July 19, 1925, in Bristow.

L. Dee Oliphant of Purcell died Jan. 27. He was born July 6, 1939, in Joplin, Missouri. Upon graduating from Norman High School in 1957, Mr. Oliphant earned bachelor's degrees in marketing and management with a minor in economics from OU. He received his J.D. from the OU College of Law in 1966 and attended the Virginia Judge Advocate General Corps Advanced Course. In 1974, he worked as a law clerk for the Oklahoma Court of Appeals and for H&O Energy Management from 1978 until 1987. He then became a solo practitioner, where he worked until his death. **Mr. Oliphant served in the Judge Advocate General Corps of the U.S. Army and the Oklahoma Army National Guard from 1966**

until 1979, retiring with the rank of lieutenant colonel. He was also a Green Beret and a Vietnam veteran who received numerous honors for his service. Memorial contributions may be made to local animal rescue organizations.

Jerry Wayne Putnam of Jones died Jan. 29. He was born April 25, 1949. Mr. Putnam received his bachelor's degree from Western Illinois University and his J.D. from the OCU School of Law in 1977. He opened a practice, Putnam & Co. PLLC, where he worked with school districts and various government agencies. He was an accomplished musician and played at numerous venues around Oklahoma City. Memorial contributions may be made to the Blue Door or the Free to Live Animal Sanctuary.

Marjorie Johnston Ramana of Oklahoma City died Feb. 8. She was born Aug. 7, 1928, in Cambridge, Massachusetts. She soon moved to Washington, D.C., and worked for the U.S. Navy Bureau of Yards and Docks. Ms. Ramana moved to Oklahoma City, where she was an active member in organizations such as the American Civil Liberties Union, the American Institute of Discussion and the League of Women Voters. She earned a scholarship to the OCU School of Law, where she served on the *Law Review*. She received her J.D. with honors in 1983. Ms. Ramana joined the DeVore Law Firm in Oklahoma City after graduation, where she represented landowners in pollution and royalty cases and plaintiffs in civil rights cases. During her career, she also practiced family law. Memorial

contributions may be made to the American Civil Liberties Union, Free to Live Animal Sanctuary, OCU School of Law or Sunbeam Family Services.

Janice Kay Cooper Stotts of McLoud died Jan. 22. She was born Sept. 3, 1953, in Neosho, Missouri. After earning bachelor's and master's degrees from Central State University, she became a senior English teacher at McLoud High School. Ms. Stotts taught for 29 years before retiring in 2003. She then worked as a legislative assistant for 13 legislative sessions at the Oklahoma House of Representatives. She was elected to the Oklahoma Education Association Board of Directors, and she served on the OBA Clients' Security Fund Committee and the Pioneer Library System Board of Directors. Memorial contributions may be made to the McLoud School Foundation – Janice Stotts Memorial Scholarship Fund.

Bob Warren Rabon

Dec. 19, 1939 – March 5, 2023

OBA President 1993



Bob Warren Rabon of Hugo died March 5 at the age of 83. He was born Dec. 19, 1939. Mr. Rabon graduated from Rattan High School in 1957 and earned his bachelor's degree in education from Southeastern State College in 1963. He received his J.D. from the OU College of Law in 1968. Upon graduation, he returned to Hugo to begin his practice, which lasted more than 54 years.

Mr. Rabon was known as a "lawyer's lawyer" throughout Oklahoma. He was extremely active in the Oklahoma Bar Association, serving on the Board of Governors from 1987 to 1989, as vice president in 1990 and as president of the association in 1993. He was a Fellow of the Oklahoma Bar Foundation and the American Bar Foundation, as well as a faculty member of the Oklahoma Supreme Court's Sovereignty Symposium. He also served on the Oklahoma Judicial Nominating Commission from 1989 to 1995 and received an award for his outstanding service as chairman and member of the JNC. In 1997, he was admitted as a Fellow in the American College of Trial Lawyers, which distinguishes and recognizes the best trial lawyers in the United States and Canada. He was a member of the Oklahoma Council on Judicial Complaints from 1995 to 2005 and served as chairman of the council in 2000 and 2002.

He was the general counsel for the Choctaw Nation of Oklahoma for 47 years and was serving as an appellate judge for the nation's district court. As general counsel, he was the sole negotiator between the tribe and the state in the adoption of the Model Tribal Gaming Compact, which allowed the nation to conduct Class 3 gaming in its casinos. He argued two cases before the United States Supreme Court and was instrumental in negotiating the settlement between the Chickasaw Nation and the Choctaw Nation and the United States for the loss of several million acres of timber around the turn of the century.

Throughout his career, Mr. Rabon received many awards, including the OBF Distinguished Service Award in 1992-93, the Outstanding Service Award from Oklahoma Attorneys Mutual Insurance Co. in 2003 and the Distinguished Alumni Award from Southeastern Oklahoma State University. In recognition of his service to the bar and his community, former Gov. Brad Henry proclaimed June 30, 2004, "Bob Rabon Day."

He is survived by his wife of 63 years, Linda, and his two sons, Sen. Jeff Rabon and Robert Lee Rabon, who practiced law with his father for 33 years. He also had five grandchildren, William "Chance" Rabon, Jeff Warren Rabon II, Temple Floyd Rabon, Berri Compton and Jackson Thomas Rabon, and one great-grandchild, Willa Bell Compton.

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OKLAHOMA HUMAN SERVICES, CHILD SUPPORT SERVICES has an opening for a Child Support Attorney V. This position is assigned the primary responsibility as Managing Attorney for the Altus child support office. This position will direct the legal activities of the offices, including supervising the preparation of cases for court and representing the agency in complex cases that may have impact or precedential potential. The attorney in this position will be expected to have management and supervisory skills. Interested parties can apply here: <http://bit.ly/3jJdqmn>.

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THE UNIVERSITY OF OKLAHOMA, Office of Legal Counsel, seeks an attorney (0-5 years) to fill the role of Staff attorney on the Norman campus. Candidates should have impeccable legal research and writing skills, and experience coordinating large projects with multiple stakeholders. The successful candidate must have an active Oklahoma bar license or be eligible for admission to the Oklahoma bar within 6 months of hire. Experience with employment and real estate law preferred. All applicants must have a license to practice in the State of Oklahoma, a JD from an ABA accredited law school. For a comprehensive listing of criteria or to apply, go to: <https://jobs.ou.edu/>. The Position requisition number is 230277. The University of Oklahoma is an equal opportunity institution. For more information, please visit <http://www.ou.edu/eoo>.

LEGAL AID SERVICES OF OKLAHOMA, INC (LASO) is urgently seeking PARALEGALS and ATTORNEYS in the OKC and Tulsa areas. You'll be a great fit if you're passionate about ensuring access to justice for all Oklahomans. LASO offers you exceptional benefits that include employer-paid health and dental insurance, an employer-funded pension, generous paid leave, and training, just to name a few. But the very best benefit we can offer you is the chance to make a difference by joining our mission.

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Was Law School the Right Decision?

By Elaine Dowling

THE QUESTION OF WHAT you can do with a law degree if practicing law isn't for you has never been more relevant. In this post-pandemic world of uncertainty, stress and rapid change are fueling a desire for a reset button. Young lawyers with mortgage-sized student loan balances are going to laugh at this, but when I went to law school, there was a lot of talk about how a law school education was good training for all kinds of things, even if you never wanted to practice law.

We have *all* questioned whether the practice of law is really for us. When opposing counsel is being a jerk, our clients have all gone to Google Law School, and judges – well, let's not go there. We can forget how special our legal training really is. We are trained problem solvers. We instinctively separate the relevant from the rest. We quickly spot critical issues. We aren't intimidated by statutes and regulations. We understand how to formulate an argument and how to aim it at a specific audience.

Lawyers all around us are making a difference in the world in all areas of business, compliance, public service and government. If you want to join them, I think the first step is to figure out *something* about the job you want to do. Think of high school career counseling questions like, if you



want to work indoors or outdoors, in a city, rural area or remote. When I picked bankruptcy law (from a general practice), I made a list of what kinds of things I wanted to do when I got to the office, the areas of practice I was either competent in or could get that way quickly and who I wanted to have as clients. Then, I picked a practice area that fit. So do you want to write? Are you more visual? Do you want to deal with people? Are you sick to death of people who seemingly want to dump their lives on your desk to fix for them – but I digress.

If I were 10 years younger and I wanted to get out of the practice, I would go back to school and get

a master's in strategic communication. I think a great niche for me would be marketing, specifically for lawyers. Why lawyers let nonlawyers write their website content for them is beyond me. You are liable for every word you put out there!

So, to me, the real question isn't what you can do with a law degree. The real question is what do you like to do and how can you do that while still leveraging your law degree?

If you know a young (or not so young) lawyer feeling a bit trapped, remind them – the world is their oyster. The choice of sauce is up to them.

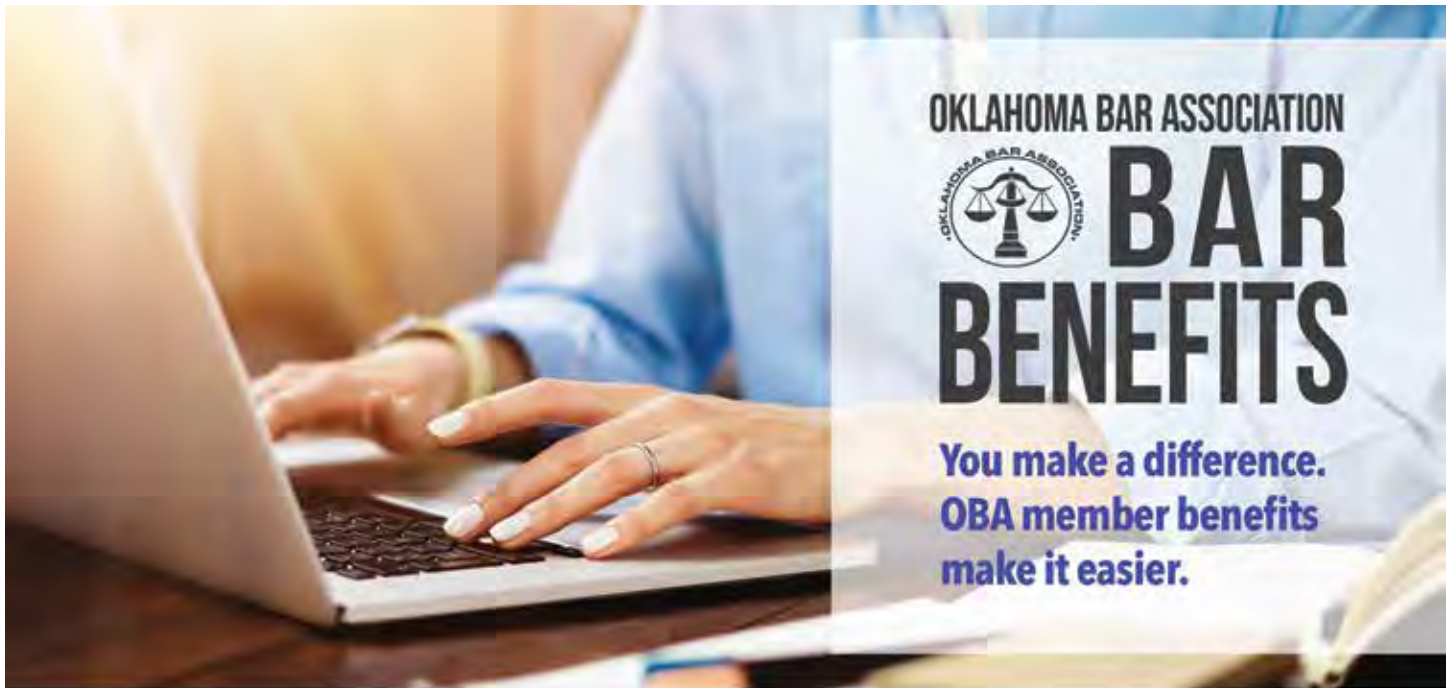
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