



CONFERENCE SCHEDULE

FEATURED SPEAKERS:

Kirk Caraway, Former President, Memphis Bar Association Ingunn Markúsdóttir, Legal Expert, Icelandic Data Protection Authority

ARRIVAL - SATURDAY, SEPT. 14 Transportation from airport to hotel provided

SATURDAY, SEPT. 14, 7 P.M. Informal meet and greet at the Miðgarðu

SUNDAY, SEPT. 15, 9 A.M.
Depart the hotel for a day tour
of the Golden Circle

MONDAY, SEPT. 16, 8-10 A.M. Jury Selection: Create a "Partial" Jury

MONDAY, SEPT. 16, 10:15-11:15 A.M.
Unique Legal Protections of Iceland's Natural Beauty

MONDRY, SEPT. 16, 11:30–12:30 P.M. Avoiding Ethical Traps in Marketing, Client Funds and Conflicts

TUESDAY, SEPT. 17, 1 P.M. Depart for the Blue Lagoon

WEDNESDRY, SEPT. 18, 8-9 A.M.
Using Data Theft for Targeted
Political Ads

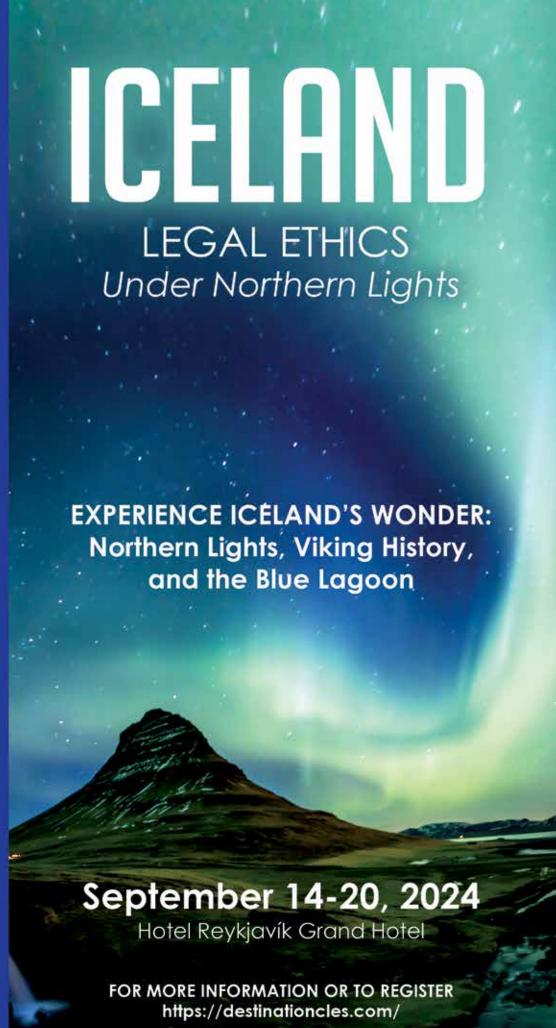
WEDNESDAY, SEPT. 18, 9:15-10:15 A.M. Ethics and Maximizing Settlement Recoveries

WEDNESDAY, SEPT. 18, 10:15-11:15 A.M.
Workplace Ethics and
Diversity at Law Firms

WEDNESDAY, SEPT. 18, 11:30-12:30 P.M. Embracing Wellness in Your Legal Practice

> THURSDAY, SEPT. 19, TIME TBA Whale Watching Tour

DEPARTURE - FRIDAY, SEPT. 20 Airport shuttles provided



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THEME: ANIMAL LAW

Editor: Melissa DeLacerda

On the Cover: Sassy DeLacerda of Stillwater by A'Lissa DeVorss/Fat Cat Photography

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From The President

Legal Deserts

By Miles Pringle

'N FEBRUARY, MEMBERS OF OBA LEADERSHIP

■attended the 2024 Midyear Meeting for the National Conference of Bar Presidents. This event was a great opportunity to learn from peers around the nation and receive updates on hot topics. We engaged in roundtable discussions and presentations on subjects such as engagement between the

bench and the bar.

One of the most important programs I was able to attend was titled "Legal Deserts: Why They Matter and What Bar Associations Can Do." The speakers were Jerry Kilgore, former Virginia attorney general and chair

for the Appalachian School of Law Board of Trustees, and St. Mary's University School of Law Dean Patricia Roberts. The program description framed the issue that, "There are

1,300 counties that have less than one attorney per 1,000 residents and 54 counties with no lawyer at all ... The effect on access to justice is profound."

Members discuss their concerns

with how few lawyers there are

in their communities.

This is an issue that has come up in my conversations with attorneys around the state of Oklahoma. Members discuss their concerns with how few lawyers there are in their communities. The numbers support their concerns. In Oklahoma, there are 14 counties that have five or fewer attorneys.

Immediate Past President Hermanson recalls conversations he has had with rural attorneys who are looking toward retirement. "These are lawyers with good practices who are having trouble handing off good books of business. We need to get younger lawyers to meet these people and learn about these opportunities."

One of the remedies the presenters suggested was training potential rural attorneys where they reside. Former Attorney General Kilgore emphasized the location of the Appalachian School of Law in a more rural part of the state. Dean Roberts highlighted her school's online

> program, which accepts a limited number of students who can earn their degrees without moving to the San Antonio metro.

We discussed legal deserts with current members of

the OBA Leadership Academy. I was impressed with their discussion regarding how technology could help. By using more virtual or electronic hearings, they believe attorneys can represent clients in a wider geographical area without travel costs. They also discussed how a robust e-filing system could help serve rural clients.

The speakers at the NCBP program also highlighted the steps that Nebraska has taken. Nebraska is building a program through which undergraduate students who meet certain requirements are automatically accepted to law school and can receive some loan forgiveness for law school tuition. This is modeled from programs developed to encourage medical providers to stay in rural communities. It will be interesting to see how successful this program is.

Legal deserts are an ongoing concern for access to justice in the state. There does not appear to be a simple solution or a quick fix. However, hopefully, there are several steps that can be taken in the coming years to help address this issue.





Miles Pringle is executive vice president and general counsel at The Bankers Bank in Oklahoma City. 405-848-8877 mpringle@tbb.bank

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ANIMAL LAW

What Is Animal Law?

By Gary Maxey

TATHEN ANSWERING THE QUESTION, "What is animal law?" the best place to start is by looking at the history of animals and the law. Laws protecting, impacting, regulating and controlling animals have been an integral part of American jurisprudence since the early days of colonization. One only needs to cross the ocean to see that laws were in place in England for the same purpose well before colonization.

However, the distinct field now known in America as "animal law" is a relatively new development, even though we are still saddled with some of history's archaic laws involving animals. Animal laws bring together statutes and cases from multiple fields of law that consider, at their core, the interest of animals or the interest of humans with respect to animals. More specifically, historically, animal law cases literally placed the nonhuman on trial. In the Middle Ages, nonhuman animal defendants were dressed in formal wear and tried for murder, and notably, they were assigned counsel.¹ A very early case dates from 1266 in Fontenay, France, where a pig was tried and burned to death for eating a child.² The earliest known case is found in the Valley of Aosta in 824 when a priest excommunicated moles.3

How the law defines and treats animals has often depended on prevailing public attitudes about morality and economics. As a result, a particular animal may receive more or less protection under the law depending on that animal's role in society. An

animal that is a companion animal may enjoy substantial protection, while the same animal in a research facility is virtually unprotected.

Clearly, not every case with an animal in it is an animal law case. Perhaps one of the better definitions for animal law is, "in its simplest and broadest sense, statutory and decisional law in which the nature of nonhuman animals is an important factor." This is close to saying you know it when you see it.4

Animal law and its practitioners have been around for many years. Today's practice of animal law has emerged, in large part, from the work of a group of lawyers led by Joyce Tischler. The development of animal law has been her life's work. Beginning in the 1970s, she and her colleagues contributed greatly to the scholarship and case law that comprise the field of animal law. She is the founder of the Animal Legal Defense Fund, an organization made up of a large staff of attorneys and a network of pro bono lawyers who pursue a variety of animal law cases throughout the United States.5

Although it started with the animal protection movement, animal law is a legal discipline. It is law that affects, but not always protects, animals. Definitions vary somewhat. The first animal law casebook defined animal law as "statutory and decisional law in which the nature – legal, social, biological – of nonhuman animals is an important factor."6 Animal law is city ordinances, state or federal laws, international treaties, federal and state administrative laws or cases in which provisions or results have an impact on animals or animals' care and use, how they can or cannot be treated and even whether they are considered animals.7

Animal law incorporates various cultural and philosophical ideologies of the animal rights, civil rights and environmental protection movement. The scientific research on the intelligence of animals, the accelerated extinction of certain species, changes in farming practices and ethical views of society all contribute to the body of knowledge that comprises animal law.8

What we now call animal law began when attorneys consciously considered animal-related legal issues from the perspective of the animal's interest, when they began to view the animal as the de facto client and where the goal was to challenge institutionalized forms of animal abuse and exploitation.

In the 1990s, a rapid development of the academic discipline of animal law began. At the beginning of that period, there were but five animal law courses at law schools in the United States.

Today, it is estimated that there are 167 animal law courses in United States and Canada.9 Add to these numbers the growing list of conferences dedicated solely to animal law, law school journals devoted to animal law and more than 30 legal sections in state and local bar groups nationwide, and the educational growth of animal law is substantial. Recently, the legal community in Oklahoma has begun seeing an increase in the interest in animal law. In June

ABA-accredited law schools in the



Author Gary Maxey with his dogs, Chewey and Beau

2023, the OBA Board of Governors approved a petition submitted by association members to establish the OBA Animal Law Section.

In the field of legal education, the OCU School of Law is now, and for the past several years has been, offering animal law courses to its law students, and the OU College of Law added an animal law course that began in the 2024 spring semester. All three Oklahoma law schools have animal law student chapters supported by the Animal Legal Defense Fund and share its mission to protect the lives and advance the interests of animals through the legal system. There are almost 200 student chapters in law schools nationwide.10

The National Judicial College, located in Reno, Nevada, has also determined that there is a need to assist judges in understanding this rapidly growing area of law. In 2019, it created a webinar for America's judges, "Animal Law 101," an eightpart course covering the broad areas of animal law. The course discussed anti-cruelty laws; civil law that covered animal injury (injuries to animals), personal injury (injuries by animals), pet custody (family law), products liability and pet trust; state and local ordinances; service, support and therapy animals; wildlife; animals in entertainment; and farm animals.11 This was, in part, because of the growing number of animal law cases appearing in courtrooms across the United States. Legislation creating laws to meet the growing animal law litigation issues that the public is seeking answers to has been lacking in most states. An example is custody battles over the family pet or pets. Animals are universally viewed as property under the law, but today, more and more litigants see their pets as family members. They are

seeking custody arrangements for their animals, similar to what the court would order for a child, though most states lack statutes or case law that give a judge direction other than handling animals like all the other inanimate property to divide.

What is the reason for this recent growth in animal law both in the legal fields of practice and in education? The American public, who has elevated the importance of animals in today's society, is turning to the legal system to litigate animal issues for a variety of reasons. From a legal perspective, when there are significant dollars spent by the public on the care and keeping of their animals, disputes will follow in many fields of law. The American Veterinary Medical Association (AVMA), in 2019, reported that the American Pet Products Association study found that 67% of households in the United States owned at least one pet in 2018, which was an estimated 84 million homes.¹² The AVMA also found that total spending on veterinary care for all types of pets was \$27.8 billion in 2016.13 Finally, in an April 15, 2020, issue of AVMA News, it was reported that sales of pet products and services in the United States were nearing \$100 billion for the first time.¹⁴

One of the most fascinating areas of legal debate today is whether animals are property or something else. That question goes to the heart of defining what animal law is because it is an effort to define what an animal is. Owned animals are personal property in every state and throughout the world. However, important differences are recognized by the law between sentient/animate and inanimate property. The definition of sentient is responsive to or conscious of sense impressions, having

or showing realization, perception or knowledge – they are aware.¹⁵ Animals are the only form of property that is sentient. Today, family courts are being asked to determine custody of animals, pet trusts are legal in all 50 states, and habeas corpus has been used to attempt the release of animals from abusive, unhealthy and restrictive confinement with growing support.

Recently, two judges on New York's highest court supported the release of Happy, an elephant, from the Bronx Zoo based on a habeas *corpus* action.¹⁶ The court's opinion said Happy was intelligent and deserved compassion but could not be considered a person illegally confined to the Bronx Zoo.¹⁷ The 5-2 decision was a closely watched case that tested the boundaries of applying human rights to animals. Two judges, Rowan Wilson and Jenny Rivera, wrote separate, sharply worded dissents saying the fact that Happy is an animal does not prevent her from having legal rights.¹⁸ Judge Rivera wrote that Happy is being held in "an environment that is unnatural to her and that does not allow her to live her life."19 Cases such as Happy's have been filed in other jurisdictions.

A wise lawyer once wrote, "The greatness of a nation and its moral progress can be judged by the way its animals are treated."20 That lawver was Mahatma Gandhi. To seek to reduce the suffering of those who are completely under one's dominion and unable to fight back is truly a mark of a civilized society.²¹

So what is animal law? One might strongly suggest it is, in its present form, a developing and rapidly expanding field of law that is fueled by growing scientific knowledge of animals, the public's view of their animals' place

in today's society, coupled with a rapidly escalating financial and emotional investment in them. This view has created a need for the law and the legal system to keep pace with those factors and become a legal vehicle for more accurately defining the rights of animals in our modern society.

ABOUT THE AUTHOR



Gary Maxey is the chair of the OBA Animal Law Section. He served as special judge for Garfield County and as associate

district judge for Craig County until his retirement in 2015 after 21 years on the bench. In 1988, he was elected to the Oklahoma House of Representatives and served two terms. Mr. Maxey now practices at The Maxey Law Firm in Enid, which focuses primarily on animal law issues.

ENDNOTES

- 1. Adam P. Karp, Understanding Animal Law 3 (Carolina Academic Press 2016).
 - 2. Id.
 - 3. Id.
- 4. The National Judicial College, "Animal Law 101 for Judges - A Webcast," 2019, www.judges.org.
- 5. Yolanda Eisenstein, Careers in Animal Law, Welfare, Protection and Advocacy 7 (American Bar Association 2011).
 - 6. Id. P.8.
 - 7. Id. P.8.
 - 8. Id. P.8.
 - 9. "Animal Law Courses," https://bit.ly/4bEDuWl. 10. Id.
- 11. The National Judicial College, "Animal Law 101 for Judges - A Webcast," 2019, www.judges.org.
- 12. The American Veterinary Medical Association, "U.S. Pet Ownership and Demographics," (2017-2018). 13. Id.
 - 14. Id.
 - 15. Oxford English Dictionary, www.oed.com.
- 16. No. 52, 2022 WL 2122141 (N.Y. June 14, 2022) Nonhuman Rights Project, Inc. ex. rel. Happy v. Breheny.
 - 17. Id.

 - 19. Id.
- 20. Peter Singer, "Moral Progress and Animal Welfare," Project Syndicate (July 13, 2011) https://bit.ly/3OD2tiY.
 - 21. Id.

A Conversation With an Animal Law Practitioner

By Charis L. Ward and Katie Bray Barnett

NIMAL LAW – IT HAS BEEN TAUGHT IN MORE THAN 167 LAW SCHOOLS IN

the U.S. and Canada.¹ At the time this article was written, two of the three law schools in Oklahoma offered at least one course involving animal law.² An LL.M. and an S.J.D. are available in animal law, and there are several academic programs, clinics and centers on the topic worldwide.³ The American Bar Association and at least 35 state bar associations (including Oklahoma) have a committee or section dedicated to animal law, but what exactly does the practice of animal law look like?⁴

The following article is an interview with Katie Bray Barnett. Ms. Barnett is the immediate past chair of the ABA Animal Law Committee (ALC) of the Tort Trial & Insurance Practice Section and is licensed to practice law in Kansas and Missouri. She has been a member of the ALC since she was a law student and is now in her 12th year as a member. Her private practice consists entirely of animal law matters, representing animal shelters and animal control agencies, acting as special prosecutor for animalrelated crimes and civil actions for animal-related issues. She resides in northeast Kansas with her husband, two children and two dogs.

I've never heard of a law firm that practices animal law. Please tell me a little bit about you and your firm.

I'm in such a unique position because I stumbled into the legal

field as an undergrad working in the city attorney's office and then worked in big law as a litigation paralegal. Then I was personally affected by breed-specific legislation when animal control tried to impound my dog simply because of her appearance. So, by the time I made the decision to go to law school, I was an older, nontraditional student but one with experience and personal drive to serve in public interest law, specifically animal law.

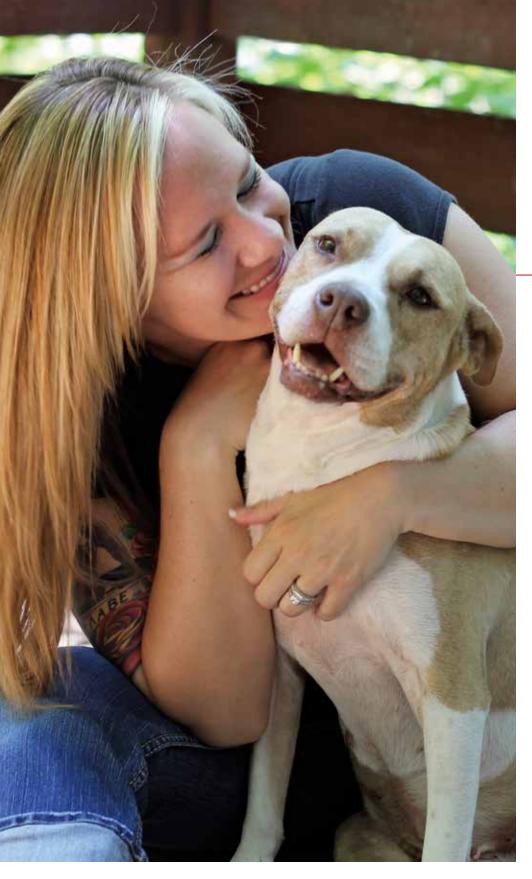
Are you a solo practitioner?

For the first decade of my practice, I was a solo practitioner with legal interns, externs and seasonal staff, but it soon became unsustainable at the rate of intakes I was getting. My practice now employs three attorneys, a practice manager and a social media manager – because who doesn't

want to see all the cute animals we get to help?!

How long have you practiced animal law?

I have practiced animal law since I became licensed in 2012. I had an opportunity to be a contract lobbyist while in law school for a national animal welfare organization, which helped me have the requisite experience to jump right into animal law as soon as I passed the bar. I often hear from attorneys who dabble in animal law alongside their primary practice, which is a great way to break into this practice area. What's fun is that animal law reaches every practice area – from land use and zoning to criminal, you'll find opportunities to practice animal law anywhere, so long as you demonstrate an interest in it.



Katie Bray Barnett and her dog, Katrina, whom she rescued during recovery efforts after Hurricane Katrina

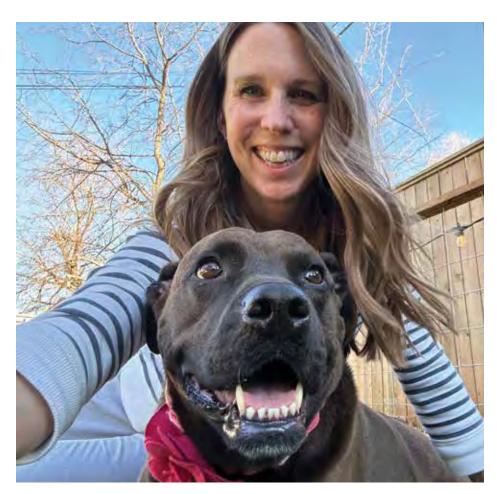
Who are your clients?

My primary clients are animal shelters and animal control agencies in Kansas and Missouri. I am so lucky to represent most of the animal welfare organizations in the Kansas City metro area. Each one has a unique population they serve, with missions that vary from one another. It is a constant exercise in meeting client needs and providing unique industry expertise to protect the organization while also ensuring public safety. Some of our clients enforce animal-related ordinances and statutes, so we often advise on investigations and prosecution and occasionally get the opportunity to serve as special prosecutors in high-profile criminal cases. Every once in a while, we have a client who needs representation on the defense side of an animal control ordinance - most often, it is a small community with an enforcement officer who doesn't quite understand the local animal ordinance or an overzealous prosecutor threatening to euthanize a client's dog. On the other end of the spectrum, our civil work includes individual custody disputes (roommates, partners, companies refusing to return

animals after providing a service, etc.), negligence (e.g., injury or death to an animal by a neighbor or an animal industry provider) and, recently, a complex products liability case!

What is a typical day like for you?

My days often start with my kids waking me before the sun is up. Each day, I have a handful of regularly scheduled meetings with my shelters. These meetings often review animals on hold by animal control, the shelter or the courts. We meet to ensure the swift disposition of animals, including sending notices or filing petitions. With our animal shelters serving so many jurisdictions, I usually have some contract, presentation or policy I'm working on and the occasional employee matter to advise on. Often, I bounce to civil litigation or criminal prosecution when I have a court appearance or pleading to work on. I also teach business and animal law, depending on the semester, so I will have a lecture to prepare or a writing assignment to grade. In between all this, inevitably, there is an urgent matter with an animal that either needs to be seized or has been seized for cruelty or an animal bite or urgent animal release questions that come my way. I also work on housing issues in my community, so each day, I either have a meeting, prepare for a meeting, advise on a case or work on some aspect of a strategic plan for pets and people in housing matters. It can be difficult shifting practice areas minute by minute, but my workdays are never boring, and each and every day is rewarding. I absolutely love what I do.



Charis L. Ward and her dog, Gidget

What led you to establish a law firm with an emphasis on animal law matters?

I grew up in a household of adopted dogs. During the recovery efforts after Hurricane Katrina, my best friend and I traveled down south, where we volunteered with the animals found and helped reunite them with their families. One little dog wasn't reunited and came back to Kansas with me. One day, an animal control officer showed up at my door and declared she looked too much like a "pit bull." I wasn't familiar with breed-specific legislation, but working at a law firm, I was certain an ordinance that prohibited you from owning a dog based solely on the way it looks wasn't constitutional. This became an area of advocacy

for me, and eventually, I decided I wanted to go to law school to change these ordinances and laws. Fortunately, Oklahoma has a state statute that preempts local governments from enacting and regulating dogs based on breed.

What is the best/most challenging aspect of practicing animal law?

The most challenging aspect of practicing animal law is that there often isn't solid case law on point with a question of law that we have. This means often pulling cases from the East or West Coast, reaching to other forms of personal property to compare an animal to (like a wedding ring or car) and urging judges to create new laws on these cases of first

impression. All of this can make judges and juries nervous, so we really have to fight hard to demonstrate that a change is needed.

The best part about my job is my clients. We have a mutual goal of either seeking justice or seeking policy change for animals, and we get to work collaboratively, which isn't always the case in the practice of law (but, in my opinion, should be). I so enjoy getting updates from clients, holiday cards with pictures and hugs. Getting thank yous and hugs from law enforcement and clients is truly the best feeling.

What advice would you give to a lawyer wanting to either start a similar practice or incorporate animal law into a current practice?

You can practice animal law in any practice area. All you have to do is take the initiative! Get speakers for your local bar association, join the OBA Animal Law Section and join the ABA Animal Law Committee through the Tort Trial & Insurance Practice Section.

Can you recommend any resources for attorneys wanting to learn more about animal law?

The best resources are other attorneys who practice animal law. I annoyingly reach out to other animal law attorneys across the country on almost every new issue I work on. I am always reaching out for the knowledge of the brilliant

practitioners in the practice area. Having those contacts comes from the bar association memberships I have and the events I excitedly attend to learn from experts in my field.

CONCLUSION

Just as animals are intertwined in nearly all aspects of daily life, so is animal law. As this article shows, it is its own legal discipline, as well as a part of several traditional areas of law, including but not limited to administrative, business, constitutional, contract, criminal, employment, environmental, family and tort law. Animal law is robust, dynamic and quickly evolving and may have a place in your practice.

ABOUT THE AUTHORS



Charis L. Ward is an Oklahoma attorney who focuses on animal and real property law. She is the current vice chair of

the OBA Animal Law Section and a member of the OBA Real Property Law Section and Title Examination Standards Committee, the ABA Animal Law Committee and Companion Animals Subcommittee and the Oklahoma City Real Property Lawyers Association. She and her husband are the proud "paw"rents of three purebred mutts: Gidget, Astro and Josh, aka Mr. Wigglesworth.



Katie Bray Barnett received her J.D. from the University of Kansas School of Law and founded the school's

Student Animal Legal Defense Fund. Her legal practice consists of animal and municipal law, law enforcement training on animals and legislative action. Ms. Barnett teaches animal law at the University of Missouri-Kansas City School of Law. She is the immediate past chair of the ABA Animal Law Committee and has authored two ABA resolutions focusing on animal law and two law review articles on breed-specific legislation.

ENDNOTES

- 1. https://bit.ly/3HW88wM. (Last accessed Feb. 1, 2024).
- 2. OCU School of Law and the OU College of Law.
- 3. Nonexclusive list: Lewis & Clark Law School, Vermont Law and Graduate School, Animal Law & Policy Program Harvard Law School, Cambridge Centre for Animal Rights Law, University of Michigan Law School, Sturm College of Law, New York University School of Law, Northwestern University Pritzker School of Law, UC Berkeley School of Law, Stanford Law School, Georgetown Law School, University of Pennsylvania Carey Law School and University of Virginia School of Law.
- 4. https://bit.ly/3wkFNxB (Last accessed Feb. 1, 2024).



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ANIMAL LAW

Wildlife and the Law: A 'Bird's-Eye View' of Various Laws Governing the Interactions Between People and Nature

By Rhonda J. McLean



TOST OF US GO THROUGH OUR DAY-TO-DAY LIVES without a second thought to \mathbf{W} the laws impacting the wildlife around us. Whether we find an injured animal on the road, take an annual hunting trip or fish at the local pond, various state and federal laws come into play. This article is not, in any way, a comprehensive guide to all those laws. It is merely a vehicle to help the reader consider which items they may not know that they do not know. "Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our county has been blessed."1

ENDANGERED SPECIES ACT

No article about wildlife would be complete without a discussion about endangered species. The Endangered Species Act² just celebrated its 50th anniversary. The act was established for the conservation of fish, wildlife and plants listed as threatened or endangered.3 As of Dec. 25, 2023, the U.S. Fish & Wildlife Service **Environmental Conservation** Online System (ECOS) listed 1,482 animals as endangered or threatened in the United States.4 Of those, the system reflected 22 species or populations believed to or known to occur in Oklahoma, made up as follows:

- four birds (two endangered, two threatened)
- six clams (four endangered, two threatened)
- five fish (one endangered, four threatened)
- one flowering plant (endangered)
- one insect (threatened)
- four mammals (endangered)
- one reptile (threatened)⁵

The Endangered Species Act provides for both civil and criminal penalties. Civil penalties can be assessed at up to \$500, \$12,000 or \$25,000 per violation, depending on the violation.6 Criminal violations incur fines of not more than \$25,000, imprisonment of not more than six months or both.7 Rewards shall be paid "to any person who furnishes information which leads to an arrest, a criminal conviction, civil penalty assessment, or forfeiture of property for any violation of this chapter or any regulation issued hereunder."8 Private citizen suits are also allowed as a means of enforcement under certain circumstances.9

BALD AND GOLDEN EAGLE PROTECTION ACT

The Bald and Golden Eagle Protection Act¹⁰ was enacted June 8, 1940. The act prohibits the unlawful taking, possessing, selling, purchasing, bartering; offering to

A rehabilitation license does not permit a rehabber to keep wildlife as a pet. The facility must have a valid license from the Oklahoma Department of Wildlife, and if they plan to rehabilitate certain species of birds, they need a permit from the U.S. Fish and Wildlife Service Migratory Bird Office.

sell, purchase or barter; transporting, exporting or importing any bald eagle or golden eagle - alive or dead - or any part, nest or egg thereof.¹¹ Notably, this includes the possession of an eagle feather. The secretary of the interior may make exceptions for scientific, exhibition and religious purposes.¹²

The act provides for a firstoffence fine of \$5,000 and/or imprisonment of not more than one year, a second or subsequent offense fine of \$10,000 and/or imprisonment of not more than two years, and each taking or act with respect to an eagle is a separate violation.13 Further, one-half of any fine collected "shall be paid to the person or persons giving information which leads to conviction."14 Civil penalties may also be issued.¹⁵

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act¹⁶ protects migratory birds – any part, nest or egg of such birds and any product that consists or is

composed, in whole or in part, of any such bird – or any part, nest or egg of such bird.¹⁷ The act enables the secretary of the interior to determine when, to what extent (if at all) and by what means to allow the taking of such protected birds, pursuant to certain legislative guidelines.¹⁸ The act does provide a specific exception for food supply breeding.¹⁹ Violations of the act can result in either misdemeanor convictions with fines of not more than \$15,000 and/or not more than six months imprisonment, felony convictions with fines of not more than \$2,000 and/or imprisonment of not more than two years or fines under Title 18 of the United States Code and/or imprisonment of one year.²⁰

HUNTING AND FISHING

Most readers are aware that hunting and fishing are regulated by the Oklahoma Department of Wildlife Conservation, and licenses are required to hunt and fish in Oklahoma. The Oklahoma Department of Wildlife Conservation website, www.wildlifedepartment.com, is a great resource. It has licensing information, regulations, approved locations, hunting season dates and more.

The Oklahoma Wildlife Conservation Code is contained in Title 29 of the Oklahoma Statutes.²¹ Interestingly, the only other current statute contained in Title 29 deals with mechanical fishing devices and, more particularly, what type may be used and how, as well as what types are "illegal" and may be "confiscated as contraband."22

There are specific statutory provisions for trespassing when hunting and fishing. Title 29 Ok. Stat. §5-202 provides for a misdemeanor conviction and a \$500 to \$1,500 fine and/or 30-day imprisonment for a first offense. For a second offense, it becomes a \$1,500 to \$2,500 fine and/or imprisonment of less than six months. Further, trespass can occur if a hunting dog is sent onto land to hunt, and the hunter goes onto the land to retrieve the dog.²³ Separate penalties apply if the trespassed land is an Oklahoma Farmed Cervidae Act licensed facility or a commercial hunting area licensed under 29 Ok. Stat. §4-106.24

Certain aspects of hunting are regulated by federal law and the U.S. Fish and Wildlife Service. Some of these include firearms on National Wildlife Refuge System lands,²⁵ the Endangered Species Act,26 the Bald and Golden Eagle Act²⁷ and the Migratory Bird Treaty Act of 1918.28

Finally, if you are hunting in a tribal area, such as the Chickasaw National Recreation Area, be sure to check any additional regulations the tribe may have.

TAXIDERMY

If you hunt and fish, you may want to keep a part of your bounty. Taking your kill to a taxidermist for "stuffing" or "mounting" is a common way of memorializing your success. However, once you receive your trophy, it is yours to keep. Generally, wildlife may not be bought, sold, bartered or traded.29 Dead wildlife, and the parts thereof, is included in the statutory definition of wildlife.30

There are exceptions to the prohibition on sale. For one, some exceptions exist for furbearing animals.31 Additionally, under state law and under certain circumstances, a taxidermist may sell an unclaimed specimen.³² Finally, native wildlife may be sold at an estate sale if the statutory requirements are met.33

As for taxidermists, they may also be bound by additional federal regulations. A federal permit is required to provide taxidermy services on migratory birds, their parts, nests or eggs.34 Also, under the federal permit, the taxidermist must keep records of each transaction, including the parties involved, the number and species involved and certain completed forms.35



Author Rhonda McLean and her cat, Bridgette

WILDLIFE REHABILITATION

Wildlife rehabilitation facilities, such as WildCare Oklahoma and the Citizen Potawatomi Nation Eagle Aviary, are not zoos and are subject to different laws and regulations. A rehabilitation license does not permit a rehabber to keep wildlife as a pet. The facility must have a valid license from the Oklahoma Department of Wildlife, and if they plan to rehabilitate certain species of birds, they need a permit from the U.S. Fish and Wildlife Service Migratory Bird Office.

Under the annual Oklahoma license, rehabbers agree to be bound by 29 O.S. §5-601, Wildlife Breeders' Sale and Transportation of Wildlife, "except for those parts referring to the sale of wildlife ... which is not authorized under this license."36 As part of the Oklahoma licensing process, the rehabber agrees that their information will be placed on a list that may be distributed to the public.37 Additionally, anyone holding an Oklahoma wildlife rehabilitation license cannot also possess a commercial breeder's license.38 Further guidance for rehabilitation facilities can be found in Section 800:25 of the Oklahoma Administrative Code.39

Under federal law, the permit is in effect for up to five years. The applicant is bound by the Federal Migratory Bird Treaty Act and is directed to review 50 CFR §§10, 13 and 21.31. At a minimum, the applicant must be at least 18 years of age with at least 100 hours of hands-on experience gained over the course of at least one whole year "rehabilitating each type of migratory bird [they] intend to rehabilitate."40 There are many additional requirements: for example, minimum caging

requirements, when euthanasia is required, length of captivity and the reporting of suspected criminal activity.41

CONCLUSION

Whether you are hunting, taking your kids out to fish, walking through your local park or neighborhood or dealing with an errant squirrel that has found its way into your garage, wildlife is all around us. Take a moment to remember all the diverse ways we impact their lives and all the different laws, regulations and agencies that can come into play. And then enjoy all that nature has to offer.

ABOUT THE AUTHOR



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and title curative (both surface and oil and gas), probate and estate planning. She currently serves on the board of the Animal Law Section, as secretary of the Title **Examination Standards Committee** and as chairperson of the Real Property Law Section of the OBA. She recently joined the board of WildCare Oklahoma after serving as a volunteer for more than six years. She has previously served as editor of the Title Examination Standards Handbook and as president of the Oklahoma City Real Property Lawyers Association.

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11. 16 U.S.C. §668(a).

12. 16 U.S.C. §668a.

13. 16 U.S.C. §668(a).

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Oklahoma's Laws and Lawyers Have a Vital Role To Play in Helping Humans and Animals Impacted by Domestic Violence

By Charis L. Ward

PETS, FOR MANY OF US, ARE CONSIDERED MEMBERS OF OUR FAMILY. Survivors of domestic violence and child abuse see them no differently. Often, their concern for their pets and livestock and the inability to protect them and take them if they flee can keep them in abusive and highly dangerous situations.

In Oklahoma in 2023, almost 50% of women and about 40% of men either had experienced or were currently experiencing domestic abuse; this makes Oklahoma the No. 1 state for the occurrence of domestic violence.³ Furthermore, 89% of domestic violence victims with pets reported that their abuser had threatened, injured or killed family animals.⁴

Domestic violence perpetrators and child abusers manipulate, intimidate and silence their victims by routinely abusing the family's animals or forcing the victim to do the abuse.⁵ The need in Oklahoma for good laws and lawyer participation in this area is vast. This article provides an overview of the link between domestic violence and animal

cruelty and several opportunities for Oklahoma's lawyers, judges and lawmakers to help *all* domestic violence victims and improve our state's ranking and reputation.

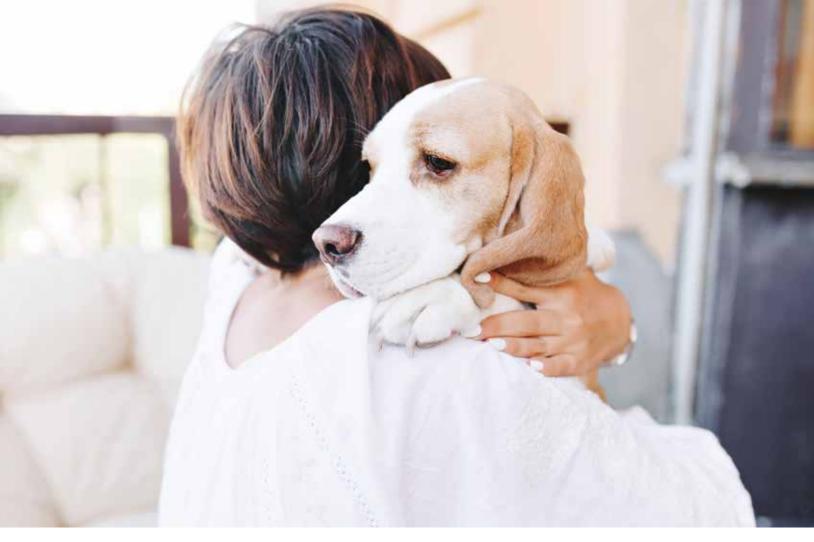
DOMESTIC VIOLENCE AND THE LINK

Domestic violence, also known as intimate partner violence (IPV) or relationship violence, "is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner." While a sexual relationship may be an indicator that a person is an intimate partner, it is never a necessary condition. Simply stated, domestic violence is coercive behavior that influences another person within an intimate

partner relationship. Domestic violence is not simply limited to physical abuse.⁸ Rather, its dynamics are complex and encompass many forms of abuse, including emotional, economic, psychological, sexual, technological and animal abuse.⁹ Domestic violence does not discriminate. It occurs across all ages, races, genders, education statuses, religious beliefs, socioeconomic groups and locations.¹⁰

There are established significant correlations between animal abuse, domestic violence, child abuse and neglect, elder abuse and other forms of violence. This species-spanning interconnectedness of different forms of violence is formally called "The Link."

Here are a few common ways animal abuse is used as power and



control by a perpetrator of domestic and child abuse:

- Removing or killing family animals to take away the survivor's source of emotional support
- Forcing participation in animal sexual abuse
- Refusing to allow the survivor to spend money on the animals' food or veterinary care
- Harming animals and saying, "Next time, it will be you."
- Targeting animals of family/ friends who aid in the survivor's escape
- Blaming the survivor or animals for the cruelty

- Killing the animal and saying it didn't matter because the animal was old, dying, etc.
- Threatening to harm or kill the animals if the victim leaves or asserts any independence¹²

This is particularly concerning in Oklahoma, given the percentage of the state's population engaged in domestic violence and the effects that domestic violence has on children. Children exposed to domestic violence are three times more likely to be cruel to animals and more likely to become perpetrators of domestic abuse.13 Studies show that 75% of domestic animal abuse occurs in front of children.14

Oklahomans and Oklahoma's animals need laws and lawyers to facilitate safe shelter for both human and animal victims of domestic violence. Possible roles and methods are explored more in the following sections.

INCLUDE ANIMALS IN A VICTIM PROTECTIVE ORDER (VPO)

Oklahoma's laws allow the protection of pets and livestock in a victim protective order (VPO).15 Title 22 O.S. Section 60.2 (E) provides, "The person seeking a protective order may further request the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner,

defendant or minor child residing in the residence of the petitioner or defendant. The court may order the defendant to make no contact with the animal and forbid the defendant from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal."16

Survivors of domestic abuse need lawyers to help them with VPO paperwork and hearings, as the process can be fast-paced, confusing and uncomfortable. Obtaining such protection hinges on meeting statutory requirements and providing clear pleadings and evidentiary proof, all while the survivor remains exposed to the trauma of the abuse and confronts the abuser in court. Although these proceedings can be handled pro se, survivors of domestic violence can feel far more empowered to take this next step to protect themselves when they have the benefit of legal counsel.¹⁷

JUDICIAL RECOGNITION THAT ANIMAL CRUELTY CAN BE DOMESTIC VIOLENCE

A criminal animal abuse case out of the Washington Supreme Court gained positive national attention in 2022 when it unanimously held that animal cruelty can constitute domestic violence. This judicial recognition is important, as it underscores the importance of the law recognizing the established link between animal abuse and domestic violence. When animal cruelty occurs as part of an intimate relationship to exert power and control, it is also domestic violence.18

In State v. Abdi-Issa, 19 Charmarke Abdi-Issa was convicted of animal cruelty for viciously beating his girlfriend's dog, Mona, in a Seattle parking lot. The lethal attack was brutal, intentional and part of a long pattern of using the dog to exercise power and control over his girlfriend, Ms. Fairbanks. The state charged Mr. Abdi-Issa with animal cruelty in the first degree and sought a domestic

On appeal, Mr. Abdi-Issa challenged the domestic violence designation, arguing that because his crime was against an animal and not a person, the domestic violence designation was improper. The Washington Court of Appeals noted the definition of "domestic violence" includes an inexhaustive list of crimes committed by "one family or household member against another family or household member" and held that "Abdi-Issa committed the crime of animal cruelty against Mona, not Fairbanks." Because "Mona was not a 'person,'" she could not qual-

ify as a "family or household mem-

ber." The Court of Appeals vacated

the domestic violence designation.

violence designation because, in

Washington, such designation

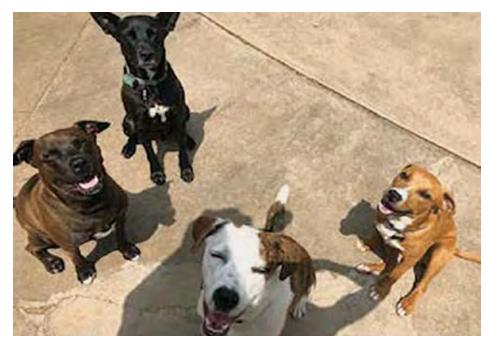
affords additional protections for

domestic violence victims at the

time of sentencing.

The Washington Supreme Court granted review to determine "whether animal cruelty may be designated a crime of domestic violence" and unanimously disagreed with the Court of Appeals, noting, "Animals are legally considered property and domestic violence can involve property crimes, such as burglary and malicious mischief. Here, 'Fairbanks was directly harmed as a result of Abdi-Issa's violent killing of her beloved pet and companion. She is plainly a victim of Abdi-Issa's crime.""

Washington's statutes define "victim" as "any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged."20 The Washington Supreme Court held that this definition encompassed Ms. Fairbanks, as her "testimony suggests psychological abuse,



Author Charis L. Ward's pups: from left Gidget, Astro, Scooter and Josh

which was a part of a larger pattern of assaultive, coercive, and controlling behavior, occurred."

Neither the Oklahoma courts nor the Legislature have specifically addressed the issue of whether animal cruelty could be a crime of domestic violence. However, the Oklahoma Legislature appears to recognize the link between domestic violence and animal cruelty in its inclusion of them in VPOs.21 It appears reasonable, even possible, that Oklahoma could also judicially recognize that a person can be a victim of a crime of domestic violence if their pet/livestock is subjected to acts of animal cruelty to cause the person harm.

PROVIDE LEGAL SERVICES TO CREATE AND AID FOSTER PROGRAMS AND SHELTER **OPPORTUNITIES**

As discussed earlier, the need for safe places for victims of domestic violence with pets is great, but where are they to go? Only a small number of domestic violence shelters currently provide shelter for animals, and they are usually always at or beyond capacity. For example, in 2023, the Animal Advocacy Program (AAP) (a partnership between Palomar: Oklahoma City's Family Justice Center and the Oklahoma Humane Society) served 362 people and 843 animals in Oklahoma City. Last year, with the aid of AAP, 89 animals were fostered, 53 animals were surrendered, and there were 555 pet pantry visits. What about those who are located elsewhere in the state and who have waited for or are still waiting for a safe place to escape?

Animal rescues and foster programs can help fill the void, and legal services are vital for their

EDUCATE YOURSELF ON OKLAHOMA LAWS AND BUILD A LIBRARY OF RESOURCES

Based upon the staggering statistics, it is extremely likely that you know someone experiencing domestic violence and animal local and nonlocal resources of aid? Here are a few ways you can educate yourself and your law practice and a few resources for you to bookmark.

- Join the OBA's Animal Law Section (and other states' animal law sections)
- Join the American Bar Association's Animal Law Committee
- Attend the 32nd annual Animal Law Conference in Portland, Oregon, on Oct. 11-13, www.animallawconference.org

Books and Bookmarks

- Guide to Representing Animal Protection Organizations, Daina Bray and Yolanda Eisenstein, published by the American Bar Association, Business Law Section
- https://saavprogram.org: an in-depth resource guide for starting a shelter program for the pets of domestic abuse victims, including sample forms
- https://bit.ly/3SKspvz: This webpage has information on reporting abuse for all 77 counties in Oklahoma, as well as links to resources in other states.
- https://redrover.org/relief-dv: The RedRover Relief Safe Escape grant program helps families with pets safely escape domestic violence together. Funding is mainly provided to help with the cost of temporary pet boarding while a client is in a domestic violence shelter.
- www.domesticshelters.org: This website locates domestic shelters that offer a pet program. See if there are any in
- www.safehavensforpets.org: This website locates animal organizations that provide boarding or fostering for pets, as well as domestic violence shelters that offer a pet program.
- https://palomarokc.org/animal-advocacy-program: The Oklahoma Humane Society and Palomar have partnered to create the Animal Advocacy Program to help domestic violence victims who are fleeing and have pets.

Whether it's utilizing Oklahoma's laws to provide the maximum protection to human and nonhuman survivors of domestic violence or educating ourselves as lawyers so that we can best counsel our clients, lawyers play a vital role in facilitating refuge for all victims impacted by domestic violence.

success. Unlike traditional rescue and foster programs, where the nonprofit legally owns the animals in their care, domestic abuse victims usually need only temporary care while they work to secure a safe place for themselves and their animals.

Lawyers can help these organizations minimize liabilities by making sure they are properly formed legal entities and have the necessary internal legal structure and paperwork. Preparing and filing proper entity creation documents and drafting temporary shelter agreements, waivers and liability releases, consent forms, foster forms, privacy/ nondisclosure agreements, best practice frameworks and more can be a tremendous aid in getting more temporary foster and shelter programs in place.²² In addition, lawyers can educate local city officials, hospitals and service organizations to help establish relationships of support and synergy with these temporary housing programs.

Lawyers can also help shelters navigate various grant program requirements.23 The Pets and Women Safety Act (PAWS) of 2017 was signed as part of the 2018 Farm Bill. This federal legislation is expanding the availability of co-shelter options. PAWS' purpose is "[t]o protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets."24 It directs the U.S. Department of Agriculture to award grants for shelter, housing assistance and support services to domestic violence victims with pets.

By providing these services, lawyers can help create and grow programs that establish a network of temporary foster parents who can provide safe homes for animals, thus allowing human survivors to focus on their needs until they can find a safe place to bring their entire family back together away from their abuser.

PROVIDE OTHER CIVIL **LEGAL SERVICES**

If you don't have a place to live, you don't have a place for your pet. Lawyers can help survivors obtain temporary and permanent safe housing for both human and animal survivors of domestic violence by negotiating and drafting solid lease agreements with proper pet addendums. More than 65% of households have pets, yet many landlords in the state elect not to rent to individuals with pets. Such decisions reduce their applicant pool, consequently increasing the need for subsequent legal counsel when a tenant, nevertheless, houses a pet on the property. Many landlords are unaware of the obligations and responsibilities they have to not discriminate and to provide reasonable accommodations under the Fair Housing Act and the Americans with Disabilities Act. Both landlords and tenants would greatly benefit from the guidance of legal counsel.

In Oklahoma City, the Palomar Legal Network provides opportunities for attorneys to volunteer their services or offer them at a reduced rate to help survivors secure housing and obtain other civil legal services.²⁵ Free victim protection order trainings are offered to attorneys desiring to help.²⁶ Additionally, in 2024, there will be four opportunities for attorneys to volunteer to provide limited legal advice on issues such as VPOs, family and domestic matters and landlord and tenant issues.²⁷ Look for groups in your area of the state that provide such opportunities or help get them started.

CONCLUSION

Whether it's utilizing Oklahoma's laws to provide the maximum protection to human and nonhuman survivors of domestic violence or educating ourselves as lawyers so that we can best counsel our clients, lawyers play a vital role in facilitating refuge for all victims impacted by domestic violence.

If you are a victim of domestic violence and need immediate assistance, call the National Domestic Violence Hotline at 1-800-799-7233.

ABOUT THE AUTHOR



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Traveling With Your Best Friend

By Morgan Maxey

© ERVICE, EMOTIONAL SUPPORT AND ASSISTANCE ANIMALS work diligently for millions of Americans every year. These invaluable companions may be floppy-eared friends when you need emotional support, the eyes upon which you rely as someone who knows your bark better than their own or your best mate for air travel adventures. In fact, traveling service animal companions have increased from 2,400 recognized in 2014 to over 200,000 recognized in 2019.1

Both federal and Oklahoma law provide designations for how a person may qualify for a furry or even scaly companion animal. Additionally, a large amount of law on this topic is spread between the U.S. Fair Housing Act, Americans with Disabilities Act and Air Carrier Access Act. The law is intricate and varies as it concerns qualifying for the use and assistance of a service, emotional support or assistance animal. This article will address the fun of flying with a qualified animal designated to assist with one's disability and provide a general discussion of what effect various statutes and administrative rules have on these classifications of animals.

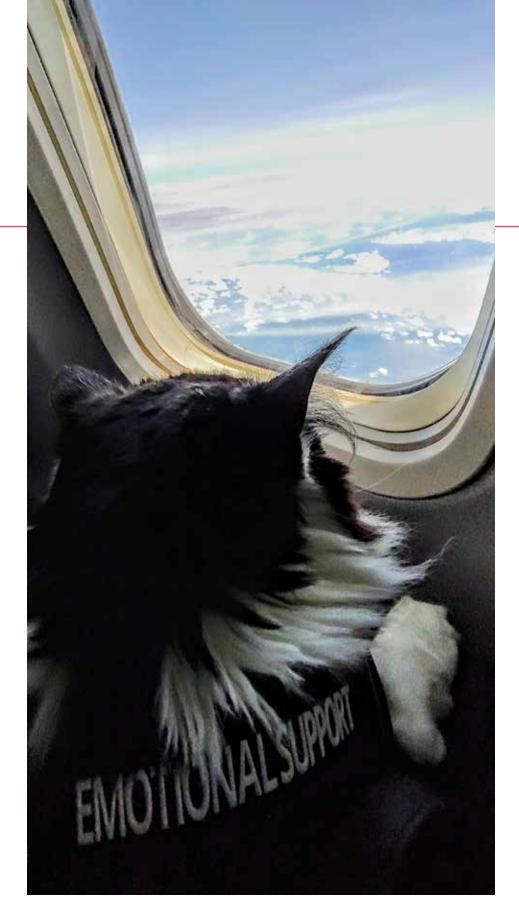
LAWS GOVERNING FLIGHT WITH YOUR COMPANION

The federal Air Carrier Access Act (ACAA) does not permit discrimination in any form concerning the necessity or existence of a person's qualifying disability concerning traveling by flight.2 The ACAA states that air carriers "may not discriminate against an otherwise qualified individual on the following grounds: the individual has a physical or mental impairment that substantially limits one or more major life activities, and the individual has a record of such an impairment." This act is enforced by the U.S. Department of Transportation.⁴

A "physical or mental impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems ... or any mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."5 This definition "includes, but is not limited to, such disease and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental

retardation, emotional illness, drug addiction, and alcoholism."6 The ACAA defines "major life activities" as "functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working." Therefore, to qualify under the ACAA to fly with your companion animal, you must be diagnosed with one of the aforementioned disabilities.

The ACAA does permit service animals, but assistance animals are not addressed, and emotional support animals are specifically excluded.7 If you are wondering about "therapy animals," although they provide great value in their duties, they have no special legal designation and are not recognized by federal or Oklahoma law as it concerns assisting the disabled, unlike service, emotional support or assistance animals.



Note on Certification, Registration and Licensing of Animals Neither federal nor Oklahoma law requires your companion helper to have any identifiers or signage as to their invaluable role in your life. Although there is no Oklahoma law specific to this issue, the Americans with Disabilities Act (ADA) prohibits inquiries of any sort of certification.8 Moreover, one is not permitted to "ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task."9 For ease with flying though, it can be worth a simple purchase of items, such as a harness or leash, that designates your companions' duties and/or classification as a service dog.

Is Your Co-Pilot an Official Co-Pup? Unfortunately, no service animal in training qualifies for its flying wings until completing such training.¹⁰ So make sure before attempting to fly with your service animal that those co-pup wings have been awarded.

What Inquiries May Be Made Regarding Your Travel Buddy? Under federal law, only two questions may be asked concerning your service animal accompanying you. This applies in general when seeking public accommodation, not just when flying on an airplane. The questions are: 1) Do you require your service animal because of your disability? 2) What tasks has your service animal been trained to perform?¹¹ No request may be made to the service animal's owner regarding proof of training or

certification.12 There is no Oklahoma law addressing this issue.

Definition of Accommodation

A reasonable accommodation, as defined in the ADA, is a modification or adjustment made to a system to accommodate or make the system equal for an individual based on a proven need.¹³ That need can vary. If it is represented that the animal is a service dog, a public accommodation must be made, and only the two aforementioned questions may be asked.

Morgan Maxey's dog, Zoey

Requirement for an Individual to Qualify as Having a Disability Under federal and Oklahoma

law, an animal owner only qualifies for a service, assistance or emotional support animal if they are either physically or mentally disabled.

Federal law defines "disability" within both the ADA and the U.S. Fair Housing Act (HOA).14 The HOA uses the term "handicap" instead of disability, which applies to a person who has "a physical or mental impairment which substantially limits one or more of such person's major life activities; a record of having such an impairment or being regarded as having such an impairment."15 Thus, the ADA and HOA have almost the same definitions.

Oklahoma law reflects the federal definitions defining "disability" as "any individual who is considered to have a disability or handicap for the purposes of any federal or Oklahoma law."16 The Oklahoma Fair Housing Act defines disability as "a mental or physical impairment that substantially limits at least one major life activity, when there is a record of such an impairment, or the individual is regarded as having such an impairment. The term does not include current illegal use of or addiction to any drug or illegal or federally controlled substance."17

The ACAA's Reasoning for Recognizing the Use of Service Animals

The U.S. Department of Transportation (DOT) has provided multiple reasons for its current recognition of service animals in flight, which were in response to the concerns of individuals with disabilities, airline corporations, airline staff, airports and other parties involved in daily flights.

DOT's reasoning includes "(1) the increasing number of service animal complaints received ...; (2) the inconsistent definition among Federal agencies of what constitutes a 'service animal'; (3) the disruptions caused by requests to transport unusual species of animals onboard aircraft ...; (4) the increasing frequency of incidents of travelers fraudulently representing their pets as service animals; and (5) the reported increase in the incidents of misbehavior by emotional support animals."18 Deservedly, the necessity of such a flight companion, and its participation above the clouds, has been recognized as an important issue by a diverse range of petting parties involved in air travel.

SERVICE ANIMALS, ASSISTANCE ANIMALS. **EMOTIONAL SUPPORT ANIMALS BUT NOT** THERAPY ANIMALS, 'OH MY': **ANIMALS THAT QUALIFY**

Service Animals

The ADA provides multiple definitions of service animals within Title III under Public Accommodations: "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability."19 As it applies to non-air travel, "any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including ... work or perform tasks for an individual with impaired vision, alerting individuals with impaired hearing to intruders, or sounds, providing minimal protection or rescue work, preventing a child with autism from wandering away."20 It goes on to further include "pulling a

Oklahoma has no specific law concerning service animals. Thus, one should look to the ADA to fill this role.

wheelchair or fetching dropped items."21 It concludes, a dog "that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability."22 Title III includes the service of only one other species than a dog as being a qualifying service animal, a miniature horse. Title I "employment" of the ADA does not provide a definition of a service animal but does mandate employers to make "reasonable accommodations" for people with disabilities.²³

Oklahoma has no specific law concerning service animals. Thus, one should look to the ADA to fill this role. Oklahoma does have a law that punishes individuals who attempt to unlawfully claim their pet as a service animal regarding the rental of a home.24

Assistance Animals

The U.S. Fair Housing Act sets forth the federal classification of an "assistance animal." It may be either 1) an individually trained dog or 2) a "support animal,"25 which could be a "common household animal" (i.e., dog, cat or rabbit) or a "unique animal" (i.e., otter, pig or monkey).26

Under Oklahoma's Title 41, an "assistance animal" is "an animal

that works, provides assistance or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability."27 It includes "animals specifically trained or equipped to perform tasks for a person with a disability, or an emotional support animal that provides support to a person with a disability who has a disability-related need for such support."28

Emotional Support Animals

Emotional support animals serve people by providing comfort and emotional well-being. These animals are not trained to assist with a person's disability in any specified manner.

As it concerns federal law, the ADA excludes "emotional support animals."29 However, the U.S. Fair Housing Act does provide for assistance animals that offer "emotional support that alleviates one or more identified symptoms or effects of a person's disability"30 with no "requirement that the animal be trained."31

CONCLUSION

A service animal is defined under federal and some Oklahoma law and rules. This classification of friendly companion applies to a service animal's assistance well beyond airline flying. The ADA's regulations focus on individual training and clear implications that the language of "perform work or do tasks" generally requires a service animal to perform physical tasks.³² The law presently is that emotional support animals do not need to be accommodated.

The current ADA regulations continue to leave the proprietors of public accommodations with little guidance on how to deal with situations where an individual without an apparent disability purports to be accompanied by a service animal. Each airline, both American and foreign, has developed requirements to make certain that service animals comply with the necessary rules to fly. Given that there are individuals with apparent disabilities using service animals who are refused service, it is clear that continuing education is necessary to ensure that all individuals with disabilities, apparent or not, benefit from the protections of the law whether flying, dining in a restaurant, attending a public event or any other public activities.

ABOUT THE AUTHOR



Morgan Maxey is an associate attorney with the Wirth Law Office in Tulsa and of counsel with the Maxey Law Firm in

Enid. His practice focuses primarily on criminal defense law, animal law, deprived and juvenile criminal law and family law. He is licensed

to practice in both the Cherokee Nation Tribal Court and the Muscogee (Creek) Nation District Court, as well as in Oklahoma. Mr. Maxey serves as an OBA YLD board member and is the OBA Animal Law Section YLD liaison.

ENDNOTES

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1. Emma. "Most Remarkable Service Dog
Statistics in 2022," Pawsome Advice (Jan. 9, 2022),
https://bit.ly/4bCJ8lu (a website promoting the
use of emotional support animals) (last visited
Feb. 12, 2024).
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2. 49 USC §41705(a).
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3. Id.

4. 49 U.S.C. §41705; and 14 C.F.R. Part 382 et seg.

5. *Id*

6. Id.

7. Id.

8. 28 C.F.R. §§35.193, 36.104.

9. "ADA Requirements: Service Animals," ADA (Feb. 24, 2020), https://bit.ly/49b3vv2 (last visited Feb. 12, 2024).

10. 14 CFR §382.3.

11. 28 C.F.R. §36.302(c)(6).

12. Id.

13. 29 C.F.R. §1630.9.

14. 42 U.S.C. §12102.

15. 42 U.S.C. §3601 et seq.

16. 62 O.S. §34.29(2).

17. 42 U.S.C. §3601 et seq.

18. Traveling by Air with Service Animals Advance Notice of Proposed Rulemaking. 83 Fed. Reg. 23832 (May 23, 2018).

19. 28 C.F.R. §35.104.

20. Id.

21. Id.

22. Id.

23. Id.

24. 49 O.S. §113.2.C-D; See also Michael Ollove "Several states crack down 'fake' service animals," USA TODAY Oct. 29, 2017, https://bit.ly/3UHxrdF (last visited Feb. 12, 2024).

25. See https://bit.ly/3T8ee3R (last visited Feb. 21, 2024).

26. Id.

27. 41 O.S §113.2.

28. Id.

29. 28 C.F.R. §36.104.

30. See https://bit.ly/3T8ee3R (last visited Feb. 21, 2024).

31. Id.

32. 42 U.S.C §12102.



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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.

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

- Scott B. Goode, Oklahoma Bar Association Member

Get help addressing stress, depression, anxiety, substance abuse, relationships, burnout, health and other personal issues through counseling, monthly support groups and mentoring or peer support.



LEGISLATIVE MONITORING COMMITTEE

Legislative Kickoff – Session Started Feb. 6

By Shanda McKenney

THE 2024 OBA LEGISLATIVE Kickoff was held on Feb. 2. Given the volume of important bills to be reviewed and considered, 10 different speakers offered information on 10 different subject matter areas for our membership. Many thanks and much appreciation to our presenters: Stacy Acord (family law), Jason Reese (civil litigation), Teena Gunter (government), Ed Blau (criminal law), Veronica Laizure (election law), Judge Thad Balkman (courts), Rhonda McLean (real property/trusts and estates), Kaylee David-Maddy (energy and environment), Jessica Sherrill (education law), Amber Peckio (cannabis law) and Clay Taylor (using the Legislature's website). And, of course, a huge thank you to all the bar staff on hand who helped with unexpected bumps in the scheduling, particularly Director of Educational Programs Gigi McCormick.

In addition to the substantive bills that were presented, attendees were also treated to a candid conversation with a panel of three lawyer-legislators, moderated by Jari Askins, administrative director of the courts. Panelists included Sen. Kay Floyd, Sen. Brent Howard and House Majority Leader Rep. Jon Echols. It was noted how few attorneys there are in both chambers of the Oklahoma Legislature and the obstacles that sometimes present when legislating. Panelists also discussed their individual goals for the upcoming session, as

well as which issues they think will be "hot topics" for their respective caucuses and committees. Both Sen. Floyd and Rep. Echols are term-limited, making this their last session.

The OBA Legislative Monitoring Committee is committed to bringing laws and legislation of particular interest to attorneys and their clients to the attention of the membership at large. Any OBA member can join the committee, just submit a request via the OBA's website at https://bit.ly/3SjMzcE. Receive committee updates via the Communities page, which is where the tracking list of introduced legislation exists for the 2024 legislative session. The mission of our committee is education and awareness without editorializing the issues or taking positions on pending legislation. A democratic republic functions best when the electorate is as wellinformed as possible about the issues. Please take a moment to review the list of bills we've provided, and let your legislator know if you have any personal input on pending matters.

Our next event is OBA Day at the Capitol, which will be held on March 26, with registration beginning at 9:30 a.m. at the Oklahoma Bar Center. Following presentations by several speakers regarding the status of the session at that time and various other topics related to the functioning of Oklahoma government, attendees will be encouraged to walk over to

the Capitol to visit with the legislators from their particular districts and offer their services as a resource for substantive issues relating to pending legislation. Our biggest event of 2024 will be the Legislative Debrief, which typically occurs in August, but this year will be held during the OBA Annual Meeting in July. The form and substance should be very similar to debriefs of years prior, and we also intend to continue offering the programming as free CLE. Please stay tuned for more information on this event!

To make suggestions for future programming or to volunteer to speak on legislation within a certain practice area, please email me at shanda.mckenney.kkv6@statefarm.com or my co-chair, Teena Gunter, at teena.gunter@ag.ok.gov.

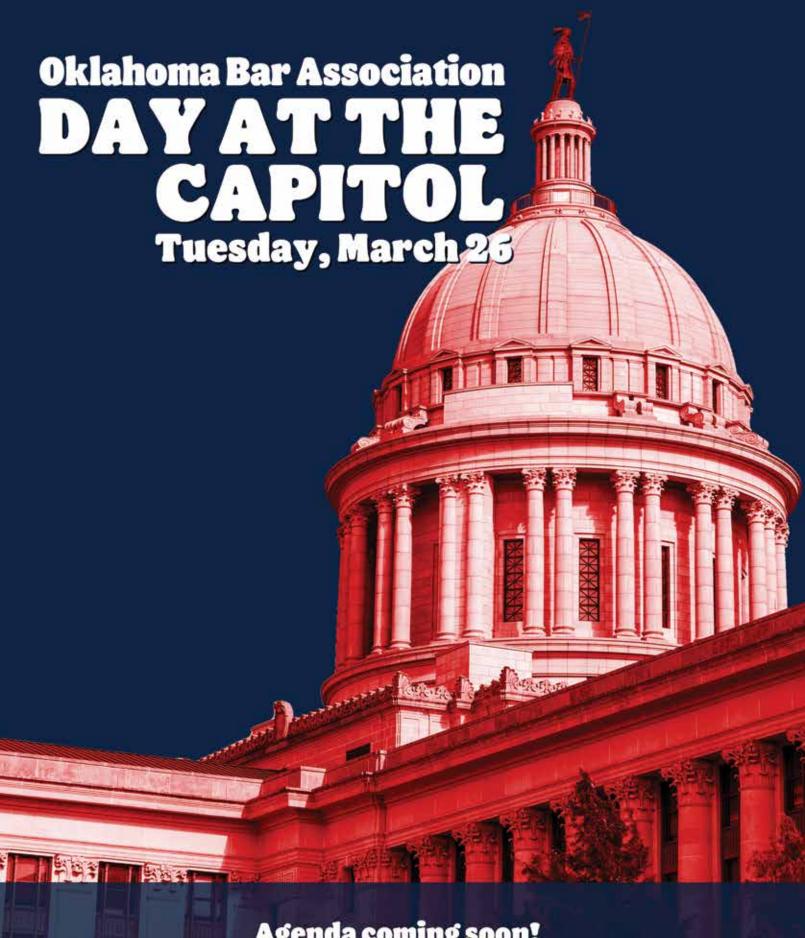
Author's Note: Any views or opinions expressed herein are those of the author individually and are not intended to reflect those of Christina D. Stone & Associates or any State Farm Insurance company.

ABOUT THE AUTHOR



Shanda McKenney is a co-chair of the Legislative Monitoring Committee. She is a practicing attorney with Christina D.

Stone & Associates, employees of State Farm Mutual Automobile Insurance Co.



Agenda coming soon!
Visit www.okbar.org/dayatthecapitol for updates

2025 OBA Board of **Governors Vacancies**

Nominating Petition Deadline: 5 p.m. Wednesday, May 8

OFFICERS

President-Elect

Current: D. Kenyon Williams Jr.,

Sperry

(One-year term: 2025) Mr. Williams automatically

becomes OBA president Jan. 1, 2025.

Nominee: Vacant

Vice President

Current: Amber Peckio, Tulsa

(One-year term: 2025)

Nominee: Richard D. White Jr.,

Tulsa

BOARD OF GOVERNORS

Supreme Court Judicial District 3

Current: S. Shea Bracken, Edmond

Oklahoma County

(Three-year term: 2025-2027)

Nominee: Vacant

Supreme Court Judicial District 4

Current: Dustin E. Conner, Enid Alfalfa, Beaver, Beckham, Blaine, Cimarron, Custer, Dewey, Ellis, Garfield, Harper, Kingfisher, Major, Roger Mills, Texas, Washita, Woods and Woodward counties (Three-year term: 2025-2027)

Nominee: Vacant

Supreme Court Judicial District 5

Current: Allyson E. Dow, Norman Carter, Cleveland, Garvin, Grady, Jefferson, Love, McClain, Murray and Stephens counties (Three-year term: 2025-2027)

Nominee: Vacant

Member at Large

Current: Angela Ailles Bahm, Oklahoma City Statewide

(Three-year term: 2025-2027)

Nominee: Vacant

SUMMARY OF NOMINATIONS RULES

Not less than 60 days prior to the annual meeting, 25 or more voting members of the OBA within the Supreme Court Judicial District from which the member of the Board of Governors is to be elected that year, shall file with the executive director, a signed petition (which may be in parts) nominating a candidate for the office of member of the Board of Governors for and from such judicial district, or one or more county bar associations within the judicial district may file a nominating resolution nominating such a candidate.

Not less than 60 days prior to the annual meeting, 50 or more voting members of the OBA from any or all judicial districts shall file with the executive director a signed petition nominating a

candidate to the office of member at large on the Board of Governors, or three or more county bars may file appropriate resolutions nominating a candidate for this office.

Not less than 60 days before the opening of the annual meeting, 50 or more voting members of the association may file with the executive director a signed petition nominating a candidate for the office of president-elect or vice president, or three or more county bar associations may file appropriate resolutions nominating a candidate for the office.

If no one has filed for one of the vacancies, nominations to any of the above offices shall be received from the House of Delegates on a petition signed by not less than 30 delegates certified to and in attendance at the session at which the election is held.

See Article II and Article III of the OBA bylaws for complete information regarding offices, positions, nominations and election procedure.

Elections for contested positions will be held at the House of Delegates meeting July 12, during the 2024 OBA Annual Meeting. Terms of the present OBA officers and governors will terminate Dec. 31, 2024.

Nomination and resolution forms can be found at https://bit.ly/3K2m3D2.

NOMINATING PETITIONS

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

OFFICERS

Vice President

Richard D. White Jr., Tulsa

Nominating Petitions have been filed nominating Richard D. White Jr., Tulsa, for vice president of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2025. Fifty of the names thereon are set forth below:

Michael Ellis Esmond, James H. Ferris, Patrick Dennis OConnor, Scott Van Brunt Morgan, Terry Michael Kollmorgen, Rodger Vaughn Curlik, Matthew Travis Williams, James Earle Weger, Jack Lawrence Brown, John W. Cannon, Thomas Lane Vogt, Robert J. Bartz, Benjamin Rogers Hilfiger, Timothy Lee Rogers. Kara IAnne Smith, Allyson Elizbeth Dow, Shea Bracken, William Ladd Oldfield, D. Kenyon Williams Jr., John Eric Priddy, Lindsey Elizabeth Albers, Nathan Ray Floyd, Adam Taran Heavin, Frederick J. Hegenbart, M. Scott Major, Jerry Lee Zimmerman, Amber Nicole Peckio, Chad Alexander Locke,

Philip D. Hixon, Ciera Nicole Freeman, Kent Randall Webb, Kenneth L. Hird, Philip Reid Feist, Carol Lynn Swenson, Brian Russell Swenson, Eric Paul Nelson, Danny Chappelle Williams, Angela Ailles Bahm, Nicholas Edwin Thurman, James Rouse Hicks, Miles Thomas Pringle, Kara Elizabeth Pratt, Adrienne Nichole Cash, Joe Martin Fears, Austin Wade Canfield, Michael Edward Nesser, Charles Robert Willing, Stephanie Rickman Mitchell, Kara Marisa Vincent and Robert Lee Bearer.

A total of 56 signatures appear on the petitions.









SUMMER SCHOOL IS IN SESSION

JULY 9-12 | EMBASSY SUITES, NORMAN

For the first time in decades, the OBA Annual Meeting will be hosted in the summer, and for the first time in several years, it will be held in conjunction with the Oklahoma Judicial Conference. This year's

meeting, July 9-12 at Embassy Suites in Norman, will give OBA members a chance to gather and learn in a relaxed and informal setting – and we are excited to have you join us!

The 2024 OBA Annual Meeting will be particularly meaningful this year, giving OBA members opportunities to connect with members of the state's judiciary, establish relationships and strengthen connections with colleagues, recognize our outstanding fellow lawyers with annual OBA Awards and, of course, earn top-notch CLE that will help improve your practice – with full-day tracks that will appeal to solo, small-firm and large-firm attorneys alike.

As we face many changes and a revolving door of new challenges in the legal profession, the OBA is evolving to embrace those changes. Part of this evolution involves meeting our members where they are. We hope to provide better opportunities to attend the Annual Meeting and make the educational programming as relevant and accessible to you as possible.

Save the date, and check www.okbar.org/annualmeeting for updates on CLE programming and registration. Come as you are, bring your families and be prepared to learn, grow and connect in a vacation-like setting. Summer School is in session, and we hope to see you there!

The Parish

Miles Pringle, Oklahoma Bar Association President





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The Oklahoma Bar Association's digital court issue, *Courts & More*, highlights Oklahoma appellate court information and news for the legal profession.



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Meet the Eighth Class of the OBA Leadership Academy

THE EIGHTH CLASS OF THE OBA LEADERSHIP ACADEMY began in January. Its 16 members were selected for their demonstrated commitment to the profession and community impact. Congratulations to these program participants who are preparing to become the next generation of association leaders.



ALYSSA AMUNDSEN, NORMAN

Alyssa Amundsen is originally from Mustang. She attended OU, where she was a president's community scholar and member of Alpha Chi Omega. While in college, she was a cheerleader for OU All-Girl Cheer, where she helped lead her team to secure its first-ever national cham-

pionship. After receiving a bachelor's degree in political science, Ms. Amundsen attended the OU College of Law. During law school, she was a member of the Federalist Society and the J. Rufus Fears Fellowship program.

She worked for Attorney General John O'Connor from 2021 to 2022 after he witnessed her passion and enthusiasm while advocating for Oklahomans' health and parental rights. During her final year of law school, she interned for a local law firm to serve Norman's family law needs and served as a member of the OU College of Law Entrepreneurial Law Clinic. She also served as the 2022 class president for the Norman Citizens Police Academy, where she learned about the various roles of her local police department.

Throughout college and law school, Ms. Amundsen ran a private tumbling and tryout preparation program for young dancers and cheerleaders in Norman. She served as the Norman High School junior varsity coach for the 2022-2023 school year.

Ms. Amundsen is currently a member of the Ruth Bader Ginsburg American Inn of Court and still coaches young athletes in the Oklahoma City metro area. She continues to passionately advocate and volunteer for women's sports, law enforcement, free speech and Oklahomans' health and parental rights. She is the dog mom of two blue-eyed rescue babies, Ruger Wayne and Liberty Belle.

When Ms. Amundsen is not zealously advocating for her clients in all their legal matters, she likes watching college football, spending time with family and enjoying a nice meal on a patio with her fur babies.



TIMOTHY D. BEETS, OKLAHOMA CITY

Timothy D. Beets is a native Oklahoman who graduated from Okemah High School in 1990. He attended OSU, where he graduated in 1995 with a bachelor's degree in political science and a minor in economics. He worked for campus maintenance, house-keeping and paint crew while in college and served as residence

hall floor president his freshman year. Thereafter, he served as a resident advisor and held the positions of justice and chief justice of the OSU Residential Life Supreme Court.

He graduated *cum laude* from the OCU School of Law evening division in December 1998. During law school, he served in many capacities and received numerous awards, such as Moot Court Honors Board for three years and Who's Who Among American Law Students for three years while working full time as a law clerk and licensed legal intern for a small civil litigation law firm. He tried his first solo jury trial in March 1999 as a licensed legal intern. His note was selected for publication in the *Oklahoma City University Law Review* spring and summer 1999 edition. He obtained his law license in April 1999.

He began his own civil litigation law firm in 2001, maintaining a diverse and complicated caseload in areas including federal civil rights, business and real estate litigation, divorce, medical malpractice, product liability and construction defects. In 2022, he obtained his certification in civil and domestic mediation.



MELISSA BROOKS, **OKLAHOMA CITY**

Melissa Brooks is the director of legal information and engagement at the Oklahoma Access to Justice Foundation. Ms. Brooks is a certified Legal First Aid trainer for the Oklahoma Community Justice Network and is the primary trainer for new and existing community navigators. Legal

First Aid is a training program for frontline staff at community-facing organizations, which certifies caseworkers, screeners and other staff as legal community navigators. As certified community navigators, participants are able to competently recognize legal issues, refer clients to legal resources and advocate for their interests in the legal system.

She is a former Equal Justice Works attorney and staff attorney at Legal Aid Services of Oklahoma, where she served low-income and senior clients with consumer (Chapter 7 bankruptcy), estate planning, guardianship, family and other elder law-related issues for five years. Additionally, she served as the pro bono coordinator for the Oklahoma City office of Legal Aid Services of Oklahoma. In that role, she maintained and developed several access to justice clinics, including wills and trusts clinics, a waiver divorce clinic and a general legal advice clinic and placed pro bono cases with private attorneys.

She continues to serve her community pro bono as an administrator and volunteer for the Oklahoma County Guardianship Clinic, an active volunteer attorney for the Urban League of Greater Oklahoma City Expungement Expo program and a pro bono attorney for Legal Aid Services of Oklahoma.

Ms. Brooks earned her J.D. at the OCU School of Law with a certificate in wills, trusts and estates (estate planning) and her undergraduate degree in political science with an emphasis in pre-law. She is an admitted member of the OBA and the Western District of Oklahoma federal bar.



BRIAN CANDELARIA, **NORMAN**

Brian Candelaria worked for nine years as a legal assistant before going back to school and earning a master's degree in legal studies from OU. He then attended the OCU School of Law. He was awarded a G. William Rice Memorial Scholarship by the OBA Indian Law

Section and has been awarded multiple Sovereignty Symposium writing awards.

A member of the OBA and several tribal bar associations since April 2020, Mr. Candelaria works as a staff attorney at Oklahoma Indian Legal Services. He is currently the chair of the OBA Access to Justice Committee, vice chair of the OBA Indian Law Section and chair of the Oklahoma Voluntary Organizations Active in Disaster. Mr. Candelaria has embraced the organizational mission of OILS to serve the legal needs of lowincome enrolled tribe members residing in Oklahoma. He happily lives in Norman with his wife, Kathryn.



COURTNEY DRISKELL, **TULSA**

Courtney Driskell is a family law attorney with a background serving local children and families in the community. She graduated with highest honors and was in the top 15% of her class at the TU College of Law in 2020. She was also awarded a CALI Award in trial skills.

Ms. Driskell volunteers with CASA as well as Tulsa Lawyers for Children. During law school, she worked as a licensed legal intern in the Tulsa County District Attorney's Office. She also worked in Crimes Against

Children and the juvenile court before practicing family and criminal law at Riggs, Abney, Neal, Turpen, Orbison & Lewis. Ms. Driskell then transitioned to the Oklahoma Department of Human Services Child Support Services as a state attorney. She now works at Schmook Law Firm as an associate attorney and looks forward to many more years as a family law attorney in Tulsa and the surrounding communities.

Ms. Driskell loves bodybuilding and spending time with her son, Rhett, and their rescue Shih Tzu, Buddy.



SHERRY ERB, MUSKOGEE

Sherry Erb moved from Florida to Oklahoma in 2000 and has been involved in the legal field since her 20s. She graduated from Tulsa Community College with an associate degree in entrepreneurial development and from Northeastern State University with a bachelor's

degree in criminal justice and a minor in business. She obtained her J.D. from the TU College of Law and is admitted to practice law in Oklahoma. She is also admitted to practice in the Eastern District Federal Court of Oklahoma, the United States Bankruptcy Court for the Eastern District of Oklahoma, the Cherokee Nation and the Muscogee (Creek) Nation.

Ms. Erb has traveled to numerous nations for humanitarian work and ministry work. She has been involved with the United Nations, speaking on legal and social issues. She also maintains her ministerial degree and enjoys speaking to local groups, civic organizations, churches and businesses.

Her firm, Erb Law PLLC, has offices in Muskogee and Tulsa, emphasizing estate planning, probate, Chapter 7 bankruptcy, transferring asset assistance, limited scope representation and more.



THOMAS GROSSNICKLAUS, OKLAHOMA CITY

Thomas Grossnicklaus served in the Marine Corps for five years. During his service, he was lucky enough to attend Designated Marksman School and graduate at the top of his class. He deployed with his unit to Guantanamo Bay. During his second deploy-

ment, he was the section leader for the Designated Marksman. His unit was activated and tasked with recapturing and securing the U.S. Embassy in Yemen.

Mr. Grossnicklaus enrolled at OCU for his degree in political science. During that time, he worked for U.S. Rep. Steve Russell in his district office as well on a successful reelection campaign. He then went on to the OCU School of Law and worked in Gov. Mary Fallin's office. He was then given the opportunity to clerk for Supreme Court Justice James R. Winchester. He has served as an assistant attorney general in the legal counsel unit and as an attorney for several state agencies and commissions. He is currently the chief of staff and general counsel at the Oklahoma Department of Commerce.

He is in the Leadership Certificate Program at Harvard Kennedy School. Mr. Grossnicklaus is also a NextGen Under 30 recipient, a *Journal Record* 40 Under 40 recipient, a graduate of Leadership OKC LOYAL and serves on several advisory boards.



RACHEL HARTMAN, NORMAN

Rachel Hartman is a recent graduate of the OU College of Law. While at OU, she obtained an Indigenous law peacemaking certificate and an American Jurisprudence Award in workers' compensation. She was also a student assistant for the Antitrust I and II classes.

Ms. Hartman is originally from Duncan. Prior to law school, she attended OSU, where she worked for the Cowboy football team and was a member of the Phi Mu sorority. She received many academic recognitions while attending OSU, graduating with an honors degree in political science and a minor in legal studies.

Currently, Ms. Hartman practices civil litigation in Norman. In her free time, she enjoys spending time with those she loves, including her fiancé, Tyler, and her dog, Rosie.



MELISSA MARTIN, YUKON

Melissa Martin represents clients in oil and gas law, probate and estate planning, with an emphasis on oil and gas title opinions. She particularly enjoys helping royalty owners and division order departments cure title issues and release suspense funds.

Prior to joining The Title Law Group, Ms. Martin served as manager of the Division Order Department of a local Fortune 500 energy company. She has experience participating in many special projects and working across multiple assets, including operations in Oklahoma, Ohio, Texas, Wyoming and Pennsylvania. She also has experience as a corporate attorney in the land department curing title for drilling and production across numerous assets.

Ms. Martin is a native of Newark, Delaware, but is now proud to call Oklahoma her home state. She currently resides in Oklahoma City with her son. They love to travel, read books and explore all that Oklahoma City has to offer.



CALANDRA McCOOL. **NORMAN**

Calandra McCool was born in Oklahoma City and always finds her way back to Oklahoma. She graduated summa cum laude from the University of Science and Arts of Oklahoma in 2010 with a bachelor's degree in history before earning a master's degree in the history of

science, technology and medicine at OU. She returned to the OU College of Law and graduated in 2019 with distinction, as well as a certificate in federal Indian law.

After graduation, Ms. McCool moved to Omaha, Nebraska, to work as an associate at Big Fire Law & Policy Group, a Native American-owned law firm focused on federal Indian law and tribal law.

She returned to Oklahoma during the pandemic but remained an active member of the Nebraska State Bar Association – she was part of the leadership for the association's Indian Law Section for three years. Ms. McCool has also done several CLE and conference presentations on topics such as federal Indian law, tribal law, being a disabled attorney and cybersecurity law. She has also written and contributed pieces on disability and practicing law for the American Bar Association.

Ms. McCool is an enrolled member of the Citizen Potawatomi Nation. She lives in Norman, and in her spare time, she enjoys playing tabletop games with friends and attending local events. She is excited to be a part of this year's Leadership Academy so that she can take part in the Oklahoma legal community and continue the mentorship that was so important to her as a young, queer, indigenous, disabled lawyer.



KINDER SHAMHART, **BARTLESVILLE**

Kinder Shamhart is a partner with the Bartlesville law firm of Maddux, Ihrig & Shamhart PLLC, which serves the citizens of northeast Oklahoma. Prior to joining the firm in 2023, she was a sole practitioner for 10 years with the Law Office of Kinder D. Shamhart PLLC

and an assistant district attorney in New Mexico for two years. Ms. Shamhart currently focuses her practice in the areas of adoption, guardianship, estate planning, probate and real estate. She also provides mediation and guardian ad litem services.

Advocacy and community service are important to Ms. Shamhart, who currently serves on the Bartlesville Public Schools Board of Education, the Bartlesville Public Schools Foundation and the Bartlesville City Board of Adjustment. She is also actively engaged with the parent support groups at her children's schools, the Washington County Foster Parent Association and the Bartlesville Splash Club. While thankful for so many opportunities, Ms. Shamhart is most proud of the titles of wife and mother.



TRACY E. SMITH, **TULSA**

Tracy E. Smith was born and raised in Tulsa and is a proud graduate of Booker T. Washington High School. She pursued a bachelor's degree in English with minors in Spanish and political science at OU, where she was active in the OU speech and debate program and the Honors

College. Ms. Smith then obtained her J.D. from the University of Kansas School of Law, participating in the London Law Consortium. After briefly practicing law, she moved to Austin, Texas, to become a bilingual teacher. After teaching in Austin for eight years, she returned to Tulsa in 2019.

Following her time as a consultation attorney with Rivas & Associates, an immigration law firm based in Tulsa, Ms. Smith now serves as education program manager. In her spare time, she enjoys volunteering and fostering with the Oklahoma Westie Rescue and volunteering with the Tulsa Ballet. She loves documentaries and her two rescue pups, Sophie and Cowboy.



BRETT STAVIN, EDMOND

Brett Stavin is a partner with the downtown Oklahoma City law firm of Rosette LLP. He has practiced with the firm for approximately 10 years, beginning immediately after his graduation from the Sandra Day O'Connor College of Law at Arizona State University.

Rosette LLP is a small firm that focuses on representing tribal governments and their affiliated businesses. Within this niche, Mr. Stavin's practice consists primarily of litigation. He represents clients in federal courts, state courts, administrative tribunals and arbitrations throughout the country. His clients typically operate in the energy, financial services and gaming industries.

Outside the office, Mr. Stavin enjoys spending time with his wife, Alexa, a 3L at the OCU School of Law, his daughter, Corinne, and his son, Connor.



ELISSA STILES, TULSA

Elissa Stiles, managing attorney at Rivas & Associates, graduated from the TU College of Law in 2019 and began practicing immigration law that year. As an immigration lawyer, Ms. Stiles primarily advocates for clients in removal (deportation) proceedings before various immigration

courts throughout the United States, as well as before appellate bodies that include the Department of Justice Board of Immigration Appeals and the 5th Circuit and 10th Circuit Court of Appeals.

Ms. Stiles currently serves as chair of the OBA Immigration Law Section and the Tulsa County Bar Association Immigration Section. When she's not at the office or in the courtroom, Ms. Stiles enjoys hiking, crocheting and tending her vegetable garden.



SHANNON TAYLOR, OKLAHOMA CITY

Shannon Taylor is an attorney in Oklahoma City. She has built a reputation of providing compassionate guidance and representation for adoption, guardianship, probate/estate administration, estate planning and other family law matters. She focuses on helping clients

navigate legal situations with compassion, empathy and attentiveness. When appropriate, she favors mediation, negotiation, collaborative law and other disputeresolution techniques to help clients swiftly and amicably resolve legal matters. However, when warranted, she is also a willing advocate in the courtroom.

A native Oklahoman, Ms. Taylor earned a bachelor's degree in humanities from OCU and her J.D. from the OCU School of Law. She received a CALI Award in juvenile law. She is a member of the Association of Family and Conciliation Courts, the National LGBTQ+Bar Association, the National Academy of Elder Law Attorneys, the Oklahoma County Bar Association and the American Bar Association.



TAYLOR WALLNER, OKLAHOMA CITY

Taylor Wallner is originally from Fayetteville,
Arkansas, but he has been practicing in Oklahoma for almost a decade after attending the OCU School of Law. For the first few years of his practice, he represented disabled individuals through the challenging Social Security

disability process. Now, Mr. Wallner's primary focus is on personal injury litigation. His practice motto is simple: treat every client with respect and honesty.

While not in the courtroom, Mr. Wallner enjoys spending time with his family at the lake or being out on the golf course. He is an avid Oklahoma City Thunder and Arkansas Razorbacks fan. He is a member of the OBA and the Oklahoma Association for Justice.

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Professional Responsibility Commission Annual Report

As Compiled by the OBA Office of the General Counsel Jan. 1, 2023 – Dec. 31, 2023 | SCBD 7624

INTRODUCTION

Pursuant to the provisions of Rule 14.1, Rules Governing Disciplinary Proceedings (RGDP), 5 O.S. 2021, ch. 1, app. 1-A, the following is the Annual Report of grievances and complaints received and processed for 2023 by the Professional Responsibility Commission and the Office of the General Counsel of the Oklahoma Bar Association.

THE PROFESSIONAL **RESPONSIBILITY COMMISSION**

The Professional Responsibility Commission is composed of seven persons – five lawyer and two nonlawyer members. The lawyer members are nominated by the president of the Oklahoma Bar Association subject to the approval of the Board of Governors. The two nonlawyer members are appointed by the speaker of the Oklahoma House of Representatives and the president pro tempore of the Oklahoma Senate, respectively. Members serve for a term of three years, with a maximum of two terms. Terms expire Dec. 31 at the conclusion of the three-year term.

Lawyer members serving on the Commission all or part of 2023 were Chairperson Karen A. Henson, Shawnee; Vice Chairperson Matthew Beese, Broken Arrow; Alissa Preble Hutter, Norman; Heather Burrage, Durant; and Jennifer M. Castillo, Oklahoma City. The nonlawyer members were John Thompson, Oklahoma City, and James W. Chappel, Norman. Commission members serve without compensation but are reimbursed for actual travel expenses.

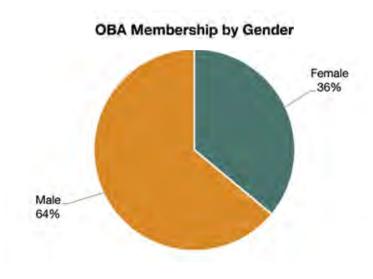
RESPONSIBILITIES

The Professional Responsibility Commission considers and investigates any alleged ground for discipline, or alleged incapacity, of any lawyer called to its attention, or upon its own motion, and takes such action

as deemed appropriate to effectuate the purposes of the Rules Governing Disciplinary Proceedings. Under the supervision of the Commission, the Office of the General Counsel investigates all matters involving alleged misconduct or incapacity of any lawyer called to the attention of the General Counsel by grievance or otherwise and reports to the Commission the results of investigations made by or at the direction of the General Counsel. The Commission then determines the disposition of grievances or directs the instituting of a formal complaint for alleged misconduct or personal incapacity of a lawyer. The Office of the General Counsel prosecutes all proceedings under the Rules Governing Disciplinary Proceedings, supervises the investigative process and represents the Oklahoma Bar Association in all reinstatement proceedings.

OBA MEMBERSHIP STATISTICS

The membership of the Oklahoma Bar Association as of Dec. 31, 2023, was 18,734 lawyers. The total number of members included 12,001 males and 6,733 females.



VOLUME OF GRIEVANCES

During 2023, the Office of the General Counsel received 215 formal grievances involving 158 lawyers and 909 informal grievances involving 714 lawyers. In total, 1,124 grievances were received against 872 lawyers. The total number of grievances and lawyers receiving the same differs because some lawyers received multiple grievances. In addition, the Office of the General Counsel processed 165 items of general correspondence, which is mail not considered to be a grievance against a lawyer.

On Jan. 1, 2023, 189 formal grievances were carried over from the previous year. The carryover accounted for a total caseload of 404 formal investigations pending throughout 2023. Of those grievances, 215 investigations were completed by the Office of the General Counsel and presented for review to the Professional Responsibility Commission. Therefore, 189 formal grievances remained pending as of Dec. 31, 2023.

The time required for investigating and concluding each grievance varies depending on the seriousness and complexity of the allegations and the availability of witnesses and documents. The Commission requires the Office of the General Counsel to report monthly on all informal and formal grievances received and all investigations completed and ready for disposition by the Commission. In addition, the Commission receives a monthly statistical report on the pending caseload. The Board of Governors is advised statistically each month of the actions taken by the Commission.

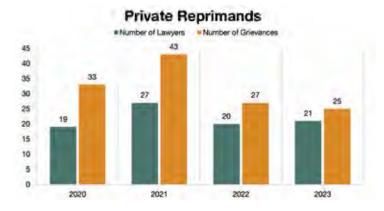


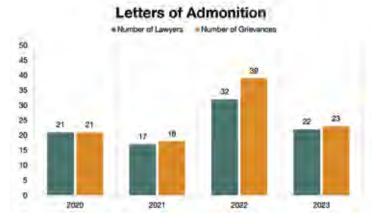
DISCIPLINE IMPOSED BY THE PROFESSIONAL **RESPONSIBILITY COMMISSION**

Formal Charges. During 2023, the Professional Responsibility Commission voted on the filing of formal disciplinary charges against 15 lawyers involving 40 formal grievances. In addition, the Commission also oversaw the investigation of 16 Rule 7, RGDP formal disciplinary charges filed with the chief justice of the Oklahoma Supreme Court.

Private Reprimands. Pursuant to Rule 5.3(c), RGDP, the Professional Responsibility Commission has the authority to impose private reprimands, with the consent of the lawyer, in matters of less serious misconduct or if mitigating factors reduce the sanction to be imposed. During 2023, the Commission administered private reprimands to 21 lawyers involving 25 formal grievances.

Letters of Admonition. During 2023, the Professional Responsibility Commission voted to issue letters of admonition to 22 lawyers involving 23 formal grievances cautioning that the conduct of the lawyer was dangerously close to a violation of a disciplinary rule.





Dismissals. The Professional Responsibility Commission dismissed 13 grievances that had been received but not concluded due to the resignation of the lawyer pending disciplinary proceedings, a continuing lengthy suspension of the respondent lawyer, death of the respondent lawyer or disbarment of the respondent lawyer. The remainder were dismissed where the investigation could not substantiate the allegations by clear and convincing evidence.

Diversion Program. The Professional Responsibility Commission may also refer respondent lawyers to the Discipline Diversion Program, where remedial measures are taken to ensure that any deficiency in the representation of a client does not occur in the future. During 2023, the Commission referred 21 lawyers to the Discipline Diversion Program for conduct involving 29 grievances.

The Discipline Diversion Program is tailored to the individual circumstances of the participating lawyer and the misconduct alleged. Oversight of the program is by the OBA Ethics Counsel, with the OBA Management Assistance Program staff involved in programming. Program options include Trust Account School, Professional Responsibility/Ethics School, Law Office Management Training, Communication and Client Relationship Skills and Professionalism in the Practice of Law. In 2023, instructional courses were taught by OBA General Counsel Gina Hendryx, OBA

Ethics Counsel Richard D. Stevens, OBA Management Assistance Program Director Jim Calloway and OBA Practice Management Advisor Julie Bays.

As a result of the trust account overdraft reporting notifications, the Office of the General Counsel is able to monitor when lawyers encounter difficulty with the management of their IOLTA accounts. Upon recommendation of the Office of the General Counsel, the Commission may place those individuals in a tailored program designed to instruct on basic trust accounting procedures. This course is also available to the OBA general membership as a continuing legal education course.

2023 Diversion Program Curriculum	Number of Lawyers
Communication and Client Relationship Skills	9
Professionalism in the Practice of Law	6
Professional Responsibility/Ethics School	7
Client Trust Account School	9
Law Office Consultations	2
Law Office Management	8
The state of the s	

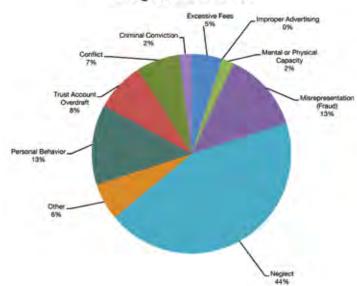
SURVEY OF GRIEVANCES

To better inform the Oklahoma Supreme Court, the bar and the public of the nature of the grievances received, the number of lawyers receiving grievances and the practice areas of misconduct involved, the following information is presented.

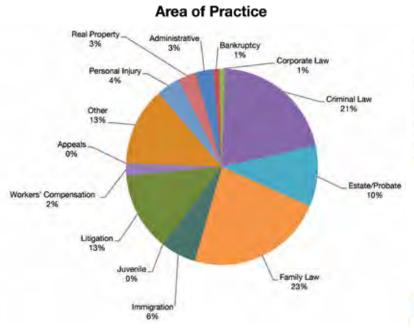
Formal and informal grievances were received against 872 lawyers. Therefore, fewer than 5% of the lawyers licensed to practice law in Oklahoma received a grievance in 2023.

A breakdown of the types of misconduct alleged in the 215 formal grievances opened by the Office of the General Counsel in 2023 is as follows:





Of the 215 formal grievances, the area of practice is as follows:



The number of years in practice of the 158 lawyers receiving formal grievances is as follows:

Formal Grievances by Years of Practice 0-5 Years 696 26+ Years 39% 6-10 Years 14% 1-15 Years 13% 21-25 Years 16-20 Years 14%

The largest number of grievances received were against lawyers who have been in practice for 26 years or more. The age of lawyers with allegations of rule violations filed before the Oklahoma Supreme Court in 2023 is depicted below.

Type of Violation Alleged	Rule 6, RGDP	Rule 7, RGDP	Rule 10, RGDP	Ruin & RGDP
Number of Lawyers Impliced	17	17	3	10
Age of Lawyer				
21-29 years old	0	0	0	0
80-40 years old	8	11	1	3
50-50 years old	2	1	1	5
60-74 years old	7	5	1	2
75 or more years plot	0	0	0	0

DISCIPLINE IMPOSED BY THE OKLAHOMA SUPREME COURT

In 2023, discipline was imposed by the Oklahoma Supreme Court in 41 disciplinary cases. The sanctions are as follows:

Respondent	Order Date	
Kenneth Carl Wright	1/18/23	
Kimberly N. Clark	3/28/23	
Thomas A. Mortensen	4/4/23	
Mark Kendall Bailey	4/4/23	
Lance T. Lance	10/10/23	

Resignations Pending Disciplinary Proceedings Approved by Court

Respondent	Order Date	
Kenneth Shane Walker	1/30/23	
Arya Affeldt Adibi	2/21/23	
Michael Dwaine Lunday	4/3/23	
William Shawn Jefferson	4/3/23	
John Everett Paris	4/10/23	
William Andrew Stack	6/19/23	
Jason David Smith	7/26/23	
Chadwick R. Richardson	10/2/23	
Timothy Robert Henderson	11/6/23	
Jackie Dale Elsev	12/4/23	

Respondent	Length	Order Date
Jeffery Price Krigal	Interim	1/17/23
Kevin D. Etherington	Interim	2/6/23
Debra Campbell	Interim	2/6/23
Melissa Ann Lipe	Anterim	3/6/23
Phillip John Shyers	Nine months	3/7/23
Kassie Nicole McCoy	Interim	3/20/23
Raphael Thomas Glapion	Two years, one day	3/28/23
David Michael Littlefield	One year	5/2/23
Margaret Jean Lowery	30 days	5/9/23
Jason Matthew Fields	One year, one day	5/9/23
Richard C. Odom	Three years	5/23/23
Kenyatta Ray Bethea	Interim	6/5/23
Courtney Rae Jordan	Interim	6/19/23
Kassie Nicole McCoy	Two years	6/20/23
James Harry Lockard	Enterim	8/1/23
Ryan Steven Wiehl	Two years, one day	9/12/23
James Darrell Reedy	Two years, one day	10/17/23
James Harry Lockard	Six months	11/14/23
Joseph Dewayne Kalka	Interim	11/20/23
Guy Wade Jackson	Interim	11/20/23

Confidential Suspension	ins		
Respondent	Length	Order Date	
Confidential	Indefinite (R10 RGDP)	10/16/23	

Dismissals			
Respondent	Order Date		
Mark Lyons	4/3/23		
Ryan Childress	6/14/23		
Jackie Dale Elsey	6/20/23		
Cooper Hahn	9/11/23		
Bailey Ann Daugherty	9/11/23		
Confidential	11/13/23		

There were 11 discipline cases filed and pending as of Jan. 1, 2023. During 2023, 36 new formal complaints were filed for a total of 47 cases before the Oklahoma Supreme Court during 2023. On Dec. 31, 2023, 20 discipline cases remained open and active before the Oklahoma Supreme Court.

Type of Discipline Imposed	Disbarment	RPDP		Confidential Suspension	Dismissals
Number of Lewyers Involved	5	10	20	1	6
Age of Lawyer					
21-29 years old	0	0	0	.0	0
30-49 years old	0	2	10	0	3
50-74 years old	5	-8	10	- 1	3
75 or more years old	0	0	0	0	0

REINSTATEMENTS

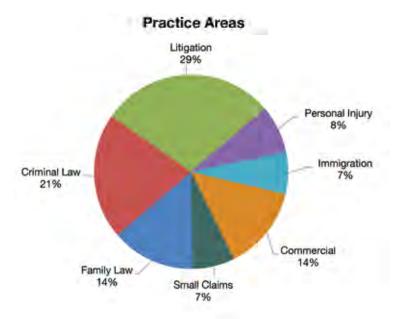
On Jan. 1, 2023, there were three petitions for reinstatement pending before the Professional Responsibility Tribunal and two petitions for reinstatement pending before the Oklahoma Supreme Court. There were six new petitions for reinstatement filed in 2023. In 2023, the Oklahoma Supreme Court granted five reinstatements, and two were dismissed by the petitioner. On Dec. 31, 2023, there were four petitions for reinstatement pending before the Professional Responsibility Tribunal.

UNAUTHORIZED PRACTICE OF LAW

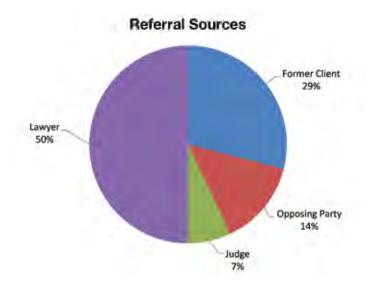
Rule 5.1(b), RGDP, authorizes the Office of the General Counsel to investigate allegations of the unauthorized practice of law (UPL) by nonlawyers, suspended lawyers and disbarred lawyers. Rule 5.5, ORPC, regulates the unauthorized practice of law by lawyers and prohibits lawyers from assisting others in doing so.

Requests for Investigation. In 2023, the Office of the General Counsel received 14 complaints for investigation of the unauthorized practice of law. The Office of the General Counsel fielded many additional inquiries regarding the unauthorized practice of law that are not reflected in this summary.

Practice Areas. Allegations of the unauthorized practice of law encompass various areas of law. In previous years, most unauthorized practice of law complaints involved nonlawyers or paralegals handling family matters, but that changed in 2023, with 29% of the UPL complaints involving litigation matters.



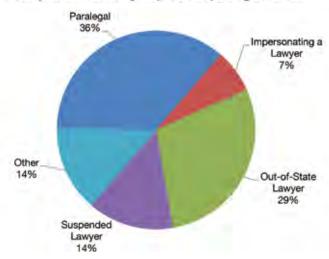
Referral Sources. Requests for investigations of the unauthorized practice of law come from multiple sources. In 2023, the Office of the General Counsel received one-half of UPL complaints from lawyers.



Respondents. In 2023, most requests for investigation into allegations of the unauthorized practice of law related to paralegals. For purposes of this summary, the category "paralegal" refers to an individual who advertises as a paralegal and performs various legal tasks for their customers, including legal document preparation.

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Respondents Allegedly Participating in UPL



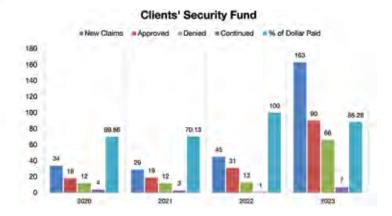
Enforcement. In 2023, the Office of the General Counsel took formal action in three matters. Formal action included issuing cease and desist letters, initiating formal investigations through the lawyer discipline process, referring a case to an appropriate state and/ or federal enforcement agency or filing the appropriate district court action. Six matters were closed after corrective action was taken, and the remainder of the matters remain under investigation.

CLIENTS' SECURITY FUND

The Clients' Security Fund was established in 1965 by Court Rules of the Oklahoma Supreme Court. The fund is administered by the Clients' Security Fund Committee, which is comprised of 17 members, 14 lawyer members and three nonlawyers, who are appointed in staggered three-year terms by the OBA president with approval from the Board of Governors. In 2023, the committee was chaired by lawyer member Micheal Salem, Norman. Chairman Salem has served as chair of the Clients' Security Fund Committee since 2006. The fund establishes a means of reimbursement to clients for financial losses occasioned by dishonest acts of lawyers. It is also intended to protect the reputation of lawyers in general from the consequences of the dishonest acts of a very few. The Board of Governors budgets and appropriates \$175,000 each year to the Clients' Security Fund for payment of approved claims.

In years when the approved amount exceeds the amount available, the amount approved for each claimant will be reduced in proportion on a pro rata basis until the total amount paid for all claims in that year is equal to the amount available for disbursement. The Office of the General Counsel reviews, investigates and presents the claims to the committee. In 2023, the Office of the General Counsel presented 163 claims

to the committee. The committee approved 90 claims, denied 66 claims and continued seven claims into the following year for further investigation. In 2023, the Clients' Security Fund paid a total of \$210,784.10 on 90 approved claims.



CIVIL ACTIONS (NON-DISCIPLINE) INVOLVING THE OBA

The Office of the General Counsel represented the Oklahoma Bar Association in several civil (non-discipline) matters during 2023. Several cases carried forward into 2024. The following is a summary of all civil actions against or involving the Oklahoma Bar Association in 2023:

- *Alberta Rose Jones v. Eric Bayat, et al., Lincoln* County District Court No. CJ-2021-21. Rose filed a complaint on March 5, 2021. Rose named 10 defendants and "Does 1-25," including the Oklahoma Bar Association and an assistant general counsel. Jones alleged that the Oklahoma Bar Association failed to achieve her son's legal goals. To date, the Oklahoma Bar Association has not been served. This matter was transferred to Kay County District Judge Turner.
- Alberta Rose Jones v. Eric Bayat, et al., Lincoln County District Court No. CJ-2022-27. Rose filed a petition on Feb. 25, 2022, against 11 named defendants and 10 "Doe" defendants. The petition alleged the Oklahoma Bar Association ignored Open Records Act requests and her dissatisfaction with the resolution of bar grievances. The Oklahoma Bar Association filed a motion to dismiss on March 23, 2022. On April 11, 2022, this matter was transferred to Payne County District Judge Corley. This matter is set for the disposition docket on May 2, 2024.
- Rigsby v. Burkhulter, et al., United States District Court for the Eastern District of Oklahoma, Case No. CIV-22-287. Rigsby filed a complaint against multiple defendants, including the Oklahoma Bar Association, on Oct. 7, 2022.

- Although the facts are unclear, Rigsby appears to contend that the Oklahoma Bar Association failed to enjoin his public defenders from violating his "rights" and would not appoint counsel for him. The Oklahoma Bar Association has not been served. On Nov. 28, 2022, the court dismissed Rigsby's action without prejudice for the failure to pay the entire filing and administrative fees as directed by the court. Rigsby appealed multiple decisions of the court. Currently, 10th Circuit Court of Appeals Case No. 24-7000 is pending.
- Rigsby v. Burkhulter, et al., United States Court of Appeals for the 10th Circuit, Case No. 22-7058. On Nov. 7, 2022, Rigsby filed an interlocutory appeal of an order denying Rigsby leave to proceed in forma pauperis issued in United States District Court for the Eastern District of Oklahoma Case No. CIV-22-287. On Dec. 6, 2022, the court directed Rigsby to pay the district court's full filing fee by Dec. 27, 2022, or the appeal will be dismissed without further notice. On Jan. 12, 2023, this matter was dismissed for failure to prosecute.
- Rigsby v. Burkhulter, et al., United States Court of Appeals for the 10th Circuit, Case No. 22-7063. On Dec. 14, 2022, Rigsby filed a second appeal of an order denying his motion to "bring issue to the attention of the Court" and judgment dismissing the action without prejudice for failure to pay the entire filing and administrative fee, from United States District Court for the Eastern District of Oklahoma Case No. CIV-22-287. This appeal was dismissed Feb. 7, 2023, for failure to prosecute.
- Rigsby v. Burkhulter, et al., United States Court of Appeals for the 10th Circuit., Case No. 24-7000. On Jan. 4, 2024, Rigsby filed his third appeal of an order in CIV-22-287 regarding the court's denial of his "motion to show new truths in case" and his "motion to show that it's not withstanding to close case." This matter is pending.
- Winningham v. Gina L. Hendryx, Oklahoma County Case No. CJ-2023-3789. On July 7, 2023, the plaintiff filed an action for declaratory relief. The Oklahoma Bar Association moved to dismiss the matter. After hearing arguments, this matter was dismissed Nov. 2, 2023. Winningham has since filed post-trial motions, and the Oklahoma Bar Association has responded. This matter is pending.
- Mitchell v. Hill et al., United States District Court for the Western District of Oklahoma, Case No. CIV-23-686. The plaintiff filed a 42 USC §1983 action against the Oklahoma Bar Association and several other defendants on Aug. 4, 2023. The Oklahoma Bar Association was not served. This matter is pending.

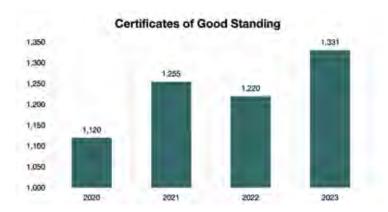
- Mitchell v. Oklahoma Bar Association, Oklahoma Supreme Court MA-121671. The petitioner filed a petition for mandamus on Oct. 12, 2023. No application to assume original jurisdiction was filed. The Oklahoma Bar Association was not served but received notice of this suit from the court on Oct. 27, 2023. The petitioner's application was denied on Dec. 11, 2023.
- Denise Hudson v. OCHA Office and Administration, United States District Court for the Western District of Oklahoma, Case No. 23-703. Hudson filed suit Aug. 11, 2023, against multiple defendants for unknown conduct. The Oklahoma Bar Association was not served. The court dismissed this matter without prejudice on Oct. 19, 2023.
- BlueviewTam Farm, LLC, et al., v. Jones Brown, et al., Tulsa County Case No. CJ-2023-3033. Ronald Durbin filed a class action suit on behalf of multiple plaintiffs alleging a variety of causes of actions against the Oklahoma Bar Association and two staff members. The Oklahoma Bar Association defendants have not been served. This matter is pending.

ATTORNEY SUPPORT SERVICES

Out-of-State Attorney Registration. In 2023, the Office of the General Counsel processed 686 new applications and 662 renewal applications submitted by out-ofstate attorneys registering to participate in a proceeding before an Oklahoma Court or Tribunal. Out-of-state attorneys appearing pro bono to represent criminal indigent defendants or on behalf of persons who otherwise would qualify for representation under the guidelines of the Legal Services Corporation may request a waiver of the application fee. Certificates of Compliance are issued after confirmation of the application information, the applicant's good standing in their licensing jurisdiction and payment of applicable fees. All obtained and verified information is submitted to the Oklahoma Court or Tribunal as an exhibit to a "motion to admit."



Certificates of Good Standing. In 2023, the Office of the General Counsel prepared 1,331 Certificates of Good Standing/Disciplinary History at the request of Oklahoma Bar Association members.



ETHICS AND EDUCATION

During 2023, lawyers in the General Counsel's Office presented more than 60 hours of continuing legal education programs to county bar association meetings, lawyer practice groups, OBA programs, all three state law schools and various legal organizations. In these sessions, disciplinary and investigative procedures, case law and ethical standards within the profession were discussed. These efforts direct lawyers to a better understanding of their ethical requirements and the disciplinary process and inform the public of the efforts of the Oklahoma Bar Association to regulate the conduct of its members. The Office of the General Counsel worked with lawyer groups to assist with the presentation of programming via in-person presentations and videoconferencing platforms.

The lawyers, investigators and support staff of the General Counsel's Office also attended continuing education programs in an effort to increase their own skills and knowledge in attorney discipline. These included trainings by the Oklahoma Bar Association, the National Organization of Bar Counsel (NOBC) and the Organization of Bar Investigators (OBI).

RESPECTFULLY SUBMITTED Feb. 2, 2024, on behalf of the Professional Responsibility Commission and the Office of the General Counsel of the Oklahoma Bar Association.

Gina Hendryx, General Counsel Oklahoma Bar Association

From the Executive Director

Adding Value to Your Membership and Law Practice

By Janet Johnson

N THE EVER-EVOLVING

practice of law, staying current with the latest developments and building a network of likeminded professionals is crucial for success. One effective way for lawyers to achieve this is by becoming a member of practice-specific sections within the OBA. We have 30 substantive sections, and becoming a member will enhance your professional development and add substantial value to your membership. Need more convincing? OK, let me count the ways, but by all means, this is not meant to be an all-inclusive list.

Firstly, your peers have so much knowledge and expertise. Joining a practice-specific section provides lawyers with an opportunity to delve deeply into a particular area of law. Whether it's family law, intellectual property or estate planning, being a member allows for an in-depth understanding of the latest legal trends, landmark cases, forms, example pleadings and legislative changes. This focused knowledge can enhance your expertise and further assist you and your clients.

Next, you can build your network. Becoming a section member and networking with peers who share a common interest in a particular area is invaluable. Networking within these specialized groups

allows lawyers to exchange ideas, collaborate on cases and establish professional relationships. This network becomes a valuable resource for referrals, client recommendations and information about potential career opportunities.

Thirdly, it's called the practice of law for a reason. We continue to learn in this profession, so it's important to focus on that professional growth. Continuous learning is essential for lawyers to succeed in their respective fields. Practicespecific sections often organize CLE events tailored to the unique challenges and developments within that area of law. By actively participating in these events, lawyers can enhance their skills, stay updated on best practices and gain valuable insights that contribute to their professional growth.

And lastly, but certainly not least, membership in a practicespecific section provides access to a wealth of resources and tools that are pertinent to that area of law. This may include research materials, case studies, templates and other tools that can significantly streamline legal processes. These resources not only save time but also contribute to the overall efficiency of the law practice.

So, as I often do, I leave you with a challenge to join an OBA section. Joining a section is a

strategic investment for lawyers looking to enhance their professional growth and elevate the value they bring to their law practices. From in-depth knowledge and networking opportunities to accessing valuable resources, the benefits of joining an OBA section are extensive. By actively participating as a section member, lawyers can stay ahead in their fields, foster meaningful connections and ultimately contribute to the overall success of their law practices.



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





OKLAHOMA CITY
COMMUNITY FOUNDATION

Spring Cleaning Your Law Firm Data

By Jim Calloway

Large HAVE HELD AND safeguarded client data for generations. Of course, in the past,

generations. Of course, in the past, it wasn't called data. Our data was in paper client files, forms to "go by" and brief banks.

While it wasn't planned this way in advance, my most recent Law Practice Tips columns blend as a series. In the January 2024 Oklahoma Bar Journal, the subject was "Automated Document Assembly is Easy, Right?"1 The February 2024 column was "A Time of Great Change Caused by Artificial Intelligence Developments."² If the connection with these three topics isn't readily apparent to you, that is understandable. But to adopt automated document assembly, you must have your data in a usable, digital format. Otherwise, the best automation you can accomplish is "fill in the blank" or "copy and paste."

We are moving to a time when many of us will employ artificial intelligence "assistants" to expedite task management. The primary way that it will operate is by "reading" your documents and emails. This will be relatively simple and largely risk-free, as the AI assistant will access the content stored on your computer – if it can!

I've attended several conferences and presentations focusing on AI. A main point that everybody is convinced of is that it is now time to make certain your data is well organized. This not only allows other law firm employees to access it easily, but it will also be more accessible when you want to access it with AI tools.

For solo and small firm lawyers, practice management software systems may be the best way for them to organize their information. As I've noted before, OBA Practice Management Advisor Julie Bays will assist you by answering questions or providing brief demonstrations to help in making your practice management software subscribing decision. Some larger law firms may opt for more powerful full-featured document management systems, which can be set up to track different versions of a document.

In some ways, your practice management software is like romance and marriage. In the early stages, it is fun. Exiting the relationship early on is relatively simple. But later, it becomes more like marriage - you can get out of it, but it's often not easy or cheap. Transferring data from one system to another can sometimes be challenging. Plus, there is the matter of everyone retraining on the new system. So invest some time in this important decision if it has not been made for your firm or if you are considering a change.

FILE NAMING AND STORAGE POLICIES

Everyone in a law firm needs to understand how to name the new documents they are creating and how the documents should be stored. It is too inefficient for different lawyers to have different systems. If a staff member is absent, it is easier to cover if the documents are named and filed in the same system as the rest of the firm. Generally speaking, a good file name will include the client or matter name, something about what type of document it is (e.g., Decree or Motion for Summary Judgment) and some numbers relating to the date of first creation. Hopefully, combining these three elements will eliminate duplicate file names.

The firm must also have a policy on how documents are stored. Those using practice management software systems will have that dictated for you. But if you are storing everything in Windows file management folders, make certain it is a drive and folder that is secure and frequently backed up. Microsoft OneDrive is a good example and is provided as a part of your Microsoft 365 subscription. There are other options in the marketplace, of course.

No matter how well organized and well trained those who work in a law firm are, there will be some



mistakes. And if you are searching for a misfiled document, one easy way to do it is by searching the computer for a unique word or phrase that appears in the misplaced document. To accomplish that, the document must be searchable.

SEARCHABLE PDF FILES

When I receive a PDF from someone that I'm going to use later, I want to make certain it is searchable. As almost every lawyer understands now, a PDF can be made searchable by applying optical character recognition (OCR) to make it searchable. I usually do that at an initial stage so that I can easily find it, but a growing reason now to make certain that these documents are searchable is so that your AI assistant can have access to them.

If you have a sophisticated scanner, it may be possible to set the

default settings to OCR everything. While that may make the scanning process a bit slower on occasion, it means the scanner will produce searchable documents, which is well worth it, in my opinion.

All documents (except Excel spreadsheets) should be stored in PDF format. These are your digital file copies. Opening documents in Word creates the possibility of accidentally editing the documents. If you want to keep Word documents in the file so they can be used if an amended document is required, that is a fine idea. But I suggest you create a folder titled "Word Documents" in the digital client file to store these to prevent confusion.

Documents have a life cycle, and the firm should decide on a closed file destruction policy. The date of destruction need not be

set until the client file is closed. I favor some file destruction policy for most types of documents, but a recent conversation with an intellectual property lawyer who does patents reminded me that there are certain types of law practices that may actually have a good reason to maintain client files for an extended period of time, maybe even permanently.

CLOSED FILES

Frequently, I hear from law firms wanting to scan and then destroy old, closed client files that pack storage rooms. Sadly, I usually advise caution. First, it will cost a lot of money and time to do this. It is also very possible that the result will not be perfect. Automated document feeders work very well today, but there is still the possibility they will skip a

page now and then. Those of us in the legal profession will be concerned that the missing page will contain critical information – even though the closed file may not have been opened for years. Finally, you will be paying workers to do much time-consuming work, removing staples and brads and fixing dogeared pages to prepare for scanning.

The best plan is to make certain you are properly creating and storing documents going forward. There may come a time when you believe you will need some content from closed files to better inform your AI assistant. But that will mainly be completed documents and legal memos that are harvested from the closed file as opposed to scanning the entire file.

If you are going to be using documents from closed files as forms, then it is a wise and ethical decision to remove people and company

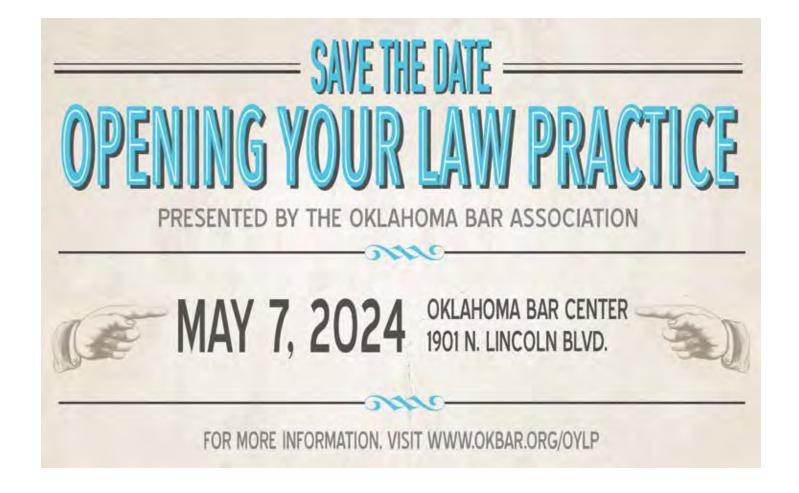
names and replace them with simple placeholders like a few letters.

You may not be ready to jump on the AI bandwagon today. But making sure your client data is well organized and easily searchable will provide other benefits.

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

ENDNOTES

- 1. https://bit.ly/42DvwZG.
- 2. https://bit.ly/4bR92Zx.



FAMILY LAW SECTION ALL-DAY CLE

WEDNESDAY, MAY 8, 2024

The OBA Family Law Section is hosting an all-day CLE in Emerson Hall at the Oklahoma Bar Center in Oklahoma City with in-person and virtual options.

STAY TUNED FOR MORE DETAILS!

OBF Scholarship and Award Recipients

THE OKLAHOMA BAR

Foundation is pleased to announce its scholarship and award recipients for the 2023-2024 academic year. Committees from the OU College of Law, the TU College of Law and the OCU School of Law recommend their top candidates meeting the criteria set forth for each scholarship. Congratulations to all the recipients!

MORE ABOUT OBF SCHOLARSHIPS AND AWARDS

The OBF Partners for Justice Scholarship (formerly known as Fellows) was established in 2006 to recognize the OBF's 60 years of service to the legal profession and Oklahoma citizens. This scholarship is awarded to law students from each of Oklahoma's three law schools who have demonstrated

high academic standards, the intent to practice law in Oklahoma and a commitment to public service.

The Chapman-Rogers Scholarship recognizes an outstanding law student from each of Oklahoma's three law schools. It was established through donations to the OBF from Leta M. Chapman in honor of her Tulsa lawyer and advisor, John Rogers.

The W. B. Clark Memorial Scholarship is awarded to law students from Kay County who attend law school in Oklahoma. It was established by Frances Clark Eubank in honor of her father, W. B. Clark, an esteemed lawyer from Kay County.

The Maurice H. Merrill Award recognizes a law student at the OU College of Law who displays an interest in public law. The award was established to honor OU law professor Dr. Maurice H. Merrill for his outstanding contributions to the legal profession in Oklahoma.

The Phillips Allen Porta Award recognizes the law student with the highest grade in Legal Ethics at the OU College of Law. The award was established by OBF Board of Trustees member A. Francis Porta in memory of his son, Phillips Allen Porta.

The Thomas L. Hieronymus Memorial Award recognizes a law student from the OU College of Law who is engaged in the study of oil and gas law or other energy and natural resources law. The award was established to honor Woodward lawyer Thomas L. Hieronymus, who served as OBF board president in 1975.

75 YEARS OF IMPACT AND BEYOND

A History of the Oklahoma Bar Foundation

By Renée DeMoss and Bob Burke | Foreword by The Honorable Noma Gurich



"The history of the Oklahoma Bar Foundation will always be intertwined with the history of the Oklahoma Bar Association and the dynamic evolution of the legal profession in Oklahoma."

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Oklahoma Bar Foundation

2023-2024

Scholarship & Award Recipients

Partners for Justice Scholarship



Rogers

OCU School of Law



Sarah Hayman

TU School of Law



Alex Cox

OU School of Law

Chapman-Rogers Scholarship



Hankins

OU School of Law



Taylor





Woods II

OCU School of Law

W.B. Clark Scholarship



Cannon

OU School of Law



Patten

OCU School of Law



Jamie (Lane) Jagosh

OCU School of Law



Clapp

TU School of Law



Boone TU School of Law

Bookout

OU School of Law

Maurice H. Merrill Award



OU School of Law

Phillips Allen Porta Award



OU School of Law

Thomas L. Hieronymus Award



OU School of Law



OKLAHOMA BAR FOUNDATION Law. Education. Justice.

Young Lawyers Division

Let's Hear the Young Lawyer Votes

By Caroline Shaffer Siex

■ start off its 2024 year. That includes getting a fast start on elections for 2025 YLD leadership. As such, we encourage any dedicated young lawyer to participate in YLD elections. As Vince Lombardi once stated, "Leaders

THE YLD IS EXCITED TO

aren't born, they are made. And they are made just like anything else, through hard work."

In the sidebar is a list of vacancies for 2025. Nominating petitions will be accepted through April 1. Those offices that are contested will be set for voting, and ballots will be sent by email. Those offices that are not contested will be deemed elected by acclimation.

NOMINATING PROCEDURE

Article 5 of the division bylaws requires that any eligible member wishing to run for office must submit a nominating petition to the Nominating Committee. The petition must be signed by at least 10 members of the OBA YLD and must be submitted by Monday, April 1, at 5 p.m. A separate petition must be filed for each opening, except a petition for a directorship shall be valid for one-year and twoyear terms and at-large positions. A person must be eligible for division membership for the entire term for which elected.

ELIGIBILITY

All OBA members in good standing who were admitted to the practice of law 10 years ago or less are members of the OBA YLD. Membership is automatic – if you were first admitted to the practice of law in 2014 or later, you are a member of the OBA YLD!

ELECTION PROCEDURE

Article 5 of the division bylaws governs the election procedure. In May, a list of all eligible candidates will be published in the Oklahoma Bar Journal. Ballots will be emailed June 3 to all YLD members at the email address in the official OBA roster. All members of the division may vote for officers and at-large directorships. Only those members with OBA roster addresses within a subject judicial district may vote for that district's director. The members of the Nominating Committee shall only vote in the event of a tie. Please see OBA YLD bylaws for additional information at www.okbar.org/yld/bylaws.

DEADLINE

Nominating petitions, accompanied by a photo and bio of 350 words or less for publication in the *Oklahoma Bar Journal*, must be forwarded to me at cshaffer@gablawyers.com no later than 5 p.m. Monday, April 1. Results of the election will be announced at the YLD meeting at the OBA Annual Meeting, July 9-12, at the Embassy Suites in Norman.

TIPS FROM THE NOMINATING COMMITTEE CHAIR

- Visit https://bit.ly/42MgSiJ for a sample nominating petition. This will help give you an idea of the format and information required by OBA YLD bylaws (one is also available from the Nominating Committee). Email cshaffer@gablawyers.com to request a nominating petition.
- Obtain signatures (electronic signatures are permitted) on your nominating petition from at least 10 lawyers who were first admitted to practice law in the state of Oklahoma within the past 10 years. Signatures on the nominating petitions do not have to be from young lawyers in your own district (the restriction on districts only applies to voting).
- Take your petition to local county bar meetings or the courthouse and introduce yourself to other young lawyers while asking them to sign – it's a good way to start networking.
- You can have more than one petition for the same position and add the total number of original signatures.
- Don't wait until the last minute – petitions that are scanned and emailed after the deadline will not be accepted.

- Membership eligibility extends to Dec. 31 of any year that you are eligible.
- Membership eligibility starts from the date of your first admission to the practice of law, even if outside of the state of Oklahoma.
- All candidates' photographs and brief biographical data are required to be published in the bar journal. All biographical data must be submitted by email, with no exceptions. Petitions submitted without a photograph and/or brief bio are subject to being disqualified at the discretion of the Nominating Committee.

Ms. Shaffer Siex practices in Tulsa and serves as the YLD immediate past chairperson. She is a partner at Gibbs Armstrong PC and may be contacted at cshaffer@gablawyers.com.

2025 YLD BOARD VACANCIES

Officer positions serve a one-year term.

Chairperson-Elect: Any member of the division having previously served for at least one year on the OBA YLD Board of Directors. The chairperson-elect automatically becomes the chairperson of the division for 2026.

Treasurer: Any member of the OBA YLD Board of Directors may be elected by the membership of the division to serve in this office.

Secretary: Any member of the OBA YLD Board of Directors may be elected by the membership of the division to serve in this office.

BOARD OF DIRECTORS

Board of Directors members serve a two-year term.

District 3: Oklahoma County (two seats)

District 6: Tulsa County (one seat)

District 9: Caddo, Canadian, Comanche, Cotton, Greer, Harmon, Jackson, Kiowa and Tillman counties (one seat)

At-Large: All counties (two seats)

At-Large Rural: All counties except Oklahoma and Tulsa (two seats)

THE OKLAHOMA BAR JOURNAL

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New frequency discounts. New digital ad sizes. Design services available. How refreshing.

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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!



FOR YOUR INFORMATION

SOVEREIGNTY SYMPOSIUM 2024

The 2024 Sovereignty Symposium, presented by the OCU School of Law, has been scheduled for June 11-12 at the Skirvin Hilton Hotel in Oklahoma City. This year's event is dedicated to the late Dennis Arrow for his work in the field of Indian law and will feature keynote speaker Chief Standing Bear, principal chief of the Osage Nation. Visit www.sovereigntysymposium.com to register and to learn more about the event.



The Sovereignty Symposium logo, "The Lighthorseman," was designed by Benjamin Harjo Jr. (Seminole and Shawnee).

OKLAHOMA CITY MAYOR DAVID HOLT BEGINS ROLE AS DEAN OF OCU SCHOOL OF LAW



Oklahoma City Mayor and OCU School of Law Dean David Holt officially assumed his role as dean of the OCU School of Law. The Investiture Ceremony was held Thursday, Feb. 15, at 4 p.m. at the law school. Alongside Dean Holt, the ceremony featured several guest speakers: Oklahoma Supreme Court Justice Yvonne Kauger, Chickasaw Nation Governor Bill Anoatubby and Oklahoma Attorney General Gentner Drummond.

OBA Executive Director Janet Johnson offers congratulations to Oklahoma City Mayor and OCU School of Law Dean David Holt during his recent Investiture Ceremony at the law school.

OBA members Bob Nelon, of counsel

journalism professor at the University of

City, are among 12 journalists who will be

inducted into the Oklahoma Journalism

Hall of Fame's 54th anniversary class

Central Oklahoma, both of Oklahoma

at Hall Estill, and Mark Hanebutt, a

OBA MEMBERS TO BE INDUCTED INTO OKLAHOMA **IOURNALISM HALL OF FAME**





Bob Nelon

Mark Hanebutt

during a May 2 ceremony. Mr. Nelon will also be receiving the Lifetime Achievement Award. All honorees, chosen from more than 90 nominations, will become a part of the 500 members inducted into the Oklahoma Journalism Hall of Fame, which was founded in 1971 by Dr. Ray Tassin and Dennie Hall. The ceremony will be held at 11:30 a.m. on Thursday, May 2, at UCO. To find out more or to purchase tickets for the event, visit www.okjournalismhalloffame.com.



OBA DAY AT THE CAPITOL

Save the date! At 9:30 a.m. on Tuesday, March 26, join us for this year's OBA Day at the Capitol. The morning will kick off with speakers covering bills of interest, how to talk to legislators, legislative updates and more. Attendees will then have the opportunity to head over to the state Capitol to visit with legislators. Check back for more details at https://bit.ly/48rKhzY.

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 CLE, upcoming events and the latest information about the Oklahoma legal community. Connect with us on LinkedIn, Facebook and Instagram.







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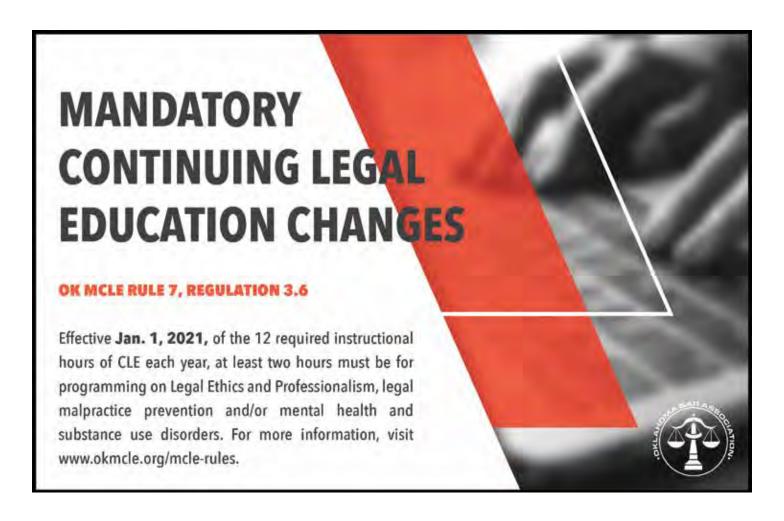
LHL DISCUSSION GROUP HOSTS APRIL MEETINGS IN OKC AND TULSA

The Lawyers Helping Lawyers monthly discussion group will meet April 4 in Oklahoma City at the office of Tom Cummings, 701 NW 13th St. The group will also meet April 11 in Tulsa at the office of Scott Goode, 1437 S. Boulder Ave., Ste. 1200. The Oklahoma City women's discussion group will meet April 25 at the first-floor conference room of the Oil Center, 2601 NW Expressway.

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, and be sure to keep an eye on the OBA events calendar at www.okbar.org/events for upcoming discussion group meeting dates.



BENCH & BAR BRIEFS

ON THE MOVE

Douglas J. May has rejoined the Tulsa office of GableGotwals as a shareholder. He will focus his practice on contracts, securities, finance, mergers and acquisitions, governance, energy and commercial law. He has more than 25 years of combined experience working in law firms and in-house positions. Throughout his career, Mr. May has advised clients, large and small, public and private, on a wide range of transactional, governance and compliance matters. He is an adjunct professor at the TU College of Law, where he teaches courses on corporate finance and securities regulation. Mr. May is also admitted to practice in Texas and is a member of the Tulsa County Bar Association. He received his J.D. with honors from the TU College of Law.

Tim Sowecke and Alex R. Telarik have joined the law firm of GableGotwals. Mr. Sowecke is a shareholder in the firm's Oklahoma City office. He maintains an energy and environmental practice, assisting energy, chemical, manufacturing, real estate and agricultural clients in federal and state environmental litigation and regulatory compliance and enforcement. He is a member of the Mineral Lawyers Society of Oklahoma City, the ABA, the Wyoming State Bar and the Oklahoma County Bar Association. He received his J.D. from the University of Wyoming College of Law. Mr. Telarik is of counsel in the firm's Tulsa office. He advises clients in complex commercial litigation, oil and gas matters and appellate law. He is an active member of the Tulsa County Bar Association and the Tulsa Association of Petroleum Landmen. Mr. Telarik received his J.D. from the Wake Forest University School of Law.

Jason Soper has been promoted to division president of Stewart Title of Oklahoma Inc. The company specializes in title insurance and related services required for settlement by the real estate and mortgage industries. Mr. Soper received his J.D. from the OU College of Law in 1999. He is also a member of the State Bar of Georgia and holds an Oklahoma abstractors license, an Oklahoma title insurance producers license and a managing brokers license with the Oklahoma Real Estate Commission.

Michael McClintock has joined the litigation team of Parrish DeVaughn Injury Lawyers. With nearly three decades of trial experience, he will practice in the area of intellectual property disputes, including patents, trademarks and copyrights. Throughout his distinguished career, Mr. McClintock has successfully represented leading corporations and businesses across diverse industries. His areas of expertise include technology, advertising, manufacturing, energy, finance, estate planning, aviation, real estate, media and publishing, banking, construction and pharmaceutical. He previously served as litigation chair at one of Oklahoma's largest firms and taught classes at the OCU School of Law.

HOW TO PLACE AN ANNOUNCEMENT:

The Oklahoma Bar Journal welcomes short articles or news items about OBA members and upcoming meetings. If you are an OBA member and you've moved, become a partner, hired an associate, taken on a partner, received a promotion or an award or given a talk or speech with statewide or national stature, we'd like to hear from

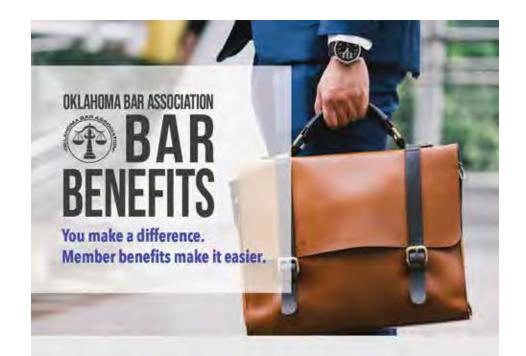
you. Sections, committees and county bar associations are encouraged to submit short stories about upcoming or recent activities. Honors bestowed by other publications (e.g., Super Lawyers, Best Lawyers, etc.) will not be accepted as announcements. (Oklahoma-based publications are the exception.) Information selected for publication is printed at no cost, subject to editing and printed as space permits.

Submit news items to:

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

Articles for the May issue must be received by April 1.

R. Daniel Carter will lead the newly opened Tulsa office of Foster Garvey. He is a principal in the firm's Tribal Governments and Enterprises Practice Group and focuses on advising clients in matters involving federal Indian law, tribal law, renewable and nonrenewable energy and federal regulatory compliance. He has extensive experience in litigation matters in federal, tribal and state courts, including cases of first impression in federal appellate and tribal supreme courts. Mr. Carter is a citizen of the Muscogee (Creek) Nation.



OPENING YOUR LAW PRACTICE

DID YOU KNOW?

"Opening Your Law Practice" is a free, semi-annual seminar that assists attorneys setting up new solo or small firm practices. This one-day seminar is held in both Oklahoma City and Tulsa.

CLOSING YOUR LAW PRACTICE

DID YOU KNOW?

The OBA Management Assistance Program offers a collection of resources on closing a law practice.

CONTACT

Jim Calloway, OBA Management Assistance Program Director jimc@okbar.org | 405-416-7008 | 800-522-8060

CHECK IT OUT

Visit www.okbar.org/oylp and www.okbar.org/map/cylp.

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

IN MEMORIAM

Ronald Dean Cates of Owasso died Jan. 8. He was born Aug. 25, 1955. He received his J.D. from the TU College of Law in 1980.

Tichael R. Collins of Ponca **V L**City died Jan. 16. He was born Aug. 3, 1946, in Cherokee. He graduated from Northwestern Oklahoma State University, where he played football. He received his J.D. from the OU College of Law in 1972. Mr. Collins served as the first assistant district attorney for Kay and Noble counties for more than 10 years, and he was honored with the Assistant District Attorney of the Year Award by the Oklahoma District Attorneys Association. In 1984, he opened a private practice in Ponca City, where he practiced for more than 35 years. He also formed the Bankruptcy Law Center before his semi-retirement in 2019 and continued to practice law until his death. Mr. Collins served as past president of the Kay County Bar Association, two rotary clubs and the Cimarron Council of the Boy Scouts of America, of which he was also vice president of the Executive Committee. He served on numerous committees in the state and local bar associations, Leadership Oklahoma, Leadership Ponca City and the Board of Trustees at St. Paul's United Methodist Church, among others. He received national recognition as a recipient of the Silver Beaver Award, along with other recognitions over the years of his service to the Boy Scouts. Memorial contributions may be made to the Northern Oklahoma Humane Society.

ichard Casey Cooper of Tulsa Kdied Nov. 12. He was born Jan. 20, 1942. He graduated from TU with a bachelor's degree in marketing in 1964 and received his J.D. from the TU College of Law in 1967. He was a recipient of the Mervin Boyaird Foundation Scholarship and served as an editor of the Tulsa Law Review during his final year of school. Mr. Cooper joined the U.S. Navy. In July 1967, he was the first Oklahoma law graduate accepted into the Navy Judge Advocate General's Corps. In 1971, he returned to civilian life and worked as an attorney in Denver. A year later, he went to work for Boesche, McDermott & Eskridge, the Tulsa law firm where he had been a law school intern, as an associate, partner and finally managing partner until 2001. Mr. Cooper then founded the Cooper, McKinney & Woosley Law Firm and later joined Hall Estill in 2010. He became a shareholder at GableGotwals in 2015, where he continued his practice until November 2023. He practiced complex litigation, environmental law, oil and gas, corporate law and higher education law. Throughout his life, he was involved in his community. He served on the board of the Mervin Bovaird Foundation, of which he was elected president in 1995. He also served on the Board of Trustees for TU and the TU College of Law and the boards of the Philbrook Museum of Art, Tulsa Opera, Gilcrease Museum, Tulsa Arts Management Consortium, Tulsa Philharmonic and Bacone College. Memorial contributions may be made to the Austin Gnostic Society or the TU College of Law.

Vicki Lawrence MacDougall of Oklahoma City died Jan. 21. She was born Aug. 21, 1952, in Oklahoma City. She received her J.D. from the OCU School of Law in 1976, graduating top of her class. Ms. MacDougall worked as a clerk for a local judge until she was offered a job as a professor at the OCU School of Law. Her career at the school lasted until her death.

usan J. Manchester of Oklahoma City died Jan. 22. She was born July 15, 1950, in Oklahoma City. She graduated from OSU with a degree in art in 1972. After years of working as an accomplished artist, she received her J.D. from the OU College of Law in 1980. Ms. Manchester began her legal career at the Oklahoma Attorney General's Office, where she served as chief of the Appellate Crime Division. She eventually became a Chapter 7 bankruptcy trustee for the Western District of Oklahoma for the remaining 30 years of her career. Memorial contributions may be made to the Oklahoma Humane Society.

Tloyd Miller Jr. of Madill died **F** Jan. 16. He was born Sept. 10, 1925, in El Dorado, Arkansas. After graduating high school, Mr. Miller joined the U.S. Navy and served three years as a Seabee in World War II. He attended Murray State College and OSU, where he completed his pre-law undergraduate studies. He received his LL.B. from the OU College of Law in 1950. Mr. Miller served as the county attorney for Love County until 1955 when he moved to Madill to practice law as a solo practitioner until his retirement in 2020. He was a member of the ABA and

the American Judicature Society. He also served as president of the Southern Oklahoma Legal Institute and on numerous OBA committees. Mr. Miller was a municipal attorney for Ravia, Mannsville, Oakland, McBride and Mill Creek and a Madill municipal judge for 12 years. He was active in organizations including the First United Methodist Church, Lake Texoma United Ministry, Madill Lions Club and Boy Scouts of America, and he served in various leadership positions, including president, deputy district director and zone chairman of the Madill Lions Club and chairman of the Madill Salvation Army. He was also honored with the Silver Beaver Award.

regory A. McKenzie of Oklahoma City died June 24. He was born Dec. 15, 1947, in Champaign, Illinois. He graduated from OU, where he was a member of Sigma Alpha Epsilon and served as president of the Oklahoma Kappa chapter in 1969. He received his J.D. from the George Washington University Law School in 1972 and began his legal career as the deputy defender general and deputy attorney general for Vermont. Upon returning to Oklahoma in 1981, he joined his father in practicing oil and gas law at the Watson & McKenzie Law Firm. He then founded and served as principal at the law firm of McKenzie, Moffett, Elias & Books from 1987 to 1997 and later represented himself at Gregory A. McKenzie PC from 1997 to 2014. Mr. McKenzie concluded his career as of counsel in the Oklahoma City office of Crowe & Dunlevy as a member of the Energy, **Environment & Natural Resources** Practice Group. His 40-year-long

legal career and accomplishments were almost exclusively devoted to complex oil and gas disputes. Memorial contributions may be made to the Oklahoma Medical Research Foundation.

Jirginia Suzanne Palmer of Yukon died Jan. 2. She was born Dec. 4, 1944, in Oklahoma City. She graduated from the University of Central Oklahoma, where she was a member of Pi Delta Epsilon, and from OU with a master's degree in history. She received her J.D. from the OCU School of Law in 1979. Ms. Palmer worked in private practice with her husband for more than 44 years. She served as an officer of Oklahoma Citizens for Animals and founded Volunteers for Animal Welfare.

Tenton R. Ramey of Yukon died $m{\Gamma}$ Jan. 12. He was born May 12, 1935. He graduated from OU in 1957, where he was a member of Phi Gamma Delta. Mr. Ramey received his J.D. from the OU College of Law in 1959. He served in the U.S. Air Force as a first lieutenant and agent for the Office of **Special Investigations.** During his career, he practiced law in Yukon and served as assistant county attorney for Canadian County. He also served as a district judge for Canadian and Oklahoma counties and was a member of the OBA Board of Governors, the Board of Bar Examiners and the Oklahoma Crime Commission. Additionally, he served as an adjunct professor at the OCU School of Law and Redlands Community College and as city attorney for Yukon, Mustang and Piedmont. He practiced law for 61 years. Memorial contributions may be made in his

name to support a scholarship at the OU College of Law, payable to the OU Foundation.

n obert Alan Ravitz of KOklahoma City died Jan. 23. He was born July 15, 1952, in Miami, Florida. He graduated from the University of Colorado and received his J.D. from the OCU School of Law in 1977. After law school, he worked in the Oklahoma County Public Defender's Office, eventually becoming the chief public defender. Mr. Ravitz was also an adjunct professor at the OCU School of Law, teaching trial practice, capital litigation and criminal procedure. He was known for being an outspoken advocate for criminal justice reform. He was honored with the Oklahoma Criminal Defense Lawyers Association Clarence Darrow Award, the OCU School of Law Distinguished Alumni Award and the Oklahoma City Association of Black Lawyers Opio Toure Champion of Justice Award, among others. He was also involved with Oklahoma Lawyers for Children, the Oklahoma County Drug Court, Community Sentencing and Court Services, Legal Aid of Western Oklahoma and more, most of which he served in leadership positions.

Tenry Peter Rheinberger of Clearwater, Florida, died Sept. 19, 2023. He was born March 3, 1933, in Tulsa. He graduated from the University of Notre Dame and received his J.D. from the OU College of Law. Mr. Rheinberger practiced real estate law at Crowe & Dunlevy from 1961 until his retirement in 2018.

Thomas Seymour of Tulsa •died May 27, 2023. He was born July 13, 1942, in Tulsa. He graduated from Harvard University and received his J.D. from Harvard Law School in 1967. Mr. Seymour joined the Marine Corps and served in **Vietnam**. He practiced in the areas of civil rights, securities and business litigation and criminal defense. He served on the Tulsa Opera board for several years, during which he served as president and founded the President's Council. He also was on the board of All Souls Unitarian Church and served for a period as president. Mr. Seymour also wrote a book about his experiences in Vietnam. Memorial contributions may be made to the Wounded Warrior Project or the Community Food Bank of Eastern Oklahoma.

Taul Gordon Summars of Oklahoma City died Jan. 11. He was born Oct. 13, 1957, in Beaver. He attended Northwestern Oklahoma State University and transferred to OU, where he earned a bachelor's degree with distinction in business administration in 1979. Mr. Summars received his J.D. from the OU College of Law in 1982. He was a member of the Blue Lakes Baptist Church and was involved in the South Oklahoma City Lawyers Association and the Oklahoma County Bar Association. He practiced at the Oklahoma City firm of Summars & Associates Law. Memorial contributions may be made to the OU Foundation for the College of Law General Scholarship Fund, Blue Lakes Baptist Church, Oklahoma Foundation Quarter Horse Registry or a charity of your choice.

Tlaude S. Woody Jr. of Edmond died Jan. 14. He was born Dec. 24, 1932, in Oklahoma City. He joined the U.S. Army after a year at OU and retired at the end of the Korean War. He returned to OU and earned a bachelor's degree in business and received his J.D. from the OU College of Law in 1959. He practiced law for 20 years, opening his own practice in 1966. Mr. Woody attended the Art Students League of New York workshops and won several awards for his art, which led him to begin a career painting portraits. His work - which included portraits of Supreme Court justices, governors and prominent figures across the nation – is displayed in the Oklahoma Heritage Museum, among other places. In 1984, he took over the management of the Woody Candy Co., his family's business and Oklahoma's oldest candy manufacturer. Memorial contributions may be made to the Oklahoma Humane Society.





ROBERT "BOB" RAVITZ A LEGEND IN THE LAW

The Criminal Law Section of the OBA recognizes the life and accomplishments of not only a dedicated and professional attorney but also a family man and a scholar.

When the CL Section was almost defunct as an OBA section, Oklahoma County's Public Defender Bob Ravitz and Executive Coordinator of the District Attorneys Council, Suzanne Atwood, met with four other attorneys and revitalized the Section to its membership today of more than 750 attorneys

and judges. Bob's vision to unite prosecutors, defense attorneys, and judges under the umbrella of professionalism and respect has made the Criminal Law Section the second largest section of the OBA.

Bob was a leader of leaders in the rally call for criminal justice reform in Oklahoma. Throughout his career, he fought for due process and equal protection for all persons regardless of who they were or the offense with which they were charged. Bob was a talented advocate for his clients who argued cases before the district courts, the Court of Criminal Appeals, and the U.S. Supreme Court. His legacy includes his tireless representation and dedication to his clients, his leadership of the Public Defender's Office of Oklahoma County, his education of young attorneys as an adjunct professor at Oklahoma City University School of Law, and his work behind the scenes as an advocate for justice for all persons involved in the criminal justice system. While he will be remembered by many for his dedication and love of the law, his advocacy, both in and out of the courtroom, and his lifetime of public service and accomplishments, he will best be remembered by those who were fortunate to know him as a husband, a father and grandfather, a friend and mentor, and as the "boss" to the many attorneys and staff who worked with him over the years.

Please join the Criminal Law Section of the OBA at the Annual Forensics Institute tentatively scheduled for August 9th at the University of Central Oklahoma for a special tribute to Bob Ravitz. In addition to the Tribute to Bob, the section will also recognize a prosecutor and a defense attorney for the Professional Advocate of the Year Awards as well as a judge for the Honorable Donald L. Deason Judicial Award. Defense attorneys nominate prosecutors, prosecutors nominate attorneys, and everyone nominates the judges. Lunch will be provided to all attendees and registration will open in July of this year.

EDITORIAL CALENDAR

2024 ISSUES

Indian Law

Natural Resources Law

Real Property

Women in Law

Aviation Law

Probate

2025 ISSUES

Military & Veterans

Law Practice Basics

Cannabis Law

Alternative Dispute

Constitutional Law

Immigration Law

Trial by Jury

Ethics & Professional

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THE U.S. ATTORNEY'S OFFICE FOR THE EASTERN DISTRICT OF OKLAHOMA IN MUSKOGEE, OK, is seeking applicants for multiple Assistant U.S. Attorney positions for our Criminal Division. AUSAs in the Criminal Division have the unique opportunity to represent the United States of America by directing the investigation and prosecution of federal offenses occurring within the Eastern District, including Indian Country. Salary is based on the number of years of professional attorney experience. Applicants must possess a J.D. degree, be an active member of the bar in good standing (any U.S. jurisdiction) and have at least one (1) year post-J.D. legal or other relevant experience. Prior violent crime prosecution and jury trial experience is preferred. AUSAs may live within 25 miles of the district which includes much of the Tulsa metropolitan area. See vacancy announcement 23-12029252-AUSA at www.usajobs.gov (Exec Office for US Attorneys). Applications must be submitted online. See How to Apply section of announcement for specific information. Questions may be directed to Jessica Alexander, Human Resources Specialist, via email at Jessica. Alexander@usdoj.gov. This is an open, continuous announcement that has been extended to June 28, 2024. Additional reviews of applications will be conducted periodically, until all positions are filled.

GUNGOLL, JACKSON, BOX & DEVOLL, P.C. IS SEEKING A LITIGATION ATTORNEY with 3+ years' experience for position in Enid or Oklahoma City. Family law experience preferred but not required. Competitive salary and excellent benefits. Please send cover letter, resume and writing sample to blanton@gungolljackson.com.

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- Organized Crime
- Solicitor General
- **Consumer Protection**
- Multi-County Grand Jury
- Legal Counsel
- Criminal Appeals

For an up-to-date listing of our open positions and application instructions, please visit the 'Careers' tab on our website at www.oag.ok.gov. For questions regarding salary and benefits, please contact mark.prince@oag.ok.gov. The Oklahoma Attorney General's Office is an equal employment employer and does not make hiring decisions on the basis of race, color, age, gender/sex, national origin, genetic information, religion, or disability, so long as the disability does not render the person unable to perform the essential functions of the position for which employed with a reasonable accommodation. All employees of the Oklahoma Attorney General's Office are "at will" employees.

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HR will conduct initial interviews of selected candidates and review writing samples and transcripts, and then a short list of candidates will complete a personality assessment and have a final interview with the hiring managers. Don't miss this opportunity to grow a rewarding career with the Tulsa City Attorney's Office.

POSITIONS AVAILABLE

MCDANIEL ACORD, PLLC IS RECRUITING A LITIGATION ASSOCIATE ATTORNEY for the firm's Tulsa office to assist our clients in civil litigation and family law within a strong team setting that focuses on client service and maximizing outcomes. Our practice includes challenging procedural and technical issues, and the successful candidate will possess strong analytical and advocacy skills. Our Firm provides excellent benefits and rewards performance. We are looking for the right attorney to join our team who will take pride in the service we deliver and fit within our family-oriented, friendly, and low-key firm environment. Candidates should have 2 to 5 years litigation experience that reflects skill in legal research, drafting memoranda, briefs and discovery, taking depositions, managing document production, and oral argument. Candidates should submit a recent writing sample and CV to smcdaniel@ok-counsel.com.

JUDGE ADVOCATE GENERAL'S (JAG) CORPS for Oklahoma Army National Guard is seeking qualified licensed attorneys to commission as part-time judge advocates. Selected candidates will complete a six-week course at Fort Benning, Georgia, followed by a 10½-week military law course at the Judge Advocate General's Legal Center on the University of Virginia campus in Charlottesville, Virginia. Judge advocates in the Oklahoma National Guard will ordinarily drill one weekend a month and complete a two-week annual training each year. Benefits include low-cost health, dental and life insurance, PX and commissary privileges, 401(k) type savings plan, free CLE and more! For additional information, contact CPT Jordan Bennett at jordan.r.bennett.mil@army.mil.

MCDANIEL ACORD, PLLC IS RECRUITING A LITIGATION ASSOCIATE ATTORNEY for the firm's Edmond office to assist our clients in civil litigation within a strong team setting that focuses on client service and maximizing outcomes. Our practice includes challenging procedural and technical issues, and the successful candidate will possess strong analytical and advocacy skills. Our Firm provides excellent benefits and rewards performance. We are looking for the right attorney to join our team who will take pride in the service we deliver and fit within our family-oriented, friendly, and low-key firm environment. Candidates should have 2 to 5 years litigation experience that reflects skill in legal research, drafting memoranda, briefs and discovery, taking depositions, managing document production, and oral argument. Candidates should submit a recent writing sample and CV to smcdaniel@ok-counsel.com.

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The Oklahoma Indigent Defense System (OIDS) is seeking applicants for Attorney (Defense Counsel) positions in our Non-Capital Trial Division satellite offices. OIDS employs Defense Counsel in each of our ten NCT satellite offices: Altus, Clinton, El Reno, Enid, Guymon, Lawton, Norman, Okmulgee, Sapulpa, and Woodward.

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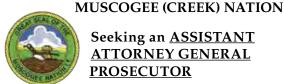
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Principal Duties and Responsibilities: The Assistant Attorney General Prosecutor may be involved in all stages of taking a case from inception to completion. This process includes, but is not limited to: reviewing new in-custody arrest reports, reviewing outof-custody reports, being able to set adequate bond recommendations to ensure the defendant's appearance at court, being able to assess which charges are appropriate for filing in the Muscogee (Creek) Nation District Court, being able to speak reasonably with victims of crimes, as well as law enforcement officers, to help ensure smooth continuity of case progression, and being able to bring the case to a successful completion that helps provide accountability for the offender, justice for the victim, and both enhances and promotes the public safety and general welfare of the Muscogee (Creek) Nation. The successful applicant will have a passion for justice, as well as a "teamwork" approach and mentality. Must be able to communicate both respectfully and effectively with outside agencies, and be adaptable to change, based on the needs of the Nation. Please note, this is not an exhaustive list and may include any other duties as assigned by the Attorney General.

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Remembering Bob Ravitz

By Judge Scott Rowland

Author's Note: The following is an excerpt of a eulogy I gave at the memorial service for Oklahoma County Chief Public Defender Bob Ravitz on Jan. 30.

TAM A FORMER STUDENT OF

■Bob Ravitz's, and so are all of you, whether you know it or not. Some of us were fortunate enough to have him as a professor in law school - he taught me criminal procedure and the law of capital punishment more than 30 years ago. Others worked for him at the Public Defender's Office and learned from him on the job. More than a few of us were schooled by him in the courtroom a time or two. I take the podium here today to tell you what you already know: Bob Ravitz was an extraordinary guy. Or, I should say, an extraordinary bunch of guys.

Besides teacher and professor, Bob was, of course, a criminal litigator, par excellence. He spent his entire legal career defending those whom many of the rest of us might deem indefensible, but Bob Ravitz knew that there is no such thing as a person who doesn't deserve to be defended, no matter the crime of which they are accused. He knew that having a capable, ethical, zealous lawyer speaking for each side is the very lifeblood of our criminal justice system and the due process that it demands.

As chief public defender for Oklahoma County, he hired and mentored the next generation of criminal defense lawyers, instilling in them the belief that only by protecting the rights of those we may like the least can we secure the rights of all.



Judge Scott Rowland with his friend and colleague Robert A. "Bob" Ravitz of Oklahoma City, who died Jan. 23.

He never turned his back on people with mental illnesses who found themselves embroiled in the criminal justice system. Many times he appeared in my office while I was first assistant district attorney with a cobbled-together plan to get such persons out of jail and into a mental health bed for their and the public's protection.

Beyond his litigation work, Bob was an essential county official in the broader sense, serving on every board, commission or committee of any consequence in Oklahoma County in the past three decades. Every policy, program or protocol implemented during that time has his fingerprints all over it, and most of the time, his were among the most valuable and productive contributions. It is impossible to know how many good laws have been passed or made better

because of his work, and because lawmakers were smart enough to seek his counsel, and how many bad laws never made it to fruition because of his guidance and influence.

But in addition to all of these versions of Bob Ravitz, indeed first among them, he was a family man, and I mean your family as well as his. He genuinely loved people, and that's foundational to all I've told you about him thus far – he loved seeing people prosper and helping them when they did not. We met for lunch twice or more each month, and they always began with him updating me about his family and asking about mine.

During more than 20 years as a prosecutor, I litigated many cases against Bob. He was an expert at representing his client while always being the consummate professional and a pleasure to deal with. When a case required trial by jury, I knew I was in for a very tough but very fair fight, and I saw in his lawyering the best ideals and best version of what a lawyer can be.

Bob Ravitz was a man of the utmost integrity and honesty, perhaps more than any man I've ever known. He was possessed of a love of people and justice and a disdain for unfairness, injustice and all things corrupt. The God whom I know has given him a huge promotion and transfer to the home office, and I know this is true. I just hate that he isn't here anymore.

Judge Rowland is presiding judge for the Oklahoma Court of Criminal Appeals.



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Presented by Philip Bogdanoff MCLE: 1 Hour of Ethics



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