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MCLE: 1 HOUR OF ETHICS

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STUART I. TEICHER, ESQ.
The CLE Performer & Ethics Educator



Taylor Swift is a Genius.

Even About Legal Ethics

COURSE DESCRIPTION:

Everyone knows that Taylor Swift is a music genius. But she's made some pretty smart moves in the courtroom too. Join the CLE Performer, Stuart Teicher, Esq., as he talks about how the ethics rules are invoked in some of Taylor Swift's run-ins with the legal system. You don't have to be a Swiftie to watch the program...but you might end up one when you're done! Topics include:

- Being awesome at what you do and competence (Rule 1.1)
- Copyright cases and frivolous claims (Rule 3.1)
- Foregoing an FTX deal by doing diligence (Rule 1.3)
- The Ticketmaster debacle and the idea of pro bono work (Rule 6.1)
- Improper behavior and Rule 8.4

ABOUT OUR SPEAKER: Stuart I. Teicher, Esq.

Stuart I. Teicher is a professional educator who focuses on ethics law and writing instruction. A practicing attorney for 30 years, Mr. Teicher's career is now dedicated to helping fellow attorneys survive the practice of law and thrive in the profession. He also helps all professionals navigate the areas of anti-corruption regulations and corporate compliance issues and improve their writing skills. Mr. Teicher teaches seminars, provides training to law firms, legal departments and businesses, provides CLE instruction at law firm client events and gives keynote speeches at conventions and association meetings. His highly informative seminars are delivered in a uniquely entertaining manner, earning him the nickname "the CLE Performer."

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From the President

In Flanders Fields, the Poppies Blow...

By D. Kenyon "Ken" Williams Jr.

Between the crosses, row on row That mark our place; and in the sky The larks, still bravely singing, fly Scarce heard amid the guns below.

We are the Dead. Short days ago We lived, felt dawn, saw sunset glow, Loved and were loved, and now we lie In Flanders fields.

Take up our quarrel with the foe: To you from failing hands we throw The torch; be yours to hold it high. If ye break faith with us who die We shall not sleep, though poppies grow In Flanders fields.

- Maj. John McCrae, "In Flanders Fields"





D. Kenyon "Ken" Williams Jr. is a shareholder and director at Hall Estill in Tulsa. 918-594-0519 kwilliams@hallestill.com

As my lovely bride would be the first to tell you, TU's petroleum engineering school did not expose me to much poetry, nor is poetry one of my passions today. However, this particular poem has always haunted me with its simple phrasing and evocation of a terrible battle. During World War I, Maj. John McCrae served in the Canadian Artillery Brigade as a surgeon in the Second Battle of Ypres, Belgium, and penned this poem in May 1915 after losing a comrade and former student. Maj. McCrae was not pleased with what he had written and discarded the poem, but a fellow officer rescued the poem and sent it to newspapers in England, where it was published. The inspiration for the visual images was wild poppies that sprung up in ditches in that part of Europe in the spring.

One of the challenges of living through "history" is to recognize it as it passes. As a child growing up in the 1950s and 1960s, I remember our local American Legion selling red silk poppies as a fundraising effort in my hometown of Skiatook. I do not recall making any connection between those red silk poppies and the deeply held appreciation my community had for the sacrifices of our military, nor do I recall making the intellectual connection between those sacrifices and what was then called "Decoration Day." It was not until much later in life that I learned "In Flanders Fields" was the inspiration for the Veterans of Foreign Wars red silk poppies sales and that those items had been handmade by veterans as a source of income for hospitalized and disabled veterans.

For me, Decoration Day was a trek to a small cemetery near Tahlequah, where my mother's family shared maintenance responsibilities for a private cemetery where many of my mother's family are buried. We dutifully "decorated" graves with flowers and spent time as a family remembering those no longer with us. This event was an extended family gathering that amounted to an annual family reunion and picnic at this very modest rural cemetery. My mother's family did not have a strong military tradition, and my father's family did not speak of their service during World Wars I and II, which may be why I did not make the connection in my early years.

As I became involved in Boy Scouts, my adult leaders, who were ex-military, did a much better job of making the connection between Decoration Day and the sacrifices of fallen United States military men and women.

(continued on page 64)

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Navigating Compliance Challenges: Addressing Oklahoma's Legislative Gaps in Cannabis Processing

By Rachel O. Klubeck

KLAHOMA'S LACK OF LEGISLATIVE CLARITY and regulatory definitions surrounding cannabis processing has led to compliance challenges, inconsistent labeling and enforcement difficulties within the industry.

INTRODUCTION

Oklahoma's cannabis industry has experienced unprecedented growth - and obstacles - since medical marijuana was legalized in 2018. With just over 900 active Oklahoma medical marijuana processing licenses,¹ this evolving sector presents both opportunities and significant regulatory challenges. Unlike cultivators and dispensaries, processors operate in a uniquely complex space, necessitating clear guidelines on manufacturing, safety and compliance. However, Oklahoma's regulatory framework fails to understand and define key industry terms, leading to inconsistent enforcement, compliance confusion and industry uncertainty.

This article examines the gaps in Oklahoma's cannabis processing laws, clarifies licensing classifications and proposes reforms to promote industry stability as well as consumer safety.

DEFINING PROCESSING AND CLASSIFYING HAZARDOUS AND NONHAZARDOUS **LICENSING**

The current licensing structure in Oklahoma allows for a broad definition of cannabis processors, leading to variations in compliance requirements. While some processors engage in the direct manufacturing of cannabis products - extracting, refining and infusing raw cannabis into oils, concentrates, edibles and topicals – other business models operate primarily as intermediaries. These processors act as distributors, facilitating and brokering the transfer of cannabis products from cultivators to dispensaries or other licensed businesses without engaging in the actual manufacturing

process. Because their role is distinct from traditional processing, their compliance obligations differ, focusing more on inventory tracking, transportation and quality assurance rather than extraction and solvent safety protocols.

Cannabis processing refers to the transformation of raw cannabis flower into a variety of products, including oils, concentrates, edibles and topicals.² The Oklahoma Medical Marijuana Authority (OMMA) defines processing as the distillation, extraction, manufacturing, preparation or production of a medical marijuana product.³ However, this definition lacks specificity regarding the different methods and risk factors associated with various processing techniques.

Under Oklahoma law, processing is categorized as either hazardous or nonhazardous, depending

on the extraction method used.4 Hazardous processing uses volatile solvents, such as butane, propane, CO₂ or ethanol.⁵ These chemicals require strict safety protocols and facility buildout requirements under the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard,6 including Class 1, Division 1 (C1D1) certification to prevent fire and explosion hazards pursuant to the National Fire Protection Association (NFPA).7

Nonhazardous processing, by contrast, avoids volatile solvents and includes methods such as ice water hash⁸ production, rosin pressing9 and the manufacturing of edible products and uninfused prerolls.¹⁰ Additionally, processors operating under a distribution-only business model would fall under the nonhazardous category. These techniques pose fewer safety risks and are subject to less stringent regulatory oversight.

KEY PROCESSING TERMS THAT REMAIN UNDEFINED

OMMA's regulations fail to provide clear definitions for several essential terms, creating regulatory uncertainty and enforcement inconsistencies. The absence of standardized terminology leads to misclassification of products, inconsistent testing requirements and compliance difficulties for processors. Below are some of the most critical missing definitions and their potential impacts.

Cannabis Concentrate Variations OMMA rules define "medical marijuana concentrate" or "concentrate" as:

A substance obtained by separating cannabinoids from any part of the marijuana plant by physical or chemical means, so as to deliver a product with a cannabinoid concentration greater than the raw plant material from which it is derived. Categories of concentrate include water-based medical marijuana concentrate, food-based medical marijuana concentrate, solvent-based concentrate, and heat- or pressurebased medical marijuana concentrate as those terms are defined in the Oklahoma Medical Marijuana and Patient Protection Act.11

However, OMMA regulations do not distinguish between different classifications of concentrates, with examples such as rosin,12 resin,13 distillate14 and hash.15 These variations involve distinct extraction and refinement techniques, yet they remain undefined, leading to compliance confusion, inconsistent production and discrepancies in regulatory and testing enforcement. Standardized definitions would clarify and ensure uniform application of regulations.

Concentrates should be specifically defined and classified based on their source material and processing methods. For example, cured resin is derived from drycured cannabis, 16 while live resin is extracted from fresh, frozen-cured cannabis.17 Rosin and hash should be classified separately, as hash serves as a precursor to rosin, rather than a final extract. Establishing classifications such as these would provide regulatory clarity, improve enforcement consistency and create a standardized framework for cannabis processing compliance.

Solvent-Based vs. Solventless Extraction

The current rules lack specificity on which solvents are approved, restricted or prohibited. There is also no regulatory framework outlining acceptable residual solvent limits in final products. Without clear solvent guidelines, processors risk noncompliance due to varying interpretations of what constitutes a hazardous or nonhazardous process, potentially leading to public safety implications.

For example, the use of hexane and heptane as solvents in cannabis extraction has raised significant health and safety concerns.¹⁸ Hexane, a Class II solvent – per the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use¹⁹ – has been linked to respiratory irritation, dermatitis, liver and kidney failure and neurological disorders, such as Parkinson's disease.²⁰ Heptane, while considered less toxic than hexane, is still associated with health hazards, including respiratory irritation and central nervous system effects.²¹ OSHA identified the handling and transfer of flammable solvents like hexane and heptane as potential health hazards in cannabis processing, emphasizing the need for proper safety protocols to prevent employee exposure.²²

Given these risks, many in the industry advocate for the use of safer alternatives, which offer effective extraction capabilities with a more favorable safety profile. A defined list of permitted solvents and standardized solvent residue thresholds would clarify compliance and enhance safety and regulatory certainty.

Terpene and Cannabinoid Profiling

Terpenes play a significant role in consumer choice and product differentiation, yet OMMA has not established a clear definition or any requirements for their reporting. Oklahoma mandates potency testing but does not require consistent terpene labeling or profile classifications.

According to Oklahoma law, "terpenoids" are defined as isoprenes that are the aromatic compounds found in cannabis, including but not limited to limonene, myrcene, pinene, linalool, eucalyptol, delta-terpinene, beta-caryophyllene, caryophyllene oxide, nerolidol and phytol.²³ These naturally occurring hydrocarbons contribute not only to the sensory experience of cannabis but also to its therapeutic effects through a phenomenon known as the entourage effect, where they interact with cannabinoids like THC²⁴ and CBD²⁵ to enhance or modify their effects.²⁶ However, state regulations do not currently mandate terpene-specific testing or labeling, leaving gaps in consumer transparency and standardization. As research into cannabis terpenes expands, their role in therapeutic applications, strain differentiation and product formulation continues to gain industry attention.

Cannabinoid profiling refers to the analysis of a cannabis product's chemical composition, specifically identifying and quantifying cannabinoids such as THC, CBD and CBG.^{27 28} This profiling helps differentiate between full-spectrum, broad-spectrum and isolate products. Full-spectrum extracts retain a wide range of cannabinoids and terpenes, including trace amounts of THC, promoting the entourage effect, where compounds work

Defining acceptable terpene profiles and cannabinoid classification standards would improve transparency and regulatory enforcement.

synergistically for enhanced therapeutic benefits.²⁹ Broad-spectrum extracts also contain multiple cannabinoids and terpenes but undergo further processing to remove THC, making them a preferred choice for consumers seeking cannabis benefits without psychoactive effects.³⁰ Isolates, on the other hand, contain a single purified cannabinoid, such as CBD isolate, eliminating all other plant compounds.31

Defining acceptable terpene profiles and cannabinoid classification standards would improve transparency and regulatory enforcement.

Isomerization

Isomerization is a chemical process that alters the molecular structure of cannabinoids, often converting CBD into delta-8 THC32 or other minor cannabinoids. No clear standards exist for cannabinoids derived through isomerization, creating significant compliance challenges and uncertainty in product classification, labeling and marketing. Due to the lack of explicit regulatory guidance, processors face uncertainty regarding legality, testing requirements and permissible concentration limits, leading to inconsistencies in enforcement. This regulatory gap

also complicates marketing claims as businesses struggle to determine how these cannabinoids should be labeled and whether they fall under the same compliance standards as naturally occurring THC variants. Without clear legal definitions and standardized testing protocols, the industry remains vulnerable to shifting interpretations, inconsistent enforcement and potential legal risks for processors and retailers.

Postprocessing Techniques

Techniques such as winterization (removing fats/lipids), decarboxylation (activating THC/CBD through heat) and nanoemulsification (creating water-soluble THC for edibles) are common industry practices but are not addressed in OMMA's guidelines. The absence of regulatory oversight for these processes leaves a gap in compliance standards, potentially resulting in inconsistent product quality and safety concerns. A regulatory framework outlining acceptable postprocessing methods and safety protocols is necessary to ensure consumer and business protection.

CONVOLUTED LICENSING AND COMPLIANCE REQUIREMENTS

While licensing requirements differentiate between hazardous and nonhazardous processing, Oklahoma medical marijuana laws fail to define key aspects, such as solvent concentration limits, facility safety requirements and compliance obligations for emerging technologies. Processors must also secure permits beyond standard OMMA licensing, including Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) registration,33 Class VIII un-odorized LP Gas Administration (LPG) permit(s) for the use of propane or butane,³⁴ Oklahoma Department of Agriculture, Food and Forestry (ODAFF) permits for the purchase and resale of live plants35 and cannabis seeds³⁶ and Oklahoma State Department of Health (OSDH) food permit for edible cannabis products.³⁷

Cannabis processing facilities must comply with fire safety regulations set by the Oklahoma State Fire Marshal (OSFM),³⁸ which has emphasized the need for processors to engage with local government agencies during their facility-planning phase. The fire marshal's oversight is particularly relevant in unincorporated areas where local jurisdiction agreements may not exist, adding another layer of complexity to compliance obligations. Obtaining a business license and building permit may not suffice; additional permits and adherence to specific safety protocols are often required.³⁹ Processors should be strongly encouraged to consult licensed Oklahoma design professionals for facility planning to ensure compliance with the latest state-adopted building and fire codes.

Environmental compliance also plays a critical role in cannabis processing regulations. The Oklahoma Department of Environmental Quality (DEQ) oversees key environmental permits affecting cannabis processors, including air quality, water quality and waste management. Their regulatory authority includes environmental permitting, compliance monitoring and enforcing state and federal environmental laws. H

Firstly, the DEQ regulates air quality through a dual permitting system comprising construction permits and operating permits.⁴² This system applies to both major and minor sources of air pollution. Cannabis processing facilities may fall under these regulations, depending on their specific operations and emission levels. Secondly, the DEQ oversees water quality and waste management through its Water Quality and Land Protection divisions.43 While the general wastewater disposal permit (OKG42T) primarily addresses wastewater from medical marijuana cultivation facilities, it explicitly excludes

wastewater from processing facilities.44 Therefore, cannabis processors are not authorized to dispose of their wastewater under this general permit. As a result, cannabis processors must seek alternative permits for wastewater disposal (if applicable to their operations) to comply with state and federal environmental regulations.⁴⁵ For instance, discharges to waters of the state or potentially contaminated stormwater generated at processing sites require coverage under a different Oklahoma Pollutant Discharge Elimination System (OPDES) permit. Additionally, discharges to Publicly Owned Treatment Works (POTW) are not covered under this permit and may necessitate applying for coverage under a different permit.

When it comes to the disposal of solid medical marijuana waste, processors are not permitted to obtain their own DEQ-issued solid waste disposal license; instead, they must use OMMA-licensed waste disposal companies to ensure proper cannabis waste management in compliance with state regulations.⁴⁶



By reforming and establishing a uniform regulatory framework for cannabis processing terms, Oklahoma can create a more consistent and predictable compliance environment. This will not only protect consumer safety but also promote industry growth and regulatory adherence.

REGULATORY GAPS AND COMPLIANCE CHALLENGES

Oklahoma's cannabis processors face numerous regulatory challenges stemming from legislative gaps, overlapping jurisdictions and financial burdens. Navigating state, federal and municipal requirements presents significant barriers to operational stability and long-term success.

While Oklahoma state law primarily regulates the distance between dispensaries and sensitive locations, municipal regulations further complicate processing compliance, as local governments impose zoning restrictions, additional permitting requirements and operational limitations. Certain municipalities have enacted local buffer zone restrictions specifically for cannabis processing facilities – for example, the city of Purcell requires a 1,000-foot buffer between processing facilities and schools; a 750-foot buffer from places of worship, libraries, museums and childcare centers; and a 200-foot distance from residential zones.⁴⁷ Other cities may have similar restrictions, requiring processors to carefully review local zoning laws before establishing operations.

Financial constraints further hinder processors' ability to operate properly. Due to federal prohibition, cannabis businesses have limited access to banking services, often requiring them to operate as

cash-only entities.⁴⁸ This increases security risks and complicates payroll, tax compliance and vendor payments.⁴⁹ Additionally, IRS Code 280E prohibits cannabis businesses from deducting standard operating expenses, resulting in disproportionately high tax liabilities.⁵⁰ Many processors face effective tax rates of up to 70%, making profitability an ongoing challenge.51 Without federal legalization or reclassification, businesses remain restricted from traditional financing and interstate commerce, limiting growth opportunities.

Regulatory inconsistencies exacerbate compliance difficulties. Oklahoma law does not clearly define distinctions between cannabis products and extraction methods, as noted previously, leading to discrepancies in product classification and labeling requirements. This lack of standardization results in enforcement inconsistencies, creating legal uncertainty for businesses (and attorneys) attempting to comply with shifting regulations. Further, laboratory testing inconsistencies pose a serious problem, as processors receive conflicting potency and contaminant test results from different labs, increasing the risk of mislabeling. These major discrepancies undermine regulatory enforcement and heighten the risk of unintentional noncompliance and the risk of product recall.

LEGISLATIVE SOLUTIONS AND THE PATH FORWARD

Bridging Regulatory Gaps With Targeted Reforms and Unified Regulatory Framework

While defining key industry terms is a crucial first step in resolving regulatory ambiguities, broader reforms are necessary to

create a functional and sustainable cannabis processing framework in Oklahoma. The current fragmented regulatory structure, in which multiple agencies impose overlapping and sometimes conflicting requirements on processors, presents one of the most significant challenges to industry stability.

Presently, cannabis processors are subject to regulations from multiple state and municipal agencies, each overseeing different facets of compliance, from product testing and safety standards to environmental and fire safety regulations. However, there is no centralized system ensuring uniformity in enforcement, leading to regulatory inefficiencies, delayed approvals and unnecessary financial strain on businesses. The absence of a coordinated compliance structure not only complicates regulatory adherence but also deters investment and innovation within the industry.

To address these challenges, Oklahoma lawmakers should consider the establishment of an interagency task force - a coordinated body composed of representatives from OMMA, the OBNDD, OSHA, the OSDH, the ODAFF, the OSFM, the DEQ and the LPG (and the Oklahoma Tax Commission and more), as well as industry stakeholders and legal professionals. This task force would be responsible for:

- Standardizing enforcement policies across agencies
- Clarifying jurisdictional authority to eliminate redundant or conflicting regulations
- Creating a unified compliance framework that

- streamlines licensing, safety and reporting requirements
- Identifying necessary updates to existing laws to reflect evolving industry practices and technology

Oklahoma must establish a single regulatory framework that aligns regulations into a streamlined and enforceable structure, reducing burdens on businesses while ensuring compliance. A unified system would eliminate contradictory regulatory interpretations and create a more predictable compliance environment. A dedicated task force would ensure that Oklahoma's cannabis regulations evolve proactively rather than reactively, providing greater regulatory stability for businesses and consumers alike.

Defining Key Industry Terms
That Remain Undefined

To create a more predictable and enforceable regulatory framework, Oklahoma must define key terms in cannabis processing to eliminate compliance ambiguity and inconsistencies. The lack of clear classifications for concentrates, solvent use and postprocessing techniques leaves processors vulnerable to regulatory uncertainty and inconsistent enforcement. Without standardized terpene labeling, solvent residue limits and cannabinoid classifications, businesses struggle to comply with shifting interpretations of the law, while consumers are left without transparency or enforcement in product labeling. Legislators and regulators must act now to establish precise definitions and uniform standards that provide clarity, promote compliance and foster a stable and sustainable cannabis industry in Oklahoma.

Financial Relief and Incentives

Beyond compliance standardization, Oklahoma lawmakers must address the financial barriers that hinder the growth and sustainability of cannabis processing businesses. The burdens of high tax rates, limited access to banking and significant compliance costs place an undue strain on processors, particularly small and midsized operators. To foster industry stability, policymakers should consider a range of economic incentives that ease financial pressure while encouraging regulatory adherence.

One approach is the introduction of tax incentives for compliance upgrades, allowing processors to offset the costs of facility modifications, safety improvements and new equipment necessary to meet evolving regulatory standards. Providing grants for facility enhancements particularly for small businesses investing in energy efficiency, security measures or quality control infrastructure – would further encourage long-term compliance. Additionally, state-backed loan programs could provide processors with much-needed access to capital, helping businesses finance operational expansion, safety upgrades or technology investments that improve efficiency and compliance.

To create a more equitable tax structure, lawmakers should explore a tiered tax system that scales based on business size and revenue, ensuring that small and mid-sized processors are not disproportionately burdened compared to larger, more established operators. This would help prevent excessive tax liabilities that stifle growth and innovation, allowing smaller businesses to

Proactive engagement from the legal community is essential to establishing a fair and sustainable regulatory environment for the cannabis industry in Oklahoma.

remain competitive in an increasingly regulated market. By implementing these financial relief measures, Oklahoma can create a cannabis processing industry that is not only compliant but also economically sustainable, promoting and sustaining jobs, investments and long-term industry viability.

> Industry Collaboration and Legislative Action

While legislative changes are essential, their success hinges on coordinated efforts between regulators, industry stakeholders and legal professionals. Regulatory agencies must work closely with the industry to ensure compliance measures are both enforceable and practical. Ongoing engagement through public comment periods, industry forums and legal advisory panels can help fine-tune regulations before implementation.

The financial burden of compliance also necessitates a structured approach to enforcement. Overly aggressive penalties for minor infractions can discourage investment and drive smaller operators out of business. Regulators should focus on providing clear guidance, offering compliance assistance and implementing graduated penalty structures to ensure fair enforcement.

Additionally, attorneys and compliance specialists must stay ahead of evolving regulations to effectively advise clients. Legal professionals play a critical role in bridging the gap between business operations and regulatory requirements by interpreting new laws, advocating for fair policies and helping businesses navigate compliance challenges. Even with state-level improvements, federal uncertainty remains a barrier to

growth. Advocating for federal banking reform, such as the SAFE Banking Act, would help processors access financial services, improving stability and compliance. Additionally, policymakers should push for clear recall procedures to protect processors from liability due to inconsistent testing standards.

CONCLUSION

By addressing these challenges, Oklahoma can create a regulatory framework that not only ensures compliance but also fosters business growth and innovation. Policymakers and legal professionals have a crucial role to play in shaping the future of cannabis processing regulations. Attorneys can advocate for reform by participating in legislative discussions, contributing to policy proposals and ensuring their clients remain informed of evolving compliance requirements. Proactive engagement from the legal community is essential to establishing a fair and sustainable regulatory environment for the cannabis industry in Oklahoma. Policymakers, industry leaders and legal professionals must collaborate to push for meaningful reforms that balance public safety, economic sustainability and regulatory clarity, ensuring Oklahoma remains a leader in the evolving cannabis industry.

ABOUT THE AUTHOR



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ENDNOTES

- 1. Oklahoma Medical Marijuana Authority, "Licensing and Tax Data," www.oklahoma.gov (Feb. 5, 2025), https://bit.ly/3ReXVAm (last visited Feb. 8, 2025).
- 2. Okla. Stat. tit. 63, §423(C)(1) (2023); Okla. Admin. Code §442:10-1-4 (2024).
 - 3. Okla. Admin. Code §442:10-1-4 (2024).

 - 5. Id.
- 6. OSHA Hazard Communication Standard: 29 C.F.R. §1910.1200 (2024).
- 7. National Fire Protection Association (NFPA) 70, National Electrical Code, art. 500 (2024).
- 8. Ice water hash (or bubble hash) is a solventless extraction method that uses ice-cold water and agitation to separate trichomes from cannabis plant material. The trichomes are then collected through a series of fine mesh bags to produce a purified concentrate. See Leafly, "Ice Water Hash Definition," https://bit.ly/428oT2V (last visited Feb. 8, 2025).
- 9. Rosin pressing is a method of applying heat and pressure to cannabis plant material to extract cannabinoids and terpenes without solvents. See Cannabis Bus. Times, "Understanding Solventless Extraction Methods," at 32 (February 2024).
 - 10. Okla. Admin Code, supra note 3.
 - 11. Okla. Admin Code, supra note 3, at 2.
- 12. Rosin is a solventless cannabis concentrate produced by applying heat and pressure to plant material - such as dried flowers, hash or kief - to extract a resinous sap. This method preserves cannabinoids and terpenes without chemical solvents, making it a preferred option for consumers seeking a clean, full-spectrum extract. See Lo Friesen, "The Evolution of Ethanol Extraction Methods in Cannabis," 4 Cannabis Sci. & Tech. 13, 14 (2021), https://bit.ly/3EgbI6R (last visited Feb. 10, 2025).
- 13. Resin is a sticky, cannabinoid-rich secretion produced by the trichomes of the cannabis plant. It serves as the raw material for many cannabis extracts and can be processed into live resin (extracted from fresh-frozen flower) or cured resin (derived from dried flower). Resin contains a high concentration of cannabinoids and terpenes, making it a key component of many concentrates. See Aitor Sainz Martinez et al., "Extraction Techniques for Bioactive Compounds of Cannabis," Nat. Prod. Rep. 2023. https://bit.ly/3XVPsWy (last visited Feb. 10, 2025).
- 14. Distillate is a highly refined cannabis extract produced through distillation, a process that isolates cannabinoids by separating them from other plant compounds based on boiling points. Distillate is often odorless and flavorless, making it a versatile ingredient for edibles, vape cartridges and infused products. However, because the process removes terpenes, some products reintroduce them for enhanced effects. See Lo Friesen, supra note at 12.
- 15. Hash is a traditional cannabis concentrate made by collecting and compressing trichomes, the resinous glands that contain cannabinoids and

terpenes. Hash can be produced through various methods, including dry sieving, hand-rubbing or ice water extraction (bubble hash), resulting in a dense, resinous product. It is one of the oldest and most widely used cannabis concentrates. See Aitor Sainz Martinez, supra note at 13.

16. Dry-cured cannabis refers to harvested cannabis plants that have undergone a drying and curing process to remove moisture and enhance flavor and aroma. This involves hanging the plants in a controlled environment to dry, followed by storing the dried buds in airtight containers to cure, allowing for the breakdown of chlorophyll and the development of desired flavors. See "The Ultimate Guide to Drying and Curing Cannabis for the Best Results," Leafly, https://bit.ly/428p3Hz (last visited Feb. 10, 2025).

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Up in Smoke: Seemingly **Legal Situations With Unintended Criminal** Consequences Surrounding Oklahoma's Cannabis Laws

By Sabah Khalaf and Cade Russell

THE PASSAGE OF STATE QUESTION 788 IMPACTED EVERY OKLAHOMAN more ▲ than they may know. In June 2018, Oklahoma became the 30th state to allow for the sale of medicinal marijuana to state-registered patients. If someone does not have a medical marijuana card themselves, they are guaranteed to know someone who does. There were over 350,000 medical marijuana-licensed patients in Oklahoma in 2023.2 Since the passage of State Question 788, the pertinent law surrounding the use, growth and consumption of marijuana has become far more complex.

Oklahoma cannabis law is a quagmire, constantly changing and adapting to reflect the current morals and values of our state lawmakers. The laws can be very confusing and turn an innocent situation into a crime scene. There are numerous scenarios in which a person who lawfully possesses marijuana can make a choice that turns their legal weed into an illegal substance. This article will outline some illustrative examples of legal, medicinal cannabis use that turned into a crime in Oklahoma.

THE FRIENDLY CONCERT GOER

Billy is at a Willie Nelson concert, probably at Cain's Ballroom or the Oklahoma City Zoo Amphitheater, watching a great show. Billy has an Oklahoma Medical Marijuana Authority (OMMA) patient license; therefore, he can legally use cannabis for medicinal purposes. The crowd makes Billy a little anxious, so he grabs one of his prerolled cannabis joints and starts to smoke it. Billy's buddy, Adam, who also has an OMMA card, sees Billy using the marijuana and asks him "for a hit." Billy, without thinking twice, passes

the joint to Adam. Under Oklahoma law, Billy could be charged with a felony.3 Billy has violated 63 O.S. §2-401(A)(1), which holds it is unlawful for a person to distribute a controlled dangerous substance.4

When we think about distributing drugs, we think of cartels, Breaking Bad or scenarios involving large amounts of an illegal substance for some type of financial gain. Billy was not a career drug dealer, nor did he intend to give the drugs to Adam in exchange for money. Furthermore, Billy was lawfully prescribed the marijuana.



Yet, the Oklahoma Court of Criminal Appeals has held that distribution is simply the delivery, whether actual or constructive, of a controlled dangerous substance to another.⁵ If Billy were convicted of this crime, he would face up to five years in the Oklahoma Department of Corrections and a \$20,000 fine.6 Billy's seemingly harmless action could put him behind bars.

THE ALLEGEDLY IMPAIRED DRIVER

Maria has a medical condition that requires her to take a daily prescription of medical marijuana. Maria is prescribed medical marijuana and consumes it on Friday. She does not drive after consuming her prescribed cannabis. On Monday, while sitting at a stoplight, Maria was rear-ended by an inattentive driver. When police officers arrived at the scene, they questioned both drivers. Because of the smell of marijuana in Maria's car and her bloodshot eyes, the officer jumped into suspicion mode and made the unsupported conclusion that Maria was under the influence of marijuana. Maria had just worked an overnight shift, had bad allergies and was extremely tired. She was also legally transporting her prescribed medicine in the car. However, the officer arrested Maria and gave her the option to submit to a blood test. Maria lawfully possessed medical marijuana and

knew she was not under the influence of anything, so she submitted to the blood draw after her arrest.

Oklahoma law is quite clear: Driving with any registrable amount of marijuana in your system is illegal.⁷ Whether it was legally prescribed or not has no bearing on an officer's ability to find probable cause that a person committed a DUI. While at first, this might seem like a common-sense policy to make our roads safer, it leaves no room for major differences in how marijuana affects the body and how impairment is measured. Our no-tolerance per se DUI laws passed in 2013 treat marijuana consumption by the federal standard. Since

marijuana is a Schedule I drug and illegal federally, any trace amount of marijuana or its metabolites in bodily fluid is enough to trigger a DUI arrest, regardless of intoxication or impairment.8

The main psychoactive ingredient in marijuana is Delta-9tetrahydrocannabinol, commonly known as THC.9 Because THC is fat soluble, it remains in the body long after the psychoactive effects have worn off.¹⁰ In fact, THC can stay in the body for 30 days after consumption, long after impairment.11 A National Institute for Justice report conducted in April 2021 found that marijuana's cognitive and psychomotor effects, those that indicate potential impairment, returned to baseline after four to eight hours.¹² Another study suggests that common field sobriety tests administered by officers lack sensitivity to cannabis impairment.¹³ These field sobriety tests were created to detect alcohol impairment, not cannabis impairment.14 This study provides further evidence that field sobriety tests and biological concentrations of THC (in the blood) may have limited capacity to identify individuals who are intoxicated from cannabis.15 But in Oklahoma, THC presence in the blood is often used to convict, regardless of a prescription or actual intoxication. Smoking marijuana on Friday can lead to a DUI arrest on Monday - or the next Monday or longer – even when there is no impairment.

THE FIREARM OWNER

Fred is an average Oklahoman who enjoys outdoor activities, especially those involving firearms. He is an avid deer hunter, skeet shooter and connoisseur of collectible guns. After a hunting accident,

Fred's physician prescribed him a medical marijuana card. He uses this prescription to combat the persistent chronic back pain he has endured since the accident.

Fred decided to buy himself a new Ruger rifle for the upcoming deer season. When Fred went to register his new gun, he filled out the form like he had numerous times in the past. However, this was the first time he had registered a firearm after being prescribed medical marijuana. When the form asked if Fred used any drugs or illegal substances, he instinctually marked "no." Fred could be charged with a federal felony for his answer.

Under our federalist government system in the United States, there can be conflicts of law between a state statute and the federal code. The current federal government code classifies marijuana as a Schedule I drug. 16 Even though Fred was issued a medical marijuana card in Oklahoma, where medical marijuana is legal, he has violated federal law by possessing a Schedule I drug, i.e., marijuana, and

indicating he did not use drugs on his federal gun registration form.¹⁷ Federal law preempts state law based on the federal Constitution's supremacy clause.¹⁸ Fred's ignorance of the conflicting federal and state laws could result in him being charged with a crime and facing up to 10 years in federal prison.¹⁹

THE CANNABIS FARMER

John owns 100 acres of land in rural Oklahoma. John applied for and was issued a license to grow medicinal marijuana on a small portion of his land by OMMA and the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBNDD). As John's license's expiration grew closer, he began the renewal process with OBNDD. John made numerous attempts to contact the agency to see what he needed to do to comply with the renewal process but never received a response. His license ultimately expired.

OBNDD requires an inspection of the land used to grow in the renewal process. As the license renewal process slowly



continued, an OBNDD officer came to inspect John's land. John informed the officer he had applied for a renewal of his license, but no one from OBNDD had replied. The officer reported John as an "unlicensed grower," and a subsequent search warrant was issued for John's property. John could face felony charges for trafficking controlled dangerous substances.²⁰ Even though John was in the process of renewing his license, when the officer saw the hundreds of marijuana plants John was growing while trying to renew his license, the officer had probable cause to arrest John. The statute only requires the officer to identify 25 pounds or more of a "detectable amount" of marijuana for trafficking.²¹ John would be facing a fine ranging from \$25,000 to \$100,000 and up to 20 years in the Department of Corrections.²²

IT'S TIME TO CLEAR THE CONFUSION

The current statutory scheme is not set up for everyday life. The strict per se drug laws are not readily and easily understandable for the ordinary person.23 How can using a legally prescribed drug be okay in some cases and a crime in others? The current marijuana laws were not written to consider different scenarios, like the ones described, where innocent people believe they are doing the right thing, yet they are committing crimes. Oklahoma marijuana laws do not reflect the intention of State Question 788 voters, nor are they fair to the hundreds of thousands of medical marijuana-licensed Oklahomans.

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How To Buy and Sell a Medical Marijuana Business in Oklahoma: Background and Analysis on 63 O.S. §427.14c

By Brian Ted Jones and Max Federman

THE TEXT OF STATE QUESTION 788 (788) said nothing about the legality of transferring a medical marijuana business license. Likewise, the Oklahoma Medical Marijuana and Patient Protection Act (OMMPPA), enacted in 2019 after 788's passage the year before, neither authorized nor prohibited the transfer of a business license issued by the Oklahoma Medical Marijuana Authority (OMMA). Nevertheless, beginning in 2018, OMMA regulations contained a provision, 310:681-5-1-2(g)(f)(1), that said, "Business licenses may not be assigned or otherwise transferred from one person to another person, from one medical marijuana business to another, or from one legal entity to another."

This prohibition quickly struck against the reality of free-market economics, and medical marijuana businesspeople began asking Oklahoma cannabis attorneys almost immediately for ways around this rather expansive rule (which, near as could be seen, did not originate from a clear legislative mandate). One workaround received tacit approval by OMMA, whereby the seller would retain a minimum of 1% interest in the company and transfer the remaining 99% interest to the buyer.

Before this practice even got a chance to run into the inevitable

compliance problems it would have faced with the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBN), the Legislature enacted SB 1033 in 2021, establishing detailed procedures for both intra-entity ownership changes and inter-entity transfers of medical marijuana business licenses. In response, OMMA removed 310:681-5-1-2(g)(f)(1) from its governing regulations. As a result, medical marijuana businesses could now be bought and sold like any other commercial enterprise, except this exact kind of transaction, specifically legalized by the Legislature

and approved by OMMA itself, was only narrowly legal under a specific exception to the OBN statutes and was aggravated trafficking of a controlled dangerous substance (technically) in every other nonexempt circumstance.

This was the problem faced by OMMA, the OBN, medical marijuana businesspeople and Oklahoma cannabis attorneys in the years between SB 1033's enactment in 2021 and the passage of SB 1939 in 2024. SB 1939 provided a new procedure, enacted at 63 O.S. §427.14(c) (the transfer statute), for changing ownership of a medical marijuana



business license or transferring the license from one company to another. Critically, the transfer statute allows the business to remain operational during the transfer.

This transfer statute¹ represents a significant improvement in our state's medical marijuana regulatory framework. This article will provide a detailed breakdown of the transfer statute to assist practitioners in guiding their clients through what would otherwise be a murky and perilous gray area in the law.

THE TRANSFER STATUTE

The Transfer Procedure: Basics

The transfer statute outlines a straightforward procedure for transferring ownership of a medical marijuana business, and the bulk of this procedure is outlined in Subsection B of the transfer statute.

First, the licensee "intending to transfer ownership of a medical marijuana business shall submit [a transfer application] to [OMMA]."² Upon OMMA approval of the transfer application, the new

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While transfer agreements can say any number of things – and there are as many different possible iterations of a transfer agreement as with any kind of commercial contract – every transfer agreement must comply with the transfer statute,⁴ and therefore, every transfer agreement must contain certain provisions.

ownership must then submit an application for registration with the OBN.³ Once the OBN approves the new application and issues registration to the new ownership, three things then happen in the next 15 days: the original OMMA license of the seller will terminate, the original OBN registration of the seller will terminate, and the seller's inventory of medical marijuana materials must be transferred from the prior ownership to the new ownership within the OMMA seed-to-sale inventory tracking system (Metrc).

> The Transfer Agreement: A Seller's Perspective

A client walks into your office tomorrow and tells you: "I've had a grow since 2019, and I've got a guy who wants to buy it. I've never made any money doing this, and I'm sick of the whole business. I simply want to walk away and be done with it. He says he'll pay me

\$50,000 for the whole thing, but he wants to get into the grow and take it over tomorrow. He'll take care of the renewals and licensing and everything. Can you put together a contract that says all that?"

You have just been asked to put together what OMMA calls a "transfer agreement." While transfer agreements can say any number of things – and there are as many different possible iterations of a transfer agreement as with any kind of commercial contract – every transfer agreement must comply with the transfer statute,4 and therefore, every transfer agreement must contain certain provisions. So while you can tell your client who wants to sell his grow, "This is possible," you will also have to tell him that certain things he wants in the transfer agreement are not.

First, the seller cannot simply "walk away and be done with it." The transfer statute says, "Nothing [in the transfer statute] shall authorize

any new owner to take possession of medical marijuana, medical marijuana concentrate, or medical marijuana product or exercise control over any activities involving the medical marijuana business unless and until the application has been approved by the Authority and the new ownership is registered with [the OBN]."⁵

Moreover, while the transfer statute specifically authorizes the buyer to "get into the grow," they may only do so as an employee of the current owner (and an employee credentialed by OMMA, as all agents or employees of a medical marijuana business must be, under 63 O.S. §427.14b).6 In other words, while the buyer can "get into the grow," the buyer cannot "take it over" yet. The current owner *must* remain in charge until the transfer is complete. This approach aligns with the governing OBN statutes, which normally only authorize registrants themselves to possess controlled dangerous substances (CDS) of any kind (including medical marijuana) but provide that agents or employees of an OBN registrant do not, themselves, have to be registered to possess CDS.⁷

Along the same lines, while the buyer and seller may include a provision in the transfer agreement for the seller to "take care of the renewals and licensing," your marijuana business seller should be very careful here. The transfer statute provides that the "existing licensee and registrant shall be required to submit timely and sufficient renewal applications for the business to continue to operate during the pendency of any business transfer."

This is no minor obligation. To grow, process, transport, dispense or even possess medical

marijuana legally, the company must have both an active OMMA license and an active OBN registration. These licenses have one-year terms, and under the Oklahoma Administrative Procedures Act, the businesses may only continue to operate past their one-year expiration if they have "made timely and sufficient application for renewal of a license."9 Changes in the law taking effect in 2025 make this burden even heavier, since 63 O.S. §427.14 (N) now classifies a "timely" renewal submission for an OMMA business license as one submitted at least 60 days prior to its expiration. Likewise, under 63 O.S. §2-303 (F), OBN renewals must now be filed by Sept. 1, a change from the previous Oct. 31 deadline. In other words, while your hypothetical seller's hypothetical buyer might be willing to undertake all these obligations, the transfer statute leaves those burdens with the existing licensee, and any attempt to have the buyer take over these responsibilities completely leaves both sides in a risky position.

In short, what may seem to your client like a simple transaction is anything but, and both of you will need to carefully consult the medical marijuana statutes,¹⁰ the OBN registration statutes¹¹ and both the OMMA¹² and OBN¹³ regulations before moving forward.

> *The Transfer Agreement:* A Buyer's Perspective

A client walks into your office tomorrow and says: "I've met a guy who's been running a dispensary since 2020. It's a headache, but he says he's made good money doing it. He's ready to sell out, though, and says I can take it over right away for \$50,000. I've just got to take care of the renewals and licensing

and the transfer. Can you help me do this?"

Even though we are now talking about a dispensary and not a grow, the same principles apply: Your prospective client can begin working in the dispensary (if credentialed), but they cannot take it over right away. While the buyer and seller may work out an arrangement regarding responsibility for licensing and registration, it must be carefully managed and compliant with the law. In addition, your client, as the buyer, will face special considerations the seller will not.

First, and most importantly, your client needs to conduct due diligence to determine whether they should buy this business in the first place. Beyond traditional due diligence inquiries into the company's financials and liabilities, the unique legal status of medical marijuana raises a host of additional concerns.

One step your client can take is to search the OBN's public registrant database¹⁴ for both the name of the company that holds the dispensary license and the name of the owner. When the dispensary's corporate name is searched, an active OBN registration should appear. The database also shows whether the OBN has filed any disciplinary actions against the company, and if the agency has, the administrative filings will also be available. This is an invaluable resource and by far the best public database of administrative actions involving medical marijuana businesses in the state.

The database also allows users to download a CSV file for any OBN registrant (look for the "Download (.csv)" tab on the search results page). This CSV file will show the owners currently

listed on the OBN's records for that registration. Your client must ensure the person attempting to sell the business is, in fact, the person listed as the owner. If not, they definitely need to inquire further before proceeding. There may have been a prior attempted transfer the regulatory agencies were unable to process, but regardless, this problem must be addressed before your client moves forward.

In addition, you may consider filing a request under the Open Records Act with OMMA for any disciplinary actions taken against the dispensary or any medical marijuana business owned by the dispensary's owner. Title 63 O.S. §427.14 (H)(8) says that a medical marijuana business license "shall not be issued to or held by ... [a] person who was involved in the management or operations of any medical marijuana business ... that, after the initiation of a disciplinary action, has had a medical marijuana license revoked, not renewed, or surrendered" for a period of five years if the violations involved certain "bad acts," like unlawful sales or purchases, making false statements to OMMA, harming or threatening to harm OMMA employees, refusing to permit OMMA access to licensed premises, using prohibited, hazardous substances for processing in a residential area or criminal acts relating to the operation of a medical marijuana business.

In other words, OMMA could already be taking enforcement action against the dispensary license your client hopes to buy, and not even because of any violation involving the dispensary itself but because of entirely separate violations at a separate business

owned or simply just managed by the seller.

Beyond these due diligence concerns, your client will also be responsible for ensuring that two applications are filed: the transfer application with OMMA and the new medical marijuana registration application with the OBN.

To file a transfer application, vour client must first obtain a "transfer code" from the seller, and the OMMA system will not provide this transfer code until the transfer agreement has been submitted. Once issued, the code is only valid for a 47-hour period. This means the terms of the transaction between the buyer and seller must be finalized and memorialized in a transfer agreement before the transfer process begins, and once this process is started, your client must be ready to submit all the materials needed for the transfer application immediately. These materials are numerous and not simple to put together. Again, carefully consult OMMA regulations.

Only after OMMA approves the transfer and places the license in the buyer's name can your client file an application for a new registration with the OBN. OMMA growers and processors must register as "medical marijuana manufacturers," while dispensaries must register as "medical marijuana distributors." The OBN registration application requirements are entirely separate from OMMA's, and the OBN is particularly concerned with security requirements due to the agency's core mission to prevent the illegal diversion of CDS into the black market. Your client should thoroughly review OBN regulations, especially the security requirements for both

manufacturers¹⁵ and distributors,¹⁶ and ensure the facility meets those requirements prior to filing their registration application.

Upon approval of your client's OBN registration, three obligations will arise. First, your client will have to provide OMMA with a detailed inventory of all medical marijuana materials in the facility.¹⁷ Second, the entire inventory in the seller's Metrc account will have to be transferred to the buyer's Metrc account, and this must be done within 15 days of the new OBN registration's approval.18 Finally, the OBN's rules provide a special notice procedure when one OBN registrant (here, the seller) desires to discontinue its business activities "by transferring such business activities to another person."19

The OBN notice procedure requires the seller-transferor to provide the OBN with the following information at least 14 days before custody of the medical marijuana inventory goes to the buyer-transferee: the name, address, registration number and business activity of the seller-

transferor²⁰ and the same for the buyer-transferee.²¹ Other required information includes whether the location is moving and, if so, the new address,²² whether a quota requirement (which would never apply to a medical marijuana business) applies²³ and the date of the proposed transfer.²⁴ Even though this is an obligation on the seller, your buyer-client will need to make sure this takes place.

Unless the registrant-transferor learns from the OBN prior to the proposed transfer date that the transfer may not occur, the seller can distribute the medical marijuana inventory to the buyer, with two additional recordkeeping requirements imposed on the seller. First, the seller must generate a final pretransfer inventory pursuant to both OMMA and OBN regulations and file a copy with the OBN.25 Second, the seller must provide the buyer with all records the seller was required to maintain for the transferred inventory.²⁶

Note there may be two ways to read this second requirement: one broad (i.e., the seller must



provide the buyer with all required records going back to the start of the business) and one narrow (i.e., the seller only needs to provide the records related to the inventory itself). For example, if no item in a dispensary's inventory came into its possession earlier than June 1, 2024, does the dispensary's buyer need records earlier than that date? As a buyer's attorney, I would always urge the broader reading to ensure my client is not at risk of failing to possess records it should arguably possess, especially since the regulation says, "Responsibility for the accuracy of records prior to the date of transfer remains with the transferor, but responsibility for custody and maintenance shall be upon the transferee."27

As a seller's attorney, however, I would ask why my client would not simply want to provide the entire set of records. Perhaps there are proprietary business reasons, or perhaps there are concerns about potential undiscovered violations. Regardless, these are the kinds of conversations any lawyer representing a cannabis business must be prepared to ask. And when the buyer receives the inventory and records, all future recordkeeping obligations (both for pre and post-transfer activity) lie with the new business.

CONCLUSION

In a memorandum issued to **OBN** Director Donnie Anderson on Oct. 16, 2023, OBN Assistant General Counsel James Hutchison provided a clear and comprehensive answer to the question, "Is a medical marijuana business license and/or registration transfer authorized by the Uniform Controlled Dangerous Substances Act and what impact does this

have on controlled dangerous substances?"28

Mr. Hutchison's short answer was "No," and toward the end of his memorandum, he noted, "This is an issue that should be addressed at the next legislative session."29 In that next legislative session, OMMA, the OBN and Attorney General Gentner Drummond worked together with representatives of the cannabis industry, led by Ryan Kiesel, to enact the transfer statute. This kind of interagency collaboration with both the Legislature and the regulated community is a simple story of good governance in action. We hope it is also remembered as one small piece of the extraordinary legacy Mr. Kiesel left behind.

ABOUT THE AUTHORS



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ENDNOTES

1. This reform would not have happened without the efforts of the late Ryan Kiesel, and nobody worked harder than he did to see this common-sense policy enacted into the Oklahoma Statutes. Mr. Kiesel was a proud member of the OBA who left us this year at much too young an age. We would like to dedicate this article to him.

2. 63 O.S. §427.14c (B).

4. See 63 O.S. §427.14c (A): "After the effective date of this act, no medical marijuana business shall be transferred without written approval of an application by [OMMA.]" See also 63 O.S. §427.14c (G): "Any attempt to transfer a medical marijuana business, medical marijuana, medical marijuana concentrate, or medical marijuana products of a medical marijuana business without approval from the Authority shall be grounds for revocation or nonrenewal of the license and denial, revocation, or nonrenewal of current or future licenses or license applications with ownership held by any such person involved in the unlawful transfer."

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5. 63 O.S. §427.14c (D).
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10. 788 (at 63 O.S. §420 et seq) and the Oklahoma Medical Marijuana and Patient Protection Act (at 63 O.S. §427.1 et seq.).

- 11. 63 O.S. §§2-301-2-309.
- 12. OAC Title 442.
- 13. OAC Title 475.
- 14. Available at https://bit.ly/4jy7B56.
- 15. OAC 475:20-1-4(b).
- 16. OAC 475:20-1-3(b).
- 17. 63 O.S. §427.14c (F).
- 18. 63 O.S. §427.14c (B). 19. OAC 475:35-1-3(b).
- 20. OAC 475:35-1-3(b)(1).
- 21. OAC 475:35-1-3(b)(2).
- 22. OAC 475:35-1-3(b)(3).
- 23. OAC 475:35-1-3(b)(4).
- 24. OAC 475:35-1-3(b)(5).
- 25. OAC 475:35-1-3(c)(1). 26. OAC 475:35-1-3(c)(2).

28. This memorandum is available online at https://bit.ly/43TGRaK.

29. Id. at p. 10.

^{6. 63} O.S. §427.14c (E).

^{7. 63} O.S. §2-302 (H)(1).

^{8. 63} O.S. §427.14c (C).

^{9. 75} O.S. §314 (B).

CANNABIS LAW

Guilty Until Proven Innocent: Federal Civil Asset Forfeiture and Medical Marijuana

By Orion A. Strand



THE LANDSCAPE OF FEDERAL MARIJUANA PROSECUTION

Among the many risks associated with business operations in the medical marijuana industry is the threat of federal civil asset forfeiture and the possibility of seizure by the U.S. Department of Justice for violation of the Controlled Substances Act (CSA).¹

In each fiscal year since 2015, Congress has included provisions in its appropriations acts that prohibit the Department of Justice and the Drug Enforcement Administration from using federal funds with respect to states that have legalized medical marijuana, including Oklahoma, "to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana."2 While such activity remains criminal under federal law, many federal courts have interpreted the appropriations rider, often referred to as the "Rohrabacher-Farr amendment," to prohibit investigation and prosecution of the CSA in relation to the use, possession and distribution of medicinal cannabis that is in compliance with state law. Alternatively, where the activity is not authorized under state medical

marijuana law, there are no barriers to the expenditure of federal funds in the investigation and prosecution of CSA violations or in bringing civil asset forfeiture actions. Nothing prohibits the DOJ and the DEA from prosecuting recreational marijuana activities, even in states where recreational marijuana is legal; however, there are political barriers to such prosecutions that the executive branch has presumably been largely unwilling to cross.

In 2013, U.S. Deputy Attorney General James M. Cole issued a memorandum directing the DOJ to limit its priorities to, inter alia, "[p]reventing the diversion of marijuana from states where it is legal under state law in some form to other states" and "[p]reventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity."3

While the Cole Memorandum was rescinded in 2018 by U.S. Attorney General Jeff Sessions, political backlash to that move has largely resulted in a *de facto* policy of the DOJ to limit its prosecutorial discretion to respect state marijuana laws, both medical and recreational.4 Thus, the focus of federal enforcement of the CSA is on activities that are not compliant with state marijuana laws. Where courts have diverged is the level of state compliance that must be shown.

In United States v. McIntosh, the 9th Circuit Court of Appeals found that five co-defendants accused of CSA violations in its operations of four marijuana dispensaries in Los Angeles had standing to enjoin the DOJ from expending federal funds in their prosecution in violation of the medical marijuana appropriations rider. The defendants

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were charged with conspiracy to manufacture, possession with intent to distribute and actually distribute more than a thousand marijuana plants in violation of 21 U.S.C. §846, 841(a)(1) and 841(b)(1) (A). The government also sought forfeiture of assets. The 9th Circuit held that the defendants had Article III standing to challenge the government's authority to bring the charges because they could demonstrate concrete, particularized harm from the exercise of federal authority and because private parties are permitted to invoke federalism and separation-of-powers constraints, where "government acts in excess of its lawful powers." Since the defendants contended that the DOJ lacked the authority to expend funds to prosecute violations of the CSA pursuant to the appropriations rider and that their actions were in compliance with the state medical marijuana laws, the 9th Circuit remanded the matter back to the district court with instructions to conduct an evidentiary hearing on the defendants' compliance with state medical marijuana laws.6 In so doing, the 9th Circuit determined the defendants would need to demonstrate that they "strictly complied with all relevant conditions imposed by state law on the use, distribution, possession, and cultivation of medical marijuana."7

The 1st Circuit is the only other federal appeals court to have considered the issue as of this publication. In *United States v. Bilodeau*, the court held that as long as the Rohrabacher-Farr amendment extended through appropriations bills, "the DOJ may not spend funds to bring prosecutions if doing so prevents a state from giving practical effect to its medical marijuana laws." Since the harm

alleged by the DOJ's prosecution was in the expenditure of federal funds in itself and was not limited to the harm of a potential guilty verdict, the appellate court found the matter was ripe for appeal.9 The court declined to adopt the government's argument for a "strict compliance" reading of the appropriations rider because while it would provide clarity for exactly when an ultra vires government expenditure would be said to have occurred, it would also have an untenable market-chilling effect. This would thwart the purpose of Maine's medical marijuana laws, reasoning that "the potential for technical noncompliance is real enough that no person through any reasonable effort could always assure strict compliance." The court gave the example of "a caregiver whose twelve nonflowering marijuana plants comported with the [act's] limit immediately would have fallen out of compliance when just one of the caregiver's unlimited number of seedlings grew beyond twelve inches in height or diameter."10 In other words, a strict compliance interpretation would render the Rohrbacher-Farr amendment practically meaningless.

However, the Bilodeau court also declined to adopt the defendant's interpretation that would bar any federal prosecutions where the defendant simply possesses a state license to partake in medical marijuana activity, determining that "Congress surely did not intend for the rider to provide a safe harbor to all caregivers with facially valid documents without regard for blatantly illegitimate activity in which those caregivers may be engaged and which the state has itself identified as falling outside its medical

marijuana regime."11 Instead, the court adopted an "in-between" approach and looked directly at the conduct at issue, finding that sufficient evidence was presented proving the defendants did, in fact, violate Maine medical marijuana law because, even though they were licensed, they sold marijuana to persons whom they knew were not qualifying patients.12 Ultimately, it was clear the government would need to show more than a mere technical violation of Maine medical marijuana law, but the exact parameters of the requirement remained to be determined on a case-by-case basis.

The 1st Circuit considered the issue again two years later in United States v. Sirois and applied a substantial compliance test to the conduct at issue. However, the application of this test was by agreement of the parties, as the government was confident that evidence would satisfy even that more forgiving standard. The defendants were licensed caregivers who were allegedly acting as a collective in violation of Maine law, 22 M.R.S.A. §24300-D.13 The defendants did not dispute the evidence supporting the charges that they physically assisted each other in the act of cultivation, distribution and possession of medical cannabis but argued that any violation of the Maine statutes was "technical."14 The court rejected that argument and found there was competent evidence that the cannabis products the defendants cultivated and sold ended up on the black market, as opposed to licensed patients. One of the defendants, Alisa Sirois, also did not dispute the evidence but argued that since she was a licensed caregiver and her license was reinstated after a temporary

suspension, she was in substantial compliance with the act.¹⁵ The court rejected that argument and denied her request for injunctive relief. A petition for *certiorari* was filed Feb. 14, but the U.S. Supreme Court declined to take up the question.

ASSET FORFEITURE AND THE INNOCENT OWNER DEFENSE

Against this backdrop, Oklahoma medical marijuana dispensaries, growers and even patients¹⁶ must determine how to best guard against federal criminal charges and property forfeitures. Obviously, the best way to avoid these risks is to conform one's own conduct to the requirements of Oklahoma state law and the Oklahoma Medical Marijuana Authority (OMMA) regulatory code; however, even the best efforts at ensuring compliance cannot completely guarantee that no action will be brought - especially for third parties who do not have direct knowledge or control over the way the grower or dispensary's business is conducted. The Civil Asset Forfeiture Reform Act17

allows the government to proceed in rem against the property itself. While the government must prove the nexus between a piece of property and the criminal activity, the burden is less than for proving the crime itself – a mere preponderance of the evidence and not beyond a reasonable doubt.¹⁸ While there are Fourth Amendment restrictions on what the government can seize, the actual evidence substantiating the property's nexus to criminal activity can be gathered after the filing of the complaint, 19 allowing it to effectively "seize first and ask questions later." As shown earlier, it does not necessarily matter that the operators are licensed, nor whether the product is diverted to illicit recreational use or purely dispensed to licensed patients. Any deviation from the regulatory requirements of OMMA could potentially result in a civil forfeiture of property, whether or not there are any associated criminal charges against anyone.

Once property has been seized, a claimant then has the burden to prove either that the activity



was not criminal or that they are an "innocent owner," in that they "(i) did not know of the conduct giving rise to the forfeiture; or (ii) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property."20 In other words, the property itself is guilty until an owner proves it is innocent. Compounding this problem is the fact that medical marijuana businesses often have to deal in cash due to the legal and regulatory risks associated with banking businesses that deal with a Schedule I controlled dangerous substance,²¹ and simply being in possession of a large amount of cash can be cause for the government to initiate a forfeiture.²² For landlords, transporters, banks, partners, suppliers and others, this makes doing business with a medical marijuana operation risky, as failing to comply with any state law or regulation promulgated by OMMA could potentially result in forfeiture of property or loan payment obligations for violation of the Controlled Substances Act, whether or not they have any knowledge of the alleged noncompliance. Moreover, as an affirmative defense, "it is not incumbent upon the government to prove that the owner had knowledge of the illegal activity. Rather, 'it is the claimant's responsibility to prove the absence of actual knowledge."23 A simple denial is also not sufficient to meet this burden – "for example, where the defendant's alleged ignorance amounts to willful blindness, or where the owner's claims of ignorance are inconsistent with the uncontested facts."24

BUSINESS SOLUTIONS

Obviously, for businesses engaging directly in the possession, transportation, cultivation and sale of medical marijuana, the best practice will be to comply as strictly as possible with the statutory and regulatory requirements of the state. For third parties only involved with those operations indirectly but who derive profits from those enterprises, some measure of due diligence should be exercised to ensure the operation is licensed and compliant with state requirements. Commercial landlords who rent real property used for the cultivation, sale and distribution of medical marijuana should ensure that lease agreements contain provisions explicitly setting out the marijuana-related activities that are permitted on the property and those that are not. Specifically, the agreement should require the lessee to comply with all state and local regulatory requirements and expressly forbid the diversion of cannabis products for illicit and recreational use.

It is also advisable to include lease provisions that specifically state that any use of the property for failure to comply with laws and regulations will be grounds for termination. While criminal activity is already a basis for eviction under Oklahoma law,²⁵ noncompliance with state regulations is not necessarily criminal in itself but can remove the protections of state law and the Rohrabacher-Farr appropriations rider, permitting federal enforcement of the CSA. Lease agreements should contain curing provisions to allow the lessee to correct any technical acts of noncompliance within a certain period of time. It is also important to take immediate action to institute forcible

entry and detainer actions upon notice of any explicit intentional criminal activity. These safeguards will help ensure that the "innocent owner" defense is protected by showing that "upon learning of the conduct giving rise to the future, [the claimant] did all that could be expected under the circumstances to terminate such use of the property." The Civil Asset Forfeiture Reform Act also provides specific criteria evidencing the application of the innocent owner defense, such as that the claimant:

- Gave timely notice to an appropriate law enforcement agency of information that led the person to know the conduct giving rise to a forfeiture would occur or has occurred; and
- 2) In a timely fashion, revoked or made a good faith attempt to revoke permission for those engaging in such conduct to use the property or took reasonable actions in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.²⁷

While it is still unclear what extent of state compliance must be shown in order to avoid federal criminal prosecution and civil forfeiture of assets, "an ounce of prevention is worth a pound of cure," and operators would be well-advised to do as much due diligence as circumstances allow.

LEGAL SOLUTIONS

Following a federal civil asset forfeiture relating to a medical marijuana operation, it is always worth considering whether the expenditure of federal funds in the investigation and litigation is in violation of the Rohrabacher-Farr appropriations rider. While this issue has yet to be decided in the 10th Circuit, an argument could be made that the rider prohibits the expenditure of federal funds even in the face of admitted noncompliance with state medical marijuana laws and regulations. In some sense, the rider allows state authorities to "occupy the field" of medical marijuana distribution, possession and cultivation, including licensure revocations and prosecution of criminal charges for noncompliance. This interpretation would also be in accord with the 10th Amendment reservation of "powers not delegated to the United States by the Constitution, nor prohibited by it to the States" and the exhortation that state governments have control over "the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."29

It could further be argued that the federal government lacks jurisdiction to enforce the CSA for medical marijuana-related activities. The CSA also states:

No provision of this subchapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together.³⁰

Congress likely did not intend for the DOJ or the DEA to micromanage or commandeer state medical marijuana regulators and police technical violations of state licensing requirements.

There is thus an argument to be made that Congress, in passing the appropriations rider, ceded federal jurisdiction over all medical marijuana activities to state regulators and law enforcement agencies, including the implementation of the state's regime for civil and criminal penalties for statutory and regulatory noncompliance. Congress likely did not intend for the DOJ or the DEA to micromanage or commandeer state medical marijuana regulators and police technical violations of state licensing requirements. While this interpretation is admittedly on the far end of the spectrum, it would achieve the public policy goals of allowing a state to govern its own affairs and eliminate the uncertainty surrounding what degree of compliance is required to avoid federal penalties. Under this view, the possession of a valid license to possess, cultivate, distribute and sell medical marijuana should be a complete bar to the expenditure of federal funds in either a criminal or civil forfeiture action. In the absence of a valid license, proof that the cannabis products involved were only distributed to licensed

users and were not diverted to recreational use should similarly constitute a bar to federal action.

At the other extreme, a strict compliance test would provide the same degree of certainty regarding the type of conduct that can expose one to federal criminal liability; however, it would also have the effect of "turn[ing] each and every infraction into a basis for federal criminal prosecution ... in a manner likely to deter the degree of participation in [the state's] market that the state seeks to achieve."31 A middle-ground rule of substantial compliance or a simple case-bycase analysis would avoid both of these extremes but would also result in a continued lack of clarity regarding what level of compliance should be considered "substantial" or "sufficient" for the application of the expenditure prohibition.

Whichever interpretation the 10th Circuit chooses to adopt – if the issue ever even reaches their consideration – it will always be beneficial to litigants to consider the possibility that federal expenditures in enforcement of the CSA or in seeking civil asset forfeiture could run afoul of the

congressional appropriations rider. In the absence of facts supporting this argument, litigants must resort to the innocent owner defense where applicable and Eighth Amendment considerations as to whether or not the property seized constitutes an "excessive fine" for the criminal conduct alleged.

LEGISLATIVE SOLUTIONS

There are many actions Congress can take to resolve these conflicts and provide further protections and assurances to innocent owners. One would be to pass the Fifth Amendment Integrity Restoration (FAIR) Act of 2023, which:

- "requires counsel for an indigent property owner whose primary residence is the subject of a civil forfeiture hearing regardless of whether the owner requests counsel,
- raises the evidentiary standard from preponderance of the evidence to clear and convincing evidence, and
- sets forth factors courts must consider in determining whether a forfeiture of property used to facilitate the commission of an offense is excessive."32

By strengthening protections for property owners across the board, the FAIR Act would have the added benefit of alleviating the uncertainty surrounding the medical marijuana market and would protect third parties affiliated indirectly with medical marijuana sales, cultivation and distribution. However, it would not completely resolve the uncertainty of having to rely on the legal and regulatory

compliance of a licensee (or purported licensee) to protect property from being seized in a forfeiture and then having to undergo the expenses of litigating defenses.

Another solution would be to pass the Strengthening the Tenth Amendment Through Entrusting States (STATES) Act, which would explicitly recognize state cannabis laws by amending the Controlled Substances Act to provide that it "shall not apply to any person acting in compliance with State law relating to the manufacturer, production, possession, distribution, dispensation, administration, or delivery of marihuana."33 The bill would also prohibit civil asset forfeitures where compliance with state law is shown; however, it would still be open for interpretation whether strict compliance or substantial compliance standards should apply. Regardless, the passage of this legislation would mean that medical marijuana businesses need not rely on Congress continuing to extend the vearly appropriations rider and would effectively make the rider's protection against federal prosecution permanent.

CONCLUSION

The only complete solution to the conflicts outlined above would be a total descheduling and decriminalization of marijuana at the federal level. However, as this appears highly unlikely for the foreseeable future, it is incumbent upon medical marijuana licensees and commercial property owners to use all available means to ensure that assets are not used in furtherance of illicit activities and that regulatory compliance is maintained.

ABOUT THE AUTHOR



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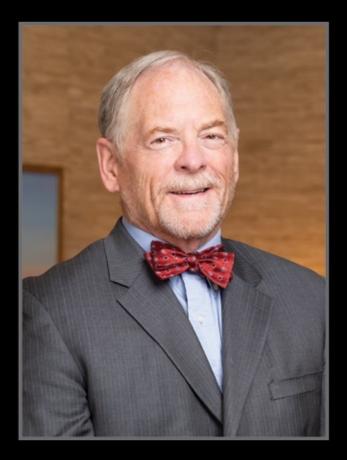
on first party insurance defense, personal injury and general commercial litigation.

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Oklahoma's Newest Crop

By Rachel L. Bussett

■ EGALIZED CANNABIS¹ BURST ONTO OKLAHOMA'S AGRICULTURAL LANDSCAPE

Lowhen the polls closed at 7 p.m. on June 26, 2018. Like homesteaders taking off at high noon on April 22, 1889, building cities overnight on the prairie, cannabis businesses popped up on every corner as the program was up and running in 60 days with little oversight and regulation. Now, nearly seven years later, we are still working out the place medical cannabis has in Oklahoma and the best means of regulation. Cannabis has quickly become one of Oklahoma's largest cash crops and has brought millions of new dollars into the economy since legalization.

CANNABIS AS AN AGRICULTURE CROP

Simply defined, agriculture is the art and science of the cultivation of soil for the raising of crops and livestock.2 The U.S. Department of Agriculture defines horticulture as a branch of "agriculture concerned with growing plants that are used by people for food, for medicinal purposes, and for aesthetic gratification."3 Crops are "plants that are cultivated either for sale or for subsistence."4 Oklahoma law defines horticulture as "agriculture science relating to the cultivation of gardens or orchards, including, but not limited to the growing of vegetables, flowers, and ornamental trees and shrubs."5

Oklahoma's medical marijuana program is focused on cultivating, processing and distributing the plant "cannabis sativa" for use as medicine as defined in Title 63 of the Oklahoma Statutes. Therefore,

cultivating, growing and processing cannabis, aka "medical marijuana," is agriculture under the law, even though many in the legal system may not want to recognize its role as an agricultural crop.

A SHIFTING LEGAL LANDSCAPE

As of Feb. 11, 2025, 24 states, Guam, the Northern Mariana Islands and the U.S. Virgin Islands have legalized "adult use" or "recreational use" of cannabis. Six states – Hawaii, Indiana, Kentucky, New Hampshire, Tennessee and Texas – have live proposed bills for adult-use cannabis. Bills are also pending in Alabama, Iowa, Pennsylvania, South Carolina and Wyoming that would decriminalize or remove possible jail time for simple possession.

Thirty-nine states – along with Washington, D.C., and the U.S. territories of Guam, the Northern Mariana Islands, Puerto Rico and

the U.S. Virgin Islands – have medical programs, with bills pending in Indiana, Iowa, South Carolina, Tennessee and Texas for medical cannabis. ¹⁰ If the pending bills pass in Iowa, South Carolina and Wyoming, then Kansas would be the only state with no level of legalized cannabis use or possession. ¹¹

For years, marijuana has been defined as an addictive substance, and it is listed as a Schedule I drug. According to the Drug Enforcement Administration (DEA), a Schedule I drug is one that has no currently accepted medical use and has a high potential for abuse. ¹² Cannabis, like any drug (legal or illegal) – including sugar, caffeine and nicotine – has the potential for misuse and abuse.

On Aug. 30, 2023, the U.S. Department of Health and Human Services reported it was recommending that cannabis be lowered to Schedule III from



Schedule I under the Controlled Substances Act.¹³ This is a follow-up to a recommendation by President Biden in October 2022 that the scheduling for cannabis be reviewed. For this change to be made, the U.S. Food and Drug Administration (FDA) must make findings and recommendations to the DEA, which is overseen by the U.S. Department of Justice (DOJ). The DEA and the DOJ, utilizing scientific and medical data on the efficacy of cannabis, must make findings that the evidence supports and fits into the defining criteria for the appropriate schedule, and then the change is made.14

The expected rescheduling of cannabis did not occur before President Biden left office. Instead,

there is much speculation about what will occur under the second Trump administration. President Trump has recently spoken out in favor of cannabis rescheduling, but newly appointed Attorney General Pam Bondi has previously opposed medical cannabis legalization and has supported smoking bans.¹⁵

The rescheduling of cannabis not only carries significant legal implications for those who use it but also significant financial implications for businesses across the country. Once it is rescheduled, Internal Revenue Code 280E, which significantly limits the ability of businesses to deduct otherwise legitimate business expenses, will no longer act as a barrier to entry into the market of legal cannabis

enterprises unless a special tax is imposed.16 Additionally, once cannabis is legalized at the national level, this local trade will be legal internationally. Leading cannabis law firms believe that rescheduling will actually put the U.S. in a better position to comply with its international treaty obligations.17

Scheduling determinations are based upon a drug's associated risk for abuse along with its potential medical use and benefits, overall knowledge of the drug, risk to public health, potential for alteration or modification to increase associated risk and trend in drug usage.18 A Schedule III drug has a "potential for abuse less than the drugs or other substances in schedules I and II;" "has a currently accepted

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medical use in treatment in the United States;" and is one where the potential for abuse is "moderate or low [for] physical dependence or high [for] psychological dependence" on the drug.¹⁹ In previous congressional hearings, the DEA has indicated that it will be bound by the recommendations of the FDA.²⁰

This is important because there is significant scientific data behind the medical use of cannabis. Cannabis has been studied for specific health conditions, such as pain, reduction of opioid use, anxiety, epilepsy, glaucoma, HIV/AIDS, inflammatory bowel disease, irritable bowel syndrome, movement disorders related to Tourette syndrome, multiple sclerosis, nausea and vomiting related to cancer chemotherapy, PTSD and sleep apnea, to name a few conditions. 21 22 23 There are multiple FDA-approved drugs using cannabinoids and/or synthetic THC. These are Marinol,²⁴ Syndros,²⁵ Cesamet,²⁶ Epidiolex,²⁷ dronabinol and nabilone.28 This data is often ignored because the definition of a Schedule I drug fundamentally conflicts with it having medical usage. The approval of these cannabinoid/THC-based medications underscores the impact rescheduling will have while still allowing for compliance with our wider international treaty obligations.29 However, recognition of this research and the impact of legalization on the wider international community takes us back to the basic concept of this article: Cannabis is and remains an agricultural and horticultural crop cultivated for food and/or medicinal purposes and has been throughout history.

HISTORICAL SIGNIFICANCE AND MEDICAL APPLICATIONS

History shows that cannabis has been cultivated for usage as food, medicine and materials throughout time. It was significant in the early colonization of the United States. Evidence even suggests it was brought to the Americas in 1492 by explorer Christopher Columbus with the hemp ropes on his ships.³⁰ In the 1600s, when the Jamestown Settlement was established, the colonists were required to grow cannabis, as it was an important crop to the English crown.31 Cannabis was one of three primary crops grown by George Washington at his Mount Vernon plantation.32 It was also grown by Thomas Jefferson.33 Cannabis was grown for fiber, medicine and feed for livestock prior to delegalization. Rescheduling cannabis to Schedule III has the potential to allow the full use of the plant to positively impact animals and humans.

In the 20th century, researchers discovered the endocannabinoid

system. In 1988, researchers working at Saint Louis University discovered cannabinoid receptors, the most abundant neurotransmitters in the human brain.³⁴ In 1990, the DNA sequence for these receptors was mapped. These findings led to the discovery of endocannabinoids and the endocannabinoid system (ECS).35 The ECS is found in all vertebrates and contributes to the maintenance of homeostasis in the body to help regulate sleep, mood, appetite, memory, reproduction and fertility.³⁶ It impacts our immune, endocrine, nervous and reproductive systems.

While doctors are still trying to fully understand how the ECS works in our bodies, we do know the plant-based cannabinoids in cannabis and all cannabinoid-containing foods bind to our CB1 and CB2 receptors to allow our bodies to operate at optimum capacity.³⁷ The ECS is made up of CB1 and CB2 receptors. CB1 receptors are mainly found in our central nervous system. CB2 receptors are



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mainly found in our peripheral nervous system and immune system.

Endocannabinoids are substances our bodies make naturally to stimulate the receptors in the ECS. Phytocannabinoids are chemicals found in plants like cannabis, sunflower, echinacea, black pepper, black truffle, cacao, kava, electric daisy, Japanese liverwort, rhododendron and tea plants.³⁸

Two major endocannabinoids are made within our bodies on demand when needed: anandamide and 2-arachidonovlglycerol (2-AG). Anandamide is our body's bliss molecule, and it bonds to the CB1 receptors.39 This is the same receptor THC bonds to within the body. 2-AG is the most prevalent endocannabinoid in the human body, and it plays a significant role in antiinflammation through immunosuppression, similar to how steroids work. It also acts in a psychoactive manner when binding to the CB1 receptor, though it binds to both the CB1 and CB2 receptors.

An article on male reproductive health and infertility noted: "Recent research has documented that a variety of human disorders are accompanied by dysfunction in the ECS; therefore, pharmacological interventions that normalize dysfunctional ECB signaling, i.e. temporally activating CB receptors by THC could be potential therapeutics for diseases associated with hypo-cannabinergic pathology."40 Another article, published on Feb. 3, recognized that the ECS "plays a fundamental role in the physiology and pathology of the gastrointestinal tract, particularly in the small and large intestine and liver."41 This begs the question, "Is there a medical reason, even potentially a healthful reason, that the munchies are associated with

cannabis consumption?" Further research is needed, but the correlation between cannabis usage and the improvement in appetite was one of the early arguments for medical legalization and is what brought us to this path.

CBD and Delta-9 THC are generally the most predominant cannabinoids in cannabis, and CBD affects the way Delta-9 THC interacts with the CB1 receptors.42 Further, as cannabis flower ages with time and exposure to oxygen, THC breaks down into cannabinol (CBN). CBN has been determined to be an effective sleep aid, pain reliever and immune system booster.⁴³ So far, 113 different cannabinoids and 120 terpenes have been identified in cannabis.44

Terpenes are the aromatic compounds in all plants, whether it's cannabis, a flower, a fruit or a vegetable.⁴⁵ The combination of terpenes gives each plant its unique scent. When cannabinoids and terpenes are consumed together in cannabis, they cause the user to experience what is called the "entourage effect." The entourage effect is the synergistic effect of consuming all the compounds in the cannabis plant.46

Hemp/cannabis is considered a superfood for its nutritive value.⁴⁷ Hemp seeds are rich in protein, fiber, omega-3s and 6s fatty acids, minerals and vitamins, along with antioxidant effects.⁴⁸ All of this is consumed without psychoactive effects. We can look at this to understand the interplay of terpenes and cannabinoids in consumption. In explaining this synergistic interplay, it is easiest to compare terpenes to essential oils and cannabinoids to vitamins and minerals. This is a very simplistic metaphor, but it helps people understand the principles

of the compounds and how they work as medicine in a plant. For many years, it has been the trend to treat everything from insomnia to indigestion with an essential oil. Further, we know the vitamins and minerals we ingest have an overall impact on our immune systems and general health and well-being. Terpenes are found in all plants, so we already consume them, and cannabinoids are also found in many commonly consumed plants, as discussed earlier.

Initially, terpenes were believed to simply enhance the experience of cannabis consumption through the smell of the flower before smoking.49 Incidentally, many people do not understand that it is the flower of the cannabis plant that is primarily smoked or consumed, not the leaves. However, research indicates that terpenes may contribute to the overall medical benefit of cannabis consumption.

Linalool is the terpene in lavender that makes us feel relaxed.50 Linalool is also antimicrobial, antibacterial, antifungal, anxietyreducing and an immune booster. Limonene is the terpene found in citrus fruits that makes us feel energized. It's also an antimicrobial, anti-bacterial, anti-inflammatory and antianxiety agent.⁵¹ Eucalyptol is found in eucalyptus and helps open bronchial passages.⁵² It is also antibacterial and antiinflammatory and has been found to kill certain cancer cells. Myrcene is a terpene prevalent in hops, lemongrass, verbena, bay and citrus fruits and juices.⁵³ Myrcene has properties that are analgesic, sedative, antidiabetic, antioxidant, anti-inflammatory and antibacterial, as well as having anticancer effects. Caryophyllene is found in clove,

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rosemary, black pepper and lavender. It is shown to have anticancer and anti-inflammatory properties and to help with sleep, anxiety and depression. All of these terpenes are also commonly found in cannabis.⁵⁴ These are just three of the many terpenes that are in cannabis and other plants.

Cannabis comes in many different "flavors" or "cultivars," with fancy names developed using plant genetics to create plant-based medicine through the combination and concentration of specific terpenes and cannabinoids in the plant. It is these various combinations that pharmaceutical companies cannot reproduce in labs that make cannabis so unique as an agricultural product and show the importance of food as medicine.

CONCLUSION

Medical marijuana is presently the law in Oklahoma. As practitioners, it should benefit us and our clients to continue reviewing the science and research being conducted as medical marijuana becomes more generally accepted. As research continues, the law may evolve further.

ABOUT THE AUTHOR



Rachel L. Bussett owns and practices at Bussett Legal Group, an all-female firm in Oklahoma City that heavily focuses on

cannabis law. She is a trial attorney with a national practice focused on civil and human rights and personal injury. Ms. Bussett enjoys spending time with her husband, four daughters and three dogs.

ENDNOTES

- 1. While the article is titled "Oklahoma's Newest Crop," it will be referred to as cannabis for this article. The term "marijuana" came into common usage in the early 1900s due to the Mexican Revolution and the influx of immigrants into the U.S. who used cannabis.
 - 2. https://bit.ly/4cjTu0U.
 - 3. https://bit.ly/3OCtVxk.
 - 4. https://bit.ly/3SRTzk6.
 - 5. 2 O.S. §3-32.1.
 - 6. 63 O.S. §427.3.
 - 7. https://bit.ly/42nBDI9.
 - 8. *Id*.
 - 9. Id.
 - 10. Id.
 - 11. Id. See also https://bit.ly/3GiCqwg.
 - 12. https://bit.ly/3ulf8Aq.
 - 13. https://bit.ly/3SCdL8B.
 - 14. 21 USC 811(a)(1)(B).
 - 15. https://bit.ly/3RxPBvw.
 - 16. https://bit.ly/44f9Ndh.
 - 17. https://bit.ly/4jnHuOh.
 - 18. www.ncbi.nlm.nih.gov/books/NBK557426.
 - 19. 21 USC §812.
 - 20. https://bit.ly/3StTqSG.
 - 21. https://bit.ly/3SCQsv0.
 - 22. https://bit.ly/3urRTog.
- "Phytocannabinoids: General Aspects and Pharmacological Potential in Neurodegenerative Diseases"
- 23. https://bit.ly/3ulfib0. "Therapeutic Effects of Cannabis and Cannabinoids."
 - 24. https://bit.ly/3ujGzKZ.
 - 25. https://bit.ly/48dn8kO.
 - 26. https://bit.ly/3Uwl3xb.
 - 27. https://bit.ly/3ujGG9n.
 - 28. https://bit.ly/42GRvyP.
 - 29. https://bit.ly/4jnHuOh.
 - 30. https://bit.ly/499LtJk.
- 31. https://bit.ly/3UB5Nip, citing Ernest Abel, *Marihuana: The First Twelve Thousand Years*.
 - 32. https://bit.ly/499LtJk.
 - 33. Id.
 - 34. https://bit.ly/48b05qL.
 - 35. *Id.*
 - 36. https://bit.ly/3wdtyDf.
 - 37. https://bit.ly/49e9dMz.
 - 38. https://bit.ly/3OEepAW.
 - 39. https://bit.ly/48hLJ7P.
- 40. https://bit.ly/3SCdX7P, internal citations omitted.
 - 41. https://bit.ly/3YhN4JH.
 - 42. https://bit.ly/3upSTcz.
 - 43. https://bit.ly/3uDAzfU.
 - 44. https://bit.ly/3OD5L5O. 45. https://bit.ly/4cP8m7F.
 - 46. https://bit.ly/3ODIH75.
- 47. https://bit.ly/3STpYXB. "A Review of Hemp
- as Food and Nutritional Supplement."
 - 48. https://bit.ly/3SWBSjK.
 - 49. https://bit.ly/3UCTe6e.
 - 50. *Id.*
 - 51. https://bit.ly/3SCeh6x.
 - 52. http://terpene.info/terpene/eucalyptol.
 - 53. https://bit.ly/3SRUe54.
 - 54. https://bit.ly/3ODIH75.

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TUESDAY, **MAY 20, 2025** Available On-Demand



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FEATURED SPEAKER



LENNÉ ESPENSCHIED

Lawyer, Author, National Speaker
and Professor

Hayley Paige's Epic Battle Over Social Media Accounts

COURSE DESCRIPTION:

When Hayley Paige Gutman signed an employment agreement to design a line of bridal wear for JLM Couture, did she inadvertently convey her rights in her "personal" social media accounts? As this embarrassing dispute over social media rights raged between the parties on social media, the 2nd Circuit addressed some important legal issues. We'll examine the blurred line between "person" and "employee" and consider the specific contractual language that spawned the lawsuit. We'll make clear, practical recommendations to clarify which social media rights are assigned and which are not.

ABOUT OUR SPEAKER: Lenné Espenschied

Lenné Eidson Espenschied has earned her status as one of the two most popular contract drafting speakers in the U.S. by continually striving for excellence and providing innovative, practical, skills-based training for transactional lawyers. She practiced law in Atlanta, Georgia, for 25 years, focusing on corporate and transactional representation of technology-based businesses. She is the author of two books published by the American Bar Association: Contract Drafting: Powerful Prose in Transactional Practice (ABA Fundamentals, 3rd Ed. 2019) and The Grammar and Writing Handbook for Lawyers (ABA Fundamentals, 2011). After graduating from the University of Georgia School of Law magna cum laude, Ms. Espenschied began her legal practice at the firm now known as Eversheds Sutherland; she also served as senior counsel in the legal department of Bank of America before eventually opening her own law office. As a law professor, Ms. Espenschied taught commercial law, contracts and contract drafting. Her passion is helping lawyers acquire the skills they need to be successful in transactional practice.

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

- Scott B. Goode, Oklahoma Bar Association Member

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Recognize Excellence: Submit Your OBA Award **Nominations**

By LeAnne McGill

T'S TIME TO START THINKING

▲ about this year's OBA Awards! This year's Annual Meeting will be held in November, and we will once again have the chance to spotlight those OBA members who continually demonstrate excellence within our profession. We need to hear from you! The OBA Awards Committee is now accepting nominations for the 2025 OBA Awards.

New this year, the OBA Trailblazer Award has been renamed in honor of recently retired Justice Yvonne Kauger. The Yvonne Kauger Trailblazer Award champions an OBA member who, through their unique visionary efforts, has profoundly impacted our

profession and/or community, blazing a trail for others to follow.

The designated awards are listed below. Anyone can submit a nomination, and anyone can be nominated. No specific form is required, and the nominations can be as short as a one-page letter but cannot exceed five single-sided $8\frac{1}{2}$ x 11 pages. You can email, fax or mail the nominations. The nomination process is very simple. It only takes a few minutes for you to fill out a nomination form for one of these awards. Visit www.okbar.org for detailed information.

You can help ensure that deserving individuals and entities are awarded for their hard work in public service, leadership and service to

our profession. I encourage you to look among your peers, search your legal associations and contact local bar members to seek out those who should be recognized for their efforts.

Submit a nomination today, and help the OBA continue its proud tradition of honoring those who elevate our profession and serve our communities with distinction.

ABOUT THE AUTHOR



LeAnne McGill is an attorney in private practice in Edmond. She serves as the Awards Committee chairperson.

NOMINATION RULES AND TIPS

The deadline is 5 p.m. Monday, June 30, but get your nomination in EARLY! Nominations, complete with all supporting material, MUST be received by the deadline. Submissions or supporting material received after the deadline will not be considered.

Length of nomination is a maximum of five 8 ½ x 11-inch, one-sided pages, including supporting materials and the form, if used. No exceptions.

Make sure the name of the person being nominated and the person (or organization) making the nomination is on the nomination.

If you think someone qualifies for awards in several categories, pick one award and only do one nomination. The OBA Awards Committee may consider the nominee for an award in a category other than one in which you nominate that person.

Submission options (pick one):

- 1) email: awards@okbar.org (you will receive a confirmation reply);
- 3) mail: OBA Awards Committee, P.O. Box 53036, Oklahoma City, OK 73152.

Visit www.okbar.org/awards for the nomination form if you want to use one (not required), history of previous winners and tips for writing nominations.

AWARDS

OUTSTANDING COUNTY BAR ASSOCIATION AWARD – for meritorious efforts and activities 2024 Winner: Tulsa County Bar Association, Michael E. Esmond, 2023-2024 President

HICKS EPTON LAW DAY AWARD - for individuals or organizations for noteworthy Law Day activities 2024 Winners: Oklahoma County and Tulsa County Bar Associations

GOLDEN GAVEL AWARD - for OBA committees and sections performing with a high degree of excellence 2024 Winner: Oklahoma Bar Journal Board of Editors, Melissa G. DeLacerda, Chair

LIBERTY BELL AWARD - for nonlawyers or lay organizations for promoting or publicizing matters regarding the legal system

2024 Winner: Oklahoma County Diversion Hub

OUTSTANDING YOUNG LAWYER AWARD - for a member of the OBA Young Lawyers Division for service to the profession

2024 Winner: Caroline Shaffer Siex, Tulsa

EARL SNEED AWARD - for outstanding continuing legal education contributions 2024 Winner: Anthony Hendricks, Oklahoma City

AWARD OF JUDICIAL EXCELLENCE - for excellence of character, job performance or achievement while a judge and service to the bench, bar and community

2024 Winners: Judge Barbara Hatfield, El Reno, and Magistrate Judge Paul Cleary, Tulsa

FERN HOLLAND COURAGEOUS LAWYER AWARD - to an OBA member who has courageously performed in a manner befitting the highest ideals of our profession

Not awarded in 2024

OUTSTANDING SERVICE TO THE PUBLIC AWARD – for significant community service by an OBA member or bar-related entity

2024 Winner: OBA YLD Wills for Heroes Program

AWARD FOR OUTSTANDING PRO BONO SERVICE - by an OBA member or bar-related entity 2024 Winner: Rick Rodgers, Duncan

JOE STAMPER DISTINGUISHED SERVICE AWARD - to an OBA member for long-term service to the bar association or contributions to the legal profession 2024 Winner: Andrew M. Coats, Oklahoma City

NEIL E. BOGAN PROFESSIONALISM AWARD - to an OBA member practicing 10 years or more who for conduct, honesty, integrity and courtesy best represents the highest standards of the legal profession 2024 Winner: A. Mark Smiling, Tulsa

JOHN E. SHIPP AWARD FOR ETHICS - to an OBA member who has truly exemplified the ethics of the legal profession either by 1) acting in accordance with the highest ethical standards in the face of pressure to do otherwise or 2) by serving as a role model for ethics to the other members of the profession 2024 Winner: Robert A. Ravitz, Oklahoma City (posthumous)

ALMA WILSON AWARD - for an OBA member who has made a significant contribution to improving the lives of Oklahoma children

2024 Winner: Tsinena Bruno Thompson, Oklahoma City

YVONNE KAUGER TRAILBLAZER AWARD - to an OBA member or members who by their significant, unique visionary efforts have had a profound impact upon our profession and/or community and in doing so have blazed a trail for others to follow

Not awarded in 2024

INDIVIDUALS FOR WHOM AWARDS ARE NAMED

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

HICKS EPTON – While working as a country lawyer in Wewoka, attorney Hicks Epton decided that lawyers should go out and educate the public about the law in general and the rights and liberties provided under the law to American citizens. Through the efforts of Mr. Epton, who served as OBA president in 1953, and other bar members, the roots of Law Day were established. In 1961, May 1 became an annual special day of celebration nationwide designated by a joint resolution of Congress. The OBA's Law Day Award recognizing outstanding Law Day activities is named in his honor.

FERN HOLLAND – Fern Holland's life was cut tragically short after just 33 years, but this young Tulsa attorney made an impact that will be remembered for years to come. Ms. Holland left private law practice to work as a human rights activist and to help bring democracy to Iraq. In 2004, she was working closely with Iraqi women on women's issues when her vehicle was ambushed by Iraqi gunmen, and she was killed. The Courageous Lawyer Award is named as a tribute to her.

YVONNE KAUGER – Yvonne Kauger served on the Oklahoma Supreme Court from 1984 to 2024 and as chief justice from 1997 to 1999. She graduated at the top of her class and received her J.D. from the OCU School of Law in 1969. She is a fourth-generation Oklahoman from Colony. She was the first woman staff lawyer at the Oklahoma Supreme Court and was appointed to the Capitol Preservation Commission by Chief Justice Pat Irwin. She founded the Gallery of the Plains Indians, the Red Earth Festival, the Sovereignty Symposium and Movie Night at the Supreme Court. She was instrumental in establishing OSCN.net and the adoption of uniform citations, and she chaired the Building Committee and the Arts Committee of the Oklahoma Judicial Center. Her contributions to the legal, cultural and artistic landscape of Oklahoma have blazed a trail for others to follow.

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

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

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

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

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



Fifteen awards to choose from, including those for lawyers, nonlawyers, organizations and bar associations. All nominations and supporting materials must be received by the deadline.

www.okbar.org/awards

Celebrate Law Day 2025

By Mary Clement and Ed Wunch

EACH YEAR, LAW DAY IS the day set aside to celebrate the law and its importance in our lives. It is our role as lawyers to enhance public understanding of the law and the role it plays in maintaining a fair and just society. Although Law Day has been celebrated nationally on May 1 since 1958, Law Day has a special significance for those of us admitted to practice in Oklahoma – Law Day had its inception in our state when Seminole lawyer Hicks Epton launched the "Know Your Courts, Know Your Rights" initiative in the early 1950s. It is our turn to proudly carry this tradition forward.

This year's theme is "The Constitution's Promise: Out of Many, One." This theme has guided us to think about our civic duties as well as our professional responsibility as lawyers to take a proactive stance in educating the public. Law Day is a time for all of us to think about the framework that unites us as citizens.

As we take this moment to reflect on these principles, we can also take pride in that for nearly 50 years, the OBA has celebrated Law Day by hosting the Ask A Lawyer community service event, sponsoring educational content aimed at public audiences and holding art and writing contests for Oklahoma students in pre-K through 12th grade.

ASK A LAWYER

Every year, on May 1, Oklahomans are offered the opportunity to speak to a licensed attorney on any topic at no cost. We provide phone banks of lawyers standing by to take calls or answer questions submitted via email. Dozens of lawyer volunteers from around the state participate each year, answering hundreds of questions. No topic is off-limits! Although the main phone banks are set up in Oklahoma City and Tulsa, nonmetro communities are encouraged to participate as well. In 2025, lawyers in Beaver, Bartlesville, Enid, Hugo, Stillwater and Stilwell

served their communities by hosting Ask A Lawyer call-in events for at least part of the day.

Not only are these days important for helping the public, but they are also fun! Volunteering together provides a great opportunity for meaningful engagement with friends and colleagues. We hope you will consider participating in this pro bono justice event in the future or coordinating and hosting a local event that will serve your community in 2026. We would love to help you get started!



Nearly 1,600 students from across the state in grades pre-K to 12th submitted entries into the annual Law Day art and writing contests. The winning students were recognized during a ceremony at the state Capitol in April.



Judge Stephen P. Friot of the U.S. District Court for the Western District of Oklahoma discusses the federal court system for a video that will be shared with all Oklahomans as part of the Law Day public education campaign.

EDUCATIONAL CONTENT

The celebration of Law Day allows bar members to reaffirm our commitment to foundational principles, such as the checks and balances of power enshrined in our Constitution. While we celebrate the freedoms we enjoy under this governing framework, it is also critical that all citizens understand how the three branches of government function in order to participate effectively in government. For 2025, we have

focused on creating new video content that highlights education related to the Oklahoma courts. The videos feature several volunteer Oklahoma judges and lawyers discussing how our courts function, our state's judicial selection process and foundational principles - such as the Rule of Law - in engaging, easy-to-understand language. These videos are optimized for viewing on social media and are being shared on the OBA's channels, including YouTube, Facebook, LinkedIn and

Instagram. We expect these videos to reach hundreds of thousands of Oklahomans throughout the Law Day season, and they will live on as evergreen content that schools, civic groups and individual viewers can access at any time of the year.

Digital educational content is one of many ways OBA members are reaching the public. The Canadian County Bar Association is partnering with local high schools to allow seniors interested in the legal field to shadow bar members and judges for an afternoon. In Seminole County, which is recognized as the birthplace of Law Day, speakers presented on relevant topics at a local community center on April 30. And several county bar associations - such as Oklahoma, Seminole, Stephens, Tulsa and the Tri-County Bar Association in southeastern Oklahoma - hosted celebration luncheons and other events. We hope your local county bar is thinking of creative ways to get involved in Law Day in 2026!

ART AND WRITING CONTESTS

We believe it is never too early to begin learning these important concepts so that even the youngest students are prepared to be good citizens of our state and nation. This year, 1,569 students from 77 towns and more than 160 schools and homeschool groups entered the contest. More schools and homeschool groups from more towns across Oklahoma





Supreme Court of Oklahoma
Chausers Apress Exercis Street

Chausers Apress Exercis Street

Chausers Court Directive

OKLAHOMA SUPREME COURT DIRECTIVE

OBSERVANCE OF LAW DAY
May 1, 2025

"The Constitution's Promise: Out of Many, One"

All courts in each of the twenty-six judicial districts in
Oklahoma are urged to hold Law Day activities. These activities may include virtual or in-person courtroom ceremonies, courthouse tours, and mock trials. The cooperation and participating of judges and court clerks is essential for successful Law Day events.

This year is the 68th annual nationwide observance of Law Day, Law Day is sponsored by the Oklahoma Bar Association, each of the seventy-seven County Bar Associations and the American Bar Association. Law Day programs should be keyed to the 2025 theme:
"The Constitution's Promise: Out of Many, One."

DONE THIS 2nd DAY OF APRIL, 2025.

DUSTIN P. ROWE
CHIEF JUSTICE

Top: Law Day Co-Chairs Mary Clement and Ed Wunch, along with OBA Executive Director Janet Johnson and President D. Kenyon Williams Jr., witness Chief Justice Dustin P. Rowe sign the 2025 Law Day Directive.

Left: Gov. Kevin Stitt proclaimed May 1 as Law Day in Oklahoma.

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Judge Anthony Bonner of Oklahoma County describes district court proceedings for the Law Day public education campaign.



Chief Justice Rowe leads a group of Law Day contest first-place winners and their families on a tour of the Oklahoma state Capitol following the ceremony in April.

entered the contest this year than in any previous year, and more than \$4,000 in prize money was awarded to students. You will see some of the award-winning entries that earned top honors beginning on page 50 of this journal. You may view all the winning entries on the OBA website at www.okbar.org/lawday. We offer a huge thank you to all the

Oklahoma educators, students and their families for participating in this year's contest. Our hope is that all students who participated not only took pride in their work but also gained a better understanding of our cherished Constitution and how it can help us come together as a united nation.

CONCLUSION

The Rule of Law is how we protect our democratic institutions and our constitutional republic. It provides that everyone is accountable to the law, and no one is above the law. That is something we should celebrate on Law Day and every day, whether you are a lawyer or a layperson. It takes hundreds of volunteers across the state to make each Law Day a success, and we are so grateful to those volunteer judges and lawyers, along with the statewide Law Day Committee, the participating county bars, the Oklahoma County Bar Auxiliary, the OBA Board of Governors and the OBA staff along with the staff at the Oklahoma County and Tulsa County bar associations for their efforts and commitment to support this annual project. Please visit www.okbar.org/lawday to learn more about Law Day and start thinking of ways you or your local county can get involved in this critical public education project next year!

ABOUT THE AUTHORS

Mary Clement is a solo attorney practicing in probate and estate planning in Tulsa. She serves as co-chair of the OBA Law Day Committee and also coordinates lawyer volunteers for the Ask A Lawyer event at the Tulsa County Bar Association. She may be reached at mary@clementlegalok.com.

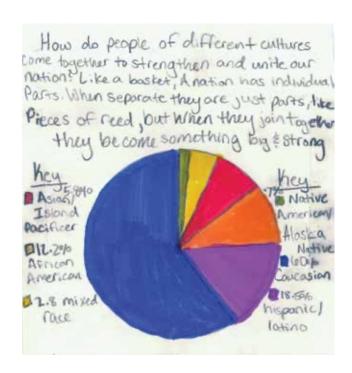
Ed Wunch is the criminal justice debt attorney for Legal Aid Services of Oklahoma in Oklahoma City. He serves as co-chair of the OBA Law Day Committee, and he has chaired the committee since 2020 after serving as vice chair in 2019. He may be reached at ed.wunch@laok.org.

Contest Winners Highlights

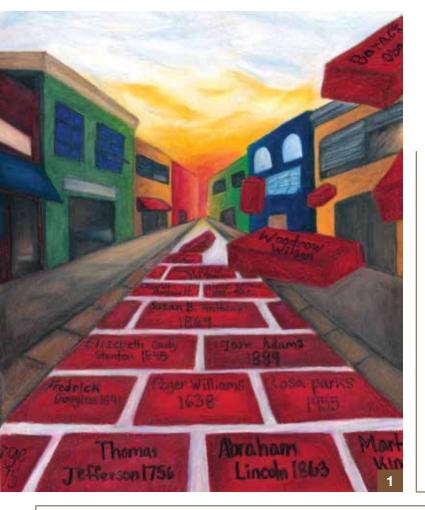
THE OBA LAW DAY COMMITTEE would like to thank Oklahoma educators, students and their families for participating in the 2025 Law Day Contest. This year, 1,569 students from 77 towns and more than 160 schools and homeschool groups entered the contest.

First- through 12th-grade students demonstrated their knowledge of the history and concepts of the theme "The Constitution's Promise: Out of Many, One" through essays, creative writing and multimedia art. Pre-K and kindergarten students were given a choice of coloring activity pages related to the theme, allowing them to show off their budding creative abilities. For both elementary and secondary students, the contest allowed them to explore how the Constitution bridges our differences to bring us together as a united nation.





Lillie ShearinGrand Prize
Pryor High School,
Pryor



MOSAIC OF VOICES

Bipartisanship is the way we the People of the United States of America will succeed in unification. Politicians must uphold their duties as being the voice for citizens by cooperating with opposing parties and agendas to ensure democracy is sustained in the Constitution because only then is civic participation impactful. Without bipartisanship, those who engage in politics and use their First Amendment right to voice their opinion may feel unheard and alienated. Although the rise of polarization is increasing every day, there is still hope for change in our government and we must uphold our constitutional promise: liberty, justice, equality, democracy, and security. It is essential that we engage and become the source of change that our country needs to see in order to thrive; we are the source of power. Read the full essay at www.okbar.org/lawday.

AMENDMENT 14

I wasn't looking for my life-changing revelation at 17, and I definitely didn't want one either. Ignorance is bliss – or at least, that's what I thought ... before. It was typical to let history remain safely confined to textbooks and overplayed History Channel documentaries. Sure, I'd cry during lessons on Women's Suffrage or the Civil Rights Movement, but the tears dried as soon as the bell rang, and the stories of struggle stayed behind in the classroom, neatly filed away while I moved on with my life. I would acknowledge a few threads of the hurt-stained quilt of America, then leave the past behind where I thought it belonged as if it never belonged to me. Before. That's how it always was – before today. Today, I saw something I'll never forget. Read the full essay at www.okbar.org/lawday.

1. Allisa Dumas First Place 11th Grade Art Edmond

2. Brookelynn Weaver First Place 11th Grade Writing Pawnee

3. Ledesli Armendariz First Place 10th Grade Writing Pauls Valley

2

DISCOVERIES IN THE NATIONAL ARCHIVES

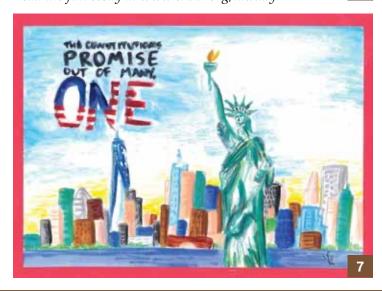
"Okay, everyone, remember to stay close!" Mrs. Smith called over the herd of students swarming through the National Archives. I nodded without thinking about it, my eyes traveling over the stately oil paintings that hung around the room. Our guidebook had called them the Faulkner murals. They depicted scenes of the Declaration of Independence and the Constitution being presented, with a large group of representatives present.

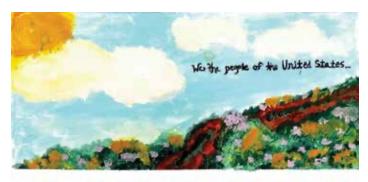
The murals were painted in beautiful, vibrant colors, dusky reds, earthy greens, and creamy whites. Logically, I knew it must have been restored, but it felt like I had traveled back in time to just minutes after the final stroke had been put on the canvas. Read the full essay at www.okbar.org/lawday.



THE ARTICLES

As my foot stepped out of the time machine, I felt the usually cold air from the lab turn into warm, sultry air, and as the atmosphere changed, so did my emotions. I went from feeling certain and secure to feeling a very tense sensation. I looked around to see where I was at. I was in a town where the buildings were all made of brick. All of the women in the town were wearing their dresses and the men were wearing their tights. I looked up to see if I was in the right timeline and above me was a sign that said 1787. I began walking down the street and at every corner I turned to I could hear heated discussions. One of the conversations I heard seemed to catch my attention. Read the full essay at www.okbar.org/lawday.

















To see the complete list of winning entries, please visit www.okbar.org/lawday.



- **4. Evelyn Saylor**First Place
 9th Grade Writing
 Jenks
- 5. Evie Schell First Place 9th Grade Art Tulsa
- 6. Grace Perez
 First Place
 8th Grade Writing
 Pauls Valley
- 7. Vivi Cate McDonald First Place 7th Grade Art Bartlesville
- 8. Daphne L. Decker First Place 5th Grade Art Grove





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OKLAHOMA JUDICIAL NOMINATING COMMISSION

SUBMIT A NOMINATING PETITION

Nominating petitions for election as members of the Judicial Nominating Commission from Congressional Districts 3 and 4 (as they existed in 1967) are now being accepted by OBA Executive Director Janet Johnson.

Nominating petitions must be received at the Oklahoma Bar Center by 5 p.m. May 16.

When submitting a nominating petition, candidates should include a biography of 100 words or less and a photo (preferably both digital). For additional details and a sample bio format, email marks@okbar.org.

DOWNLOAD NOMINATING PETITION FORMS AT WWW.OKBAR.ORG/JNC

Solo & Small Firm Conference

OBA Solo & Small Firm Conference Is Back in 2025

By Jim Calloway

THE OBA SOLO & SMALL Firm Conference is back! It will be held July 16-18 at the OKANA Resort in Oklahoma City. This year combines cutting-edge CLE taught by a faculty of experts with the exciting new OKANA Resort, which features an indoor and outdoor waterpark and many recreational activities. You can find the schedule and registration information at www.okbar.org/solo.

The conference begins Wednesday evening with a welcome reception sponsored by premium sponsor Oklahoma Attorneys Mutual Insurance Co. (OAMIC). The next morning, kickoff sessions opening the conference illustrate the diversity of programming offered. Sessions include "Recent Developments in Family Law" with Virginia Henson, "Preserving the Record for Appeal" with Justin Lollman and "Prompt Building for Your Favorite Artificial Intelligence Tool" with OBA Practice Management Advisor Julie Bays. Every hour features programs targeted to solo and small firm lawyers; however, many are valuable for every lawyer in private practice, no matter the firm size.

Later, sessions range from "DUIs and Driver's Licenses" and "Limited Scope Representation Services Delivery" to "The Ins and Outs of Attorney-Client Agreements."

Phil Fraim, president and CEO of OAMIC, will lead a session on cybersecurity – an issue of concern for all legal professionals.

Thursday concludes with "60 Tips in 60 Minutes," always a fast-paced and entertaining program, followed by "The State of AI in Legal: Where Are We, and What Does It Mean for the Billable Hour?" taught by Kenton Brice, director of the Law Library and associate professor of law at the OU College of Law. We are grateful Professor Brice has made time for us in his busy schedule to cover this important subject.

As I have noted previously, if artificial intelligence means a lawyer can do a task in 15 minutes that used to take three hours, there are only a few options:

- Ignore the tool and keep charging the clients for three hours,
- Continue with hourly billing and bill 15 minutes going forward or
- Modify your attorneyclient billing practice

To me, only one method seems to make sense for the future.

This year, we have altered the educational schedule. The conference will still offer 12 hours of MCLE credit, including two hours of ethics, but two of those hours will be delivered on demand to conference attendees after the conference. This change was made to allow attendees more time to enjoy the beautiful OKANA Resort facilities and attractions and have more social time with peers. This arrangement has also allowed us to reach out to a nationally known speaker who might have been difficult to book otherwise, Damien Riehl. Mr. Riehl is vice president and solutions champion at vLex Fastcase and is one of the most informative people you will ever hear discuss the intersection of AI and the legal profession.

Friday morning, one of our breakout sessions is a two-parter. Chad Kelliher will teach "Using iPad and TrialPad for Depositions and Trials" (parts 1 and 2). Mr. Kelliher has some very interesting ideas to share. I've long believed an iPad with TrialPad is the most effective way for a solo lawyer with no co-counsel or trial assistant to try a jury trial with many exhibits. Julie Bays and I reached out to the software developers LIT Software at ABA TECHSHOW, and it looks like some lucky Solo & Small Firm Conference attendees will get to learn about TrialPad and win a one-year subscription (a \$600 value)!



Other sessions Friday morning include "Spotting Immigration Issues in General Practice: A Guide for Solo and Small-Firm Attorneys" with Tara Jordan de Lara, "Disaster-Proofing Your Law Practice" with Brian Candelaria, "Office Unlocked: Maximizing the Power of MS 365" with Julie Bays, "Criminal Motion Practice in State and Tribal Courts: Tips, Stories and Most Importantly ... Forms!" with Jason Christopher and "Countdown to 18: What Every Family Lawyer Should Know" with OBA Family Law Section Chair Anastasia Krich-Mahoney.

After lunch on Friday, there is a plenary session on professionalism, and OBA General Counsel Gina Hendryx will give an ethics presentation titled "Breaking Up Is Hard To Do: Proper Termination of Attorney-Client Relationship." And, as always, we conclude the conference with "What's Hot and What's Not in Law Office Management and Technology," a brief program that combines attendees sharing tips and asking questions, plus an opportunity to win prizes.

Great cutting-edge CLE, an opportunity to network with small firm lawyers from across the state

and a beautiful new resort to explore are just a few reasons you will want to register for and attend the 2025 OBA Solo & Small Firm Conference.

Visit www.okbar.org/solo for more information and to register today.

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





JULY 16-18 | OKANA RESORT | OKLAHOMA CITY

The OBA Solo & Small Firm Conference is back for 2025! Mark your calendars now for Wednesday, July 16, through Friday, July 18, at the brand-new OKANA Resort near downtown Oklahoma City.

This mid-year event offers CLE and networking opportunities related to solo and small firm practice management, all in a fun, relaxed, resort-casual environment. Conference attendees can earn 12 hours of MCLE credit, including up to 2 hours of ethics, for Oklahoma or 8.5 general and 1.5 ethics for Texas. Plus, celebrate the summer! Satisfy your appetite at one of the restaurants, relax at the spa and go swimming at the pool or waterpark, all without having to leave the comfort of the resort.

You won't want to miss out on this year's conference, so register today! Visit the conference website at www.okbar.org/solo for the complete schedule plus online conference registration. The early-bird registration deadline ends June 13.



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



Full Name:





OBA#:

REGISTRANT INFORMATION

Address:		
Phone:	Fax:	
Name and city as it should appear on yo	ur badge if different from above:	
Please list any diatary restrictions:		
	GUEST INFORMATION	
Guest name:		
Guest name:		
Cuestname		

STANDARD RATES FOR OBA MEMBERS

	NUMBER OF GUESTS	CIRCLE ONE
Early Attorney Only Registration (on or before June 13)		\$300
Late Attorney Only Registration (on or after June 14)		\$350
Guest Registration (on or before June 13)		\$275 each
Late Guest Registration (on or after June 14)	·	\$300 each
Guest Registration (for children 12 and under)		\$150 each

PAYMENT INFORMATION

Make checks payable City, OK 73152; or fax				the registration form to CLE Registrar, P.O. Box 53036, Oklahoma
For payment using:	□ Visa	☐ Mastercard	☐ Discover	☐ American Express
Total to be charged: \$			Credit Card #:	
CVV:				Expiration Date:
Authorized Signature:				

REGISTRATION AND POLICIES

CANCELLATION POLICY

Cancellations will be accepted at any time on or before June 14 for a full refund; a \$50 fee will be charged for cancellations made after June 14.

No refunds after June 20.

REGISTRATION

Registration fee includes 12 hours of CLE credit, including up to two hours of ethics. Includes dinner Wednesday, breakfast Thursday and Friday and lunch Thursday and Friday.

HOTEL RESERVATIONS

Book by calling 1-800-547-3928 and mentioning "OK State Bar – OBA 1," or visit www.okbar.org/solo and click "Book Your Stay" to book online.

The room block is open until June 13.

^{*} A 6.5% processing fee will be added to all credit card payments



SPONSORS & VENDORS

Sponsorship and vendor opportunities are still available for the 2025 Solo & Small Firm Conference.

Contact Gigi McCormick at 405-416-7028 or gigim@okbar.org for more information.

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NOTICE OF INVITATION TO SUBMIT OFFERS TO CONTRACT

THE OKLAHOMA INDIGENT DEFENSE SYSTEM BOARD OF DIRECTORS gives notice that it will entertain sealed Offers to Contract ("Offers") to provide non-capital trial level defense representation during Fiscal Year 2026 pursuant to 22 O.S. 2001, §1355.8. The Board invites Offers from attorneys interested in providing such legal services to indigent persons during Fiscal Year 2026 (July 1, 2025 through June 30, 2026) in the following counties: 100% of the Oklahoma Indigent Defense System caseloads in THE FOLLOWING COUNTIES:

CRAIG / NOWATA / ROGERS

Offer-to-Contract packets will contain the forms and instructions for submitting Offers for the Board's consideration. Contracts awarded will cover the defense representation in the OIDS non-capital felony, juvenile, misdemeanor, traffic, youthful offender and wildlife cases in the above counties during FY-2026 (July 1, 2025 through June 30, 2026). Offers may be submitted for complete coverage (100%) of the open caseload in any one or more of the above counties. Sealed Offers will be accepted at the OIDS offices Monday through Friday, between 8:00 a.m. and 5:00 p.m.

The deadline for submitting sealed Offers is 5:00 PM, Friday, May 9, 2025.

Each Offer must be submitted separately in a sealed envelope or box containing one (1) complete original Offer and two (2) complete copies. The sealed envelope or box must be clearly marked as follows:

FY-2026 OFFER TO CONTRACT	TIME RECEIVED:
COUNTY / COUNTIES	DATE RECEIVED:

The Offeror shall clearly indicate the county or counties covered by the sealed Offer; however, the Offeror shall leave the areas for noting the time and date received blank. Sealed Offers may be delivered by hand, by mail or by courier. Offers sent via facsimile or in unmarked or unsealed envelopes will be rejected. Sealed Offers may be placed in a protective cover envelope (or box) and, if mailed, addressed to OIDS, FY-2026 OFFER TO CONTRACT, 111 North Peters, Suite 100, Norman, OK 73069. Sealed Offers delivered by hand or courier may likewise be placed in a protective cover envelope (or box) and delivered during the above-stated hours to OIDS, at 111 North Peters, Suite 100, Norman, OK 73069. Protective cover envelopes (or boxes) are recommended for sealed Offers that are mailed to avoid damage to the sealed Offer envelope. ALL OFFERS, INCLUDING THOSE SENT BY MAIL, MUST BE PHYSICALLY RECEIVED BY OIDS NO LATER THAN 5:00 PM, FRIDAY, MAY 9, 2025 TO BE CONSIDERED TIMELY SUBMITTED.

Sealed Offers will be opened at the OIDS Norman Offices on Monday, May 12, 2025, beginning at 10:00 AM, and reviewed by the Executive Director or his designee for conformity with the instructions and statutory qualifications set forth in this notice. Non-conforming Offers will be rejected on Monday, May 12, 2025, with notification forwarded to the Offeror. Each rejected Offer shall be maintained by OIDS with a copy of the rejection statement.

NOTICE OF INVITATION TO SUBMIT OFFERS TO CONTRACT

Copies of qualified Offers will be presented for the Board's consideration at its meeting on Friday, May 16, 2025, at a place to be announced.

With each Offer, the attorney must include a résumé and affirm under oath his or her compliance with the following statutory qualifications: presently a member in good standing of the Oklahoma Bar Association; the existence of, or eligibility for, professional liability insurance during the term of the contract; and affirmation of the accuracy of the information provided regarding other factors to be considered by the Board. These factors, as addressed in the provided forms, will include an agreement to maintain or obtain professional liability insurance coverage; level of prior representation experience, including experience in criminal and juvenile delinquency proceedings; location of offices; staff size; number of independent and affiliated attorneys involved in the Offer; professional affiliations; familiarity with substantive and procedural law; willingness to pursue continuing legal education focused on criminal defense representation, including any training required by OIDS or state statute; willingness to place such restrictions on one's law practice outside the contract as are reasonable and necessary to perform the required contract services, and other relevant information provided by attorney in the Offer.

The Board may accept or reject any or all Offers submitted, make counter-offers, and/or provide for representation in any manner permitted by the Indigent Defense Act to meet the State's obligation to indigent criminal defendants entitled to the appointment of competent counsel.

FY-2026 Offer-to-Contract packets may be requested by facsimile, by mail, or in person, using the form below. Offer-to-Contract packets will include a copy of this Notice, required forms, a checklist, sample contract, and OIDS appointment statistics for FY-2021, FY-2022, FY-2023, FY-2024 and FY-2025 together with a 5-year contract history for each county listed above. The request form below may be mailed to OIDS OFFER-TO-CONTRACT PACKET REQUEST, 111 North Peters, Suite 100, Norman, OK 73069, emailed to brandon.pointer@oids.ok.gov or submitted by facsimile to OIDS at (405) 801-2661.

REQUEST FOR OIDS FY-2026 OFFER-TO-CONTRACT PACKET				
Name	OBA #			
Street Address	Phone			
City, State, Zip	Fax			
County / Counties of Interest				

From the General Counsel

Oklahoma's Growing Demand for Court Reporters

By Gina Hendryx

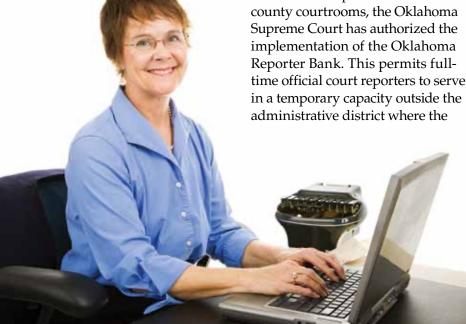
IKE MOST JURISDICTIONS,

■Oklahoma courts are facing a severe shortage of certified shorthand reporters. Demand for court reporters in our 77 county courthouses remains constant, but the supply of trained professionals is dwindling. According to the National Court Reporters Association (NCRA), the average age of current court reporters is 55 years old, and the association estimates there is a shortage of 5,000 court reporters in the United States. Coupled with nearing retirement and opportunities in

the private sector, the supply of newly trained reporters cannot keep pace with the need in the public sector. There is no "quick fix" to this problem; however, our courts and local educational institutions are working to promote opportunities and programs in court reporting.

As of April 1, there were 64 court reporter vacancies across the state. The majority of these positions are in rural counties that currently have no court reporters on staff. Without the ability to make an official record of proceedings, delays are inevitable, and access to justice is impacted.

To address the current need for certified reporters in our county courtrooms, the Oklahoma Supreme Court has authorized the implementation of the Oklahoma Reporter Bank. This permits fulltime official court reporters to serve in a temporary capacity outside the administrative district where the



reporter routinely works. The "visiting reporter" may serve for trials, evidentiary hearings and other proceedings where a court reporter is needed, whether virtually or in person. To access the bank, the judge presiding over the matter or the judge's bailiff sends a request to the coordinator of the Oklahoma Reporter Bank with information including the date(s) needed, the type of case, the matter to be heard and whether the reporter needs to be in person or may be virtual. Priority will be given to felony matters, including preliminary hearings and jury trials.

If you are an attorney and need a court reporter for a matter, you should timely make your request to the judge presiding over the case in compliance with court rules and with sufficient notice that a reporter may be requested by the judge and then assigned to your matter by the bank. Oklahoma is fortunate to have experienced and dedicated official court reporters serving our state courts. They are making a difference and filling a very real void by willingly making themselves available where needed via the Oklahoma Reporter Bank.

Ms. Hendryx serves as OBA general counsel.

MATTHEW CHRISTENSEN JOINS SHERWOOD & ROBERT!



Sherwood & Robert is thrilled to welcome Matthew Christensen, a seasoned real estate attorney with nearly two decades of experience in complex business transactions, commercial development, and regulatory law. With a legal career focused on real estate since 2006, Matt has been advising clients across multiple industries such as construction, energy, telecom, and retail. His work covers a wide range of issues such as acquisitions, leasing and other dispositions, zoning, TIFs and other incentives, premises liability, brokerage law, and regulatory compliance.

Matt brings a unique blend of in-house and private practice experience. He spent nearly eight years as in-house counsel at QuikTrip Corporation, where he led legal efforts on major real estate and development initiatives nationwide. Prior to that, he was a partner at a leading Tulsa law firm, representing national developers, brokerages, and energy companies.

"I am focused on delivering high-value counsel in real estate and deal-making – with a service-first mindset shaped by my years at QuikTrip," he explained. "Clients deserve clarity, responsiveness, and results. That is exactly what we're building here. This new chapter is about helping people grow-whether that is securing a deal, navigating a tough negotiation, or making the right long-term decision," said Matt. "I'm proud to bring my experience to a firm that shares that same commitment to excellence and growth."

Known for his strategic, results-driven counsel, Matt helps clients manage risk and structure efficient transactions, that align with each client's long-term business goals.

"Joining Sherwood & Robert is not just a professional decision – it's a personal one," added Matt. "I've known Hugh Robert for over 30 years, and I trust him implicitly. That trust, combined with the firm's integrity and vision, made it the right move to leave one of the greatest companies in America and return to private practice."

Sherwood & Robert continues to grow with intention, building a team of attorneys who combine deep experience with personal dedication to client service. The firm is excited to welcome Matt Christensen to the team and looks forward to the expertise he brings to the firm's expanding practice.

FOR MORE INFORMATION ABOUT SHERWOOD & ROBERT, PLEASE VISIT WWW.SMR-LAW.COM.



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



From the President

(continued from page 4)

But even then, I did not hear much about the history of Decoration Day.

The tradition of remembering and honoring the military dead can be traced back to ancient times. Over 24 centuries ago, an Athenian leader, Pericles, wrote of fallen heroes of the Peloponnesian War: "Not only are they commemorated by columns and inscriptions, but there dwells also an unwritten memorial of them, graven not in stone but in the hearts of men." Here in the United States, there is a robust debate about which community can lay claim to the first

Decoration Day. What is undisputed is that Decoration Day grew out of the aftermath of our Civil War.

On May 5, 1868, just three years after the conclusion of the Civil War, Gen. John Logan, national commander of the Grand Army of the Republic, proclaimed in General Order 11, "The 30th day of May, 1868, is designated for the purpose of strewing with flowers, or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village and hamlet churchyard in the land."

Decoration Day remained an acknowledgment of the Civil War's fallen, both blue and gray, until after World War I, when the day became dedicated to all our American military who died fighting in any war. It was not until 1968 that the Uniform Monday Holiday Act, an act of Congress that amended the federal holiday provisions of the United States Code to establish the observance of certain holidays on Mondays, declared Memorial Day to be a national holiday.

I lived through the transition of Decoration Day into Memorial Day but was not really touched by it until the first Skiatook High School graduate came home from Vietnam for burial with full military honors. You see, I was born after World War II had ended and just at the end of what was then called the Korean Conflict. War had not touched me - until the first death of someone I really did not know but who was a part of my small community. It was then that Memorial Day took on the significance and meaning my Boy Scout leaders had tried to explain to me.

Our association has a true desire to be supportive of the military veterans of Oklahoma. Our Military Assistance Committee, led by former OBA Board of Governors member S. Shea Bracken, is active and always looking for ways to provide assistance, not just to OBA members who are ex-military but to any ex-military who might need our help. But all this support is directed, rightfully, to the living, who are also celebrated on Veterans Day. With Memorial Day coming on the cusp of the end of school and summer vacations, it is so easy for us to forget the



families who have been touched by the loss of loved ones in military service. I hope these comments will help all of us to keep foremost in our minds the true meaning of Memorial Day this year.

In closing, please visualize the women of Columbia, Mississippi, who came out in the spring of 1867 to decorate the graves of the Southern soldiers who had fallen during the Civil War. Those women were moved by compassion to decorate the graves of not just the Southern soldiers but also the graves of the Northern soldiers. These acts of compassion had a healing effect on a suffering nation still recovering from the Civil War that far exceeded the simple acts themselves. I leave you with a few stanzas of the 1867 poem "The Blue and the Gray," which was authored by New York state Judge Francis Miles Finch, inspired by the women of Columbia, Mississippi:

By the flow of the inland river, Whence the fleets of iron have fled, Where the blades of the gravegrass quiver,

Asleep are the ranks of the dead: Under the sod and the dew, Waiting the judgment-day; Under the one, the Blue, Under the other, the Gray. From the silence of sorrowful hours The desolate mourners go, Lovingly laden with flowers Alike for the friend and the foe: Under the sod and the dew, Waiting the judgment-day, Under the roses, the Blue, Under the lilies, the Gray.

Sadly, but not with upbraiding, The generous deed was done, In the storm of the years that are fading No braver battle was won: Under the sod and the dew, Waiting the judgment-day, Under the blossoms, the Blue, Under the garlands, the Gray.

No more shall the war cry sever, Or the winding rivers be red; They banish our anger forever When they laurel the graves of our dead!

Under the sod and the dew, Waiting the judgment-day, Love and tears for the Blue, Tears and love for the Gray.

Thank you for your service!

Editor's Note: This article was adapted from content originally published *in the May 2015 issue of the* Tulsa Lawyer.

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From the OBA MAP Director

A Few Final Words From Your Practice Management Advisor

By Jim Calloway

TN THE SUMMER OF 1997,

when I first reported for work at the OBA to develop a program to assist practicing lawyers, I certainly didn't anticipate I would be retiring from the OBA 28 years later. But here we are. I'll be retiring at the end of May.

Retirement brings mixed emotions - from the sadness of moving on to the happy anticipation of what's next. But primarily, I feel gratitude. The relationships I have developed with so many lawyers have been rewarding, and one of the best things was rarely having to argue with other members of the bar. Since this is my last "Law Practice Tips" column, I do promise to end with some tips.

I appreciate that OBA leadership trusted me to try many ideas over the years. After I had shut down my law practice and started in this position, I learned the task force that created the program had some not just unrealistic, but impossible expectations. One was that within a few years, the program would be generating so much consulting revenue that it would largely pay for itself.

I sought an audience with then-OBA Executive Director Marvin Emerson and shared my view that many Oklahoma lawyers didn't really want the OBA in their offices. Even fewer would be willing to pay for the privilege – at least at that time. Mr. Emerson was a legend with a legendary sternness. But he actually chuckled in response, saying, "You are probably right about that." So I designed a "mostly free" member benefit program, writing an article in every bar journal, speaking at no charge to any county bar association or Oklahoma lawyer group that invited me, starting a hotline service to answer lawyers' questions about law office management and technology and many other projects.

I had few objective qualifications for this job. Before the widespread use of the internet, I established a computer bulletin board system named the "Barrister's Club" as a hobby. Lawyers calling in from other area codes would wait until after 11 p.m. to log in when the long-distance telephone rates were lower. Those on the interviewing committee likely thought that required more technical expertise than it did.

My other "qualification" was that I had been invited to become one of the OBA Family Law Section's "computer nerds." The late Doug Loudenback, the late Gary Dean and Charles Hogshead invited me to participate with them in their CLEs. It was at a Family Law Section CLE that I gave one of the first live demonstrations for

lawyers, showing how to log in to the internet using a 1,200-baud acoustic modem we dropped a telephone handset into and the Mozilla browser. It was all text and no graphics, with mainly .edu and .gov domains and not much else. Because of the time spent in my youth reading science fiction, I was able to make some accurate predictions on what was ahead for the internet.

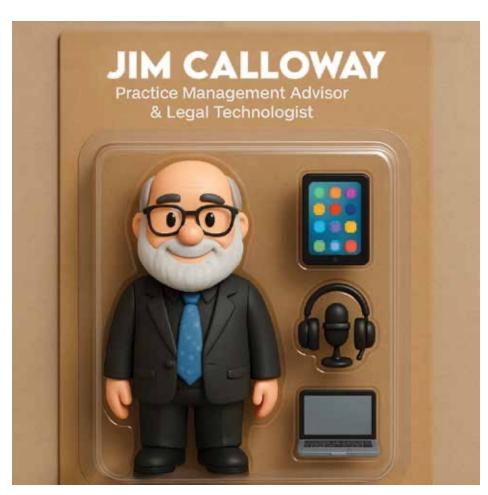
Many will remember that Doug Loudenback created the Grande Macros, a collection of interlocking WordPerfect macros that would draft most routine family law pleadings. Doug wasn't much of a marketer, so we agreed that my department would sell them for him on a commission basis. It is interesting that, while some software tools for lawyers still struggle with perfecting automated document assembly, many Oklahoma family law lawyers had that capability decades ago, even though the macros have now faded into history.

MANDATORY CLE DOESN'T NEED TO BE BORING

Many lawyers today do not know that the requirements for MCLE and ethics programs arose from a reaction to the Watergate scandal, involving many lawyers behaving questionably or illegally.

As many jurisdictions enacted MCLE requirements, more CLE presentations were given across the nation. The early programs were fairly described as "like law school lectures, but they don't call on you." Trial lawyers were often the most entertaining presenters due to their skills.

One of my mentors, the late Ross Kodner of Wisconsin, told me the most important goal of teaching CLE to lawyers is to be energetic and entertaining. For me, bringing energy was relatively easy because I was a true believer. In a time when partners were telling associates that having a computer on their desk would be "unprofessional," I knew almost every lawyer would have a computer at their workstation soon enough. Having the freedom to try new things was good for me and the OBA members. I got my first Gmail address when you had to be invited to get one. I learned about Facebook at ABA TECHSHOW and created an account within days. I set up a law blog, Jim Calloway's Law Practice Tips, when it was a cutting-edge thing for lawyers to do. (The blog hasn't been updated recently, but I may relaunch it in retirement with a new focus.)



ALTERNATIVE BILLING BOOKS AND SO MANY PODCASTS

My friend, Oklahoma City lawyer Mark Robertson, recruited me to co-author our first Winning Alternatives to the Billable Hour book for the ABA. Mark knew we shared the belief that technology and business process advances would force at least some law firm migration from purely hourly billing.1 He met me in the hall during an ABA meeting, told me the committee had approved the book proposal and invited me to co-author it with him.

Another good friend, Sharon Nelson, and I launched the Digital Edge: Lawyers and Technology podcast, and we produced 189 monthly episodes. For the first few episodes, Sharon's husband, John W. Simek, did all the postproduction work. Legal Talk Network later stepped in to do our hosting and production. Our annual "Tech Toys for the Holidays" episode was our most popular and was referenced in the ABA Journal several times. I was also a guest on many podcasts over the years. Even though our podcast has been retired, Legal Talk

Network still hosts several great podcasts targeted at lawyers.

THOUGHTS ON ARTIFICIAL INTELLIGENCE

The impact of AI over the next few years is going to be greater than most readers anticipate. The fact that lawyers first got into trouble using AI to write briefs was a lawyer competency issue, not a technology issue. Just read all the cases you cite. Hallucinations were a known possibility with those AI tools. There were articles and posts documenting this issue, but not necessarily where lawyers normally read. Everyone was talking about ChatGPT. Some research was required to understand the cautionary aspects. The OBA Management Assistance Program received many inquiries about AI tools. We are proud to have presented many CLE programs on the ethics of using AI and possible drawbacks and to have put on an AI conference this past summer.²

AI is not as new in legal circles as some believe. At one time, litigation (with a huge number of documents) involved manual document review. Firms hired young lawyers solely for the uninspiring work of spending day after day manually reading documents to deem them as "relevant" or not. But soon, those lawyers doing document review would be replaced as firms moved to predictive coding, also known as technologyassisted review (TAR).

A lawyer once told me the idea of AI doing document summaries gave her a negative physical reaction. She would be haunted by the idea that the summary left out something important. But the young lawyers crammed in a warehouse doing document summaries all day were not perfect either, while e-discovery tools allowed you to use multiple queries on the evidence.

Appearing in courthouses regularly also helps your career: You meet other lawyers, receive referrals and connect with experienced mentors. It is also fulfilling to help someone avoid or mitigate a personal disaster.

For a lawyer in private practice, using AI to review and summarize documents will be an important part of law practice, even if you are not involved in e-discovery. Just imagine asking your AI to draft a motion for summary judgment using a certain fact pattern but to only reference the forms in your MFSI file, which contains all the motions you have drafted over the years, plus a few from opposing counsel. The odds of hallucinations are vastly reduced.

Let me note again that I believe a \$30 per month subscription for Microsoft Copilot is a great value. One paragraph in this column read a bit awkwardly, and I was having trouble repairing it. I highlighted the paragraph and selected "Auto Rewrite" in Copilot. In seconds, AI gave me a much-improved paragraph with a one-third reduction in length.

Your vLex Fastcase legal research member benefit has a tool called Vincent AI. It is available via a separate subscription of \$360 per month, which is discounted from its retail price of \$400. OBA members can receive a free threeday trial with Vincent. I would encourage you to wait until you have some big legal research

projects and clear your schedule to give Vincent a dedicated threeday try. Vincent provides flexible subscriptions. You can subscribe on a month-to-month basis or just for one month with no annual subscription required.

A TIP FOR YOUNG LAWYERS

When I co-taught a class at the OU College of Law on setting up a law practice a few years ago, I was surprised that most of the students' business plans involved transactional practices, and many told me they had a goal of never going to the local courthouse. Since then, I've received similar feedback from other law students and young lawyers.

I will break my self-imposed rule about not lecturing lawyers on what they should and should not do to say that young lawyers should appreciate the value of courthouses and courtrooms for society and their careers. Legal deserts exist where there are not enough lawyers, leading to severe consequences for many people that often happen in court, placing their families, their freedom and their finances at risk. Generally, many do not require the most experienced lawyers, just one committed

to helping them. Appearing in courthouses regularly also helps your career: You meet other lawyers, receive referrals and connect with experienced mentors. It is also fulfilling to help someone avoid or mitigate a personal disaster.

TIPS FOR KEEPING UP WITH **LEGAL TECH**

There are resources online to learn about legal technology. Vendors will, of course, put their product's best foot forward with their content. But my friend Bob Ambrogi's blog *Law Sites*³ is widely considered the "go-to" source for legal technology news. His journalistic background shines through. His recent feature outlining how most small-firm practice management tools are now consolidated under one of six ownership groups is a great example. Subscribe or visit regularly.

Catherine Sanders Reach, director of the Center for Practice Management for the North Carolina Bar Association, writes great original content on legal tech and practice management. Anyone can subscribe4 to receive regular summaries and links to her writing, as well as links to other online content she finds useful.

ONE MILLION THANKS

So many deserve my appreciation. In addition to the ABA TECHSHOW gang, I've benefited from my association with my colleagues at the ABA Law Practice Division, the National Association of Bar Executives, my close colleagues who are fellow practice management advisors across the U.S. and Canada and, of course, my co-workers here at the OBA, past and present.

John Morris Williams was the OBA executive director for many years, leading the association through many interesting times. He supported my endeavors and often

grilled me with pointed questions. That was far better than hearing difficult questions for the first time in front of a room full of lawyers.

OBA Executive Director Janet Johnson has been a great source of support and good advice. The OBA is lucky to have her leadership. One cannot overstate the joy she brings to the workplace.

My team, MAP Assistant Nickie Day and Practice Management Advisor Julie Bays, is excellent. Nickie is the best and most organized assistant I've ever had during my legal career, which was valuable as I kept hatching new ideas. She kept us all organized with our schedules. Julie received so much positive feedback on her great job as the 2025 ABA TECHSHOW co-chair. Her knowledge of practice management software is particularly important for new lawyers setting up a practice or firms contemplating a change of practice management software tools. I have certainly benefited from her candid counsel.

Thanks to all of you, Oklahoma lawyers. I was always so proud when conference vendors told me after conferences how wellinformed our lawyers were about legal technology products and services. Whether you've read my column, seen a CLE I taught, attended the Solo & Small Firm Conference or we've discussed your questions via phone or email, I hope you benefited. I certainly did. I was able to work at a job I truly loved for a long time.

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

ENDNOTES

- 1. I will concede that we all underestimated the tenacity of the legal profession in hanging on to the billable hour far longer than we would have thought. Maybe AI will finally be the tipping point. But maybe it won't.
 - 2. https://bit.ly/3YKEjII
 - 3. www.lawnext.com.
 - 4. https://bit.ly/42KxgRc.

BOARD OF GOVERNORS ACTIONS

Meeting Summaries

The Oklahoma Bar Association Board of Governors met Feb. 21.

REPORT OF THE PRESIDENT

President Williams reported he finalized his March president's message for the Oklahoma Bar *Journal* and attended the Southern Conference of Bar Presidents Mid-Year Meeting, the National Conference of Bar Presidents Mid-Year Meeting and the American Bar Association House of Delegates Mid-Year Meeting. He conferred with Executive Director Johnson and General Counsel Hendryx on pending association litigation and reviewed legal bills from outside counsel regarding the litigation. He assisted Executive Director Johnson and the Legal Internship Committee in revising the licensed legal intern oath, and he attended the Membership Engagement Committee February meeting. He coordinated with the Seminole County Bar Association for a CLE presentation for their Law Day meeting and began research for the presentation.

REPORT OF THE PRESIDENT-ELECT

President-Elect Peckio reported she attended the roast of outgoing YLD chair Laura Talbert, the National Association of Bar Executives and National Conference of Bar Presidents Mid-Year Meeting and the Southern Conference of Bar Presidents Mid-Year Meeting. She also attended the Investment Committee Meeting and an Executive Committee meeting.

REPORT OF THE VICE PRESIDENT

Vice President White reported he attended the Annual Convention of the International Association of Commercial Collectors in San Juan, Puerto Rico.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Johnson reported she attended the roast of outgoing YLD Chair Laura Talbert and an East Central University Foundation luncheon and CLE recognizing Chief Justice Rowe. She also participated in a National Association of Bar Executives prospective partnership discussion. She attended the mid-year meetings of the National Association of Bar Executives, the National Conference of Bar Presidents and the Southern Conference of Bar Presidents. She worked on the implementation of strategic plan specifics with Marcy Cottle and Administration Director Brumit, communicated with Director of **Judicial Education Felice Hamilton** on combined summer conferences and worked on details for the Second Annual Oklahoma Chief Justice Colloquium on Civility and Ethics with Ms. Hamilton and **Educational Programs Director** McCormick. She had meetings with Rep. Michelle McCane on pending forms legislation, ISG to discuss server update status, General Counsel Hendryx and President Williams to discuss pending litigation matters and the Oklahoma Highway Patrol

to discuss security measures at the bar center. She worked with the Legal Internship Committee and President Williams on updating the licensed legal intern oath and reviewed pending legislation related to regulating the practice of law and the administration of justice. She attended the Legislative Monitoring Committee meeting, the Membership **Engagement Committee meeting** and the AI and Access to Justice CLE provided by the ABA. She worked on her March Oklahoma Bar Journal article and attended the Investment Committee Meeting.

REPORT OF THE IMMEDIATE PAST PRESIDENT

Past President Pringle reported he attended the mid-year meetings of the National Conference of Bar Presidents, the Southern Conference of Bar Presidents and the ABA House of Delegates. He presented on a panel regarding the rule of law at the National Conference of Bar Presidents meeting. He also chaired the OBA Investment Committee meeting and reviewed legal bills from outside counsel.

BOARD MEMBER REPORTS

Governor Barker reported he attended the Garfield County Bar Association meeting. Governor Cooper reported he attended the Oklahoma County Bar Association Winter Seminar and is planning to attend meetings of the Bar Center Facilities Committee and the Military Assistance Committee. Governor Dodoo

reported she attended the Law Schools Committee meeting and the Bench and Bar Committee meeting. Governor Hixon reported he attended the Law Day Committee meeting and the Tulsa County Bar Association Board of Directors meeting. **Governor** Knott reported she attended the Canadian County Bar Association January meeting. Governor Locke reported he attended the Muskogee County Bar Association meeting and the Membership Engagement Committee meeting. He also met with members of the Mayes County Bar Association and encouraged them to resume monthly meetings post-pandemic. Governor Oldfield reported he reviewed the Disaster Response and Relief Committee orientation packet. Governor Rogers reported he attended the TU College of Law Alumni Association board meeting. Governor Thurman reported he attended the CARE Cottage Child Advocacy Center fundraising event and the Pontotoc County Bar Association officers' meeting, and he is planning to attend the Pontotoc County Drug Free Coalition Gala. Governor West reported he attended the Cleveland County Bar Association Executive Board meeting and a monthly meeting and happy hour social event, presented the OBA Outstanding Senior Law Student Award at the OU College of Law and served as a panelist judge for the Oklahoma High School Mock Trial competition.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Venus reported the YLD met in January and assembled bar exam survival kits.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported the Professional Responsibility Commission and Professional Responsibility Tribunal reports were submitted to the Supreme Court on Feb. 7. She provided an overview of the reports and added that they are available in the March issue of the Oklahoma Bar Journal and on the OBA website. A written report of PRC actions and OBA disciplinary matters for the month was submitted to the board for its review.

BOARD LIAISON REPORTS

President-Elect Peckio reported the Investment Committee is now led by Past President Pringle. He is implementing more frequent meetings - at least quarterly rather than yearly. Vice President White said the **Professionalism Committee** has identified a new chair, Chad W. P. Kelliher, who will be appointed later during the meeting. Governor Barker said the Awards Committee will hold its first meeting of the year on March 7. Governor Hixon reported the Law Day Committee met at the Oklahoma Bar Center in February to judge the student art contest entries. The committee is also recruiting Spanish-speaking

attorneys for each May 1 Ask A Lawyer shift in Oklahoma and Tulsa counties. Governor Locke said the **Membership Engagement Committee** is working on reaching out to law schools and completing free legal information brochures updates. Governor Dodoo reported the Bench and Bar Committee is planning a luncheon for presiding judges, which will likely take place in March, as well as two to three CLE presentations this year. She also said the Law Schools Committee is working on scheduling site visits.

OBA WEBSITE DESIGN AGREEMENT

The board passed a motion to approve a Bar Association Technology Committee recommendation to contract with a third-party professional website design company to assist with a refresh of the association's main website, www.okbar.org.

LAWYERS HELPING LAWYERS 2024 ANNUAL REPORT

Chair Scott B. Goode reviewed the committee's 2024 annual minutes and report. Highlights included the receipt of grant funding for the Lawyers Helping Lawyers Foundation, which will expand the committee's efforts. The funds have been used to gain membership to the Oklahoma Center for Nonprofits, and in the future, they will be used to create a strategic plan and a job description for a founding executive

director. An additional highlight was a contract update with services provider A Change to Change; the individual six-session limit has been amended to include up to 12 group sessions to address the long waiting list for individual sessions.

PRESIDENT WILLIAMS' APPOINTMENTS

The board approved a motion to approve the following appointments:

■ Oklahoma MCLE
Commission: Kimberly
Hays, Tulsa, as chairperson
with a term beginning
Jan. 1, 2025, and expiring Dec. 31, 2027. He also
appoints Johnathan Louis
Rogers, Tulsa, and Brian R.
Matula, Oklahoma City, to
terms beginning Jan. 1, 2025,
and expiring Dec. 31, 2027.

President Williams also made the following appointments that did not require board approval:

- Standing Committee Bar Center Facilities: President Williams appoints Chairperson Cody Cooper, Oklahoma City, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2025.
- Standing Committee *Cannabis Law:* President Williams appoints Chairperson Felina Noelle Rivera-Brown, Oklahoma City, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2025.
- Standing Committee Legislative Monitoring Committee: President Williams appoints Co-Chairperson Cooper Brett Robinson, Oklahoma City, with a term beginning

Jan. 1, 2025, and expiring Dec. 31, 2025.

- Standing Committee *Membership Engagement:* President Williams appoints Co-Chairperson April J. Moaning, Oklahoma City, and Co-Chairperson Timothy E. DeClerck, Enid, with terms beginning Jan. 1, 2025, and expiring Dec. 31, 2025.
- Standing Committee *Professionalism:* President Williams appoints Chairperson Chad W. P. Kelliher, Oklahoma City, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2025.

REPORT ON LEGISLATIVE SESSION

Legislative Liaison Clay Taylor briefed the board on the first three weeks of the 60th Oklahoma Legislature's first regular session, and he described the specific measures related to the practice of law the OBA is tracking.

RESOLUTION SUMMARY FROM THE ABA MID-YEAR MEETING

Oklahoma Delegate William H. Hoch explained there is a split delegation for Oklahoma in the ABA House of Delegates (members from voluntary county bar associations and the mandatory state bar association), which impacts OBA participation due to germaneness requirements. The ABA House of Delegates leadership is aware, and progress is being made in finding a solution. He also reviewed items that were passed, including Resolution 200, several resolutions related to legal education and immigration and a resolution to encourage federal, state, local,

tribal, etc. courts to adopt policies regarding security measures. He discussed the need for older courthouses across the state to have secure and separate entrances for judges. He encouraged board members to come to him with thoughts on the germaneness of the resolutions. President Williams discussed having a pre-ABA House of Delegates meeting with Oklahoma delegates.

UPCOMING OBA AND COUNTY BAR EVENTS – 2025

President Williams reviewed upcoming bar-related events and activities, including OBA Day at the Capitol and upcoming board meetings.

The Oklahoma Bar Association Board of Governors met March 24.

REPORT OF THE PRESIDENT

President Williams reported he attended the Tulsa County Bar Association Past Presidents' Luncheon and meeting, the Boy Scouts of America Annual Indian Nations Council Leadership Luncheon and the Membership **Engagement Committee March** meeting. He wrote the April president's article for the Oklahoma Bar Journal, participated in and presented at the orientation for new Board of Governors members, participated in Board of Governors Executive Committee meetings to discuss proposed legislation that will affect the practice of law and prepared for OBA Day at the Capitol and contacted various legislative members to express concerns regarding proposed legislation. He worked with Executive Director Johnson to draft a message to members regarding proposed legislation affecting the practice of law; he sought the Board of Governors' approval

and directed the transmission of the message to membership. He also worked with Oklahoma Bar Foundation representatives to prioritize legal desert counties for contact by the OBA, and he worked on presidential appointments and nominations.

REPORT OF THE PRESIDENT-ELECT

President-Elect Peckio reported she attended the Bar Leadership Institute in Chicago and the Oklahoma Bar Foundation Board of Trustees March meeting. She reviewed and approved legal services invoices for the OBA, and she taped a "Between Two Weeds" CLE program for OBA CLE.

REPORT OF THE VICE PRESIDENT

Vice President White reported he attended the Tulsa County Bar Association monthly board meeting, where he presented the professionalism moment.

REPORT OF THE **EXECUTIVE DIRECTOR**

Executive Director Johnson reported she attended the Bar Center Facilities Committee meeting and the swearing-in ceremony for Chief Justice Dustin Rowe and Vice Chief Justice Dana Kuehn. She met with Oklahoma Indian Legal Services Executive Director Stephanie Hudson and worked on building security issues to obtain vendor service quotes. She attended the OBA Awards Committee meeting, the YLD meeting, the Solo & Small Firm Conference staff preplanning and logistical meetings and the Oklahoma High School Mock Trial Championship at the OU College of Law Dick Bell Courtroom. She met with strategic planner Marcy Cottle to discuss the upcoming needs assessments for the

implementation phase of strategic planning. She toured conference space at the OKANA Resort and event space at the First Americans Museum, and she has a meeting planned with Phil Fraim of OAMIC to discuss Solo & Small Firm Conference sponsorship opportunities. She attended the OBA staff quarterly anniversary and birthday celebration, the Bar Leadership Institute in Chicago and a meeting of the Oklahoma Bar Journal Board of Editors. She also met with FBI Special Agent Stanley to discuss cybersecurity and ransomware outreach training opportunities.

REPORT OF THE IMMEDIATE PAST PRESIDENT

Past President Pringle reported he reviewed and discussed proposed legislation relating to the practice of law. He also attended a Bar Center Facilities Committee meeting and a meeting of the Solo and Small Firm Conference Planning Committee.

BOARD MEMBER REPORTS

Governor Barbush reported he attended the swearing-in ceremony and reception for Chief Justice Dustin Rowe, and he submitted materials related to his candidacy for OBA president-elect, including three nominating petitions. Governor Barker reported he attended the Awards Committee meeting and the Garfield County Bar Association lunch meeting. **Governor Cooper** reported he attended the Bar Center Facilities Committee meeting and revised related documents with the architect. He also attended several Oklahoma County Bar Association meetings for the Board of Directors and Executive Committee, and he coordinated with the Military Assistance Committee related to the most recent committee meeting

and planned upcoming activities. **Governor Dodoo** reported she is planning to attend the upcoming Law Schools Committee meeting. Governor Hixon reported he attended the Law Day Committee meeting as well as the Tulsa County Bar Association Past Presidents' Luncheon and Board of Directors meeting. Governor Knott reported she attended the Canadian County Bar Association meeting. Governor Locke reported he attended the Membership Engagement Committee meeting and a Muskogee County Bar Association meeting. Governor Oldfield reported he received proposed rule changes approved by the Legal Internship Committee to be discussed during this meeting. Governor Rogers reported he attended the TU College of Law Gala and Hall of Fame ceremony. Governor Thurman reported he attended the Pontotoc County Drug Free Coalition Gala, the swearing-in ceremony and reception for Chief Justice Rowe, the East Central University Law Day presentation and the Pontotoc County Sheriff's reception. Governor **Trevillion** reported he attended the Access to Justice Committee meeting, the Oklahoma County Bar Association board meeting and the ABA Section of Taxation Mid-Year Meeting. Governor West reported he attended the Cleveland County Bar Association Executive Board meeting and monthly membership meeting.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Venus reported he attended an Oklahoma County Bar Association YLD event.

Governor Barbush reported the Cannabis Law Committee met and is discussing transitioning into a section. It is also working to establish best practices for cannabis law practitioners and developing a CLE.

REPORT OF THE GENERAL COUNSEL

A written report of PRC actions and OBA disciplinary matters for the month was submitted to the board for its review.

2024 PRC AND PRT ANNUAL REPORTS

General Counsel Hendryx presented highlights from the reports that were submitted to the Supreme Court in February and published in the March 2025 issue of the *Oklahoma Bar Journal*. She noted that in 2024, 1,081 grievances were received against 818 lawyers, which represents fewer than 5% of members.

BOARD LIAISON REPORTS

President-Elect Peckio said the Investment Committee met recently and is reviewing the investment policy to align with current organizational goals. Past President Pringle reported the Solo and Small Firm Conference Planning Committee is meeting regularly, and a sub-committee is developing programming. Governor Oldfield reported the Legal Internship Committee met recently. Governor Barbush reported the Cannabis Law Committee met and is discussing

transitioning into a section. It is also working to establish best practices for cannabis law practitioners and developing a CLE. He also said the Lawyers Helping **Lawyers Assistance Program Committee** is meeting regularly. Governor Cooper reported the **Bar Center Facilities Committee** is discussing the roof and bar center entryway, which are currently being reconfigured, and pricing estimates are forthcoming. He also said the Military Assistance **Committee** is meeting regularly and would like to partner on an upcoming Wills for Heroes event that is being planned for August in Durant. Governor Barker said the Awards Committee met and established deadlines for submitting nominations during the upcoming awards cycle and discussed a recommendation to rename the **OBA** Trailblazer Award to honor recently retired Justice Yvonne Kauger. Governor Hixon reported the Law Day Committee met in March, and a ceremony to recognize the student contest winners is scheduled for April 2. Governor Locke said the **Membership** Engagement Committee continues to work on updating public service brochures and is working on developing partnerships

with state law schools. Governor Thurman reported the **Bench** and Bar Committee recently held a well-attended luncheon at Faculty House. Governor Knott said the Legislative Monitoring Committee has met, and its planned Day at the Capitol event will be held the following day. Governor Rogers reported the **Clients' Security Fund Committee** has a meeting scheduled for April. Governor Trevillion said the Access to Justice Committee met recently and is discussing this year's Access to Justice Summit as well as a CLE to be held during the upcoming Solo & Small Firm Conference. Governor Dodoo said the Law Schools Committee is conducting site visits; the OCU School of Law visit has already taken place, and the visits to the OU and TU law schools are coming up. Reports and findings are expected by the end of April.

JUDICIAL NOMINATING COMMISSION ELECTIONS PROCEDURE

The board passed a motion to approve procedures pertaining to this year's Judicial Nominating Commission elections in districts 3 and 4, as those districts existed in 1967.

ARTIFICIAL INTELLIGENCE **AND THE OBA**

The board tabled consideration of a proposal to create a relevant subsection under the Law Office Management and Technology Section.

AWARDS COMMITTEE RECOMMENDATION TO RENAME OBA TRAILBLAZER **AWARD**

The board passed a motion to approve renaming the award as the Yvonne Kauger Trailblazer Award.

LICENSED LEGAL INTERNSHIP **COMMITTEE RECOMMENDED RULES CHANGES**

The board passed a motion to approve the recommended changes related to updating language in the rules describing the Board of Bar Examiners as well as certain requirements pertaining to character and fitness.

REPORT ON **LEGISLATIVE SESSION**

Legislative Liaison Clay Taylor briefed the board on the first months of the 60th Oklahoma Legislature's first regular session, including upcoming legislative deadlines and the advancement of certain legislation that proposes to eliminate the Oklahoma Judicial Nominating Commission, alter its composition or impose changes to who may serve as a judge or justice in Oklahoma.

PRESIDENT WILLIAMS' **APPOINTMENTS**

The board approved a motion to approve the following appointments:

> Clients' Security Fund: President Williams reappoints Chairperson Micheal Salem, Norman, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2025. He reappoints Vice Chairperson

Peggy Stockwell, Norman, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2025. He appoints Bradley J. Brown, Tulsa, as a member, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2027.

President Williams also made the following appointments that did not require board approval:

- Legal Ethics Advisory Panel (LEAP): President Williams reappoints Chairperson Steven K. Balman, Tulsa, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2025. To the Oklahoma City panel, he reappoints Susan Bussey, Norman; Paige Masters, Edmond; and Rex Travis, Oklahoma City, to terms beginning Jan. 1, 2025, and expiring Dec. 31, 2027. To the Tulsa panel, he reappoints Leonard Pataki, Tulsa, and Mbilike Mwafulirwal, Tulsa, to terms beginning Jan. 1, 2025, and expiring Dec. 31, 2027.
- **Investment Committee:** President Williams appoints Richard D. White Ir., Tulsa, as a member, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2027.
- Solo and Small Firm **Conference Planning** Committee: President Williams reappoints Chairperson Elaine Dowling, Oklahoma City, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2025. He appoints Vice Chairperson Laurie Jane Phillips, Tulsa, with a term beginning Jan. 1, 2025, and expiring Dec. 31, 2025.

UPCOMING OBA AND **COUNTY BAR EVENTS – 2025**

President Williams reviewed upcoming bar-related events and activities involving the Board of Governors, including OBA Day at the Capitol scheduled for March 25 in Oklahoma City, a joint reception with the Tulsa County Bar Association scheduled for April 18 in Tulsa, the New Attorney Admission Ceremony scheduled for April 29 at St. Luke's Methodist Church in Oklahoma City and the statewide celebration of Law Day on May 1.

NEXT BOARD MEETING

The Board of Governors met in April, and a summary of those actions will be published in the Oklahoma Bar Journal once the minutes are approved. The next board meeting will be held virtually on Friday, May 16.

BAR FOUNDATION NEWS

Connection Crates: A Collaborative Effort By OBF Grantees

HILDREN IN THE FOSTER

care system often face emotional and psychological challenges due to family separation. Recognizing this, two Oklahoma Bar Foundation grantees have come together to create a compassionate solution. Tulsa Lawyers for Children, a dedicated nonprofit advocating for children in the foster care system, has launched an innovative program called Connection Crates in partnership with The Parent Child Center of Tulsa Safe Babies.

Connection Crates are thought-fully designed to help children in out-of-home placements maintain a meaningful connection with their biological parents, particularly in situations where frequent visitation is not possible. The crates include personalized items – such as heart-beat recordings, voice messages and sensory objects – that provide comfort and a sense of continuity for children navigating the challenges of family separation.

By bridging the emotional gap between parents and children, Connection Crates offer a sense of security and reassurance. Each crate serves as a tangible reminder of a parent's love, reducing trauma and supporting the child's emotional well-being.

Kalan Chapman Lloyd, executive director of Tulsa Lawyers for Children,

emphasized the importance of maintaining the parent-child bond. "My hope is that these children associate with this warmth and goodness from their parents that they don't necessarily have access to on a daily basis." The heartfelt initiative reflects Tulsa Lawyers for Children's commitment to advocating for children's best interests and supporting family connections during difficult transitions.

Through their partnership, these organizations address the emotional needs of children while reinforcing the role of parents in



Tulsa Lawyers for Children Executive Director Kalan Chapman Lloyd showcases a Connection Crate, a heartfelt initiative designed to help foster children maintain bonds with their biological parents.



Above: From left Kim Parker, vice president of therapeutic and family services at The Parent Child Center of Tulsa; Andrea Prokop, director of development at Tulsa Lawyers for Children; and Tery DeShong, director of special projects at The Parent Child Center of Tulsa, display the meaningful contents of Connection Crates.

Right: Connection Crates include personalized items that provide comfort and a sense of continuity for children navigating the challenges of family separation.

their lives. Tulsa Safe Babies, an initiative focused on enhancing outcomes for infants and toddlers in the foster care system, provides critical resources and support to ensure the success of Connection Crates.

The collaboration between Tulsa Lawyers for Children and The Parent Child Center of Tulsa exemplifies the power of community-driven solutions. The OBF's support has been instrumental in bringing this initiative to life,

demonstrating the foundation's dedication to supporting programs that

create lasting, positive change in Oklahoma's communities.

Connection Crates are more than just a program; they represent hope, resilience and the enduring bond between parents and children. As the initiative grows, Tulsa Lawyers for Children and The Parent Child Center of Tulsa remain committed to expanding its reach, ensuring

that more children in foster care can experience the comfort and connection they deserve.

The OBF is proud to support these innovative partnerships that foster meaningful change. Learn more about Connection Crates and other OBF-supported initiatives by following us on Facebook, Instagram and LinkedIn.

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OPENING YOUR LAW PRACTICE

TUESDAY, MAY 20 | OKLAHOMA BAR CENTER

A free seminar for new lawyers or those going into private practice. Registration is required. Contact Nickie Day at 405-416-7050 or nickied@okbar.org.

8:30 a.m.	Registration and Continental Breakfast
9:00 a.m.	The Business of Law Jim Calloway, OBA Management Assistance Program
10:00 a.m.	How to Manage Everything! Jim Calloway and Julie Bays, OBA Management Assistance Program
11:00 a.m.	Break
11:10 a.m.	Professional Liability Insurance and Risk Management Phil Fraim, President, Oklahoma Attorneys Mutual Insurance Company
12:15 a.m.	Lunch Provided by Oklahoma Attorneys Mutual Insurance Company
12:30 p.m.	Tools of the Modern Law Office, Hardware/Software and Fastcase Julie Bays, OBA Management Assistance Program
12:50 p.m.	Artificial Intelligence in the Legal Profession Jim Calloway and Julie Bays, OBA Management Assistance Program
1:50 p.m.	Break
2:00 p.m.	Trust Accounting and Legal Ethics Gina Hendryx, OBA General Counsel
2:50 p.m.	Break
3:00 p.m.	How to Succeed in Law Practice Jim Calloway and Julie Bays, OBA Management Assistance Program
4:00 p.m.	Adjourn

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

FOR YOUR INFORMATION

TRAVIS JETT OF WOODWARD APPOINTED TO OKLAHOMA SUPREME COURT

Travis Jett has been appointed to the Oklahoma Supreme Court by Gov. Stitt, filling the vacancy left by Justice Yvonne Kauger. He is a fourthgeneration Oklahoman who grew up in northwest Oklahoma. He practiced with several law firms in Oklahoma City before returning to northwest Oklahoma to practice with Hodgden Law Firm. He previously served as the National FFA Organization president and has served as president of the Woodward County Bar Association



since 2023. He received his B.S. from OSU in 2008 and his J.D. from the Georgetown University Law Center in 2011. He has been active with the Oklahoma County Bar Association, the Oklahoma City Chapter of the Federal Bar Association, the Federalist Society and the Oklahoma FFA Alumni Council and is currently active with the Woodward First Methodist Church. He lives with his wife and two children in Woodward.

NOTICE: JUDICIAL NOMINATING COMMISSION ELECTIONS

Nominating petitions for election as members of the Judicial Nominating Commission from Congressional Districts 3 and 4 (as they existed in 1967) will be accepted by OBA Executive Director Janet Johnson until 5 p.m., May 16, 2025. Ballots will be mailed June 6, 2025, and must be received at the Oklahoma Bar Center by 5 p.m. on June 20, 2025. Ballots will be opened, tabulated and certified, and election results will be posted on June 23, 2025. Members can download nominating petition forms at www.okbar.org/jnc.

WELCOME, NEW BAR MEMBERS

New bar admittees took their Oath of Attorney on Tuesday, April 29, at St. Luke's Methodist Church in Oklahoma City. The oath was administered by Chief Justice Dustin P. Rowe. Following the swearing-in, individuals signed the roll of attorneys before joining their friends and families for photos. The Oklahoma Bar Association is proud to welcome this group of new attorney members! To view the photo gallery, visit the OBA Facebook page, www.facebook.com/okbarassociation.

The OBA encourages these new attorney members (and all members sworn in for the first time within the last 10 years) to get involved with the Young Lawyers Division. All members of the OBA in good standing who were first admitted to the practice of law in the past 10 years are automatically YLD members, regardless of age. Learn more about the YLD at www.okbar.org/yld.



THE BAR JOURNAL TAKES A SUMMER BREAK

The Oklahoma Bar Journal theme issues are taking a short break. The next issue, Labor & Employment, will be published in August. You will still receive the digital Courts & More issues with court material and news every Wednesday in June and July. Have a safe and happy summer!

REGISTRATION IS OPEN FOR THE 2025 SOVEREIGNTY SYMPOSIUM

This year's Sovereignty Symposium will be held June 12-13 at the OKANA Resort in Oklahoma City.



The event is presented by the OCU School of Law. Contact Jennifer Stevenson at jsstevenson@okcu.edu for sponsor information, and visit www.sovereigntysymposium.com to register and learn more about the event.

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.







LHL DISCUSSION GROUP HOSTS SUMMER MEETINGS

The Lawyers Helping Lawyers monthly discussion group will meet June 5, July 3 and Aug. 7 in Oklahoma City at the office of Tom Cummings, 701 NW 13th St. The group will also meet June 12, July 10 and Aug. 14 in Tulsa at the office of Scott Goode, 1437 S. Boulder Ave., Ste. 1200. The Oklahoma City women's discussion group will meet June 26, July 24 and Aug. 28 at the firstfloor 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 keep an eye on the OBA events calendar at www.okbar.org/events for upcoming discussion group meeting dates.

JUDGE LUMPKIN RECOGNIZED FOR 50-YEAR MILESTONE



Judge Gary L. Lumpkin (left) receives his 50-year membership certificate from OBA President Williams during a ceremony at the Oklahoma Judicial Center in April.

Presiding Judge Gary L. Lumpkin of the Oklahoma Court of Criminal Appeals was presented with his 50-year anniversary pin during a ceremony at the Oklahoma Judicial Center in April. OBA President D. Kenyon Williams Jr. made remarks during the event and presented Judge Lumpkin with his 50-year certificate. Judge Lumpkin earned his J.D. from the OU College of Law in 1974 after serving on active duty in the U.S. Marine Corps from 1968-1971, serving 18 months

in Vietnam. After serving as a district attorney and associate district judge in Marshall County and district judge for the 20th Judicial District, he was appointed to the Court of Criminal Appeals by Gov. Henry Bellmon in 1989.

REGISTER NOW FOR THE 2025 OBA SOLO & SMALL FIRM **CONFERENCE**

The OBA Solo & Small Firm Conference is back for 2025! Register now for the conference, which will be held Wednesday, July 16, through Friday, July 18, at the brand-new OKANA Resort near downtown Oklahoma City. This mid-year event offers CLE and networking opportunities related to solo and small firm practice management, all in a fun, relaxed, resortcasual environment. The room block for the OKANA Resort is open until June 13. Book by calling the OKANA Resort at 1-800-547-3928 and mentioning "OK State Bar – OBA 1," or visit www.okbar.org/solo and click "Book Your Stay" to book online. Make sure you register and book your room early! You won't want to miss out. See Jim Calloway's article on page 54 to learn more, and visit www.okbar.org/solo to register.



IMPORTANT UPCOMING DATES

The Oklahoma Bar Center will be closed Monday, May 26, in observance of Memorial Day. The bar center will also be closed Friday, July 4, in observance of Independence Day.

Also, be sure to docket these important upcoming events:

Opening Your Law Practice: Tuesday, May 20. This is a no-cost, semi-annual event for new lawyers, those returning to private practice or those venturing out on their own. The program will address resources for starting a new law practice, professionalism, client management and much more. Register by emailing Nickie Day at nickied@okbar.org or by calling 405-416-7050. Learn more at www.okbar.org/oylp.

OBA Solo & Small Firm Conference: Wednesday, July 16, through Friday, July 18, at the brand-new OKANA Resort near downtown Oklahoma City.

LET US FEATURE YOUR WORK

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

NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT OF TRACI CAIN CAREY, SCBD # 7792 TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION

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

Any person desiring to be heard in opposition to or in support of the petition may appear before the Professional Responsibility Tribunal at the Oklahoma Bar Center at 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma, at 9:30 a.m. on TUESDAY, MAY 27, 2025. Any person wishing to appear should contact Gina Hendryx, General Counsel, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152, telephone (405) 416-7007.

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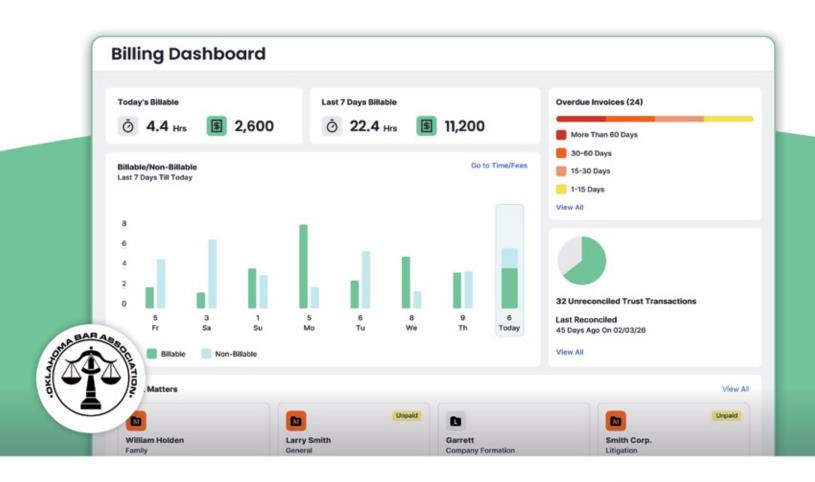






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BENCH & BAR BRIEFS

ON THE MOVE

Stephan Mathis, Rachel C. Mathis, John Campbell, Roger Gassett, Amy Hampton, Jeff D. Scott and Nancy P. Hearn have joined the law firm of Pray Walker. Mr. Mathis practices in the areas of estate planning, construction litigation, business and commercial law, insurance and tax controversies. He also serves as an administrative law judge for the Oklahoma Insurance Department. Ms. Mathis practices in the areas of contract negotiations, insurance coverage disputes, employment law, products liability, construction law, personal injury defense, directors' and officers' liability, medical malpractice and professional negligence. She has three decades of litigation experience and has managed thousands of cases, addressed complex matters and represented clients from local businesses and individuals to national corporations. Mr. Campbell practices in the areas of civil and criminal litigation, with clients ranging from individuals to businesses and insurance companies, including cases in insurance bad faith, contract disputes, professional liability and employment torts. Mr. Gassett focuses on general litigation and

appellate matters, primarily in construction law and commercial disputes. He also practices in the areas of malpractice defense, healthcare law, insurance, tort litigation and Indian law. He represents clients across cases ranging from small claims to complex commercial litigation. Ms. Hampton has over 20 years of experience as an insurance defense attorney. She practices in the areas of insurance litigation, including insurance bad faith litigation, coverage disputes, coverage opinions and declaratory judgment actions. Mr. Scott practices in the areas of civil litigation and corporate transactional law, with a focus on construction law, estate planning and business matters. He handles a range of cases, including civil disputes, contract negotiations and corporate matters. Ms. Hearn practices in the areas of estate planning, probate, guardianship and insurance defense. She advises clients on wills, trusts and related matters and focuses on personal injury, wrongful death, product liability, toxic tort, construction, premises liability and transportation liability cases in her insurance defense practice.

Grayson Glover, Hal Trentman and Collin Dungan have joined LaCourse Law in Tulsa. Mr. Glover practices in the area of personal injury law with a focus on cases involving car and truck accidents, slips and falls and dog bites, as well as assisting with probate and civil litigation matters. He received his J.D. from the TU College of Law in 2023. He is a member of the Tulsa County Bar Association and is admitted to practice in all Oklahoma state courts. Mr. Trentman practices in the areas of business law, business litigation, breach of contract, property disputes, property damage, personal injury and insurance bad faith claims. He is admitted to practice in all Oklahoma state courts and the U.S. federal courts for the Northern and Eastern districts. He received his J.D. from the TU College of Law in 2019 and is a member of the Tulsa County Bar Association, the Oklahoma Association for Justice and the American Association for Justice. Mr. Dungan practices in the area of family law, including divorce, child custody and other domestic matters. He received his J.D. from the TU College of Law in

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 405-416-7033 barbriefs@okbar.org

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

May 2023 and is admitted to practice in the Osage Nation Tribal Court.

Charles "Tim" Laughlin has joined Wyatt Law Offices in Oklahoma City. Prior to joining the firm, he dedicated 27 years to the Oklahoma Indigent Defense System. Mr. Laughlin served as noncapital and capital trial counsel, appellate counsel, chief of the Non-Capital Trial Division and executive director. His practice includes the state-wide defense of municipal, state and federal prosecutions, as well as expungements, pardons and civil rights litigation. Mr. Laughlin received his J.D. from the OU College of Law in 1997. He is a past president of the Oklahoma Criminal Defense Lawyers Association and the Custer County Bar Association.

Miles G. Taylor has joined the Tulsa law firm of Atkinson, Brittingham, Gladd, Fiasco & Edmonds as an associate. He practices civil litigation with an emphasis on research and writing. He received his J.D. with honors from the TU College of Law in 2015. During law school, Mr. Taylor gained valuable experience serving in the Lobeck Taylor Family Advocacy Clinic. Since 2015, he has practiced with the Oklahoma Tax Commission, Legal Aid Services of Tulsa and the Oklahoma Disability Law Center.

KUDOS

Kevin D. Berry was inducted as a fellow in the College of Workers' Compensation Lawyers in April in Chicago. Mr. Berry was one of the founding members of Perrine, Redemann, Berry, Taylor & Frette PLLC. He practices in the areas of workers' compensation, employment law and general litigation, with a focus on the representation of employers, insurance carriers and third-party administrators in workers' compensation and employment law cases. He received his J.D. from the TU College of Law in 1986.

IN MEMORIAM

Ben T. Benedum of Norman died Oct. 23, 2024. He was born Aug. 12, 1936, in Norman and attended Culver Military Academy in Indiana. Mr. Benedum graduated from OU with a bachelor's degree in finance in 1959 and from Indiana University with a master's degree in business administration in 1961. He received his J.D. from the OU College of Law in 1965. He was in law school when his army unit was activated during the Berlin Crisis in the early 1960s and was later honorably discharged as a captain in the Military Police Corps. From 1965 until 2013, he practiced in Norman with the law firm of Benedum & Benedum. His practice evolved into estate planning and real estate law, and he played a part in the development and growth of much of Norman in his 40-plus years of practice. Mr. Benedum served on the OU Foundation Board of Trustees and started three scholarships, including one at his alma mater, the OU College of Law. He also served on the boards of the Norman Area Land Conservancy, the Cleveland County YMCA, the Jacobson House Native Art Center and the Norman Community Foundation. He also served as a director at the local and state levels of the American Cancer Society.

Beverly Pierce Carson of Tulsa died Nov. 15, 2024. She was born March 31, 1929. Ms. Carson received her J.D. from the TU College of Law in 1968.

James Richard Cox of Enid died Dec. 19, 2024. He was born March 29, 1932, in Carmen. He graduated from OU with a geology degree in 1958 and

worked as a geologist for Lone Star Petroleum in Abilene and Midland, Texas. Mr. Cox received his J.D. from the OU College of Law in 1965. That year, he and his family moved to Enid, and he joined Mitchell Law Firm, where he became a partner and primarily practiced in the areas of litigation and oil and gas law. He practiced at the firm until 1981 when he opened a private practice focusing on oil and gas, real estate and probate. He was admitted to practice before the U.S. Supreme Court; the Northern, Eastern and Western federal court districts of Oklahoma; and all Oklahoma courts. Mr. Cox was an active member of Central Christian Church for nearly 60 years and served as an elder and chairman of the board several times. He also served in the Northwest Oklahoma Emmaus Community, as exalted ruler of Enid Elks Lodge and as state president of the Oklahoma Elks Association. He was active in Oakwood Country Club and various service organizations, such as AMBUCS and Horn of Plenty.

William R. Davis of Oklahoma City died March 24. He was born Dec. 11, 1931, in Maud and graduated from Guymon High School. Mr. Davis served in the U.S. Army. He received his J.D. from the OU College of Law in 1960. His passion for the law was evident throughout his 50-plus years as a dedicated personal injury attorney in Oklahoma City. He was a proud member of the Citizen Potawatomi Nation and a member of the Bourassa Family CPN. He served as an associate district judge for the Citizen

Potawatomi Nation from June 2010 to the present. Mr. Davis' career was marked by his commitment to justice, and he touched the lives of countless individuals with his advocacy and compassion.

[ra L. Edwards Jr. of Tulsa died **▲** Dec. 23, 2024. He was born Jan. 5, 1949, and graduated from Will Rogers High School in 1967. Mr. Edwards served in the U.S. Marine Corps in Vietnam and was awarded the Purple Heart for his courageous service. He graduated from the University of Central Oklahoma and received his J.D. from the OU College of Law in 1978. He practiced for more than 40 years in the legal profession, including at the law firm of Pray Walker and at the law firm of Riggs Abney in Tulsa for the past 15 years.

Robert Allan Flynn of Tulsa died March 28. He was born June 3, 1950, in Tulsa and later moved to Claremore, where he graduated from high school in 1968. Mr. Flynn received his J.D. from the Oral Roberts University O. W. Coburn School of Law in 1983. He opened a law practice in Tulsa, where he represented injured workers for more than 30 years.

Fred R. Harris of Corrales, New Mexico, died Nov. 23, 2024. He was born Nov. 13, 1930, in Walters. Mr. Harris received his J.D. from the OU College of Law in 1954. He practiced law in Lawton and was elected to the Oklahoma Senate in 1956, the youngest member of that body at the time. Mr. Harris became a U.S. senator in 1964. Instead of running for reelection, he ran for president in 1972 and 1976, becoming a candidate

in the 1976 democratic primary for president. He then moved to Corrales and became a political science professor at the University of New Mexico. Mr. Harris chaired the Democratic Party of New Mexico and authored three novels and political science texts and reports. He also created an endowment at the University of New Mexico Foundation to continue to support UNM students participating in the Fred Harris Congressional Internship Program in Washington, D.C.

ichard L. Harris of Tulsa died Nov. 23, 2024. He was born Feb. 14, 1932, in Anson, Texas, and graduated from San Angelo High School in 1950. He attended Texas A&M University as an Air Force cadet and graduated with a business degree in 1954. Mr. Harris served from 1954 to 1956 in the U.S. Air Force as an air police officer stationed at Goodfellow Air Force Base in Texas, obtaining the rank of second lieutenant. He was honorably discharged from active duty in 1956 but continued his service in the Air Force Reserve until 1968 at the rank of captain. After being discharged, he worked for El Paso Natural Gas in Farmington, New Mexico, where he began to take an interest in oil and gas law. Mr. Harris received his J.D. from the University of Denver Sturm College of Law in 1963 and started his legal career at the Tulsa law firm of Farmer, Woolsey, Flippo & Bailey. He began making his own oil deals and growing mineral interests, and he subsequently took the position of attorney and investor in Viking Petroleum Co. in the 1970s. He started his own

law firm soon after and created two oil entities: Jones County Minerals and Windmill Oil and Gas, which his sons now operate.

llison Herzfeld Longwell of AOklahoma City died Oct. 8, 2024. She was born Jan. 29, 1962. Ms. Longwell attended Heritage Hall, OSU and OU. She studied law at the University of Oxford Faculty of Law and received her J.D. from the OU College of Law in 1987. Ms. Longwell was a proud member of the Pi Beta Phi sorority and Phi Beta Kappa, both of which celebrated her love of writing and her dedication to education. She was a survivor of the 1995 Alfred P. Murrah Federal Building bombing.

Robert Dudley Looney Jr. of Oklahoma City died Feb. 20. He was born Feb. 4, 1946, in Oklahoma City. Mr. Looney attended Harding High School, where he played football, baseball and basketball and was an All-State quarterback. He graduated from OU and was a member of the Phi Gamma Delta fraternity. He attended the Georgetown University Law Center for one year and then received his J.D. from the OU College of Law in 1970. He served in the U.S. Army and was stationed at Phu Loi Base Camp, a helicopter base, in Vietnam from 1971 to 1972. He was in the Judge Advocate General's Corps and attained the rank of captain. Mr. Looney practiced law at Looney, Nichols, Johnson & Hayes for almost 30 years and then at Hall Estill as a partner until his retirement. Mr. Looney was a charter member of the American Board of Trial Advocates and was selected as a charter fellow of the Litigation

Counsel of America. He authored many legal publications and was a member of the Rotary Club of Oklahoma City, the Pros 4 Vets Board of Directors and the OBA Military Assistance Committee, receiving numerous awards and honors.

hristan P. Mai of Broken Arrow died Jan. 31. He was born July 16, 1951, in Scottsbluff, Nebraska. Mr. Mai graduated from Torrington High School in 1969 and the University of Wyoming in 1973. He received his J.D. from the University of Wyoming College of Law in 1977. Early in his career, he worked as a lawyer in the Wyoming Attorney General's Office. He moved to Broken Arrow in 1980 and worked as an attorney for several oil and gas companies, starting with Cities Service Co. in Tulsa. In 2000, he transitioned to family law practice until his retirement in 2021.

Thomas G. Marsh of Tulsa ▲ died March 3. He was born Dec. 4, 1930, in Oklahoma City. He graduated from TU with a bachelor's degree in business administration in 1953. Mr. Marsh attended night classes while working as a clerk at the Tulsa County Courthouse and received his J.D. from the TU College of Law in 1957. Following graduation, he took a job with Dyer, Powers & Gotcher, which later grew into Marsh & Armstrong. Mr. March practiced in the areas of commercial, banking and automobile law, with an emphasis on automobile dealer and manufacturer relations. He served as general counsel for the Oklahoma Automobile Dealers Association and executive secretary and general counsel

for the Tulsa Automobile Dealers Association. He was a member of the Automotive Trade Association Executives and the Tulsa County Bar Association. Mr. Marsh was appointed to serve as a special judge on the Oklahoma Court of Appeals in 1982. Through his work with automobile dealers, he was named chairman of the Oklahoma Highway Users Federation and helped draft legislation regarding the use of seatbelts and car seats in automobiles. He was a member of First Presbyterian Church, where he taught Sunday school and served as a trustee and elder. He was also involved in the Kiwanis Club of Tulsa and served as president and lieutenant governor of the Texas/Oklahoma Division. He was a Legion of Honor recipient and served on the board of the Multiple Sclerosis Society of Oklahoma, as past president of the TU College of Law Alumni Association and as a lifetime member of the Wolcott Family Society as an ancestor of Oliver Wolcott, a signatory of the Declaration of Independence.

Tharles Dale Mayhue of Ada died Feb. 17. He was born Oct. 9, 1942, in Stillwater. He graduated from Ada High School in 1960, where he played on two state championship teams and one state runner-up team. Mr. Mayhue continued his football career at OU, starting for the freshman team and getting elected as co-captain. For three years, he played as a defensive starter, including in the Orange Bowl in 1963 and the Gator Bowl in 1965. After graduation, he spent one year as an assistant football and track coach at Ada High School under Head Coach Craig McBroom, winning a football state championship in 1965. He received his J.D. from the OU College of Law in 1970 and

served as special judge of Pontotoc County for two years. Mr. Mayhue practiced law for over 50 years and was known around the area as the person to see for oil and gas issues. He was also known for his service to the Ada community. He was an avid supporter of the Ada School District and served on the school board for more than 40 years. The district's board meeting room is named in his honor, and in 2017, he was awarded the Distinguished Service Award by the Oklahoma State School Boards Association. He was also a member of the Board of Trustees of the Valley View Hospital Authority during the relocation and building of the new hospital.

ohn O. Moffitt of Fort Gibson died April 10, 2024. He was born Dec. 26, 1930. He graduated from Northeastern State University with a bachelor's degree in business and from OSU with a master's degree in accounting. He received his J.D. from the TU College of Law in 1966. Mr. Moffitt began his career at Coopers & Lybrand before leaving to start his own accounting firm. He went on to become a professor at Northeastern State University. Mr. Moffitt was honored by the Oklahoma Society of Certified Public Accountants as the chapter's 2018 distinguished CPA for his community involvement, professionalism and activism in the profession. He was a member of the American Institute of Certified Public Accountants and contributed to numerous boards, including the Kate Frank Manor and the Oklahoma-Arkansas River Commission, among others. He was also an active member of the Fort Gibson United Methodist Church, attending for years and serving as treasurer. Mr. Moffitt was a Korean War veteran.

He served in the 45th Infantry Division of the Oklahoma National Guard, also known as the Thunderbirds, where he achieved the rank of first lieutenant and made lifelong friendships.

Tohn Parrish Neihouse of Fayetteville, Arkansas, died Feb. 22. He was born June 19, 1962, in Denver. He graduated from Arkansas Tech University with a bachelor's degree in accounting in 1985. During college, he was a member of the Sigma Phi Epsilon fraternity and a big brother to the Phi Mu sorority. He held leadership positions in both groups and served as treasurer and president of the Student Government Association and senior fellow in the accounting department. He later served as a senior fellow on the college's alumni board. Mr. Neihouse began his career as an accountant with Bracken & Gardner CPAs in Fort Smith, Arkansas. He received his J.D. from the University of Arkansas at Little Rock William H. Bowen School of Law in 2009, where he graduated fifth in his class and served as a finance editor for the University of Arkansas at Little Rock Law Review. Mr. Neihouse received an advanced LL.M. in taxation and estate planning from the Southern Methodist University Dedman School of Law. He practiced law in Dallas for three years before moving to northwest Arkansas. Since 2010, he had served as a partner at RMP Law in Springdale, Arkansas.

on R. Nicholson II of Norman died Jan. 28. He was born April 2, 1935, in Oklahoma City. In 1962, he graduated from OU with a bachelor's degree in business administration and became a CPA. Mr. Nicholson received his J.D. from the OU College of Law

in 1965. He had a law practice in Oklahoma City, originally partnering with his father-in-law, James Eagleton. He was most proud of his contribution to founding Oklahoma Lawyers for Children, a nonprofit organization providing legal representation to abused and neglected children in Oklahoma County.

ary Page Sibeck of Los Angeles died March 27, 2024. He was born Dec. 25, 1929. He graduated with bachelor's and master's degrees from OU and a Ph.D. from the University of Southern California. He received his J.D. from the OU College of Law in 1962. Mr. Sibeck taught at Western New Mexico University and practiced law in Oklahoma City for three years before joining Loyola University as an assistant professor in 1965. He became an associate professor in 1971 and a full professor in 1977. Mr. Sibeck retired after 53 years at the university. He was a member of several professional organizations, including the United States Court of International Trade, the American and Pacific/Southwest Business Law Associations and the Business Association of Latin American Studies.

Louis Everett Striegel of Tulsa died April 15, 2024. He was born March 21, 1932, in Salisbury, Missouri, and graduated from Central High School in Kansas City, Missouri. Mr. Striegel joined the U.S. Navy and was honorably discharged in April 1951. He graduated from William Jewell College in 1958 and received his J.D. from the University of Missouri – Kansas City School of Law in 1981. He graduated with a master's degree in political science from Wichita State University and completed all coursework toward a doctorate in political science

from the University of Kansas. He began his legal career working as special counsel for Wichita, Kansas, businessman Willard Garvey. He then traveled throughout Kansas selling law books to local law firms for the Vernon Law Book Co. He joined the legal staff of the Environmental Protection Agency in Denver, writing water quality standards. That work led him to the Department of the Interior in Washington, D.C., first as special assistant to the solicitor and then as deputy undersecretary. While in Washington, D.C., he also served as minority council for the House Interior Committee and held a short term as an appellate court judge, as well as a member of the legal staff for the World Bank. He moved to Tulsa and was asked to serve in the newly created Department of Energy as deputy chief council for the Southwest District Office, as well as acting deputy director of the Economic Regulatory Administration. Mr. Striegel later moved to Stigler, where he operated a farm and opened a private law practice. He was elected associate district judge for Haskell County and retired from his law practice in 2007.

alph L. Wampler of Enid **L** died June 29, 2024. He was born Feb. 2, 1929, in Norman and graduated from OU in 1950. Mr. Wampler served in the military from 1950 until 1953 and then entered the Army Reserves. He achieved the rank of colonel. He received his J.D. from the OU College of Law in 1959 and worked for the Corporation Commission, where he became general counsel. In 1968, he was appointed judge for the federal government, where he served until his retirement in 2013.

llan R. Woodland of Oklahoma City died March 12. He was born Sept. 24, 1973, in Winnemucca, Nevada. After graduating from high school, he served a two-year mission in South Carolina for The Church of Jesus Christ of Latter-day Saints. Mr. Woodland moved to Washington, earned his pharmacy technician certificate and worked as a pharmacy tech while taking classes at the local college. He eventually went to Phoenix, where he graduated with a bachelor's degree in computer systems. He received his I.D. from the OCU School of Law in 2006. Mr. Woodland started his own law firm, Woodland Law, in Oklahoma. He was appointed a special municipal judge for the municipal court of record for a two-year term in July 2014. During this time, he appeared in a Nike commercial and in the movies Gosnell, as an attorney, and Reagan, as the bodyguard, among others. Mr. Woodland moved to Salt Lake City after his youngest child graduated, and he was working as a prosecuting attorney for the Salt Lake County District Attorney's Office at the time of his death. He remained active in The Church of Jesus Christ of Latter-day Saints throughout his life.

ndrea Lea Worden of **A**Norman died Oct. 27, 2024. She was born Jan. 11, 1981, in Fort Gibson. Ms. Worden graduated from the University of Central Oklahoma and received her J.D. from the OU College of Law in 2006. She founded Worden Law Firm, now Worden & Carbitcher. She was a criminal defense attorney who trained numerous attorneys and paralegals.



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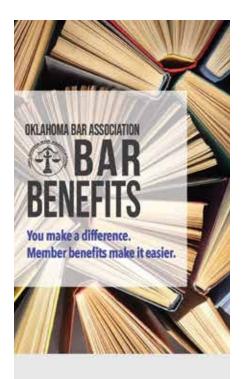
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Johnston County Judge Embodied the Spirit of Law Day

By Mary J. Clement

Law Day gives us an opportunity to honor those in our profession whose daily practices reflect the principles we

THE MAY 1 CELEBRATION OF

celebrate during this annual national event. Those ideals were readily apparent in one such Oklahoman, Judge Charles J. Migliorino, who served as associate district judge in Johnston County until his death in 2017.

"After graduating from high school, he came here from Brooklyn, New York, to go to college on a basketball scholarship at Murray State and never left," said Chief Justice Dustin Rowe of the Oklahoma Supreme Court. "He fell in love with Oklahoma, and he loved this country. He joined the U.S. Marine Corps and completed four tours of duty in Vietnam. He loved small-town life in Tishomingo, where he started a family, became a teacher, went to law school at night and became a lawyer who loved the law. He was the embodiment of everything Law Day stands for."

Reaching out to Oklahoma educators is an important component of Law Day, and it is fitting that, as a teacher, Judge Migliorino taught history and social studies for 10 years in Ardmore City Schools. In fact, sitting in his high school classroom one year was 16-year-old David Lewis, now Judge David Lewis of the Oklahoma Court of Criminal Appeals.

"In addition to being a very effective teacher, he was a mentor and motivator," said Judge Lewis. "As a junior in history class who felt like an outsider, he encouraged me not to accept limits. He didn't see color or socioeconomic background. He saw opportunity. He taught me that the sky was the limit."

Judge Lewis also said that Judge Migliorino was very involved in



New York City-born Judge Charles Migliorino of Tishomingo embraced his adopted rural community, where he served as a high school history teacher, a district attorney and ultimately an associate district judge for Johnston County until his death in 2017. Photo courtesy of the family.

his community, and as a lawyer, he went above and beyond to help his community better understand the value of the law.

"Law Day is a time to celebrate the profession," Judge Lewis said. "Charles Migliorino loved the fact that he was a lawyer. He fulfilled the mission of the Lawyer's Creed. His word was his bond, and putting on the black robe as a New Yorker who had moved to Oklahoma was a moment of immense pride. The legal, as well as the nonlegal, community held a deep respect for him."

His love for education was not limited to classrooms. Judge Migliorino also enjoyed training horses, teaching others how to ride and completing horse events. He also inspired his son, Nick Migliorino, who serves as superintendent of the Norman Public School District, to enter the education field.

"My father was a man of quiet strength, a New Yorker who found his home in Oklahoma, a Vietnam veteran with multiple Purple Hearts who rarely spoke of war, which I know impacted him, and a judge who believed justice required both wisdom and compassion," said Dr. Migliorino. "His journey from Queens to Vietnam, then to Johnston County, brought him to my mother and gave me a life rich in contrasts: summers split between southern Oklahoma and New York City, lessons taught through actions, not words. He exhibited a silent confidence – on the bench, he shared with me that he looked for not just legal answers but, more importantly, the right ones, treating every case and situation with the same integrity that defined his life."

"I grew up idolizing him. His broad depth of knowledge, his relentless work ethic and his quiet kindness impacted who I am. I miss him deeply. His legacy lives on in the lives he changed and the standard he set for me to do right by people, always."

Ms. Clement practices in Tulsa and serves as co-chair of the OBA Law Day Committee.



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