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THE OKLAHOMA BAR Journal

Volume 96 — No. 8 — October 2025

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OBA CLE
Continuing Legal Education

**TUESDAY,
OCTOBER 14, 2025**
Noon CST

On-Demand Only

MCLE 0/1

FEATURED SPEAKER



Stuart I. Teicher, *The CLE Performer*



THE ETHICS OF ASKING FOR WORK:

A program about solicitation ... and more.

FEATURED SPEAKER: Stuart I. Teicher, Esq., *The CLE Performer*

Soliciting clients can be an ethical minefield. It's particularly tough to navigate given the "new rule" in Oklahoma. Join Stuart Teicher as he explains the rule on solicitation and also talks about the weird "hybrid" situation that arises when a lawyer talks to a potential client.

Specific rules include:

Rule 7.3 - Soliciting Clients

Establishing the lawyer-client relationship

Rule 1.18 - Prospective Client relationships

ABOUT OUR SPEAKER: Mr. Teicher is a professional legal educator who focuses on ethics law and writing instruction. A practicing lawyer for 30 years, his career is now dedicated to helping fellow lawyers survive the practice of law and thrive in the profession. Mr. Teicher teaches seminars, provides in-house training to law firms and legal departments, provides CLE instruction at law firm client events and also gives keynote speeches at conventions and association meetings. Mr. Teicher helps lawyers get better at what they do (and enjoy the process) through his entertaining and educational CLE "performances." He speaks, teaches and writes – Thomson Reuters published his book *Navigating the Legal Ethics of Social Media and Technology*. Mr. Teicher is a Supreme Court appointee to the New Jersey District Ethics Committee, where he investigates and prosecutes grievances filed against attorneys. He also served on the New Jersey Office of Attorney Ethics Fee Arbitration Committee. Mr. Teicher is an adjunct professor of law at Georgetown Law, where he teaches Professional Responsibility, and he is an adjunct professor at Rutgers University in New Brunswick, New Jersey, where he teaches undergraduate writing courses. He also taught legal writing at St. John's University School of Law in New York City.

Disclaimer: All views or opinions expressed by any presenter during the course of this CLE is that of the presenter alone and not an opinion of the Oklahoma Bar Association, the employers, or affiliates of the presenters unless specifically stated. Additionally, any materials, including the legal research, are the product of the individual contributor, not the Oklahoma Bar Association. The Oklahoma Bar Association makes no warranty, express or implied, relating to the accuracy or content of these materials.

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Editor: Norma Cossio

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Divide et Impera

By D. Kenyon “Ken” Williams Jr.

FOR THOSE OF YOU WHO MAY HAVE FORGOTTEN your high school Latin (or who were smart enough to take a “living” language, like Spanish or French), the phrase “*divide et impera*” means “divide and rule.” I retain only smatterings of the Latin I and II I endured in high school (although I still remember Latin II as the only “B” on my transcript, not that it bothered me ...), so when I came across the phrase in “Federalist No. 7,” I had to look it up.

Recognizing that you may not be, as I am not, a Constitution nerd, I will pass along the information that the author of *The Federalist Papers* is Publius, the collective nom de plume of Alexander Hamilton, James Madison and John Jay. Beginning in 1787, Publius wrote a series of 85 essays in support of the adoption of the proposed United States Constitution. In the instance of “Federalist No. 7,” Publius was Alexander Hamilton. “Federalist No. 7” is an essay setting forth Mr. Hamilton’s arguments in support of the adoption of the Constitution by the state of New York on the grounds that a union

of states would be less contentious and vulnerable than individual states. One of Mr. Hamilton’s posited possible disputes between the states was conflicting alliances by the respective states with foreign nations. It was in the context of Mr. Hamilton’s discussion of conflicting alliances with foreign nations that he used the Latin phrase, stating, “*Divide et impera* must be the motto of every nation that either hates or fears us.” Mr. Hamilton was pointing out that for enemies of our country, creating divisions in the unity of these United States is the surest path toward defeating and conquering the wonderful experiment that our form of federal government represents.

Since I have freely admitted that I am not a Constitution nerd, you might wonder why I would be reading *The Federalist Papers*.

In anticipation of the July 4th holiday (and Constitution Day – and yes, I know that was last month), I had been trying to recall from my childhood all the ways my parents and my hometown of Skiatook used to make it a special, patriotic event. Certainly, the parades, fireworks displays and cookouts are a part of those memories. I also remember times when Abraham Lincoln’s “house divided” speech was quoted, both in school and as part of the speeches given at the end of some of the public celebrations. It seems to me that in grade school, I was required to memorize and recite this portion of the speech:

A house divided against itself cannot stand. I believe this government cannot endure, permanently, half slave and half free. I do not expect the Union to be dissolved – I do not expect the house to fall – but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the States, old as well as new – North as well as South.

While I recall the exercise of memorization and recitation, I do not recall any of my teachers or the local politicians making the connection between Mr. Lincoln’s speech and the ancient parable: “If a kingdom is divided against itself, that kingdom cannot stand. If a house is divided against itself, that house cannot stand.” It was while researching the origin of Mr. Lincoln’s reference in his speech that I came across the reference to *The Federalist Papers*, which led to further reading, and these thoughts I share with you.

(continued on page 71)



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MICHAEL HORN TO SERVE AS OBA MOCK TRIAL PROGRAM COORDINATOR



The Oklahoma Bar Association welcomes Michael Horn, a lawyer and educator in Jenks, into his new role as program coordinator for the Oklahoma High School Mock Trial Program. Mr. Horn, a longtime mock trial team coach, is taking over for program coordinator Judy Spencer, who retired at the end of this spring's mock trial season after 20 years of service.

A 2006 graduate of the TU College of Law, Mr. Horn is an attorney with a general practice in the Tulsa area. He has served as a teacher and coach for Jenks Public Schools since 1991, instructing high school classes, including AP capstone and AP comparative government and politics. He began serving as the Jenks mock trial team coach in 2005 and has coached the team through several final rounds, including winning the state championship this year and placing sixth at the national competition. He also coaches the high school's academic team and serves as the gifted and talented education coordinator for Jenks Public Schools.

The High School Mock Trial Program involves students in grades 9-12 modeling the roles of attorneys, plaintiffs and defendants. They actively prepare and present their cases under the direct supervision of teacher coaches and attorney advisors. Although these are mock trials, they are heard by real judges in a courtroom setting, and student performance is evaluated by a panel of lawyers.

For more information about the Oklahoma High School Mock Trial Program, visit www.okbar.org/mocktrial.

LHL DISCUSSION GROUP HOSTS NOVEMBER MEETINGS



The Lawyers Helping Lawyers monthly discussion group will meet Thursday, Nov. 6, in Oklahoma City at the office of Tom Cummings, 701 NW 13th St. The group will also meet Thursday, Nov. 13, in Tulsa at the office of Scott Goode, 1437 S. Boulder Ave., Ste. 1200. The Oklahoma City women's

discussion group will meet Thursday, Nov. 20, at the first-floor conference room of the Oil Center, 2601 NW Expressway.

Each meeting is facilitated by committee members and a licensed mental health professional. The small group discussions are intended to give group leaders and participants the opportunity to ask questions, provide support and share information with fellow bar members to improve their lives – professionally and personally. Visit www.okbar.org/lhl for more information, and keep an eye on the OBA events calendar at www.okbar.org/events for upcoming discussion group meeting dates.



IMPORTANT UPCOMING DATES

- The OBA Annual Meeting will be held Nov. 6-7 at the Sheraton Oklahoma City Downtown Hotel. During this year's meeting, bar business will be conducted, and the annual OBA Awards will be presented. Registration is now open! Read more about this year's meeting on page 41 of this issue and register online at <https://bit.ly/3KzSxaJ>.
- The Oklahoma Bar Center will be closed Monday, Nov. 11, in observance of Veterans Day. The bar center will also be closed Thursday and Friday, Nov. 27 and 28, in observance of the Thanksgiving holiday.

LAUNCHING YOUR LAW PRACTICE

Join the OBA Management Assistance Program on Tuesday, Oct. 21, for Launching Your Law Practice: A Hands-On Workshop. This is a no-cost, semiannual event for new lawyers, those returning to private practice or those venturing out on their own. This day-long workshop will address resources for designing a client-centered firm, improving your workflow, business planning and more. Learn more at www.okbar.org/oyp.

MATTHEW TODD CHESBRO APPOINTED ASSOCIATE DISTRICT JUDGE FOR TULSA COUNTY



On Aug. 29, Gov. Kevin Stitt appointed Matthew Todd Chesbro as associate district judge for Tulsa County. Judge Chesbro, a Stillwater native, most recently served as a special judge for the Tulsa County District Court, which he was appointed to in January 2024. He served nearly 15 years as an assistant district attorney between the Tulsa County and Rogers County district attorney offices. Judge Chesbro received his bachelor's degree in accounting from OSU in 1992 and his J.D. from the OU College of Law in 1996.

PLAIN LANGUAGE EVICTION FORMS NOW AVAILABLE ON THE OSCN WEBSITE

Recent statutory changes pertaining to eviction actions require an affidavit to be filed with the court clerk of the applicable county, along with a properly served summons, both written in simple, easy-to-understand language (12 O.S. §1148.15-16). The OBA, working in tandem with the Oklahoma Access to Justice Foundation, formed a working group to develop these plain language forms, which were recently finalized and approved. These forms are now available for public download on the OSCN website at <https://bit.ly/48mWnOq>.

OBA members can learn more about these efforts by viewing "Put it Plainly: How the Use of Plain Language Can Increase Equity and Procedural Fairness in Small Claims Eviction Proceedings" by Katie Dilks and Shandi Stoner in the August 2022 issue of the *Oklahoma Bar Journal*, available at <https://bit.ly/46sfzYH>.

PUBLISHED OKLAHOMA LAWYER AUTHORS SOUGHT FOR BOOK COLLECTION PROJECT

Have you authored a published book, or do you know an Oklahoma lawyer who has? Your books are in demand! Published works by Oklahoma attorney authors are being collected for a project to benefit the Oklahoma County Law Library. Please contact Bill Sullivan at 405-795-1206 or by email at billsullivan@cox.net to add your book to the growing collection of nearly 80 books so far.



2026 PROPOSED BUDGET

Pursuant to Article VII, Section 1 of the Rules Creating and Controlling the Oklahoma Bar Association, Amber Peckio, president-elect and Budget Committee chairperson, has set a public hearing on the 2026 OBA budget for Tuesday, Oct. 14, at 1:30 p.m. at the Oklahoma Bar Center, 1901 N. Lincoln Blvd., in Oklahoma City.

LET US FEATURE YOUR WORK

We want to feature your work on "The Back Page" and the *Oklahoma Bar Journal* cover! All entries must relate to the practice of law and may include articles, reflections or other insights. Poetry, photography and artwork connected to the legal profession are also welcome. Photographs and artwork relating to featured topics may also be published on the cover of the journal. Email submissions of about 500 words or high-resolution images to OBA Communications Director Lori Rasmussen at lorir@okbar.org.

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Navigating Immigration Court Hearings for Oklahoma Residents: Master Calendar and Individual Hearings Explained

By Yovana Lopez Medina

UNDERSTANDING THE INTRICACIES OF IMMIGRATION COURT PROCEEDINGS is essential for immigration attorneys representing clients in Oklahoma, a state with a growing immigrant population. This article aims to demystify the two primary types of hearings in immigration court – master calendar hearings and individual hearings – and provide practical insights for practitioners whose clients’ cases are assigned to courts outside Oklahoma, primarily the Dallas Immigration Court.

WHAT ARE IMMIGRATION COURTS?

Immigration courts are specialized courts under the Executive Office for Immigration Review (EOIR), a branch of the U.S. Department of Justice. These courts conduct removal proceedings to determine whether a noncitizen (referred to as the “respondent”) can remain in the United States or must be removed. The proceedings are adversarial, involving an immigration judge, a government attorney from the Department of Homeland Security (DHS) and the respondent and their legal representative.

RIGHT TO COUNSEL

It’s crucial to note that respondents in immigration court do not have the right to a government-funded attorney, regardless of their age or whether they are unaccompanied minors. As a result, many respondents, including vulnerable populations like minors, must navigate complex legal processes without legal representation unless they can secure private counsel or pro bono assistance.

THE ABSENCE OF AN IMMIGRATION COURT IN OKLAHOMA

Oklahoma does not have its own immigration court. As a result, respondents residing in

Oklahoma typically have their cases assigned to the Dallas Immigration Court in Texas. This situation presents unique logistical and legal challenges for both attorneys and clients, including travel considerations and familiarity with the procedures of an out-of-state court.

MASTER CALENDAR HEARINGS

Purpose and Procedure

A master calendar hearing is a preliminary, brief proceeding where the immigration judge manages the progress of a case. Key activities during this hearing include:

- Confirming the respondent's identity and address
- Reviewing the notice to appear (NTA) to ensure it meets legal requirements
- Handling pleas to the allegations and charges
- Setting deadlines for applications and evidence submission
- Scheduling the date for the individual hearing

What Oklahoma Attorneys Need To Know

Travel logistics. Since the hearings are held in Dallas, plan for travel time and expenses. Ensure that both you and your client can appear in person or request a telephonic or video appearance if permitted.

Timeliness and preparation. Arriving early is crucial. The Dallas Immigration Court handles a large docket, and delays can negatively impact your client's case.

Language considerations. If your client requires an interpreter, the court will provide one. Confirm the need for specific language services in advance to prevent delays.

Document submission. Familiarize yourself with the Dallas court's requirements for submitting documents. Not all immigration cases are eligible for electronic filing via the EOIR Courts & Appeals System (ECAS).

Specific Considerations for Oklahoma Practitioners

Interstate practice. Ensure you are authorized to practice in the immigration court, specifically that you are registered with the EOIR. Immigration law is federal; thus, attorneys licensed in any U.S. jurisdiction can represent clients,

but you must comply with the court's local rules.

Client support. Assist your client in understanding the necessity of attending hearings out of state and explore options for minimizing travel burdens, such as requesting venue changes or telephonic or video appearances when appropriate.

INDIVIDUAL HEARINGS

Purpose and Procedure

An individual hearing is a merits hearing where the immigration judge makes a substantive decision on the case. It involves:

- Presentation of detailed testimony by the respondent
- Examination and cross-examination of witnesses
- Submission of evidence and legal arguments from both parties

What Oklahoma Attorneys Need To Know

Thorough preparation. Develop a compelling case narrative, supported by credible evidence and relevant legal precedents.

Witness coordination. Coordinate the appearance of witnesses, who may also need to travel to Dallas.

Understanding court expectations. Familiarize yourself with the preferences and expectations of the Dallas Immigration Court judges to tailor your case presentation effectively.

Specific Considerations for Oklahoma Practitioners

Scheduling challenges. Be aware that individual hearings may be scheduled months or years in advance due to court backlogs. Maintain regular communication

with your client during this period to keep them informed and engaged.

TYPES OF RELIEF AVAILABLE IN IMMIGRATION COURT

During removal proceedings, respondents may apply for various forms of relief to prevent deportation. Understanding these options is crucial for effective representation.

Asylum, Withholding of Removal and CAT Protection

Asylum. Asylum is available to those who have suffered past persecution or have a well-founded fear of future persecution in their home country based on race, religion, nationality, membership in a particular social group or political opinion.

Withholding of removal. This is similar to asylum, but it has a higher burden of proof and does not lead to permanent residency.

Protection Under the Convention Against Torture (CAT). CAT protection is for individuals who can prove they are more likely than not to be tortured if returned to their home country.

Cancellation of Removal

For lawful permanent residents (LPRs). LPRs who have resided in the U.S. for a certain period and meet specific criteria can apply to cancel their removal.

For nonpermanent residents. This requires continuous physical presence in the U.S. for at least 10 years, good moral character and proof that removal would result in exceptional and extremely unusual hardship to a U.S. citizen or LPR spouse, parent or child.

Adjustment of Status

Eligible respondents are allowed to become lawful permanent

Be aware that individual hearings may be scheduled months or years in advance due to court backlogs. Maintain regular communication with your client during this period to keep them informed and engaged.

residents without leaving the United States through adjustment of status. This typically involves having an approved visa petition and being admissible to the U.S.

Voluntary Departure

This permits the respondent to leave the U.S. voluntarily by a specific date, avoiding a formal removal order, which can have less severe immigration consequences.

PROSECUTORIAL DISCRETION

Prosecutorial discretion refers to the authority of DHS and its immigration enforcement agencies to decide whether to enforce or not enforce immigration laws against a person or group of people. This discretion can be exercised at any stage of the immigration enforcement process and can result in various outcomes, such as:

- Termination of proceedings: The government attorney may move to dismiss the case, effectively ending removal proceedings against the respondent

- Administrative closure: Temporarily halting proceedings without a final decision, which can be reopened at a later date
- Stipulations to relief: Agreeing to certain forms of relief or not contesting applications for relief sought by the respondent

Prosecutorial discretion is especially important given the limited resources of immigration courts and enforcement agencies. It allows DHS to prioritize cases that align with current enforcement priorities, such as those involving national security, public safety or border security concerns. It also allows for respondents with the following relief the opportunity for U.S. Citizenship and Immigration Services (USCIS) to adjudicate their applications prior to an immigration judge making a removability finding.

Special Forms of Relief for Vulnerable Populations

Special immigrant juvenile status (SIJS). For minors who

have been abused, abandoned or neglected by one or both parents.

U visas. For victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement.

T visas. For victims of human trafficking.

How To Request

Prosecutorial Discretion

Attorneys can request prosecutorial discretion on behalf of their clients by:

- Submitting a formal request: Emailing the corresponding Office of the Principal Legal Advisor (OPLA) outlining the factors that warrant discretion
- Highlighting positive equities: Presenting compelling humanitarian factors, such as long-term residence in the U.S., family ties, employment history, community involvement or severe medical conditions
- Demonstrating low enforcement priority: Arguing the client does not fall within

the categories prioritized for removal under current DHS guidelines

Considerations for Oklahoma Practitioners

Timeliness. Requests for prosecutorial discretion should be made as early as possible in the proceedings. However, in the Dallas Immigration Court, it is common not to receive a response until a court date is near.

Documentation. Provide thorough documentation to support the request, evidence of relief filed with USCIS, affidavits, letters of support, medical records and any other relevant evidence.

Coordination with DHS counsel. Engage in professional dialogue with the DHS attorney assigned to the case to discuss the possibility of exercising discretion.

CONFIDENTIALITY AND ATTORNEY-CLIENT PRIVILEGE

Effective representation depends not only on legal knowledge but also on ensuring that clients trust you with sensitive information. When working with non-English-speaking clients, particularly those with limited familiarity with the U.S. legal system, maintaining confidentiality requires extra care.

Attorney-Client Privilege Under ORPC Rule 1.6

All communications between attorney and client are privileged. Under the Oklahoma Rules of Professional Conduct (ORPC) Rule 1.6, attorneys must safeguard any information relating to the representation of a client and may not reveal such information without informed consent.

Use of Qualified Interpreters
Only engage interpreters or translators who:

- Are impartial (no conflicts of interest)
- Are proficient in both English and the client's language, including any specific dialect or indigenous language
- Understand legal terminology sufficiently to avoid inadvertent disclosure or distortion of privileged information
- Are not family members or friends, as this may lead to bias or breaches of confidentiality

Supervision of Nonlawyers (ORPC Rule 5.3)

Attorneys must supervise non-lawyer translators and interpreters to ensure they understand and commit to preserving client confidentiality. This may include:

- Having the interpreter sign a confidentiality acknowledgment
- Briefing the interpreter on privilege obligations before any substantive discussion
- Considering asking your client to sign a release when

working with interpreters and translators

Document Translation and Storage

When translating documents (e.g., affidavits, country-conditions reports, etc.), translators must include a certificate of translation. Keep all translated and original documents in secure, access-restricted folders (paper or electronic).

Client Reassurance

Explain confidentiality protections in plain language, ensuring the client understands that what they tell you remains private unless they authorize disclosure and that even when using an interpreter, the interpreter is ethically bound to maintain confidentiality. This reassurance helps build trust and encourages clients to share complete, candid information necessary for strong advocacy.

PRACTICAL TIPS FOR PRACTITIONERS REPRESENTING OKLAHOMA RESIDENTS

Stay Informed

Keep up to date with EOIR announcements and changes in immigration law that may affect your client's case.

2025 UPDATE: DHS ENFORCEMENT PRIORITIES – PROSECUTORIAL DISCRETION UNAVAILABLE

Following 2025 changes rescinding prior DHS/EOIR prosecutorial discretion guidance and tightening enforcement, OPLA is no longer entertaining requests for prosecutorial discretion (e.g., dismissals, administrative closures or continuances). Practitioners should proceed on the assumption that prosecutorial discretion will not be granted.

Network

Connect with immigration attorneys in both Oklahoma and Texas to share insights and strategies.

Cultural Competency

Understand your client's cultural background to enhance communication and strengthen your case presentation.

CONCLUSION

Navigating immigration court hearings for Oklahoma residents requires a blend of legal expertise, logistical planning and cultural sensitivity. By thoroughly

preparing for master calendar and individual hearings and understanding the procedures of the Dallas Immigration Court, attorneys can effectively advocate for their clients despite the geographical challenges.

ABOUT THE AUTHOR



Yovana Lopez Medina is an immigration attorney at Michael Brooks Jimenez PC, representing Oklahomans in family-based immigration, humanitarian relief and removal defense. A graduate of the OCU School of

Law, she led the Immigration Legal Society and the Hispanic Law Student Association and served on the Dean's Diversity Council. She volunteers widely and serves as board secretary for Bottom Rail History. She was inducted into the OCCC Alumni Hall of Fame in 2024 and recognized as a NextGen Under 30 winner in 2023.



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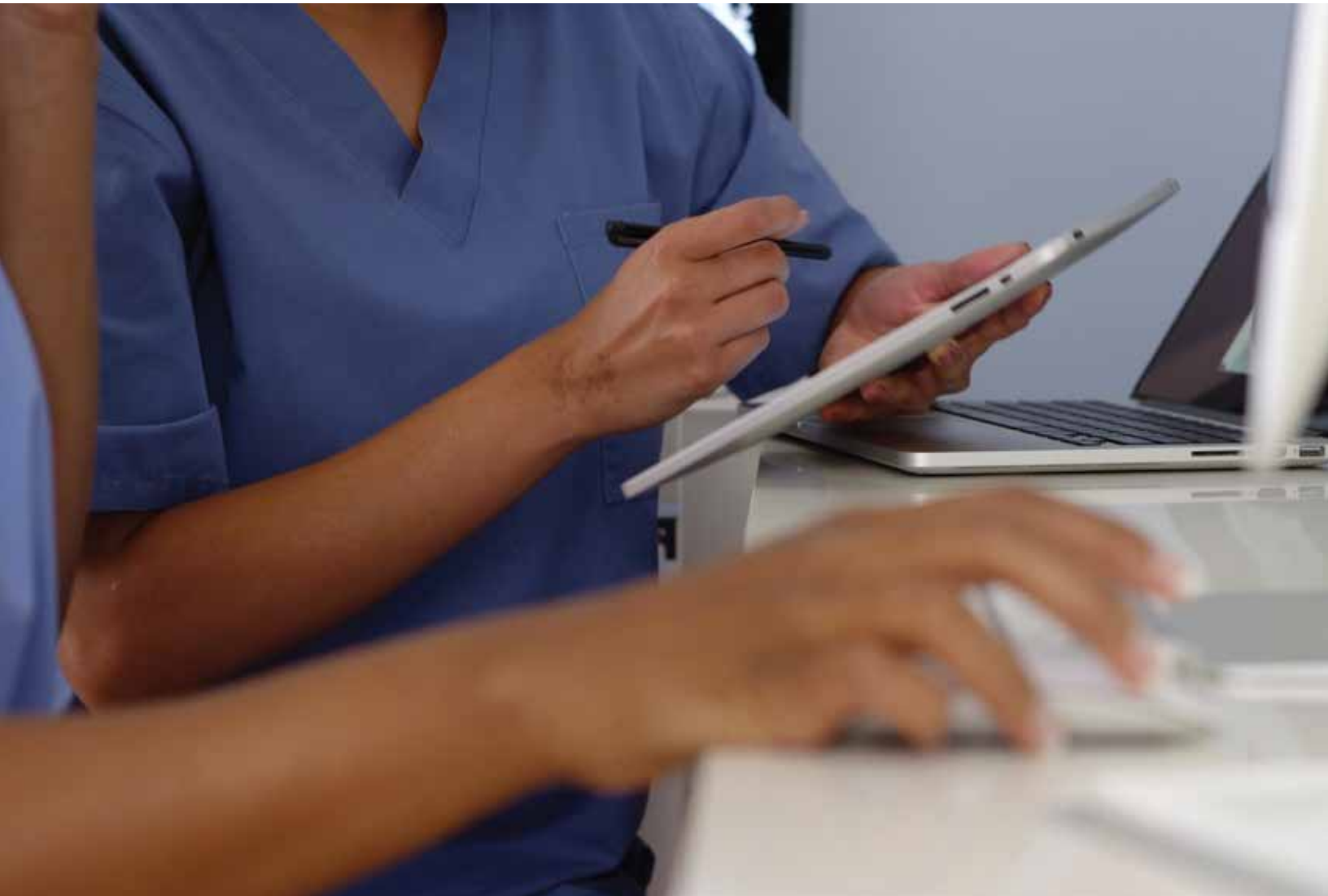
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A Call To Reform Work Authorization Options for Foreign Nurses

By Diane Hernandez



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THE UNITED STATES IS EXPERIENCING A CRITICAL NURSING SHORTAGE. This is not news. In fact, experts have been warning about the shortage of qualified nurses for more than a decade, and they expect the shortage to continue through the foreseeable future.¹ A nursing shortage left unchecked will create a domino effect of problems that will impact all sectors of society, including higher health care costs and diminished quality of life for patients.² The reasons for the shortage are varied and include factors related to an aging population requiring more frequent medical care,³ burnout caused by the COVID-19 pandemic, a retiring nursing workforce, lower nursing school enrollment and a severely backlogged pipeline of foreign national nurses (*i.e.*, nurses who are not naturalized citizens of the U.S.) seeking lawful employment in the U.S. who are stuck in the U.S. immigration system.⁴ These nurses should be considered an important part of the overall solution, as employing them in the U.S. will help meet an urgent need in a field that is critically important to the health and welfare of the United States. This article will discuss current shortages and projections and offer suggestions on reforming and improving the present system of providing work authorization in the U.S. for foreign national nurses.

THE PROBLEM

The need for a steady workforce of qualified nurses⁵ in the United States is constant, and it will continue to grow over the next few decades. Unfortunately, the U.S. has struggled to keep a sufficient nursing workforce to meet national demand. On average in the U.S., there are only nine registered nurses per 1,000 people; in Oklahoma, there are between

seven and 7.9 registered nurses per 1,000 people.⁶ As of 2022, there were 3.07 million registered nurses for a national population of over 333 million; in Oklahoma, by comparison, there were 30,320 registered nurses in a state of just over 4 million people.⁷ Experts estimate the U.S. will need to add more than 1 million new nurses to the workforce by 2030 to meet the nation's health care demands,⁸ which is an

average of 166,666 nurses per year, while others say that number will have to be closer to 200,000 nurses per year.⁹ However, estimates show that only about 177,400 nurses are expected to enter the workforce in the decade between 2022 and 2032, meaning that not even one year of projected need is expected to be met.^{10, 11}

The U.S. is experiencing the current nursing shortage for a

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variety of reasons. First, a large segment of the U.S. population is getting older and will require more medical care as they age. America currently has more people over the age of 65 than at any time in history, and their health care needs continue to grow.¹² Baby boomers represent a “silver tsunami”¹³ of about 21% of American adults.^{14, 15} Estimates show that by 2029, there will be 71 million Americans over the age of 64.¹⁶ Further, according to the U.S. Census Bureau, by 2050, there will be approximately 82 million Americans over 64, which will represent almost one-fourth of the U.S. population.¹⁷

Second, the current shortages can be directly attributed to the COVID-19 pandemic. Between 2020 and 2021, there was a drop in the nursing workforce of around 100,000 registered nurses, which marked the largest decline of nurses in the U.S. in 40 years.¹⁸ Some of the documented reasons for this decline were related to the adequacy of staffing at hospitals, physical exhaustion and burnout and the sufficiency of personal protective equipment (PPE).¹⁹ Nurses were universally overworked during the peak of the pandemic, and many faced concerns about their own exposure to the disease. This increased pressure and stress took a physical and mental toll on the nurses working with COVID-19 patients, leading to a general sense of burnout.²⁰ Most of the registered nurses who left the nursing profession during the pandemic were under the age of 35, and most worked in a hospital setting.²¹

A third reason for the nursing shortage is that a large percentage of nurses currently in the workforce are aging and nearing the end of their careers.

Approximately 1 million U.S. nurses are at least 50 years old, and nearly 60% are over age 40.²² In a survey taken in December 2023, more than one in five in the U.S. stated that they planned on retiring before the end of 2028.²³

A fourth reason for the shortage is related to a declining interest in nursing school enrollment by qualified students. According to the American Association of Colleges of Nursing, enrollment in bachelor’s degree programs fell in 2022, marking the end of a 20-year period of growth in those programs.²⁴ Enrollment is also down for nursing students seeking master’s degrees and for those pursuing doctoral programs.²⁵ To make matters worse, because of budget constraints, salary inequality and aging faculty members, many nursing schools have not had enough educators in classrooms to teach courses for incoming nursing students – a problem that led U.S. nursing schools to turn away tens of thousands of would-be students in 2019.²⁶

Another reason that can be attributed to the current shortage is an overall dissatisfaction with the profession itself among those in the workforce. Nursing workplaces across the country suffer from high rates of turnover and low rates of retention. One study found that more than half of nurses leave their jobs within the first two years of starting work in the field.²⁷ According to a 2022 survey of registered nurses, those specifically working in a hospital setting had the lowest level of job satisfaction among others in the nursing profession.²⁸

If the shortage maintains its present course and trajectory, more and more patients will have

to wait longer in medical facilities that do not have adequate staff, and the overworked staff may feel rushed to get patients seen quickly. This could lead to errors in medication dosage and other care delivery tasks by a burned-out staff, which, in turn, could mean a higher number of fatalities.²⁹ Because of the shortage, some communities are facing hospital closures, and many medical centers around the country have had to close medical departments or end services.³⁰ In June 2023, as many as 293 rural hospitals were at risk of immediate closure.³¹ It is expected that 42 out of the 50 states will experience nursing staff shortages by 2030, the year that all baby boomers will have reached retirement age.³²

ADDRESSING THE SHORTAGE WITH FOREIGN NATIONAL NURSES

One solution that could almost immediately increase the number of nurses in the U.S. is bringing in more foreign national nurses for lawful employment. Qualified nurses from countries around the world can help ease current U.S. shortages while bringing their professional, linguistic and cultural skills to the workplace.³³

The U.S. has welcomed many foreign national nurses through various immigration programs over the years, and America is still the preferred destination for international nurses around the world looking for employment.³⁴ The number of foreign national nurses in the U.S. has grown substantially since the 1970s, when there were about 50,000 nurses, compared to 2022, which saw about 500,000 foreign nurses working in the United States.^{35, 36} Currently,

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immigrants make up approximately 16% of registered nurses in the workforce.³⁷

The first substantial influx of foreign nurses came to the U.S. in 1948 when lawmakers passed the Information and Education Exchange Act (also known as the Smith-Mundt Act), intending to “increase mutual understanding between the people of the United States and the peoples of other countries” through “an educational exchange service to cooperate with other nations in the interchange of persons, knowledge and skills; the rendering of technical and other services; and the interchange of developments in the field of education, arts, and sciences.”³⁸ This program, which was supported by the American Nurses Association, allowed foreign nurses from Europe and later from the Philippines to come to the U.S. for work and study.³⁹ The program was successful, and by the 1950s and 1960s, the U.S. saw continued growth in the hospital sector, which resulted in a demand for even more nurses.⁴⁰

Beginning around 1980, due to factors such as a nationwide

expansion of facilities, adjustments to Medicare payment structures, decreased enrollment numbers for nursing schools and a growing need for specialized nursing professionals, Congress began using federal immigration programs to control the influx of foreign nurses to the U.S. with efforts to bring in more nurses when national shortages were more severe and to limit or restrict entry when domestic supplies were sufficient.⁴¹ In 1989, attempting to address a national nursing shortage, Congress passed the Immigration Nursing Relief Act, which included guidelines for the first visa category just for nurses, the H-1A visa.⁴² Petitioning employers of the H-1A were required to provide documentation to confirm their efforts to protect U.S.-educated nurses, as well as their efforts to reduce their dependency on foreign nurses.⁴³

In 1990, the H-1B visa was created for temporary workers in specialty occupations, which were defined as positions that require a bachelor’s degree or higher in a specific degree field.⁴⁴ This visa provided an ideal option for many

foreign workers and included an allotment of six years of work authorization – sufficient time for most workers, usually with sponsorship assistance from an employer, to secure a more permanent U.S. work status.⁴⁵ This option has not been available for nurses, however, because nursing is not considered a specialty occupation. This is because most U.S. employers do not require a bachelor’s degree to fill nursing positions; instead, they routinely hire nurses with associate’s degrees. Therefore, U.S. Citizenship and Immigration Services (USCIS), formerly known as the Immigration and Naturalization Service (INS) until 2003, stated that, with few exceptions, it will not approve H-1B petitions for nurses.⁴⁶

In 1997, Congress created a second temporary work visa specifically for nurses, the H-1C, under the Health Professional Shortage Area Nursing Relief Act.⁴⁷ Although the effort was well-intentioned and aimed at addressing the needs of areas with greater degrees of provider shortages, the program was heavily restricted and resulted in a limited impact on shortage numbers.⁴⁸ For example, H-1Cs were granted only to 500 nurses per year, as long as the employing hospital could demonstrate efforts to protect U.S.-educated nurses.⁴⁹ Hospitals also had to demonstrate that they were located in designated and federally defined shortage areas, and no more than one-third of their nursing staff could be comprised of foreign nurses.⁵⁰ Employers had to meet other requirements, such as a minimum of 190 beds and a base of at least 35% Medicare and 28% Medicaid patients.⁵¹ These restrictive provisions created a

program wherein only 14 hospitals in nine states were eligible to apply for an H-1C, and by 2004, only about 12 nurses had received an H-1C visa.⁵²

Apart from a few failed attempts at legislation, there have been no new efforts by U.S. lawmakers to provide pathways for foreign nurses to work in the United States since the early 2000s. The most common options that remain in place include: 1) a 12-month permit for work authorization known as optional practical training, which is granted at the end of a student's academic program; 2) work authorization through an employment-based green card sponsored by the employer; 3) work authorization granted through an application for special status, such as asylum, temporary protected status, refugee status, etc.; or 4) work authorization granted as part of a family-based immigration petition (*i.e.*, through a U.S. citizen spouse).⁵³ The first two options are addressed below, including an explanation of their applications and eligibility processes.

Optional Practical Training

Foreign nationals who come to the U.S. to pursue full-time academic studies at an accredited college, university or other academic institution that is authorized to accept international students typically enter the country in F-1 status.⁵⁴ F-1 students must be enrolled in a course of study that culminates in a degree, diploma or certificate.⁵⁵ During the first academic year, F-1 students generally may not work off campus, but after one year, they become eligible to work in optional practical training (OPT) employment.⁵⁶ OPT employment

is arranged through the student's academic institution and its international office/designated school officer (DSO), who, in turn, applies for work authorization from USCIS on the student's behalf.⁵⁷

OPT offers F-1 students 12 months of temporary employment directly related to their field of study.⁵⁸ For F-1 students in certain science, technology, engineering and math (STEM) fields, a 24-month extension of their employment authorization is available, as long as they continue working in their field of study and with their employers and DSOs to create and maintain an employment training plan.⁵⁹ The Department of Homeland Security (DHS) determines which fields of study are considered STEM fields and, therefore, eligible for extended work authorization.⁶⁰ However, although the DHS list of STEM degrees includes many related disciplines – such as biology, nutritional science, anatomy and immunology – a nursing degree (such as a Bachelor of Science in nursing or BSN) is not considered

a STEM field. Therefore, nursing students are ineligible for the 24-month STEM extension.⁶¹ Instead, they are limited to 12 months of OPT work authorization.

When a student completes an academic program, applies for and receives an OPT work permit or employment authorization document (EAD) and gets a job offer from a hospital, there may only be nine or 10 months left of the worker's 12-month OPT status. As will be demonstrated later, this is not enough time to secure any other kind of employment authorization for the worker, which means that this worker will either have to leave employment at the end of the 12-month period and return to full-time student status, change their immigration status to another temporary category that will allow them to stay in the U.S. but not work, or leave the U.S. and return to their home countries. Although this presents a hardship for many foreign nurses, it also creates an untenable situation for employers in the health care space who are forced to terminate some of their



most valuable employees for lack of valid work authorization, especially in areas experiencing health care provider shortages.⁶²

Employment-Based Green Card

An alternative to a temporary work permit is lawful permanent residency, known more commonly as green-card status. A green card allows the holder to live and work in the U.S. permanently by way of a 10-year permit that is renewable indefinitely. Employers can sponsor employees and apply for a green card under a handful of employment-based categories, including under the EB-1 (first preference category for employees with extraordinary ability in the sciences, arts, education, business or athletics; outstanding researchers and professors; or certain multinational managers and executives), the EB-2 (second preference category for employees with a master's degree or higher or those with exceptional ability in the sciences, arts or business) and the EB-3 (third preference category for employees with a bachelor's degree or lower and all other workers).⁶³ Since most nurses have associate's degrees or bachelor's degrees, they are best suited to apply for the EB-3 green card category.

In order to initiate the application process, the foreign nurse must first complete certain eligibility steps, including passing the NCLEX-RN exam (National Council Licensing Exam for Registered Nurses); demonstrating English proficiency, both written and oral;⁶⁴ and obtaining certification (referred to as the VisaScreen Certificate) to show that the nursing degree received is comparable to a U.S. nursing degree.⁶⁵ The VisaScreen Certificate requirement

was established by Congress in 2003 to ensure that foreign nurses' education, language abilities, experience and training were equivalent to that of U.S.-educated nurses. However, this certification is still required of foreign nurses even if they receive their nursing education in the United States.^{66, 67} There are only three sources for the nursing VisaScreen Certificate in the U.S.: the Commission on Graduates of Foreign Nursing Schools (CGFNS), Josef Silny & Associates and, the most recent addition, International Education Evaluations LLC.⁶⁸ Securing a VisaScreen Certificate from any of these sources can take several weeks to complete and can incur a cost of hundreds of dollars.⁶⁹

Once the nurse has demonstrated eligibility to work in the U.S., the employer can initiate the green card process. The first step employers must complete is to request a prevailing wage determination from the U.S. Department of Labor (DOL), which is a report detailing the average wage for a given occupation in a given geographical area. Under the Immigration and Nationality Act (INA), the wages offered to a foreign employee must meet or exceed the prevailing wage for the occupational classification sought. This helps ensure that hiring a foreign worker will not adversely impact the wages and working conditions of similarly situated U.S. workers,⁷⁰ while also preventing potential abuse by U.S. employers that might seek to pay foreign workers less, thereby undercutting U.S. workers for cheaper foreign labor.⁷¹ As of Oct. 15, 2024, the DOL is taking approximately six to eight months to issue determinations for these types of wage requests.⁷²

Once the prevailing wage determination has been issued, the employer must conduct a period of advertising and recruitment to test the market for any qualified and available U.S. workers for the proffered position. They then must file a lengthy labor certification application with the DOL.⁷³ If the DOL certifies the application, the employer can then file an Immigration Petition for Alien Workers, also known as Form I-140. This petition verifies the terms of employment and demonstrates the employer's ability to pay the proffered wage.⁷⁴ Form I-140 does not grant any immigration benefit except for assigning a priority date for the employee's green card process,⁷⁵ securing the employee's "place in line" for a green card, and determining the date that the rest of the green card petitions can be filed, including an application for an EAD.⁷⁶

For nursing positions, employers do not have to conduct the advertising and recruitment stage of the process or submit an application for labor certification to the DOL because the government has recognized that some jobs (referred to as Schedule A occupations and including nurses and physical therapists) already have established shortages; therefore, the requirement to test the market does not apply.⁷⁷ After receiving the prevailing wage determination, employers can skip some of the normal employment-based green card steps and may instead submit a Form I-140 petition for the nurse, getting a priority date that is much sooner. Then, when the priority date is current, the employer can file the rest of the green card petitions for the nurse, including the application for an EAD.

Whether a priority date is current depends on a monthly report issued by the U.S. Department of State (DOS), the Visa Bulletin.⁷⁸ The Visa Bulletin details the availability of immigrant visas during a given month based on numbers established by the INA and based on the country of birth of the foreign worker.⁷⁹ The number of allowable immigrant visas per year is established by the INA, and the visas are then allocated by the DOS.⁸⁰ Employment-based immigrant visas are numerically limited, in contrast to other immigrant visa types that are numerically unlimited (for example, visas for immediate relatives of U.S. citizens are always available).⁸¹ These visas are then allocated into several subcategories (*i.e.*, EB-1, EB-2, EB-3, etc.). Each subcategory receives a percentage of the total visa allotment, and there are limits to the number of visas that can be issued based on the foreign national's country of birth.⁸² The DOS distributes visas based on the immigrant's preference category, such as EB-3,

country of birth and priority date, which, as stated previously, must be current before the immigrant can file the rest of the green card petitions and ultimately receive their permanent residency status.⁸³

In general terms, there are about 140,000⁸⁴ employment-based visas available per year, which must accommodate not only the large number of qualified workers with bachelor's degrees or lower (including many engineers, IT workers and computer scientists) but also their dependent spouses and children.⁸⁵ Congress has the authority to adjust the total number of employment-based visas to be allocated per year, and despite calls for an update, the current number has not been adjusted since 1990.^{86, 87} When the demand for these visas in a given category, such as the EB-3, is higher than the supply for a given country, the result is a backlogged or retrogressed visa category.⁸⁸ In this situation, the employer cannot continue the green card process for the employee until

the priority date is current.⁸⁹ Typically, most employment-based categories are retrogressed for employees born in China, India, Mexico and the Philippines due to an overall higher number of applicants from those countries, so a long wait for citizens of these countries has become the norm.⁹⁰ But for nurses from countries that are not typically retrogressed (also known as "all other chargeability areas"), priority dates become current more quickly, allowing the employer to file the rest of the green card applications much sooner, including the application for an EAD.⁹¹ If approved, the applicant is issued an EAD a few months later. Getting to this stage of the process is critical, especially for nurses in OPT status, because a timely filing of the I-765 before the OPT expires and subsequent receipt of the EAD prevents any gap in work authorization.⁹² In short, the faster the priority date becomes current, the faster the new work authorization can be requested.

Clearly, the current system for securing green cards and work authorization for foreign nurses is complex and wrought with inefficiencies. But finding workable solutions may not be as complicated, and there are several options for improvement worth consideration.

Unfortunately, in May 2023, the DOS announced that due to increased demand, priority dates for all other chargeability areas in the EB-3 category had been moved backward almost a full year to June 1, 2022.^{93, 94} For employers that had already started the green card process for nurses and for the nurses just starting their 12-month OPT employment periods, this was devastating news.⁹⁵ The American Association of International Healthcare Recruitment (AAIHR) noted, “Visa retrogression amounts to a catastrophic interruption of the stable flow of healthcare talent to the bedside, and it will be felt acutely by ordinary patients, from pregnant mothers to dialysis patients.”⁹⁶ The thousands of nurses who filed their Form I-140s after June 1, 2022, are now in a holding pattern, waiting for the backlog to clear and their priority dates to be current, with limited indication from the U.S. government about when to expect the situation to improve.^{97, 98} AMN Healthcare, a medical staffing agency, has estimated that nurses who entered the application process after June 2022 will likely have to wait 2 1/2 years to get to the EAD stage, with a growing wait time of six months per year going forward, absent intervention from the federal government.^{99, 100}

Suggestions for a Solution

Clearly, the current system for securing green cards and work authorization for foreign nurses is complex and wrought with inefficiencies. But finding workable solutions may not be as complicated, and there are several options for improvement worth consideration.

First, the DHS could add nursing degrees (ADN and BSN) to the designated degree program list of approved STEM fields so that nursing students could take advantage of the additional 24 months of work authorization after their periods of OPT expire for a total of three years. This would expand employment opportunities for nurses and prevent the need for them to stop working at the end of their OPT periods. Not only would this designation provide two years of additional work authorization, but it would also be a critical part of unlocking federal funding for nursing education and recruitment programs in the United States.¹⁰¹ Among other advocates, the Nursing is STEM Coalition, founded in 2023, is actively working on building support from policymakers, health care providers and the public to add the nursing profession to the list.¹⁰² Meanwhile, this solution would help nurses and their employers better anticipate and plan for the green card process while waiting for any visa backlogs to clear up. Despite calls to add nursing to the STEM list, the DHS has yet to do so, even though the Department of Labor and the Department of Veterans Affairs recognize nursing as a STEM field in their departments.¹⁰³

A second measure to consider would be to specifically include nursing professionals as eligible recipients of a “compelling circumstances EAD” through USCIS. This option exists for foreign workers in the U.S. who meet a series of criteria, as established by USCIS.¹⁰⁴

This temporary employment authorization may be provided to certain nonimmigrants who are the beneficiaries of approved

employment-based immigrant visa petitions and their qualifying spouse and children, and who are caught in the continually expanding backlogs for immigrant visas and face compelling circumstances. This stopgap measure is intended to address certain particularly difficult situations, including those that previously may have forced individuals on the path to lawful permanent residence to abruptly stop working and leave the United States.¹⁰⁵

Typically, applicants must demonstrate that they are no longer able to continue employment in the U.S. and that they face serious harm, such as: 1) a serious illness or disability, 2) alleged abuse or illegal conduct by an employer, 3) other substantial harm to the applicant or 4) significant disruption to the employer.¹⁰⁶ Applications are reviewed on a discretionary, case-by-case basis, and if approved, the compelling circumstances EAD is issued for one year at a time and can be renewed as needed.¹⁰⁷ Notably, the significant disruption to the employer criteria is explained by USCIS as follows:

Compelling circumstances need not involve termination of the principal applicant. A principal applicant who is unexpectedly unable to timely extend or change status to continue employment with the employer and has no other basis to continue that employment may be eligible for a compelling circumstances-based EAD if the principal applicant’s departure would cause the employer substantial disruption. Applicants should provide

an explanation supported by evidence from their employer that demonstrates that, due to the principal applicant's knowledge or experience, their loss would negatively impact projects and result in significant monetary loss or other disruption to the employer ...

As an example, a principal applicant with an approved immigrant visa petition in an oversubscribed visa category or chargeability area who has lived in the United States for a considerable period of time, and has school-aged children and a mortgage, may face compelling circumstances if, due to job loss, the family may otherwise be forced to sell their home for a loss, pull the children out of school, and relocate to their home country.¹⁰⁸

In its current form, this option is not available to most nurses because it only applies to foreign workers in E-3, H-1B, H-1B1, O-1 or L-1 status and is only available after the foreign worker already has an approved Form I-140.¹⁰⁹ However, USCIS could add a separate eligibility category for this type of EAD specifically for nurses in F-1 student status who, due to retrogressed visa categories, are unable to continue working. Allowing nurses to take advantage of this option would serve a compelling national interest, considering the hardship that the loss of their employment status represents for medical facilities and hospitals across the country.

A third option that could facilitate longer employment authorization periods for foreign nurses in the U.S. would be for USCIS to

consider adding an entirely new EAD category specifically for nurses. This would require USCIS to create a new category of EADs, but it could be added to current policies and be valid for a period of two years. This is similar to the OPT STEM extension EAD, but it would be reserved only for nurses completing their OPT periods and whose employers have started the green card process but cannot secure further employment authorization for the nurses due to visa retrogression issues.¹¹⁰

Other options that would require either the creation of a new employment-based category just for nurses or the expansion of visa numbers under the existing EB categories would have to be accomplished through Congress. However, most legislative measures that have sought to increase the number of available visas have not received as much bipartisan support as those that propose working within the visa numbers already established by law.

For example, in recent years, lawmakers have introduced a few pieces of legislation specifically aimed at addressing the nation's shortage of health care workers. One such bill was the Healthcare Workforce Resilience Act, HR6205 (HWRA), which was introduced in the House of Representatives with bipartisan co-sponsorship on Nov. 2, 2023.¹¹¹ The HWRA proposed to initiate a one-time recapture of up to 40,000 employment-based visas that had been unused in prior years, with 25,000 of them going to foreign nurses and 15,000 going to foreign physicians to address current critical shortages of health care workers.^{112, 113} Congress approved similar recapture efforts in both 2000 and 2005.¹¹⁴

However, although the latest bill had decent support and did not seek to expand the number of green cards, nor did it seek to take visas from other categories, the House of Representatives failed to pass it, and it has not been reintroduced.¹¹⁵ Previous versions of the same bill met similar fates in both May 2020 and March 2021.¹¹⁶

Another bill was introduced by the Senate in 2022 – the RELIEF Act, S3721 – which sought to increase the percentage of visas allocated per country to help clear existing backlogs over the following five fiscal years. The bill was referred to the Committee on the Judiciary on March 3, 2022, and has not progressed since that time.¹¹⁷

CONCLUSION

The nursing shortage in America requires a multifaceted approach by multiple U.S. agencies and Congress. Health care facilities across the country need workable solutions to hire and maintain a well-prepared and adequately staffed nursing workforce to care for the nation's aging population over the coming decades. Improving and streamlining the current immigration system for foreign nurses should be embraced as part of the equation when solving the nursing shortage problem.

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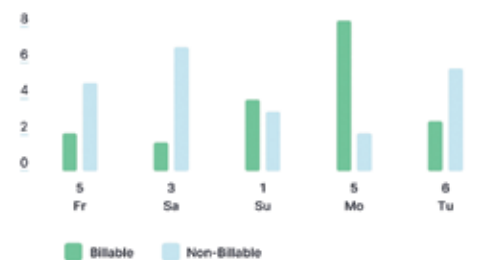
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G. William "Bill" Rice was an attorney, a University of Tulsa Law School professor, a widely hailed expert on American Indian legal matters, and a beloved mentor, colleague, and friend to many. A citizen of the United Keetoowah Band of Cherokee Indians, Bill dedicated his life to furthering the rights of Indigenous peoples worldwide. This scholarship is granted in his name and is intended to help law students with the cost of the Oklahoma bar exam.

Duarte-Gonzalez: Overcoming Unlawful Presence Under §212(a)(9)(B) of the Immigration and Nationality Act From Inside the United States

By Katelyn Wade

ON FEB. 14, 2023, THE BOARD OF IMMIGRATION APPEALS issued a decision in *Duarte-Gonzalez*, holding that the three- and 10-year unlawful presence bars can continue to run while a noncitizen is inside the United States.¹

THE THREE- AND 10-YEAR UNLAWFUL PRESENCE BARS

Under §212(a)(9)(B) of the Immigration and Nationality Act (INA), certain individuals who accrue unlawful presence in the U.S., depart and then apply for admission are subject to penalties known as the three- and 10-year unlawful presence bars. These grounds of inadmissibility apply to three classifications of individuals: 1) individuals who remain inside the U.S. past the expiration of their authorization, 2) individuals who entered without inspection and 3) individuals who knowingly made a false claim of citizenship to obtain permission to enter the U.S.

TRIGGERING THE THREE- AND 10-YEAR UNLAWFUL PRESENCE BARS

Under §212(a)(9)(B)(i)(I) of the INA, the three-year unlawful presence bar is triggered when a noncitizen, beginning April 1, 1997, 1) was unlawfully present in the U.S. for a continuous period of more than 180 days but less than one year, 2) voluntarily departed from the U.S. before any immigration proceedings commenced and 3) then applied for admission to the U.S. Noncitizens who trigger the three-year unlawful presence bar are inadmissible for a period of three years from the date of departure.²

Under §212(a)(9)(B)(i)(II) of the INA, the 10-year unlawful presence bar is triggered when

a noncitizen, beginning April 1, 1997, 1) was unlawfully present in the U.S. for a continuous period of one year or more, 2) left voluntarily or by deportation/removal and 3) then applied for admission to the U.S. Noncitizens who trigger the 10-year unlawful presence bar are inadmissible for a period of 10 years from the date of departure or removal.³

INTERPRETATION OF THE THREE- AND 10-YEAR PERIODS OF INADMISSIBILITY

Over the years, the United States Citizenship and Immigration Services (USCIS) has taken the informal stance that a nonimmigrant is required

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to spend the three- and 10-year periods of inadmissibility outside the U.S. Additionally, there have been various unpublished board decisions on the issue of whether a noncitizen must remain outside the U.S. for the relevant period. However, the board has never addressed the issue in a precedent decision.⁴ On June 24, 2022, the USCIS published a policy memorandum that formally recognized that the three- and 10-year periods of inadmissibility can be spent inside the U.S.⁵ On Feb. 14, 2023, the board came to the same conclusion in *Duarte-Gonzalez*.⁶

MATTER OF DUARTE-GONZALEZ, 28 I&N DEC. 688 (BIA 2023)

In June 2000, Mr. Duarte-Gonzalez was admitted to the United States with authorization to remain for a period of 30 days. However, he did not depart until August 2001. Mr. Duarte-Gonzalez was later admitted to the U.S. in August 2001 on a nonimmigrant visa, with authorization to stay for a temporary period not to exceed 30 days. After his admission in August 2001, Mr. Duarte-Gonzalez never left the U.S. and applied for an adjustment of status under §245(a) of the INA more than 10 years later.

On April 3, 2019, the immigration judge rendered a decision

denying Mr. Duarte-Gonzalez's application, concluding that he was "not eligible for adjustment of status because he did not remain outside the United States during the entire 10-year period of inadmissibility pursuant to section 212(a)(9)(B)(i)(II) of the INA, 8 U.S.C. § 1182(a)(9)(B)(i)(II)."⁷ Mr. Duarte-Gonzalez appealed the decision, arguing that he was eligible for adjustment of status because the plain reading of §212(a)(9)(B)(i)(II) of the INA does not require a noncitizen to remain outside the U.S. for the 10-year period of inadmissibility.⁸

On appeal, the board held, "Noncitizens who are inadmissible for a specified period of time

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pursuant to section 212(a)(9)(B)(i) of the INA, 8 U.S.C. § 1182(a)(9)(B)(i), due to their previous unlawful presence and departure are not required to reside outside the United States during this period in order to subsequently overcome this ground of inadmissibility.”⁹ To reach this conclusion, the board looked at the plain language of Section 212(a)(9)(B)(i) of the INA and determined it contains no requirement for the noncitizen to remain outside the U.S. during the entire three- or 10-year period of inadmissibility.¹⁰ The board supported their conclusion by analyzing the language of the adjacent subsection, 212(a)(9)(C)(ii), known as the “permanent bar,” which specifically states that a noncitizen must spend time “outside the United States.”¹¹ The board reasoned, “A negative inference may be drawn from the exclusion of language from one statutory provision that is included in other provisions of the same statute.”¹²

Based on this reasoning, the board concluded that Mr. Duarte-Gonzalez was not currently inadmissible under §212(a)(9)(B)(i)(II) of the INA and was not prohibited under this section from seeking adjustment of status.¹³ The board clarified that in August 2001, when Mr. Duarte-Gonzalez sought admission, he was inadmissible under the plain terms of Section 212(a)(9)(B)(i)(II) of the INA because the 10-year waiting period had not yet elapsed.¹⁴ However, because Mr. Duarte-Gonzalez was admitted to the U.S. on a nonimmigrant visa and had not departed since, he was not currently inadmissible as the 10-year waiting period since his departure had now elapsed.¹⁵

In *Duarte-Gonzalez*, the board made it clear that the manner in which a noncitizen returns to the United States after the departure that triggered the three- or 10-year time bar is extremely important.

THE IMPORTANCE OF *DUARTE-GONZALEZ*

In issuing its decision in *Duarte-Gonzalez*, the board set precedent, taking the same position as the USCIS that the three- and 10-year periods of inadmissibility can continue to run while a noncitizen is inside the United States.¹⁶ This means that both the immigration court and the USCIS interpret the three- and 10-year unlawful presence bars the same. Therefore, regardless of whether a noncitizen is seeking adjustment of status with the USCIS or through the immigration court, the guidance is the same.

Moving forward, the USCIS and the immigration court will look at the amount of time that has passed since the noncitizen triggered the three- or 10-year unlawful presence bar and the manner in which the noncitizen returned to the United States. This inquiry will be conducted without regard to where the noncitizen is physically located. Therefore, once the requisite three- or 10-year time period has passed since the noncitizen triggered the three- or 10-year unlawful presence

bar, the ground of inadmissibility no longer applies, and the noncitizen is eligible for adjustment of status. This takes away the need for an unlawful presence waiver to adjust status and gives noncitizens who do not qualify for an unlawful presence waiver the ability to acquire lawful permanent residence in the U.S.

WHO CAN (AND CANNOT) BENEFIT?

In *Duarte-Gonzalez*, the board made it clear that the manner in which a noncitizen returns to the United States after the departure that triggered the three- or 10-year time bar is extremely important. Let’s look at some examples of who can and who cannot benefit.

Example One

Yamilet entered the United States in 2005 using a border crossing card and was given an authorized stay of six months. In 2010, Yamilet left the U.S. and returned approximately one month later using her border crossing card. She now wishes to apply for adjustment of status.

In this example, Yamilet triggered the 10-year unlawful presence bar under §212(a)(9)(B)(i)(II) of the INA when she departed the U.S. after accruing more than one year of unlawful presence. However, because Yamilet was admitted using her border crossing card when she returned to the U.S., she did not trigger the permanent bar under §212(a)(9)(C)(ii) of the INA. Therefore, because more than 10 years have passed since Yamilet departed the United States, she is no longer inadmissible under §212(a)(9)(B)(i)(II) of the INA.

Example Two

Miguel entered the United States in 2000 without inspection. In 2002, he left the U.S. to help his family settle the estate of his late grandfather. Miguel returned one week later without inspection. He now wishes to apply for adjustment of status based on a family-based petition.

In this example, Miguel triggered the 10-year unlawful presence bar under §212(a)(9)(B)(i)(II) of the INA when he departed the U.S. after accruing more than one year of unlawful presence. However, because Miguel returned to the States without inspection, he is inadmissible even though the 10-year period of inadmissibility has passed. This is because when Miguel reentered the U.S. unlawfully, he triggered the permanent bar under Section 212(a)(9)(C)(ii) of the INA. Therefore, he is permanently barred and will never be able to seek lawful permanent residence through a family-based petition.

Example Three

Laura entered the United States without inspection in December 1999 and departed to visit family in August 2000. She returned one week later without inspection and now wishes to apply for adjustment of status.

In this example, Laura triggered the three-year unlawful presence bar under §212(a)(9)(B)(i)(I) of the INA when she departed the U.S. after accruing more than 180 days but less than one year of unlawful presence. However, because it has now been more than three years since Laura departed the U.S., she is no longer inadmissible under §212(a)(9)(B)(i)(I) of the INA. Additionally, Laura is not subject to the permanent bar under §212(a)(9)(C)(ii) of the INA because it is only applicable to noncitizens who accrue more than one year of unlawful presence, depart and then reenter or attempt to reenter unlawfully. Therefore, Laura is eligible for adjustment of status.

FINAL THOUGHTS

The ruling in *Duarte-Gonzalez* makes it clear that the three- and 10-year periods of inadmissibility can run while the individual is inside the U.S. based on the plain language of the statute. This is a positive development that provides clarity for individuals who are inadmissible due to their previous unlawful presence and departure and may allow more noncitizens to qualify for adjustment of status. However, as discussed above, there are very few factual scenarios in which a noncitizen who has triggered the three- or 10-year unlawful presence bar may return to the U.S. before the requisite time period has run without triggering the

permanent bar under §212(a)(9)(C)(ii) of the INA. Therefore, it is of the utmost importance to carefully screen individuals when assessing their eligibility for adjustment of status under *Duarte-Gonzalez*.

ABOUT THE AUTHOR



Katelyn N. Wade is an immigration attorney at Doerner, Saunders, Daniel & Anderson LLP with experience in employment-based petitions, work visas, family petitions, citizenship applications, work authorization cards, deportation defense, waivers and appeals. She is registered to practice before the Executive Office for Immigration Review and the Bureau of Indian Affairs and has experience working with U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement and the Department of Labor. Ms. Wade has also successfully represented clients in cases involving L1-A visas, EB-1 visas, national interest waivers and cancellation of removal.

ENDNOTES

- 28 I&N Dec. 688 (BIA 2023).
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- Id.*
- See Jose Armando Cruz, A087-241-021 (April 9, 2014); see also Jose Tapia-Cervantes, A208-939-645 (Dec. 21, 2018).
- USCIS, Policy Memorandum: INA 212(a)(9)(B) Policy Manual Guidance (June 24, 2022), <https://bit.ly/4fW8X8Y>.
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- Id.*
- Id.* at 691.
- Id.* at 690.
- Id.* at 691.
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Immigration Relief for Victims of Abuse and Crimes

By Lorena Rivas

DESPITE THE TOPIC OF IMMIGRATION BEING HOTLY DEBATED AND ARGUED, something on which the American public can agree is that a victim of abuse deserves protection and the opportunity to heal from the trauma. Unfortunately, many immigrants easily become victims of abuse and crimes due to their lack of resources and protection and fear of deportation. As a result, a unified Congress enacted various laws to provide immigration relief to such victims of abuse and crimes.

Protection for victims of abuse and crimes came through the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA). Part of the purpose of VAWA was to “deter and punish violent crimes against women ... by providing assistance to State and local law enforcement agencies, ... by training judges to better handle cases involving violence against women, by providing that victims of sexual assault receive compensation from the offender, by preventing violators of certain restraining orders from obtaining firearms, and by permitting battered immigrant women to leave their batterers without fearing deportation.”¹ Congress passed the TVPA to combat “the trafficking of persons into the sex trade, slavery, and slavery-like conditions in the United States ... as well as protection and assistance for victims of trafficking.”²

IMPORTANCE OF HELPING VICTIMS OF ABUSE

Definitions of Undocumented Person and Abuse

An undocumented individual is a person who is present in the United States without the proper documentation or status, such as a visa or lawful permanent residence status. They were not inspected when they entered the United States and entered without the proper permission. An undocumented person can be an individual who entered the United States without inspection or someone who entered the United States with inspection and admission and then remained in the United States beyond their allotted time. These individuals are referred to as overstays. Some examples of individuals with permission to be in the United States despite not being a U.S. citizen are lawful permanent

residents (green-card holders), T/U/S visa holders, student visa holders, H-1B visa holders, visitor visa holders, refugees, asylum applicants and individuals with parole status. All of these have certain requirements to maintain to be able to continue to hold noncitizen status and remain in the U.S.

Abuse, according to the Power and Control Wheel,³ is the infliction of physical, emotional, mental, verbal or financial pain on someone. It is important to note that abuse does not need to be physical to be legitimate. There are various forms of abuse, and their impact on victims is significant and has lasting effects.

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Importance of Helping Immigrant Victims of Abuse

Domestic abuse is abuse that occurs in a domestic relationship or household. It mostly occurs between partners but also happens from parent to child, as well as child to parent.

Abuse never happens in isolation. In fact, abuse has lasting effects that echo beyond the primary victim.⁴ Family members, children and community members feel the impact of domestic abuse. Witnessing or being around abuse causes psychological trauma that impacts future relationships. It could cause a child to believe abuse is normal and expected and participate in abuse as they grow up. It could cause a community to be tolerant of abusive practices and not advocate for resources or protection. It could cause an individual to have low self-esteem and believe they do not deserve better and settle for a life of abuse and marginal resources. These examples and more show how abuse does not just occur to an individual, but it also creates waves in communities. The effects of abuse eventually infiltrate every community

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regardless of race, language, nationality or economic status.

While it is evident that it is our duty as citizens to help victims of abuse, this also extends to when the victim is undocumented. Because of their unlawful status, undocumented individuals are more likely to be the victims of crime.⁵ They have become easy prey for criminals because of their fear of arousing the suspicion of immigration authorities. They are also seen as easy prey because of the language barriers they have with law enforcement authorities to properly report crimes and abuse. Their fear and language barriers make it more likely that they will be victimized numerous times before they gain the courage and assistance to try to stop the cycle of abuse. Recognizing these struggles and the need to empower the members of our community, Congress adopted numerous laws that provide immigration relief to victims of abuse and crimes.

TYPES OF RELIEF

VAWA

The Violence Against Women Act (VAWA)⁶ provides protection and a pathway to lawful permanent status for individuals who have suffered abuse at the hands of someone with lawful permanent resident status or a U.S. citizen family member. To qualify for VAWA, one must be married to or recently divorced from a U.S. citizen or lawful permanent resident holder. A parent of a 21-year-old or older U.S. citizen child may also qualify, as well as a child (25 years or fewer) of a U.S. citizen or lawful permanent resident. Additionally, men also qualify for protection under VAWA. In these relationships,

As a result of applying and being approved for one of the immigration benefits described in this article, the undocumented immigrant receives the authorization to work and the protection to remain in the United States.

there must have been abuse (physical, emotional, psychological, mental or financial) present at some time during the relationship. Knowing that many victims would jeopardize their safety or the safety of a loved one if they made a police report, VAWA does not require a criminal arrest. Evidence of the abuse can be corroborated with testimonies, witness accounts, psychological reports or photographs. The processing time for these types of applications is around three to five years.

U Visas

U visas⁷ provide protection for victims of certain crimes, including domestic abuse, that occur in the United States. Unlike VAWA, which does not require a police report, a U visa requires a criminal report to have been made and that the victim collaborated with authorities in the investigation and prosecution of their criminal abuser. A law enforcement agency must certify that the individual was a victim of that specific crime and that they helped the authorities.

Without this police certification, an individual cannot apply for U

visa status with the U.S. Citizenship and Immigration Services (USCIS). It is important to note that there is no deadline to apply for U visa status, but some police departments self-impose tight deadlines to request such certification from victims. The timeline to be approved for U visa status is much longer, and as of right now, there is about a nine-year wait.

T Visas

While victims of trafficking can occur in labor and smuggling instances, individuals in abusive domestic relationships may also be trafficking victims. Many times, trafficking victims have been subject to threats, coercion and abuse that would force the victim to commit an act they do not want to or perform slave-like duties. If an undocumented individual is forced to clean homes and cook, perform sexual acts, work and give up their pay to their abuser or cannot freely leave the home, they may be a victim of trafficking and eligible for a T visa.⁸ The T visa offers protection and lawful status to remain in the United States.

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Here, T visa victims must report the trafficking to authorities like the FBI, the trafficking office or local authorities. The processing time for T visas is about two years.

SIJ

The special immigrant juvenile (SIJ)⁹ classification provides protection for children present in the United States who have been abandoned, abused or neglected by one or both of their parents. A local court must determine whether the child has suffered abuse, abandonment or neglect and that it is not in the best interest of the child to return to their country of origin. This is the first step in the SIJ application process; however, obtaining such an order is not a guarantee that the child's SIJ application will be approved. USCIS reviews the application and determines whether to grant such status. For a child to get lawful permanent resident status through this route, it could take three to six years.

Asylum

Asylum¹⁰ is the last form of relief that could help victims of abuse. In this case, though, the abuse would have happened in the applicant's home country, and they have come to the U.S. to escape it. The applicant must show they have a credible fear of returning to their country, and this fear is based on their race, religion, nationality, political opinion or membership in a particular social group. Victims of domestic abuse would attempt to fit in with the last basis of membership in a particular social group. This is not an easy feat, as many circuit courts have found that domestic abuse victims, in particular women, do not meet the definition of a

particular social group, making the grant of asylum a very steep battle for any applicant and their lawyer.¹¹

CONCLUSION

Identifying victims of abuse is not easy since so many individuals hide the enduring scars they carry. However, regular legal practitioners often encounter them throughout other legal processes. Signs of physical abuse are easier to spot, but not all signs of abuse are visible. Some signs of nonphysical abuse include:

- The victim is afraid to see their family members or is very anxious to please them
- The victim has stopped seeing family and friends
- The victim makes excuses for their family member's behavior
- The victim is always checking in with their abuser about moving locations
- The victim has limited control over their finances
- The victim has become anxious or depressed¹²

These are just a few examples. To be able to help victims of abuse, it is important to discard past beliefs about what a battered victim looks like. Abuse comes in many forms, and many victims hide the effects of their abuse to avoid embarrassment and for self-preservation. However, when victims finally choose to seek help or are discovered by a reassuring and helping hand, especially for undocumented immigrants, their lives change for the better.

As a result of applying and being approved for one of the immigration benefits described in this article, the undocumented immigrant

receives the authorization to work and the protection to remain in the United States. Experts have said:

When survivors can legally work and no longer fear deportation, they end their isolation by reconnecting with friends, family, and the larger community, including their ethnic/cultural communities. There is a 6-fold increase in immigrant survivors' parental involvement in their children's schools, and a 24% increase in immigrant survivors reaching out to help other victims in their community. Finally, the study results found that with employment authorization, labor force participation, in at least minimum wage employment, increased by 300% among immigrant survivors. Forty three percent of immigrant survivors authorized to work were employed in jobs with healthcare, vacation, and maternity leave benefits. According to study results, after employment authorization, immigrant survivors' participation in English as a Second Language (ESL) classes increased 225%, with 35% obtaining GEDs and 38% pursuing either Associates or Bachelor's degrees, achievements which allow them and their families to make social and economic contributions to society.¹³

The protections given to victims of abuse by our immigration laws via U visas, T visas, VAWA, SIJ and asylum applications, as demonstrated, without a doubt empower the victim, their family, our communities and society.

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ABOUT THE AUTHOR



Originally from Mutual in western Oklahoma, attorney Lorena Rivas is the proud daughter of two Mexican nationals whose dedication inspired a lifelong commitment to serve and represent immigrant communities. As the CEO of Rivas & Associates, a nationally recognized immigration law firm with offices in Oklahoma City and Tulsa serving immigrants across the U.S., Ms. Rivas is committed to ensuring her clients receive high-quality, compassionate legal representation.

ENDNOTES

1. H.R. REP. NO. 103-395, p. 25 (1993).
2. TVAP, <https://bit.ly/3K2K4fZ>; 146 Cong. Rec. H9030 (2000).
3. "Types of Abuse," Women Against Abuse, <https://bit.ly/4g1i9cm>.
4. Tara Davis, Directorate of Prevention, Resilience and Readiness: "Breaking the Cycle: Understanding Domestic Violence and Intergenerational Violence," Oct. 23, 2023, <https://bit.ly/47ulyxb>.
5. Xie M, Baumer EP. "Immigrant Status, Citizenship, and Victimization Risk in the United States: New Findings from the National Crime Victimization Survey (NCVS)," *Criminology*, 2021 November; 59(4):610-644. doi: 10.1111/1745-9125.12278. Epub 2021 Jul 28. PMID: 35177865; PMCID: PMC8849556. Abstract available at <https://bit.ly/4mDb2JC>.
6. 8 USC §1101 (a)(51).
7. 8 CFR 214.14.
8. 8 CFR 214.202.
9. 8 CFR 204.11.

10. 8 USC §1158.

11. Madeline Blesi, "Stuck in Limbo: How a Circuit Split in Immigration Proceedings Creates Uncertainty Among Those Applying for Asylum," *U. Cin. L. Rev. Blog* (March 4, 2022), <https://bit.ly/45NxUQI>.

12. "Warning Signs of Abuse," Hubbard House, <https://bit.ly/4pvQfcK> (last visited Feb. 18, 2025).

13. Leslye E. Orloff *et al.*, "Transforming Lives: Helping Survivors of Domestic Violence and Sexual Assault Obtain Work Authorization and Economic Independence," *Nat'l Immigrant Women's Advoc. Project 2* (June 8, 2021), <https://bit.ly/4naQjgc>.

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A Contract for Deed Transfers Equitable Title to the Buyer (16 O.S. §11A)

By Kraettli Q. Epperson

A HOLDING IN THE RECENT Oklahoma Court of Civil Appeals decision in *Butterfield v. Trustee of McCoy Revocable Trust* concerns a contract for deed: “In Oklahoma, a contract to convey at a future time – once the purchaser performs certain acts – does not transfer any title until the purchaser performs all acts necessary to entitle him to a deed.”¹ As explained in this article, such holding appears to be contrary to applicable Oklahoma statutes and case law.

Mr. Butterfield held a contract for deed as the buyer from Ms. Carter, the seller, and was in possession of the real property. This contract was not recorded until after Ms. Carter conveyed the same real property to a third party, the McCoy Revocable Living Trust, by warranty deed and until after such McCoy deed was recorded. After the deed to the McCoy Trust was recorded, Ms. Carter gave Mr. Butterfield a warranty deed because he had completed all required payments. This deed to Mr. Butterfield was not recorded. The McCoy Trust sued Mr. Butterfield to quiet title. The McCoy Trust claimed that it did not

have any notice of Mr. Butterfield’s claim, other than Mr. Butterfield’s possession. The Oklahoma Court of Civil Appeals affirmed the trial court’s summary judgment in favor of the McCoy Trust, finding that the McCoy Trust was “a bona fide purchaser for value”² because 1) Mr. Butterfield “had not yet performed all obligations under the contract at the time the McCoy Trust obtained its interest through filing its deed of record,” but more significantly, 2) Mr. Butterfield “had no equitable or legal interest in the property [under the contract for deed].”³

Such position was then cited and followed in a later unreported Oklahoma Court of Civil Appeals decision, *Long v. Ly*.⁴ Ms. Ly’s LLC conveyed the subject real property to Mr. Towner. This deed was apparently recorded. Mr. Towner (as the seller) and Ms. Ly (individually, as the buyer) executed and delivered a contract for deed, which was not recorded, but Ms. Ly continued in possession. The Longs (plaintiffs) took a deed to the real property from Mr. Towner; although, at that time, Ms. Ly was

still in possession. The Longs assumed Ms. Ly was only a renter, but they apparently did not contact and question her. The Longs sued to quiet title against Ms. Ly as a bona fide purchaser and asserted, “There was an absence of notice, actual or constructive, of outstanding rights of others.”⁵ The trial court granted the Longs’ motion for summary judgment. The Oklahoma Court of Civil Appeals affirmed the trial court’s summary judgment, relying on the earlier holding in *Butterfield* by repeating its holding: “In Oklahoma, a contract to convey at a future time – once the purchaser performs certain acts – does not transfer any title until the purchaser performs all acts necessary to entitle him to a deed.”⁶ *Butterfield* and *Long* are collectively referred to herein as the “Oklahoma Court of Civil Appeals opinions.”

Such Oklahoma Court of Civil Appeals opinions may have been correct when they stated that a contract for deed fails to convey “legal” title (as opposed to “equitable” title) until all promised payments are made.⁷ However, a contract for deed, defined under

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16 O.S. §11A, has two natures: part immediate conveyance of “equitable” title to the buyer and part immediate granting of a mortgage lien to the seller, “guaranteeing payment under the contract” (as between the parties and third parties with notice).⁸

The operative statute, 16 O.S. §11A, provides:

All contracts for deed for purchase and sale of real property made for the purpose or with the intention of receiving the payment of money and made for the purpose of establishing an immediate and continuing right of possession of the described real property, whether such instruments be from the debtor to the creditor or from the debtor to some third person in trust for the creditor, shall to that extent be

deemed and held mortgages, and shall be subject to the same rules of foreclosure and to the same regulations, restraints and forms as are prescribed in relation to mortgages. No foreclosure shall be initiated, nor shall the court allow such proceedings, unless the documents have been filed of record in the county clerk’s office, and mortgage tax paid thereon, in the amount required for regular mortgage transactions. Provided, however, mutual help and occupancy agreements executed by an Indian housing authority created pursuant to Section 1057 of Title 63 of the Oklahoma Statutes shall not be considered to be mortgages or contracts for deed under the provisions of this section.

When interpreting this statute, the Oklahoma Supreme Court in *McGinnity* (2015) made it clear that such a contract for deed *immediately* conveys *equitable* title:

The Kirks appealed a judgment foreclosing a mortgage. By *16 O.S.2011 § 11A*, contracts for deed “made for the purpose of establishing an immediate and continuing right of possession ... shall to that extent be deemed and held mortgages ... and shall be subject to the same rules of foreclosure and to the same regulations, restraints and forms as are prescribed in relation to mortgages.” *When the contract for deed was properly executed, equitable title to the real property passed to the Kirks as buyers, the Neece as sellers retained only the bare legal title, and the interest retained*

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In conclusion, the holding of *Butterfield* and its progeny, *Long*, that a buyer under a contract for deed has no interest either legal or equitable in the subject real property appears to be an erroneous statement of the law in Oklahoma.

by the Neecees was equivalent to a mortgage for the purpose of guaranteeing payment due under the contract. The effect of the assignment of the contract for deed to the McGinnitys was an assignment of a mortgage for the purpose of foreclosure proceedings.⁹

The Kirks (the buyer) bought a house from the Neecees (the seller) under a contract for deed. The Neecees then sold the land to the McGinnitys, and the Neecees assigned the contract for deed to the McGinnitys. The McGinnitys sued the Kirks to foreclose the contract for deed due to alleged multiple nonmonetary breaches. The trial court's foreclosure judgment was affirmed by the Court of Civil Appeals and the Oklahoma Supreme Court. In its analysis, the Supreme Court stated, "When the contract for deed was properly executed, equitable title to the real property passed to the Kirks as buyers, the Neecees as sellers retained only the bare legal title, and the interest retained by the Neecees was equivalent

to a mortgage for the purpose of guaranteeing pay due under the contract."^{10, 11}

The Court of Civil Appeals in *Butterfield*, ¶¶18-19, acknowledges:

Whether *Butterfield's* possession was sufficient to put the McCoy Trust on notice of his claim is material only to the extent *Butterfield* actually has a legal interest in the property because possession does not create a legal interest. *Butterfield's possession serves only to provide notice of such interest as he actually has.*

Accordingly, the dispositive issues in this case are whether *Butterfield* has a legal interest in the property, and assuming he has an interest, whether that interest is superior to the McCoy Trust's interest.¹²

Therefore, the *Butterfield* court admitted that any prospective third-party buyer will – due to the possession of the buyer under the contract for deed – have "notice of such interest as he [the occupier] actually has." But then the court in *Butterfield* ignores the holding in

McGinnity and goes in the wrong direction by failing to recognize that there are *two* types of enforceable title: legal and equitable. The buyer under the contract for deed was admittedly in possession in *Butterfield*; therefore, any prospective third-party buyer from the seller *must make reasonable inquiry of the party in possession* as to the occupant's claim of interest, and – to be acting in good faith – cannot rely on self-serving representations by the seller.

Again, as explained in *McGinnity*, the seller under a contract for deed only retains "bare legal title," and therefore, any "assignment of the contract for deed [by the seller] ... was an assignment of a mortgage for the purpose of foreclosure proceedings."¹³

The buyer under a contract for deed has the enforceable right to compel the seller to convey legal title to the buyer upon such buyer's full payment of the agreed-upon purchase price. If a buyer under a contract for deed defaults on making such timely payments of the contract, then the seller cannot extinguish the equitable title of the buyer without conducting a formal mortgage foreclosure proceeding, providing the buyer with all the due process protections held by a mortgagor. It is perhaps possible that in lieu of a foreclosure action, the seller might be permitted to secure a judgment for money damages for a breach of contract – other than for missed purchase payments.

Another recent Court of Civil Appeals opinion was issued that properly acknowledged the immediate equitable rights held by the buyer under a signed and delivered contract for deed: *Hartless v. Cline*.¹⁴

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In the *Hartless* case, the seller signed the contract for deed, but the buyer did not. That court concluded:

In contrast, *Hartless* [the buyer] reasoned that the Contract comprises two agreements – a contract for sale of property and a mortgage agreement. While *Hartless* [the buyer] concedes the written mortgage on the property would not be valid because she did not sign it, she contends that the contract for sale of property by contract for deed is valid because Cline, as the grantor or seller signed it. She then contends that a mortgage arises therefrom by operation of law under 16 O.S.2021, §11A.

Hartless’ [the buyer’s] argument is more persuasive. Though section 11A establishes a constructive mortgage in the case of a contract for deed and requires it to be treated so, it does not require that the contract for deed contain language pertaining to or granting a mortgage, which must in turn be executed to be enforceable. Cline cites no Oklahoma Supreme Court authority holding that [16 O.S.] section 4 applies to a contract for deed in the manner suggested, i.e., to negate a contract for sale of the property because the purchaser who will be deemed to have granted the constructive mortgage through that agreement has not executed it.¹⁵

In conclusion, the holding of *Butterfield* and its progeny, *Long*, that a buyer under a contract for deed has no interest either legal or equitable in the subject real property appears to be an erroneous statement of the law in Oklahoma.

ABOUT THE AUTHOR



Kraettli Q. Epperson is of counsel with Nash, Cohenour & Giessmann PC in Oklahoma City. He received his J.D.

from the OCU School of Law in 1978 and focuses on mineral and surface title litigation and expert representation. Mr. Epperson chaired the OBA Title Examination Standards Committee from 1988 to 2020 and taught “Oklahoma Land Titles” at the OCU School of Law from 1982 to 2018. He edits and co-authors *West/Epperson: Oklahoma Real Estate Forms*.

ENDNOTES

1. *Butterfield v. Trustee of McCoy Revocable Trust*, 2024 OK CIV APP 2, ¶22, 542 P.3d 877, 881.
2. *Id.* ¶27.
3. *Id.* ¶24.
4. *Long v. Ly*, Case No. 122,277, March 13, 2025.
5. *Id.* ¶8.
6. *Id.* ¶22.
7. According to *Black’s Law Dictionary, Second Pocket Edition*: 1) Legal title – A title that evidences apparent ownership but does not necessarily signify full and complete title or a beneficial interest. Cf. equitable title. 2) Equitable title – A title that indicates a beneficial interest in property and that gives the holder the right to acquire formal legal title. Cf. legal title. For a discussion of “equitable title,” see *Faust Corporation v. Harris*, 2020 OK CIV APP 20, ¶¶33-34, 467 P.3d 710, 719-720.
8. *McGinnity v. Kirk*, 2015 OK 73, ¶7, 362 P. 3d 186, 189-190.
9. Emphasis added. *McGinnity*, ¶7.
10. The footnote for this quote is: “*Lucas v. Bishop*, 1998 OK 16, ¶ 4, 956 P.2d 871, 873 (parties agreed that 16 O.S. §11A required a contract for deed to be treated as a mortgage for the purpose of foreclosure); *Smith v. Frontier Federal Savings & Loan Ass’n* 1982 OK 90, 649 P.2d 536, 538 (for the purpose of applying 16 O.S. §11A and a due-on-sale clause in a prior mortgage, a contract for deed in this case was not a subordinate mortgage, but a purchase money mortgage where buyer obtained equitable title and sellers retained title pending full payment on the contract for deed).” See also, *Hartless v. Clarke*, 2023 OK CIV APP 30, ¶¶19-20, 538 P. 3d 187, 191.
11. *Id.* ¶7.
12. Emphasis added.
13. *McGinnity*, ¶7.
14. *Hartless v. Cline*, 2023 OK CIV APP 30, 538 P. 3d 187.
15. *Id.* ¶¶19-20.



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ANNUAL AWARDS LUNCHEON



“Comedian of Law” Joel Oster will serve as the keynote speaker during the Annual Awards Luncheon on Thursday, Nov. 6.

The Oklahoma Bar Association welcomes “Comedian of Law” Joel Oster as the keynote speaker during the 2025 OBA Annual Awards Luncheon, presenting “Professionalism Tips From Vinny Gambini, Harvey Specter and other Hollywood Lawyers.”

Mr. Oster is a litigator, podcaster and stand-up comedian. He practices in Kansas City, focusing on the areas of constitutional litigation, ethics and appellate advocacy. Mr. Oster was counsel for the Town of Greece, New York, in the landmark case *Galloway v. Greece*. He argued the case before the U.S. District Court for the Western District of New York and the 2nd Circuit, and he was part of the legal team that presented the case to the U.S. Supreme Court, where they successfully defended the town against a challenge to its practice of opening its sessions with an invocation.

Mr. Oster has also spoken to thousands of attorneys across the country and has learned from their successful and unsuccessful legal practices. He brings this practical perspective to all his seminars.

Mr. Oster earned his J.D. in 1997 from the University of Kansas School of Law. He is admitted to practice in Kansas, Missouri, Florida and numerous federal courts.

DELEGATES BREAKFAST



Sports broadcaster Kevin Ward will serve as the guest speaker during the Delegates Breakfast on Friday, Nov. 7.

Tulsa sports broadcaster Kevin Ward will join us as the guest speaker during the 2025 Delegates Breakfast. Mr. Ward serves as the program director for The Sports Animal in Tulsa and ESPN Tulsa for Stephens Media Group. He will celebrate 20 years with the company in February 2026.

- “Comedian of Law” Joel Oster will present the keynote address during the Annual Awards Luncheon on Thursday, Nov. 6, at noon. This year’s luncheon will be held in the Century Ballroom at the Sheraton Oklahoma City Downtown Hotel. During the event, the 2025 OBA Awards winners will also be honored. Tickets for the luncheon may be purchased for \$75.
- Sports broadcaster Kevin Ward will serve as the guest speaker during the Delegates Breakfast on Friday, Nov. 7, from 7:30-8:45 a.m. The breakfast will be held in the One Broadway Ballroom at the Sheraton Oklahoma City Downtown Hotel. Tickets for the breakfast may be purchased for \$40.
- Register now at www.okbar.org/annualmeeting.

Currently, Mr. Ward voices the weekday hourly sports updates on The Sports Animal in Tulsa and hosts the weekly high school football preview show and scoreboard show each Friday. He also produces the podcast *Suit Up*, where he interviews people in sports about their faith, airing every Sunday morning on The Sports Animal in Tulsa and streaming on www.suitup611.com. In his 45-plus-year radio career, he has served as the play-by-play voice for several Oklahoma high schools, and in 2023, he was given a “distinguished service award” by the Oklahoma Interscholastic Athletic Administrators Association for his work. He was the play-by-play voice for Union High School in 2005, which was named the “best large school broadcast” by the Oklahoma Association of Broadcasters.

He has also served as color analyst on the Oklahoma Sooner Basketball Radio Network, host of The Cowboy Network Scoreboard Show, public address announcer for the Women’s College World Series and in-house press box announcer for OU football.

Mr. Ward also serves as an elder at The Park Church of Christ in Tulsa. He has been married to his wife, Suzanne, for 34 years and has three children, three grandchildren and three great-granddaughters (with a fourth on the way).



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The following awards will be presented during the Annual Awards Luncheon on Thursday, Nov. 6.

YVONNE KAUGER TRAILBLAZER AWARD



Justice Yvonne Kauger, Colony

Oklahoma Supreme Court Justice Yvonne Kauger, who retired in 2024, has opened doors for

women in the legal community and has set an example for the profession throughout her career. From serving as the first female staff attorney at the Oklahoma Supreme Court to founding The Sovereignty Symposium, she has greatly impacted not only the profession but the state as a whole. She is regarded as greatly influential on the course of the law in Oklahoma and revered by the community for the paths she has blazed in and out of the courtroom.

She put herself through the OCU School of Law and graduated first in her class in 1969. She was hired as the Oklahoma Supreme Court's first female staff attorney in 1972 and was appointed by Gov. George Nigh as only the second woman named to one of Oklahoma's highest courts in 1984. She was the first woman to serve as vice chief justice and chief justice of the Oklahoma Supreme Court, and she was

the last chief justice to address a joint session of the Legislature on the state of the judiciary.

Justice Kauger has made her mark on the legal profession, including directing the implementation of the Oklahoma Supreme Court Network and overseeing the development of the highest court's official website and universal citation system. She has been a mentor to many, making a difference in their lives and careers. Her honors include being inducted into the Oklahoma Women's Hall of Fame, named a distinguished alumna by OCU and Southwestern Oklahoma State University, recognized as the Red Earth Ambassador of the Year, adopted by the Cheyenne and Arapaho tribes of Oklahoma and twice commended with the Governor's Arts Award, among countless other awards and honors.

AWARD OF JUDICIAL EXCELLENCE



Judge Theresa Dreiling, Tulsa

Judge Theresa Dreiling has honorably served Oklahoma's courts through-

out her distinguished career, first as a clerk for the Oklahoma Court of Civil Appeals and then as a special judge in Tulsa County since 2007. Over her 18 years on the bench, she has exemplified the

qualities of fairness, patience and integrity that define the judiciary. Every advocate and litigant who has appeared before her received thoughtful attention and a fair hearing, whether represented by counsel or appearing pro se.

Judge Dreiling has dedicated her career to public service. She is regarded by the legal community as generous with her time, mentoring others and sharing her knowledge in CLE programs and other bar association activities. Through her exemplary character, professional achievement and dedication to public service, Judge Dreiling has strengthened both the bench and the bar while making a meaningful difference in her community.

LIBERTY BELL AWARD



Judy Spencer, Oklahoma City

Judy Spencer has been instrumental in the Oklahoma High School Mock Trial Program since its

inception in 1980. Beginning as a participant coach and later serving for many years as the statewide mock trial program coordinator, she has devoted decades of service to inspiring young people and promoting understanding of the legal system.

For many, Ms. Spencer is the first name that comes to mind when

thinking about mock trial. Through her work, countless Oklahoma high school students have gained not only practical knowledge of the law but also the confidence and skills to pursue careers in the legal profession. Many practicing attorneys today trace their first spark of interest in the law back to mock trial experiences made possible by Ms. Spencer's efforts. She has worked tirelessly for the OBA to encourage a love of law in students and make the Oklahoma High School Mock Trial Program what it is today.

JOE STAMPER DISTINGUISHED SERVICE AWARD



**Randall J. Snapp,
Tulsa**

Randall J. Snapp has devoted more than 30 years to the practice of law and service to the legal profession. In 1993, he joined the Tulsa office of Crowe & Dunlevy and has since built a distinguished career in employment law, workers' compensation and commercial litigation. He has counseled and litigated a full range of employment issues and has represented management and employers in complex matters in both state and federal courts. He also served as vice president of administration for the Tulsa office of Crowe & Dunlevy for 18 years.

He has been involved in various law practice sections, including the ABA Labor and Employment Law Section and the OBA Workers' Compensation Section and the Labor and Employment Law Section, of which he served as chair. His service extends beyond bar associations, though. He frequently lectures on employment-related subjects and previously served as an adjunct instructor teaching human resources law at Tulsa Community College. In addition, Mr. Snapp serves on the adjunct settlement judge panel of the U.S. District Court for the Northern District of Oklahoma and conducts private mediations for matters involving employment law and workers' compensation. His community involvement includes leadership roles with Tulsa Ballet, Boy Scouts of America, Big Brothers Big Sisters of Green Country (board president), the Laureate Institute for Brain Research, Legal Aid Services of Oklahoma, Catholic Charities of Eastern Oklahoma (board president), Bishop Kelley High School (board president) and the Catholic Leadership Institute. Mr. Snapp has also been awarded the James Woods Green Medallion by the University of Kansas School of Law. Mr. Snapp's dedication to his work and community reflects the highest ideals of the legal profession.

ALMA WILSON AWARD

**Lori McConnell,
Shawnee**

Assistant District Attorney Lori McConnell has spent her career protecting Oklahoma's children with compassion, integrity and an unwavering pursuit of justice. She is known for handling some of the most difficult cases with meticulous legal skill and a deep empathy for victims.

Her work extends beyond the courtroom as well. She collaborates with child advocacy centers, law enforcement agencies and community partners to ensure children receive protection and care. As a mentor to prosecutors and investigators, she raises the standard of how child-centered cases are handled statewide. Ms. McConnell uses the law to protect and empower the most vulnerable. Now, serving the Pottawatomie County District Attorney's Office after a distinguished tenure in Oklahoma County, she has become a cornerstone in the prosecution of child abuse and sexual assault cases. Ms. McConnell's tireless efforts embody Justice Alma Wilson's legacy of empowering vulnerable youth through the law, and her work has improved the lives of countless children.

NEIL E. BOGAN PROFESSIONALISM AWARD



**Gary C. Clark,
Stillwater**

Gary C. Clark exemplifies the highest standards of professionalism, integrity and courtesy that the Neil E.

Bogan Professionalism Award was created to honor. His distinguished career spans decades of service, including 30 years in private practice, then four years as general counsel for the OSU Foundation and later as senior vice president and general counsel at OSU, where he served for 13 years. In these roles, Mr. Clark's calm, measured approach and unwavering integrity guided colleagues through complex challenges and earned him lasting respect across the OSU community and beyond.

His impact extends throughout the legal profession. He served as president of the OBA in 2002 and the Tulsa County Bar Association from 1993 to 1994, and he has been recognized as an outstanding senior lawyer by the Tulsa County Bar Association. A dedicated mentor, Mr. Clark continues to share his wisdom and encouragement with younger attorneys, modeling professionalism in both word and action. He has exemplified integrity and civility throughout his career. His humility, fairness and commitment to service make him a deserving recipient of this award.

JOHN E. SHIPP AWARD FOR ETHICS



**Taylor
Henderson,
Oklahoma City**

Taylor Henderson has been a devoted public servant since graduating from law

school in 2011. Since 2018, she has served as the director of the Oklahoma Council on Judicial Complaints, a state agency charged with investigating allegations of judicial misconduct. During her tenure, she has earned the trust and respect of judges across the state due to her dedication to fairness for all parties involved in council proceedings and her ability to balance a steadfast adherence to the rules while maintaining respect for the position of a judicial officer.

Although the vast majority of judges serve with honor and are above reproach, the reality of her heavy duty at times requires asking the hardest questions of our state's highest leaders and, in the worst of times, seeking public discipline of a judge or even removal from office. Though it is done with no joy, she fulfills her duty with the understanding that long-term public confidence in our judiciary requires facing the hardest days head-on; however, it can still be accomplished with kindness and compassion to everyone involved.

While at the Council on Judicial Complaints, she has worked relentlessly to enhance judicial education related to not only ethics but all facets and subject matters important for a judicial officer to capably and ethically perform their duties. Notably, she was instrumental in establishing a week-long judicial college for

new judges set to take the bench, which has enabled dozens of new judges to receive the training they would otherwise not have had.

Ms. Henderson exemplifies ethical leadership and attitude. Her work continues to inspire confidence in those around her and serves as a model for the entire legal profession.

EARL SNEED AWARD



**Mbilike
Mwafulirwa,
Tulsa**

Mbilike Mwafulirwa has made outstanding contributions to continuing legal educa-

tion. His consistent excellence in researching, organizing and teaching CLE that is relevant and thought-provoking has distinguished him as both an innovator and a leader in the field of CLE.

Mr. Mwafulirwa is an attorney at Coffey, Senger, Hancock & Harmon, and he previously worked at Brewster & De Angelis. As co-chair of the Tulsa County Bar Association Litigation Section for the past three years, he has expanded the scope and impact of its CLE programming. His courses regularly draw record attendance, often requiring larger venues to accommodate audiences of more than 100 participants. By bringing in distinguished judges and experts, he has created both practical and memorable programming. He has also fostered collaboration among TCBA sections, co-hosting events with other sections to address timely, complex topics. Beyond his work with the TCBA, he teaches at the TU College of Law, leading courses on artificial intelligence and its impact on the legal profession.

Through his writing, teaching and CLE leadership, he continues to equip attorneys with the knowledge and tools needed to excel in a rapidly evolving landscape. Mr. Mwafulirwa has worked tirelessly to further legal education within the profession.

OUTSTANDING YOUNG LAWYER AWARD



**Laura Talbert,
Oklahoma City**

Laura Talbert's dynamic leadership reflects the spirit of the Outstanding Young Lawyer Award. For

the past seven years, she has been deeply involved in the OBA Young Lawyers Division, where she has held several leadership positions, including secretary, treasurer, chair-elect, chair and now immediate past chair. Her steady guidance and enthusiasm have helped strengthen the division and expand opportunities for young lawyers across the state.

Beyond her YLD leadership, Ms. Talbert has been a driving force in OBA initiatives, serving on the Access to Justice Committee and the Solo and Small Firm Conference Planning Committee and lending her time to various community service projects, like Wills for Heroes. She is also active in public service as a council member for the Child Abuse Training and Coordination Council and an Oklahoma delegate to the Uniform Law Commission, which she was appointed to by Gov. Kevin Stitt.

Balancing these roles with a demanding career as an administrator at Oklahoma Human Services, Ms. Talbert has brought passion, energy and dedication to

her work. She has set an example of how young lawyers can lead, serve and inspire.

OUTSTANDING SERVICE TO THE PUBLIC AWARD



**Sue Ann
Arnall,
Oklahoma City**

Sue Ann Arnall is admired for her extraordinary commitment to criminal

justice reform and broad efforts to improve the lives of Oklahomans. She has devoted significant effort to criminal justice reform, focusing on reducing incarceration rates and addressing disparities. Ms. Arnall has worked tirelessly for the benefit of the public to create systemic change.

She began her professional career in the energy industry before dedicating her time, leadership and resources to philanthropy and systemic change. She founded and has served as president of the Arnall Family Foundation. Through the foundation, she has made criminal justice reform a central focus. She has been a driving force behind the creation of the Oklahoma County Diversion Hub, a model that connects individuals with resources to achieve stability and avoid further justice system involvement. Her leadership and philanthropy, totaling more than \$60 million in support, have transformed countless lives and communities.

Ms. Arnall's advocacy, generosity and determination have made her a catalyst for lasting change, and her service stands as a model of how one individual can elevate both the profession and the public good.

AWARD FOR OUTSTANDING PRO BONO SERVICE



**Del Gustafson,
Tulsa**

Del Gustafson has shown extraordinary dedication to serving Oklahoma's most vulnerable citizens.

Since joining the Legal Aid Services of Oklahoma Pro Bono Panel in 2017, he has given generously of his time and talents, most notably through his weekly volunteer work at the Tulsa Day Center.

For the past three years, Mr. Gustafson has spent four hours every Tuesday at the Tulsa Day Center assisting individuals experiencing homelessness. He has shown compassion by helping clients complete forms, providing counsel and advice and working closely with LASO staff to ensure that cases are taken care of. His commitment has amounted to more than 200 hours of pro bono service each year, far exceeding the ABA's aspirational standard of 50 hours annually.

Mr. Gustafson approaches this service not for recognition but out of a genuine love for helping others. He has made it his mission to use his knowledge to help the underserved and vulnerable. Through his unwavering commitment to pro bono service, he embodies the very best of the legal profession and has set an example for others to follow.

MAURICE MERRILL GOLDEN QUILL AWARD



**Martha Rupp
Carter,
Tulsa**

Martha Rupp Carter is awarded the Maurice Merrill Golden Quill Award for authoring

“‘Whatcha Gonna Do?’ A Primer on Oklahoma’s Attorney Discipline Process,” which appeared in the December 2024 issue of the *Oklahoma Bar Journal*.

Ms. Carter is a retired Tulsa County district court judge. She serves the OBA as chief master of the Professional Responsibility Tribunal and on the Board of Editors for the *Oklahoma Bar Journal*. She received her J.D. from the OU College of Law in 1980.

MAURICE MERRILL GOLDEN QUILL AWARD



**Randall J.
Yates,
Tulsa**

Randall J. Yates is awarded the Maurice Merrill Golden Quill Award for author-

ing “End-Running the First Amendment in Public Schools? Lessons on the State Actor Doctrine From Oklahoma’s Religious Charter School Case,” which appeared in the April 2025 issue of the *Oklahoma Bar Journal*.

Mr. Yates is a director in the Tulsa office of Crowe & Dunlevy. He practices in the areas of appeals, government and tribal affairs and complex commercial litigation. Mr. Yates is a member of the firm’s Appellate, Litigation & Trial and Indian Law & Gaming

practice groups. He is also the past chair of the OBA Appellate Practice Section.

The following awards will be presented during the General Assembly on Friday, Nov. 7.

OUTSTANDING COUNTY BAR ASSOCIATION AWARD

Tulsa County Bar Association

The Tulsa County Bar Association has been committed to serving attorneys, advancing the legal profession and strengthening the Tulsa community. Over the past year, the TCBA has provided exceptional professional development, including 84 hours of free CLE, mentorship, leadership opportunities and more.

The TCBA also fosters strong professional bonds through social and networking opportunities, from leagues and tournaments to family-friendly events, creating a welcoming and collegial bar community. The association invests in the next generation of lawyers through its Young Lawyers Division Leadership Academy, mentorship program, complimentary membership and opportunities for law students in the county.

The association also helps the community. Projects like Street Law, the revitalized Court Assistance Program and the annual holiday challenge fundraiser are just a few examples of how they demonstrate dedication to legal access and public service. The TCBA’s celebration of Law Day is also notable, including hosting Ask A Lawyer, student writing and art contests, the Lynn Miller Law Day Book Club and a luncheon and awards ceremony. The TCBA remains steadfast in its mission to educate, assist and empower both its members and

the broader community. Through innovative programs, thoughtful leadership and a deep sense of civic responsibility, the TCBA sets the standard for what a county bar association can accomplish.

GOLDEN GAVEL AWARD OBA Membership Engagement Committee

The OBA Membership Engagement Committee, co-chaired by Tim DeClerck of Enid and April Moaning of Oklahoma City, has demonstrated leadership and innovation. The committee consistently works to ensure the OBA is best serving its members and the public.

In 2025, the committee revitalized a long-stalled project to update the OBA’s free legal information brochures, ensuring Oklahomans once again have access to accurate, easy-to-understand information on essential legal topics, like family law and real estate. The committee has also expanded its focus to engaging law students early in their careers and cultivating long-term connections. They have worked diligently to ensure members can take pride in their profession and their status as Oklahoma lawyers, specifically.

Since its formation in 2021, the committee has consistently delivered meaningful results. Highlights include spearheading membership surveys that identified critical needs, improving communication strategies and enhancing member benefits – such as boosting Fastcase usage through OBA-specific training programs. Their survey-driven approach has directly shaped OBA offerings, from improved online platforms to more inclusive Annual Meeting experiences. Through forward-thinking vision and dedication to member service, the Membership

Engagement Committee has exemplified excellence and the spirit of the award.

HICKS EPTON LAW DAY AWARD

Garfield County Bar Association

The Garfield County Bar Association has exemplified the spirit of public service and legal education that the Hicks Epton Law Day Award was created to honor. Their 2024 and 2025 Law Day activities showcase an impressive commitment to bringing the law to life for the public.

The GCBA has introduced students to the justice system through courthouse mock trials, beginning in 2024 with a fifth-grade class and expanding in 2025 to include 80 students from multiple schools, presided over by Judge Sean Hill. The mock trial featured a K-9 presentation by the sheriff's department, a civics lesson and a courtroom roleplay where students served as jurors. These interactive events, paired with civics lessons and demonstrations, sparked curiosity and understanding of the rule of law among young citizens.

The association has also directly helped the community through a Law Day wills clinic for seniors with Legal Aid Services of Oklahoma, Ask A Lawyer and annual courthouse staff appreciation brunches. Their clothing drives and financial contributions to local nonprofits have further reflected the county bar's broad dedication to community well-being.

By combining legal outreach, community service and education, the Garfield County Bar Association has strengthened public trust in the legal profession and embodied the legacy of Hicks Epton.

The following awards will be presented during the law school luncheons on Friday, Nov. 7.

OUTSTANDING SENIOR LAW SCHOOL STUDENT AWARD



**Jonathan
"Jon"
Edwards,
OCU School
of Law**

Jonathan "Jon" Edwards is a third-year law student at the OCU

School of Law and an Oklahoma native. Prior to beginning law school, he graduated from OU with a major in marketing. In law school, he has been on the dean's list and faculty honor roll every semester, and he has been awarded nine CALI Excellence for the Future awards for earning the highest grade in his legal courses.

Mr. Edwards is currently a staff editor for the *Oklahoma City University Law Review*, a member of the Energy Law Association and an academic fellow serving as a teaching assistant to a law professor for contracts. He is also a member of the ABA National Appellate Advocacy Competition moot court team and was awarded for being one of the top speakers at the 2024-2025 Philadelphia Regional Competition. Mr. Edwards plans to practice civil litigation as an associate attorney at DeWitt, Paruolo & Meek after graduation.



**Gracyn Ross,
OU College
of Law**

Gracyn Ross is a third-year law student at the OU College of Law, where she has built

a distinguished record of leadership and advocacy. She currently serves as co-president of the Ada Lois Sipuel Fisher Chapter of the Black Law Students Association, carrying forward the chapter's legacy of empowering students and championing diversity in the legal profession. She previously held roles as secretary and 1L representative for the chapter.

Ms. Ross has developed a well-rounded legal background through both public service and private practice. She was selected as an ABA Steiger Fellow and worked at the Oklahoma Office of the Attorney General in the Consumer Protection Unit. She has also been a Stevens Fellow, working as a law student volunteer in the Cook County State's Attorney's Office in Chicago, and an intern at Phillips Murrah PC in Oklahoma City.

In her second year of law school, she competed in the Thurgood Marshall Memorial Moot Court Competition, where she and her partner placed third in the regional competition and advanced to the semifinals at the national competition.

Her excellence and determination have been recognized with multiple scholarships, including the Caylor Family Scholarship, the T. Ray Phillips III Memorial Scholarship, the Judge Ralph G. Thompson Scholarship, the Oklahoma City Chapter of the Association of Black Lawyers Ozella Willis Memorial Scholarship

and a national scholarship through the American Association of University Women, a global non-profit organization founded in 1881 that works to advance gender equity for women and girls through advocacy, education and research.

Ms. Ross has balanced her many academic and professional achievements with working as a dance teacher at a local Norman studio throughout college and law school. Originally from Wichita, Kansas, she has made Oklahoma her home, earning her bachelor's degree in sociology with a minor in African American studies from OU.



Morgan Williams, TU College of Law

Morgan Williams has been selected as this year's OBA Outstanding

Senior Law Student from the TU College of Law. She is the top student in her class and has been named to the faculty honor roll throughout her time in law school. Ms. Williams is a repeat CALI Award recipient with the top grade in contracts, constitutional law I, legal writing II, veterans law, evidence workshop and agency and partnership. Additionally, she earned first place in the 1L Negotiation Competition in 2023 and later earned second place in a motion for summary judgment competition.

She is an executive editor for the *Tulsa Law Review*, and she

was honored for producing the best overall paper and the best below-the-line edits in spring 2025. Her excellent skills in writing and research are demonstrated in her upcoming publication, "In Re Match Group Derivative Litigation: The End of MFW's Carrot & Stick System," 61 *Tulsa L. Rev.*

Ms. Williams is involved in the law school community as well. She serves as a teaching assistant in the college's legal writing program and is a student member of the Curriculum Review Committee. She also served as a student panelist for the university's Inaugural Justice Dana Kuehn Symposium on Justice and Law. Off campus, she has served as a judicial extern in the U.S. District Court for the Northern District of Oklahoma for Chief Judge John F. Heil III and Judge John D. Russell and as a summer associate for Hall Estill. Ms. Williams will earn her J.D. from the TU College of Law in May 2026.



LOOKING FOR AN OKLAHOMA BAR JOURNAL ARTICLE?

HeinOnline provides OBA members access to archived *Oklahoma Bar Journal* issues and articles dating back to 1930. You can view, print or save as a PDF any article or an entire issue, as well as use the easy search tools to find the article, topic or author you need.

Access it by clicking the red HeinOnline link on your main MyOKBar page.

It's a free member benefit!

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

FREE

CONFIDENTIAL

ASSISTANCE

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

– Scott B. Goode, Oklahoma Bar Association Member

Get help addressing stress, depression, anxiety, substance abuse, relationships, burnout, health and other personal issues through counseling, monthly support groups and mentoring or peer support. Call 800-364-7886 for a free counselor referral.

If you are in crisis or need immediate assistance, call or text 988, Oklahoma's Mental Health Lifeline.



Oklahoma Bar Association
Lawyers Helping Lawyers
Assistance Program

WWW.OKBAR.ORG/LHL



2025 HOUSE OF DELEGATES

Delegate certification should be sent as soon as possible to Mark Schneidewent at marks@okbar.org or 405-416-7014. The list below was up to date as of the time of press.

| COUNTY | DELEGATE | ALTERNATE |
|--------------------|------------------------------------|---------------------------|
| Adair Co. | Carrie Griffith | Ralph F. Keen II |
| Alfalfa Co. | | |
| Atoka Co. | | |
| Beaver Co. | Christopher Todd Trippet | Cole Jordan Trippet |
| Beckham Co. | | |
| Blaine Co. | | |
| Bryan Co. | Christopher Dwight Jones..... | Haley Renee Cook |
| Caddo Co. | | |
| Canadian Co. | Mary Ruth McCann | Rene'e Diann Little |
| | Magdalena Anna Way | Harold G. Drain |
| | Micheal Steven Oglesby | Austin Chase Walters |
| | Jana Lee Knott..... | Luke Cody McClain |
| | Kristy Ellen Loyall | John Albert Alberts |
| | Judge Khristan K. Strubhar | David Patrick Henry |
| Carter Co. | | |
| Cherokee Co. | Judge Jerry Scott Moore | Crystal Raelynn Jackson |
| | Bill John Baker II | |
| Choctaw Co. | John Frank Wolf III..... | Jon Edward Brown |
| Cimarron Co. | Judge Christine Marie Larson | Judge Ronald L. Kincannon |
| Cleveland Co. | Judge Thad Haven Balkman | Elizabeth Stevens |
| | Peggy Stockwell | Cheryl Ann Clayton |
| | Retired Judge Rod Ring..... | John Hunt Sparks |
| | Judge Bridget M. Childers | Abilene Suzanne Slaton |
| | Rebekah Chisholm Taylor | Mallory Grace Stender |
| | Gary Alan Rife | Betsy Ann Brown |
| | Jama Haywood Pecore..... | Tyson Thomas Stanek |
| | Lucas Michael West..... | Tyler Rogers Barrett |
| | Jillian Tess Ramick..... | Edward William Wunch IV |
| | Jeanne Meacham Snider | Jordan Danielle Hutchison |
| | Jan Meadows..... | Joshua Sebastian Bex |
| | Richard Joseph Vreeland..... | Claire C. Bailey |
| | Cindee Pichot..... | Ashley Jane Baldwin |
| | Holly Kay Jorgenson Lantagne..... | Bailey Danielle Barber |
| | Julia Catherine Mills Mettry | Charles Alexander Earley |
| | Kristina Lee Bell | Kristi Michelle Gundy |
| | Judge Jequita Harmon Napoli | Joshua David Simpson |
| | Micheal Charles Salem | Heather Marie Cook |
| | Amelia Sue Pepper | |
| | Evan Andrew Taylor | |

COUNTY**DELEGATE****ALTERNATE**

Benjamin Houston Odom
Tina Jean Peot
Cindy Loree' Allen

Coal Co.

Comanche Co. Kathryn Rodgers McClure..... Kade A. McClure
Tyler Christian Johnson..... Ana Hernandez Basora

Cotton Co.

Craig Co.

Creek Co. Charles Cameron McCaskey Ashley Nicole Ailey
Keri Denman Palacios

Custer Co.

Delaware Co. Clayton Matthew Baker Kenneth Earl Wright III

Dewey Co.

Ellis Co.

Garfield Co.

Garvin Co. Jacob Koal Baird Yturri

Grady Co.

Grant Co.

Greer Co. Judge Eric Grant Yarborough Corry Kendall

Harmon Co.

Harper Co.

Haskell Co.

Hughes Co.

Jackson Co. Brian David Bush..... Preston Michael Gunkel

Jefferson Co.

Johnston Co.

Kay Co. Grace Katharine Yates..... Casey Jack Osborn III

Kingfisher Co. Jonathan Ford Benham..... Katherine Ann Schneiter

Kiowa Co.

Latimer Co.

LeFlore Co.

Lincoln Co.

Logan Co.

Love Co. Katlyn Marie Lantrip Richard A. Cochran Jr.

Major Co.

Marshall Co.

Mayes Co.

McClain Co. George Wm. Velotta II

McCurtain Co.

McIntosh Co.

Murray Co.

| COUNTY | DELEGATE | ALTERNATE |
|-------------------|------------------------------------|--------------------------------|
| Muskogee Co. | Parker Lee Wilkerson | Lowell Glenn Howe |
| | Austin Lane Witt | |
| Noble Co. | | |
| Nowata Co. | | |
| Okfuskee Co. | | |
| Oklahoma Co. | | |
| Okmulgee Co. | | |
| Osage Co. | | |
| Ottawa Co. | Becky R. Baird | |
| Pawnee Co. | | |
| Payne Co. | | |
| Pittsburg Co. | | |
| Pontotoc Co. | Nicholas Edwin Thurman | Ethan Lee Byrd |
| | Austin Ryan Little | |
| Pottawatomie Co. | | |
| Pushmataha Co. | | |
| Roger Mills Co. | | |
| Rogers Co. | | |
| Seminole Co. | | |
| Sequoyah Co. | Kent S. Ghahremani | |
| Stephens Co. | Jackson Thomas Stone | Joshua Allen Creekmore |
| Texas Co. | Taos Caleb Smith | Cory Brandon Hicks |
| Tillman Co. | | |
| Tulsa Co. | Molly Anne Aspan | Lexie Erinn Allen |
| | Beverly Ann Atteberry | Joel Daniel Auringer |
| | Kenneth Leonard Brune | Isaiah Nathaniel Brydie |
| | Shena Elaine Burgess | Trevion Tyree Freeman |
| | Madison Danielle Cataudella..... | Bruce Alvin McKenna |
| | Michael Ellis Esmond | Lauren Elizabeth Peterson |
| | Julie Ann Evans | Emilee Justine Morris Ratcliff |
| | Kasey Kyle Fagin | Alexander Robert Telarik |
| | Natalie Kathryn Frost..... | William Zane Duncan |
| | D. Mitchell Garrett Jr. | Kyle Matthew Trice |
| | James Robert Gotwals..... | Erica Lynn Grayson |
| | John Charles Gotwals | Alan Neal Barker |
| | Philip D. Hixon | Natalie Suzanne Sears |
| | Stephanie Renae Jackson..... | Michael Edward Nesser |
| | Deborah Lynn Bartel Johnstone..... | Mbilike Mwafulirwa |
| | Keith Allen Jones..... | Michael Paul Taubman |
| | Kaia Kathleen Kaasen Kennedy | |
| | Marvin Geovanny Lizama | |
| | James Craig Milton | |
| | Justin B. Munn | |
| | Amber Nicole Peckio | |
| | Kara Elizabeth Pratt | |
| | Deborah Ann Reed | |
| | Pierre DeAnte Robertson | |
| | Morgan Taylor Lee Smith | |
| | Rhiannon Kay Thoreson | |
| | Tana Fredrick Smith (Van Cleave) | |
| | Ashley Roberts Webb | |

COUNTY**DELEGATE****ALTERNATE**

| | | |
|---------------------|-------------------------------|-------------------------------|
| | M. Travis Williams | |
| | S. Eric Yoder | |
| Wagoner Co. | Judge Douglas Alan Kirkley | |
| | Judge Rebecca Wood Hunter | |
| Washington Co. | Stephanie Jane Clifton | James Michael Elias |
| Washita Co. | Avery A. "Chip" Eeds Jr. | Judge Stephanie Brooke Gatlin |
| Woods Co. | | |
| Woodward Co. | | |

DELEGATE**ALTERNATE****Oklahoma Judicial**

| | | |
|-------------------------|---|----------------------------------|
| Conference | Dist. Judge Stuart Lee Tate | Dist. Judge Natalie Nhu Mai |
| | Assoc. Dist. Judge Russell Coleman Vaclaw | Dist. Judge Abby Carol Rogers |
| | Special Judge Deborah Ann Reheard | Special Judge Tina Diane Vaughan |

PAST PRESIDENTS – DELEGATES AT LARGE

| | |
|--------------------------------|----------------------------|
| William J. Baker | James Rouse Hicks |
| Stephen D. Beam | Garvin Isaacs Jr. |
| Michael Burrage | Michael Charles Mordy |
| Charles W. Chesnut | Charles Donald Neal Jr. |
| Cathy M. Christensen | Judge Jon Keith Parsley |
| Gary Carl Clark | David K. Petty |
| Andrew M. Coats | David Allen Poarch Jr. |
| M. Joe Crosthwait Jr. | Miles Pringle |
| Melissa Griner DeLacerda | Judge Deborah Ann Reheard |
| Renee DeMoss | Douglas W. Sanders Jr. |
| Sidney George Dunagan | Susan Stocker Shields |
| John A. Gaberino Jr. | Allen M. Smallwood |
| William Robert Grimm | James Thomas Stuart |
| Kimberly Hays | Judge Linda Suzanne Thomas |
| Brian T. Hermanson | Paul Miner Vassar |

2026 OBA BOARD OF GOVERNORS VACANCIES

Nominating petition deadline was 5 p.m. Monday, Sept. 8.

OFFICERS

President-Elect

Current: Amber Peckio, Tulsa
(One-year term: 2026)

Ms. Peckio automatically becomes OBA president Jan. 1, 2026

Nominee: **John E. Barbush, Durant**

Nominee: **Jana L. Knott, El Reno**

Vice President

Current: Richard D. White Jr., Tulsa
(One-year term: 2026)

Nominee: **S. Shea Bracken, Edmond**

BOARD OF GOVERNORS

Supreme Court Judicial District 2

Current: John E. Barbush, Durant
Atoka, Bryan, Choctaw, Haskell,
Johnston, Latimer, LeFlore,
McCurtain, McIntosh, Marshall,
Pittsburg, Pushmataha and
Sequoyah counties

(Three-year term: 2026-2028)

Nominee: **Chris D. Jones, Durant**

Supreme Court Judicial District 8

Current: Nicholas E. Thurman, Ada
Coal, Hughes, Lincoln, Logan,
Noble, Okfuskee, Payne, Pontotoc,
Pottawatomie and Seminole counties
(Three-year term: 2026-2028)

Nominee: **Blayne P. Norman, Wewoka**

Supreme Court Judicial District 9

Current: Jana L. Knott, El Reno
Caddo, Canadian, Comanche,
Cotton, Greer, Harmon, Jackson,
Kiowa and Tillman counties
(Three-year term: 2026-2028)

Nominee: **Kristy E. Loyall, El Reno**

Member at Large

Current: Timothy L. Rogers, Tulsa
Statewide

(Three-year term: 2026-2028)

Nominee: **Molly A. Aspan, Tulsa**

NOTICE

Pursuant to Rule 3 Section 3 of the OBA bylaws, the nominees for uncontested positions have been deemed elected due to no other person filing for the position. The election for the president-elect position will be held at the House of Delegates meeting on Nov. 7, during the Nov. 6-7 OBA Annual Meeting. Terms of the present OBA officers and governors will terminate Dec. 31, 2025.

OKLAHOMA BAR ASSOCIATION NOMINATING PETITIONS

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

OFFICERS

President-Elect

John E. Barbush, Durant

Nominating resolutions have been filed by three county bar associations nominating John E. Barbush, Durant, for president-elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2026. The three associations are set forth below:

Bryan County Bar Association, Pontotoc County Bar Association and Tulsa County Bar Association.

President-Elect

Jana L. Knott, El Reno

Nominating petitions have been filed nominating Jana L. Knott, El Reno, for president-elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2026. Fifty of the names thereon are set forth below:

Cathy M. Christensen, Christopher Scott Reser, Paul Edward Streck, Collin Robert Walke, Steven Michael Holden, Kara Rose Didier, John Shelby Shelton, Michael Lee Mullins, Kelli Dian Kelso, Christen Michelle Moroz, Amber Nicole Peckio, Guy W. Tucker Jr., Palmer Christian Johnson, Michael Paul Taubman, Magdalena Anna Way, Joseph Patrick Weaver Jr., Andrew James Morris, Curtis J. Thomas, Michael Alexander Arthur Duncan, Elke Meeus, Kate Naa-Amoah Dodoo, Vickie Jo Buchanan, Brandon Lee Buchanan, Jennifer Briana Puckett, Laura Jo Long, BaiLee Marie Jarvis, Walter Henry Mengden IV, Landen Kendell Logan, Micheal Steven Oglesby, Tommie Craig Gibson, Allyson Anna Marie Stewart, Chance Logan Deaton, Kristy Ellen Loyall, Tommy Wayne Humphries, David Patrick Henry, William Jason Hartwig, Mary Ruth McCann, Luke Cody McClain, Susan Diane Williams,

Ali William Khalili, Suzanne J. Parker Heggy, John Albert Alberts, Eric Matthew Epplin, Austin Tyler Murrey, Bethany Martina Ball, John Edward Harper Jr., Tosha Lee Ballard, Abigail Emma Bauer, David Andrew Sturdivant and Robert Wallace Hill.

A total of 66 signatures appear on the petitions.

Vice President

S. Shea Bracken, Edmond

Nominating petitions have been filed nominating S. Shea Bracken, Edmond, for vice president of the Oklahoma Bar Association Board of Governors for a one-year term beginning Jan. 1, 2026. Fifty of the names thereon are set forth below:

Kate Naa-Amoah Dodoo, Jana Lee Knott, Taylor Christian Venus, Chad Alexander Locke, Philip D. Hixon, Benjamin James Barker, Cody Jarrett Cooper, John Eric Barbush, William Ladd Oldfield, Amber Nicole Peckio, Jeffery Darnell Trevillion, Perry Luther Adams, Shiny Rachel Pappy, Alison Ann Cave, Brenda Lyda Doroteo, Sherman Travis Dunn, Craig W. Thompson, Brent Andrew Hawkins, Allison Joanne Martuch, Justin Don Meek, Cody Austin Reihs, Ryan Lee Dean, John Derek Cowan, Thomas Andrew Paruolo, Derrick Lee Morton, Ismail Marzuk Calhoun, Michael Patrick Garcia, Kenneth Glenn Cole, Kyle Reed Prince, Joseph Pickett Dowdell, Myriah Seyon Downs, Timothy Lee Martin, Benjamin Ryan Grubb, Jacob Travis Sherman, Daniel Reading Ketchum II, John Frederick Kempf Jr., Ashley Ann Warshell, Jon Michael Payne, Mason Blair McMillan, Mark Banner, Pamela Sue Anderson, Pamela H. Goldberg, Dale Kenyon Williams Jr., Margo Elizabeth Shipley, Taylor Rose Bagby, Kristen Pence Evans, Jerrick L. Irby, Bryan Joseph Nowlin, Logan Lawrence James and Christopher Joe Gnaedig.

A total of 62 signatures appear on the petitions.

BOARD OF GOVERNORS

Supreme Court Judicial District 2

Chris D. Jones, Durant

A nominating resolution has been filed by one county bar association nominating Chris D. Jones, Durant, for election of Supreme Court Judicial District No. 2 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2026. The association is set forth below:

Bryan County Bar Association

Supreme Court Judicial District 8

Blayne P. Norman, Wewoka

Nominating petitions have been filed nominating Blayne P. Norman, Wewoka, for election of Supreme Court Judicial District No. 8 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2026. Twenty-five of the names thereon are set forth below:

Krystina Elizabeth Phillips, William Donald Kirkpatrick, Erik Christopher Johnson, Lacie DeLaine Lawson, John Weston Billingsley, Ethan Lee Byrd, Leslie Diane Taylor, Jason David Christopher, Joshua Allen Edwards, Jonathan Blake Balderas, Bryan Wayne Morris, Nicholas Edwin Thurman, Tara Melissa Portillo, Jeffrey Benjamin Whitesell, Brett Butner, Christopher Blake Hauger, Zachary Lynn Pyron, Richard E. Butner, Ryan Harley Pitts, Roger Rhett Butner, Jack Austin Mattingly, Jack Austin Mattingly II, Erika Mattingly, Matthew Craig Peters and Clay Bruce Pettis.

A total of 26 signatures appear on the petitions.

Supreme Court Judicial District 9

Kristy E. Loyall, El Reno

Nominating petitions have been filed nominating Kristy E. Loyall, El Reno, for election of Supreme Court Judicial District No. 9 of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2026. Twenty-five of the names thereon are set forth below:

Magdalena Anna Way, Jennifer M. King, Micheal Steven Oglesby, Paul Arthur Hesse, Mary Ruth McCann, David Patrick Henry, John Albert Alberts, Nathan Daniel Richter, Jana Lee Knott, Chance Logan Deaton, Luke Cody McClain, Tommie Craig Gibson, Tammy Sellers Boling, David H. Halley, John A. Bass, Joseph Patrick Weaver Jr., Bob W. Hughey, Harold G. Drain, Charles Wayne Gass, Stephanie Ann Younge, Andrew Mark Van Paasschen, Kirk Alan Olson, Eric Matthew Epplin, Austin Tyler Murrey and Cathryn Milner Lind.

A total of 31 signatures appear on the petitions.

Member at Large

Molly A. Aspan, Tulsa

Nominating petitions have been filed nominating Molly A. Aspan, Tulsa, for election of member at large of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2026. Fifty of the names thereon are set forth below:

Dale Kenyon Williams Jr., Amber Nicole Peckio, Michael Alan Souter, Kimberly Hays, Philip D. Hixon, Barrett Lynn Powers, Robert Wallace Hill, Rebecca Marie Kamp, Bruce E. Roach Jr., Tosha Lee Ballard (Sharpe), Trevor Ray Henson, Adam Keith Marshall, William Robert Grimm, John Edward Harper Jr., Abigail Emma Bauer, Melissa Ann Bell, John Charles Gotwals, Mary Lou Gutierrez, William Edward Farrior, Caitlin Jane Murphy Johnson, Kasey Kyle Fagin, John Seaton Wolfe, James Robert Gotwals, David Andrew Sturdivant, Timothy Lee Rogers, Michael Paul Taubman, Kobi D'Anne Cook, Catherine Zilahy Welsh, James Travis Barnett, Jim Charles McGough Jr., Tara Gayle Lemmon, Jeffrey Sean Waters, Benjamin Rogers Hilfiger, Janet Bickel Hutson, Chad Alexander Locke, Matthew Ryan Price, James Eric Jones, Richard Dale White Jr., Adrienne Nichole Cash, Joe Martin Fears, Robert J. Bartz, Kara Marisa Vincent, Stephanie Rickman Mitchell, William Todd Holman, Dusty Darlene Weathers, Kelsey T. Pierce, Kurtis Ryan Eaton, Robert Lee Bearer, Tammy D'Ahn Barrett and Jennifer Marie Castillo.

A total of 60 signatures appear on the petitions.

UPCOMING



OBA CLE
Continuing Legal Education

CLE PROGRAMS

2025 FALL

| | |
|-----------------------|---|
| OCTOBER 14 | ETHICS OF ASKING FOR WORK Featured Speaker: Stuart I. Teicher, Esq., <i>The CLE Performer</i> On-Demand |
| OCTOBER 24 | CIVILITY: THE FOUNDATION OF EFFECTIVE LAWYERING Featured Speaker: Jayne Reardon, <i>Arbitrator, Mediator and Legal Ethicist</i> In-Person Only, Oklahoma Bar Center, OKC |
| NOVEMBER 06 | FAMILY LAW CLE Featured Speakers: TBD Live Webcast and In-Person, Oklahoma Bar Center, OKC |
| NOVEMBER 22 | 2025 BANKING AND COMMERCIAL LAW UPDATE Featured Speakers: TBD Live Webcast and In-Person, Oklahoma Bar Center, OKC |
| DECEMBER 4-5 | 2025 YEAR END REVIEW Featured Speakers: TBD Live Webcast and In-Person, Oklahoma Bar Center, OKC |
| DECEMBER 10 | HERB RUBENSTEIN ETHICS CLE Featured Speaker: Herb Rubenstein Oklahoma Bar Center, OKC |
| DECEMBER 11-12 | 2025 ADVANCED BANKRUPTCY UPDATE Featured Speakers: TBD Live Webcast and In-Person, Oklahoma Bar Center, OKC |
| DECEMBER 18-19 | 2025 YEAR END REVIEW Featured Speakers: TBD In-Person, Double Tree by Hilton Tulsa Warren Place, Tulsa |
| DECEMBER 18 | 2025 GALPS CONFERENCE Featured Speakers: TBD Live Webcast and In-Person, Oklahoma Bar Center, OKC |

FOR MORE INFORMATION OR TO REGISTER GO TO [HTTPS://OK.WEBCREDENZA.COM/](https://ok.webcredenza.com/)



2025 President

*D. Kenyon Williams Jr.,
Sperry*

D. Kenyon Williams Jr. is a shareholder at the Tulsa office of Hall Estill, having joined the firm in 1996. Prior to joining, Mr. Williams served as in-house counsel for Helmerich & Payne after forming his own firm in 1977. He received his bachelor's degree in petroleum engineering from TU and his J.D. from the TU College of Law. He is licensed in Oklahoma and Arkansas and represents businesses and communities in environmental, regulatory, administrative and litigation matters.

Mr. Williams has been active in the OBA and the Tulsa County Bar Association throughout his career. He has served in almost every TCBA position, including president in 2014 and Tulsa County Bar Foundation Trustee. While serving as president, the TCBA was awarded the OBA Outstanding County Bar Association Award. The association also received the OBA Hicks Epton Law Day Award for its outstanding Law Day while he was serving as the TCBA Law Day chair.

Mr. Williams has been active in the OBA and the Tulsa County Bar Association throughout his career. He has served in almost every TCBA position, including president in 2014 and Tulsa County Bar Foundation Trustee. While serving as president, the TCBA was awarded the OBA Outstanding County Bar Association Award. The association also received the OBA Hicks Epton Law Day Award for its outstanding Law Day while he was serving as the TCBA Law Day chair.

In the OBA, Mr. Williams has served as governor for Judicial District 6 on the Board of Governors and as a master, vice chief master and presiding master for the Professional Responsibility Tribunal. He has also served as chair of the Professionalism Committee and the Environmental Law Section and on various other OBA committees. Currently, Mr. Williams serves on the Budget Committee and the Professional Responsibility Commission. He is a frequent CLE presenter and a former recipient of the OBA Earl Sneed Award in recognition of his contribution to continuing legal education. The TCBA also awarded him the Gary C. Clark Distinguished Service Award in recognition of his many years of service to the TCBA and the legal profession.

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



2026 President

*Amber Peckio,
Tulsa*

Amber Peckio is a solo practitioner with the Amber Law Group in Tulsa. As an AV-rated preeminent attorney with more than 20 years of trial experience, Ms. Peckio primarily practices in litigation, insurance dispute litigation, complex

family litigation and personal injury litigation. She also works extensively in the newly established cannabis law field in Oklahoma and routinely counsels Oklahoma businesses in all cannabis-related legal matters.

Ms. Peckio currently serves as president-elect on the OBA Board of Governors after having served as vice president in 2024. She is the past chair of the OBA Cannabis Law Committee and a member of the American Bar Association, where she previously served as vice chair of the Tort Trial & Insurance Practice Section Cannabis Policy and Law Committee and as state membership chair for Oklahoma. She also co-hosted "Between Two Weeds – Joint Sessions: 2025 Cannabis Legislation Preview" for OBA CLE. She served the OBA as an Oklahoma Bar Foundation Trustee from 2014 to 2019, Women in Law Committee chair in 2007, Lawyer Advertising Task Force member in 2007, Young Lawyers Division board director for Tulsa from 2006 to 2014, Professionalism Committee member, Law Related Education Committee chair, Solo and Small Firm Conference Planning Committee member, Audit Committee member in 2022, graduate of the inaugural OBA Leadership Academy in 2009 and a frequent CLE speaker.

Ms. Peckio was also active in the Tulsa County Bar Association, having served as vice president in 2020, secretary in 2019 and small firm director in 2021. She received her J.D. from the TU College of Law in 2003 and is admitted to practice in all courts in the state of Oklahoma and before the U.S. District Court for the Eastern, Northern and Western districts of Oklahoma and the U.S. 10th Circuit Court of Appeals. As a

graduate of the TU College of Law, she has served as a past member of the Alumni Association board. She is also a sustaining member of the Junior League of Tulsa. Ms. Peckio lives in Tulsa with her beloved dogs, Woody and Hendricks.

Elected as the 2025 president-elect and serving one year in that position, Ms. Peckio automatically becomes president Jan. 1, 2026.

2026 NEWLY ELECTED BOARD OF GOVERNORS

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



Vice President

*S. Shea Bracken,
Edmond*

S. Shea Bracken is an attorney with Maples, Nix & Diesselhorst in Edmond. His practice focuses on catastrophic injury, including medical malpractice, birth injury and products liability. He served in the U.S.

Marine Corps Infantry and

is a decorated war veteran with a combat deployment to Fallujah, Iraq, during Operation Iraqi Freedom II. He earned his bachelor's degree from OSU and his J.D. with honors from the OCU School of Law.

Mr. Bracken is a member of the American Association for Justice, including the Birth Trauma Litigation Group and the Attorneys Information Exchange Group; the Oklahoma County Bar Association; and the Oklahoma Association for Justice. He served on the OBA Board of Governors from 2022 to 2024. He currently serves as an Oklahoma Bar Foundation Trustee and as co-chair of the OBA Military Assistance Committee. He also participates in the OCU Law Mentorship Program and is a member of the OBA Mock Trial, Legislative Monitoring and Bench and Bar committees.

He is active in the community, including serving as a member of the Deer Creek Schools Foundation board, the American Legion, the Veterans of Foreign Wars and the Marine Corps League. He enjoys spending time with his wife, Lindsay, and his daughters, Makenna and Teagan. He also enjoys traveling, exercising, reading, playing video games, watching movies and anything involving sports, especially the Oklahoma State Cowboys, the Oklahoma City Thunder, Tottenham Hotspur and the Detroit Lions.



Supreme Court Judicial District 2

*Chris D. Jones,
Durant*

Chris D. Jones was raised in Bryan County. He graduated from Calera Public Schools and attended Southeastern Oklahoma State University, earning a bachelor's degree in mathematics education. He

then obtained an MBA from the University of Central Oklahoma. He graduated *cum laude* from the OCU School of Law, where he was active in many organizations, including the *Oklahoma City University Law Review* and mock trial team. After law school, he threw out a shingle in Durant, where he is currently a solo practitioner. He is admitted to practice in the federal courts of the Eastern, Western and Northern districts of Oklahoma. Mr. Jones, his wife, Leann, and their two young children run a cattle ranch in Bryan County. They love to cruise in their spare time.



**Supreme Court
Judicial District 8**

*Blayne P. Norman,
Wewoka*

Blayne P. Norman serves as assistant district attorney for Hughes and Seminole counties, where he works to uphold justice and protect the community in which he grew up. His practice includes criminal and juvenile

matters, but his focus extends beyond the courtroom – building trust and strengthening partnerships with law enforcement, local agencies and families.

Mr. Norman is deeply rooted in community service. He is the president of the Seminole County Bar Association, and he serves on the Oklahoma Child Death Review Board for the Southeastern Region, working to improve systems and outcomes for children and families across the state. He also volunteers with his church's worship team, contributing his time and music to support his community in another way.

As a graduate of OU, with degrees in finance and accounting, and the OCU School of Law, he brings both analytical skill and a servant-leader mindset to his work. His experiences range from aviation law to mediation and public service, but his commitment to people has remained constant throughout his career.

Whether in the courtroom, at church or within local organizations, Mr. Norman strives to give back to the communities that shaped him. He looks forward to continuing that service as part of the OBA Board of Governors.



**Supreme Court
Judicial District 9**

*Kristy E. Loyall,
El Reno*

Kristy E. Loyall has been practicing law since 2011, with family law as her primary area of practice. She is a partner at Bass Law Firm in El Reno, and her practice is broken down into three areas: litigation, guardian *ad*

litem appointments and mediation. She also serves as the city prosecutor for the city of El Reno.

She lives in Yukon with her husband, Tyeson, and two young sons. She graduated *cum laude* with a bachelor's degree in political science and a minor in English from the University of Central Oklahoma. She

received her J.D. with honors from the OU College of Law in 2011. After being admitted to practice law, Ms. Loyall began her career working for a general practice law firm in Oklahoma City. In 2012, she joined the national law firm of Cordell & Cordell. During that tenure, she was selected to serve as a lead litigator for the firm and attended the prestigious National Institute of Trial Advocacy Family Law Trial Advocacy Program.

She served as president of the Canadian County Bar Association from 2023 to 2024, after previously holding the role of vice president from 2021 to 2022. She was named Mediator of the Year in 2022 by the OBA Family Law Section.



Member at Large

*Molly A. Aspan,
Tulsa*

Molly A. Aspan is a partner with Practus LLP in Tulsa, where she began working in 2021 after 18 years at Hall Estill. She regularly counsels and trains employers on best practices for reducing risk and litigation and maintaining a productive

workforce. She has been nationally recognized for her work in the area of labor and employment, and she is a frequent speaker at labor and employment-related seminars and conferences.

Ms. Aspan is a past recipient of the Mona Salyer Lambird Spotlight Award, the OBA Outstanding Service to the Public Award and the OBA Outstanding Young Lawyer Award. She has also served for many years as chair of the OBA Disaster Response and Relief Committee. She is also past president of the Board of Directors for Legal Aid Services of Oklahoma, past president of the Council Oak/Johnson-Sontag American Inn of Court and the Tulsa delegate to the ABA House of Delegates, where she is active on several sections and committees. She is also a member of the Professional Responsibility Commission.

Ms. Aspan is a 2003 graduate of the University of Kansas School of Law. She earned a bachelor's degree in economics and political science from Fort Hays State University in 2000. Having grown up on a farm, she knows the value of hard work and teamwork. When she is not working hard for her clients, you'll find her cheering on her daughter at the soccer fields, enjoying time spent with family and friends, working to improve her community and returning to her family's farm during harvest to pitch in.



OBA YLD Chair

*Alexandra J. "Allie" Gage,
Tulsa*

Alexandra J. "Allie" Gage is an estate planning attorney with Oath Law in Tulsa. She graduated from OSU in 2013 and spent several years serving communities abroad. In 2017, Ms. Gage returned to Tulsa to begin her legal career by attending the

TU College of Law, graduating in just 2 1/2 years with honors while also serving as president of the Board of Advocates, supervising editor for the *Tulsa Law Review* and chief justice of the Student Bar Association. After law school, Ms. Gage began a career in civil litigation at a prestigious downtown Tulsa firm before transitioning to estate planning in 2025. Ms. Gage married her law school sweetheart in 2019, and they just welcomed a baby boy earlier this year. In her free time, Ms. Gage enjoys traveling, reading and spending time with her family.

Ms. Gage joined the YLD Board of Directors in 2021 in an effort to better connect with and serve her community after the COVID-19 pandemic left its mark on Oklahoma. As a member of the YLD Board of Directors, Ms. Gage has enjoyed serving her community and her fellow attorneys through the various opportunities afforded by the division over the past four years. She looks forward to leading the YLD throughout this next year and serving for many more years to come.

CONTESTED ELECTION

The election for president-elect will be held at the House of Delegates meeting on Nov. 7 during the 2025 OBA Annual Meeting.



President-Elect

*John E. Barbush,
Durant*

John E. Barbush is a solo civil trial attorney who practices in the areas of torts, business litigation, securities and family law. He is also an approved provider for Oklahoma Attorneys Mutual Insurance Co., representing attorneys

in legal malpractice cases. He is a trained mediator and has served as an arbitrator. Mr. Barbush graduated from Ambassador University, where he was a

student-athlete and received a bachelor's degree in business administration before attending the OCU School of Law. He was part of the 2017-2018 OBA Leadership Academy class and has served as a delegate and an Executive Committee member of the Oklahoma County Bar Association Family Law Section.

He and his family moved to Durant so his wife, Judge Amy J. Pierce, could serve the Choctaw Nation of Oklahoma as chief district court judge. They have two children, Ella and Mac. Mr. Barbush currently serves as the OBA Board of Governors district representative for District 2 and was appointed to the OBA Strategic Planning Committee. He is also the Law Day chair for the Bryan County Bar Association. Mr. Barbush received an OBA President's Award in 2024 in recognition of his efforts in advancing the administration of justice and promoting a professional judiciary. He also proudly serves as the assistant wrestling coach at Durant High School.



*Jana L. Knott,
El Reno*

Jana L. Knott joined Bass Law in 2018 and became the firm's managing partner in 2024. Her practice focuses primarily on appellate litigation, advocacy, briefing and consultation. She handles civil appeals in all areas of the law in both state and federal court, including oil and

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

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

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

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

Women in Law Conference Photo Highlights

THE 2025 OBA WOMEN IN LAW CONFERENCE AND MONA SALYER LAMBIRD SPOTLIGHT AWARDS

Luncheon was held Sept. 19 at the Petroleum Club of Oklahoma City. The guest speaker was artist DG Smalling, presenting Operation Lady Justice. Sponsored by the OBA Women in Law Section, this annual event celebrates women in the legal profession and offers educational programming tailored to the unique and dynamic audience of women lawyers and legal professionals.



The Mona Salyer Lambird Spotlight Awards were established in 1996 to annually honor five women who have distinguished themselves in the legal profession and who have lighted the way for other women. The 2025 recipients pictured include (from left) Virginia (Ginny) Henson, Norman; Cheryl Plaxico, Oklahoma City; and Monica Ybarra Weedn, Oklahoma City. Award winners unable to attend the ceremony were Jennifer R. Annis, Tulsa, and the Rev. Dr. Lori Walke, Oklahoma City.



An annual conference highlight is the judicial panel, themed "The View From the Bench." This year's panel was moderated by Women in Law Section Chairperson-Elect Madison Botizan (far left). The judicial panelists included (from left) Judge Donna Dirickson, Second Judicial District Court; Chief Judge Sarah Hall, United States Bankruptcy Court, Western District of Oklahoma; Judge Natalie Mai, Oklahoma County District Court; and Administrative Law Judge Molly H. Lawyer, Oklahoma Workers' Compensation Commission.



Keynote speaker DG Smalling presents some of his newest artwork honoring retired Oklahoma Supreme Court Justice Yvonne Kauger. Mr. Smalling is an American artist recognized for his contributions to Native American contemporary art. He is best known for his unique one-line drawing technique, in which his pen never leaves the paper until the image is complete. Mr. Smalling is a citizen of the Choctaw Nation of Oklahoma and incorporates his heritage into his minimalistic artistic style.



Nearly 200 lawyers from across the state, representing a wide variety of practice areas, attend this year's event in Oklahoma City. The annual event provides attendees an opportunity to connect, inspire and recognize Oklahoma's trailblazing women in law.

Lead and Serve Your Bar Association in 2026

AS WE LOOK AHEAD TO 2026, the Oklahoma Bar Association invites you to make a meaningful impact by joining one of our many volunteer committees. There's no better time than the present to connect, contribute and grow. Join your fellow lawyers in serving on an OBA committee to help shape the future of the legal profession.

With more than 20 active committees to choose from, different

opportunities and connections are waiting for you. Whatever your passion, there's a committee that needs your voice and perspective. This is your chance to get involved with the OBA, meet new lawyers and make a difference in your community.

From promoting access to justice and legal education to supporting lawyers facing personal challenges, OBA committees are making a difference. You'll also

build your professional network and work on meaningful projects that align with your values.

Ready to get involved? Look at the committee list and fill out the form at <https://bit.ly/3SjMzcE>. Appointments for 2026 will be made soon, so don't wait!

Amber Peckio
President-Elect



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

Access to Justice

Works to increase public access to legal resources

Awards

Solicits nominations for and identifies selection of OBA Awards recipients

Bar Association Technology

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

Bar Center Facilities

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

Bench and Bar

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

Civil Procedure and Evidence Code

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

Disaster Response and Relief

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

Diversity

Identifies and fosters advances in diversity in the practice of law

Group Insurance

Reviews group and other insurance proposals for sponsorship

Law Day

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

Law Schools

Acts as liaison among law schools and the Supreme Court

Lawyers Helping Lawyers Assistance Program

Facilitates programs to assist lawyers in need of mental health services

Legal Internship

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

Legislative Monitoring

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

Membership Engagement

Facilitates communication and engagement initiatives to serve bar members

Military Assistance

Facilitates programs to assist service members with legal needs

Professionalism

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

Rules of Professional Conduct

Proposes amendments to the ORPC

Solo and Small Firm Conference Planning

Plans and coordinates all aspects of the annual conference

Strategic Planning

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



2025 OKLAHOMA ACCESS TO JUSTICE SUMMIT

MEETING THE MOMENT

Program

Opening Plenary

*Featuring Guest Speaker Anna Carpenter,
Dean of the University of Oklahoma College of Law*

AI + Access to Justice

Rethinking Rural Legal Access

Immigration Issues Beyond the Border

Federal Support for Legal Services: A Shifting Landscape

Harnessing Generational Intelligence: Mentoring and Support in Today's Workplace

Dive Into ATJ Tech Tools

The Power of Pro Bono: Participation, Coordination, and Results Law, Professionalism, and Practice in Oklahoma Indian Country

Know Your Rights: Attorney Edition

Closing Plenary Panel: Allyship in Action

Free Virtual Event – 10 hrs of CLE

October 24, 2025



ONE ASSOCIATION MANY OPPORTUNITIES

JOIN AN OBA COMMITTEE TODAY!

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

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



Accomplishing More Through Civility, Professionalism, and Collaboration

By Janet Johnson

IWANT TO BEGIN WITH A simple observation: In the legal profession, our tools are words, our word is our bond, and our currency is trust.

But the way we wield those tools – the tone we choose, the respect we show, the spirit with which we engage – often determines whether our work *builds* bridges or *burns* them.

Civility, professionalism, and collaboration are sometimes dismissed as “soft skills.” But, in reality, they are *vital for success*. They allow us to get more done, with fewer wasted motions – and with reputations intact.

THE COST OF INCIVILITY

We’ve all seen it. A deposition derailed because counsel couldn’t resist personal jabs. An email chain that became more about point-scoring than problem-solving. A trial where the heat between lawyers overshadowed the merits of the case. The costs are real:

- *Time wasted* in unnecessary disputes
- *Clients harmed* because energy is spent on conflict about conflict



- *Reputations diminished* in the eyes of colleagues and the court

THE POWER OF CIVILITY

Civility is not weakness, and it is not surrender; it is strength under control. When we speak with respect – even when disagreeing fiercely on the law – we signal confidence in our arguments. We reduce distractions for the decision-maker. We show the client they are in capable, steady hands.

Justice Sandra Day O’Connor once said, “We don’t accomplish anything in the world alone and

whatever happens is the result of the whole tapestry of one’s life and all the weavings of individual threads from one to another that create something.”

In my own experience, some of my most successful outcomes came not because I outargued the other side but because we treated each other with enough respect to explore solutions neither of us could have accomplished alone.

PROFESSIONALISM AS A STRATEGIC ADVANTAGE

Professionalism is a strategic advantage. Professionalism is

the outward expression of inner discipline. Professionalism is contagious. We've all heard several sayings. Perhaps the most recent is "when they go low, we go high."

Courtrooms run more smoothly when lawyers are prepared, filings are clear, and communications are timely. Judges make better decisions when the issues are sharpened rather than muddled by needless rhetoric.

And let's be realistic: Judges and opposing counsel remember the professionals they trust. I don't remember verbatim what someone said to me, but I will certainly remember how they made me feel.

Your reputation precedes you into every hearing, every conference, every negotiation. A track record of civility can open doors in moments when you or your client most needs them.

COLLABORATION

Collaboration doesn't mean giving up the fight. Collaboration doesn't mean principles are compromised. It means asking:

- Where can we agree?
- What procedural issues can we stipulate to so the court can focus on the merits?

- Can we solve this part now so we can fight about fewer things later?

By narrowing disputes and sharing common ground early, we make space for creativity and reduce the "unintended consequences" of litigation.

One of the most rewarding cases I worked on ended in settlement terms that both sides' clients called "livable" – not perfect, but better than the uncertainty of trial. That outcome was possible only because we treated each other as professionals rather than foes.

CONCLUSION

In the end, our profession is not just about winning cases – *it's about upholding the rule of law in a way that preserves its dignity.*

Civility keeps us credible. Professionalism keeps us consistent. Collaboration keeps us creative.

We do not weaken our advocacy by being civil – we strengthen it. We do not lose our edge by being professional – we sharpen it. And we do not dilute our principles by collaborating – we advance them.

The law is adversarial by design, but it need not be hostile by default. Let's choose to be the kind of

advocates, and the kind of judges, who prove that the most effective way to win – and to serve justice – is to do so with civility, professionalism, and collaboration.

After all, together we win.
Thank you.

Janet



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

LAUNCHING YOUR LAW PRACTICE: A HANDS-ON WORKSHOP

TUESDAY, OCT. 21 | OKLAHOMA BAR CENTER

**A free, hands-on workshop 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. Designing a Client-Centered Law Firm

Kenton Brice, Director of Technology Innovation, OU Law Library

A hands-on, design-oriented workshop focused on building your firm around the client experience.

10:00 a.m. AI Prompting for Lawyers: Build Smarter Workflows

Sean Harrington, Director of Technology and Innovation, OU College of Law

Learn how to craft effective prompts for legal research, drafting and productivity using generative AI tools.

11:00 a.m. Break

11:10 a.m. What You Need To Know About Malpractice Insurance

Phil Fram, President and CEO, Oklahoma Attorneys Mutual Insurance Co.

What lawyers need to understand about coverage, risk management and starting your policy off right.

12:10 a.m. Lunch

1:00 p.m. Building Your Law Firm Tech Stack: Tools With ROI in Mind

Learn about cost-effective tech tools for law firms, including practice management, document automation and communication systems.

2:00 p.m. Trust Accounting Workshop

Gina Hendryx, OBA General Counsel, and Julie Bays, OBA Management Assistance Program Director

An overview of the OBA's role in regulating lawyers and preventing misconduct and an interactive session with a reconciliation exercise to help you build confidence in managing client funds.

2:50 p.m. Business Planning Lab: Building Your Blueprint

Julie Bays, OBA Management Assistance Program Director

In this session, you'll start drafting a basic business plan for your practice and learn how to create a simple process manual. Templates and examples will be provided.

4:00 p.m. Adjourn

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

FROM THE PRESIDENT

(continued from page 4)

From my perspective, the United States has avoided the weakness of “becoming a kingdom divided” through certain unifying social compacts. The United States Constitution is one of those unifying compacts. The proposed United States Constitution was considered by the American people only four years after the 13 colonies won their freedom from British rule. *The Federalist Papers* were penned and published only 11 years after the Declaration of Independence. The declaration, with its passionate and elegant language, is another unifying compact that has protected our republic from division:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it; and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Although not often a topic of discussion (in my education), the Declaration of Independence was a “new thing under the sun!” As John Quincy Adams (then

secretary of state but later the sixth president of the United States) declared in his July 4, 1821, speech to the United States House of Representatives, the Declaration of Independence was “the first solemn declaration by a nation of the only legitimate foundation of civil government. ... It demolished at a stroke the lawfulness of all governments founded upon conquest. It swept away all the rubbish of accumulated centuries of servitude. It announced in practical form to the world the transcendent truth of the unalienable sovereignty of the people. It proved that the social compact was not a figment of the imagination; but a real, solid, and sacred bond of the social union. From the day of this declaration, the people of North America were no longer the fragment of a distant empire, imploring justice and mercy from an inexorable master in another hemisphere. ... They were a nation, asserting as of right, and maintaining by war, its own existence. A nation was born in a day.”

After reading the entire text of the Declaration of Independence to the House of Representatives, Mr. Adams went on to say:

And here are we, fellow-citizens, assembled in the full enjoyment of its fruits, to bless the Author of our being for the bounties of His providence, in casting our lot in this favored land; to remember with effusions of gratitude the sages who put forth, and the heroes who bled for the establishment of this Declaration; and by the communion of soul in the reperusal and hearing of this instrument, to renew the genuine Holy Alliance of its principles, to recognize them as eternal truths,

and to pledge ourselves and bind our posterity to a faithful and undeviating adherence to them.

Another unifying compact that comes to mind is the Pledge of Allegiance, which we have recited since childhood – possibly so many times that the true import of the words and our “pledge” no longer impacts us. “*I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*” With each recitation, we are renewing our promise of allegiance to our republic as an indivisible nation that strives to provide liberty and justice for all the nation’s citizens. “Weighty” promises, both by us and by our nation!

In “Federalist No. 51,” Publius (James Madison) argued for the importance of a balance of powers in the federal government. One portion of the essay in particular captures my attention: “In a free government the security for civil rights must be the same as that for religious rights. ... *Justice is the end [purpose] of government.* It is the end [purpose] of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.”¹

I hope each of you, my sisters and brothers in our noble profession, will take pride in knowing that our role in protecting civil rights, liberty and justice for all is at the core of the founding principles of our republic. What you do matters and is important – not just to your clients but to our republic.

Thank you for your service!

ENDNOTE

1. Emphasis and clarification added.

Bridging the Justice Gap: Creative Legal Services for Underserved Oklahomans

By Julie Bays

OCTOBER IS RECOGNIZED nationally as Pro Bono Month, a time to celebrate the legal profession's longstanding tradition of service and encourage lawyers to step forward in meeting unmet legal needs. For Oklahoma lawyers, this month offers not only an opportunity to give back but also to consider innovative approaches to closing the justice gap in our state.

THE JUSTICE GAP AND LEGAL DESERTS

Legal Services Corp.'s most recent justice gap report found that a staggering 80% of individuals across all income levels did not seek legal help for the issues they faced.¹ For low-income households, the most common barrier is cost – or even the perception of cost. Only 45% of low-income individuals felt confident they could find a lawyer they could afford. Even among moderate-income individuals, defined as up to 400% of the federal poverty line, that number only rises to 59%.

For Oklahomans living in rural communities, the challenges are even more acute. Some counties have only a handful of practicing lawyers. These “legal deserts” leave residents to navigate family

law, housing disputes and consumer issues on their own, often without even the possibility of local representation. The result is more self-represented litigants in court and an increased strain on the judicial system.

LIMITED SCOPE SERVICES AS A SOLUTION

One model to help bridge this gap is limited scope representation (LSR), sometimes called “unbundled services.” Instead of taking on every aspect of a case, lawyers offering LSR step in where their help will make the biggest difference. That might mean explaining the court process, drafting a pleading or preparing a client for a hearing while the client handles the rest of the case.

This model breaks legal work into smaller, affordable pieces, giving clients access to the guidance they need most without the cost of full-service representation. For lawyers, it's a way to extend services to more Oklahomans, especially in communities with limited resources. LSR improves court efficiency and makes the justice system less intimidating for people who might otherwise try to go at it alone.

Rule 1.2(c) of the Oklahoma Rules of Professional Conduct expressly permits this type of representation, as long as the limitation is reasonable under the circumstances and the client gives informed consent.² In 2017, Oklahoma also adopted District Court Rule 33, which authorizes lawyers to draft pleadings and other documents for pro se litigants without formally entering an appearance, provided the lawyer's limited role is disclosed on the document.³

These rules provide clear authority and structure for Oklahoma lawyers to offer LSR safely and ethically. For clients, LSR can mean the difference between going to court completely unassisted or having professional guidance that helps them better navigate the system. For lawyers, it can be a way to expand services to those who cannot afford full representation while still running a sustainable practice.

WHY LAWYERS SHOULD CONSIDER LIMITED SCOPE REPRESENTATION

LSR offers practical advantages for both clients and attorneys facing the realities of Oklahoma's

justice gap. Many Oklahomans, while unable to afford full-service legal representation, can still pay for targeted legal assistance. This model presents a valuable opportunity to meet unmet needs while making legal services more accessible.

For lawyers, LSR is not only a means to serve the community but also a pathway for professional growth and sustainability. New lawyers, those in transition or attorneys approaching retirement can benefit from the steady work and goodwill that comes with offering unbundled services. Clients who initially seek limited help frequently return for full-service representation as their circumstances change, transforming one-time interactions into lasting professional relationships. Even modest fees from unbundled services can contribute to a sustainable revenue stream while enhancing reputation and expanding the client base.

Judges and court staff also see significant benefits as LSR helps self-represented litigants file clearer pleadings and arrive at hearings better prepared. This increased preparedness improves court efficiency and reduces strain on the judicial system.

Technology further boosts the effectiveness of LSR. Automated document assembly tools, practice management systems and online scheduling platforms streamline administrative tasks, allowing lawyers to provide high-quality, locally informed services with less overhead. These resources make it easier for lawyers to deliver

accessible and affordable help to those who need it most.

For those interested in exploring LSR further, the OBA Management Assistance Program is available for resources and guidance. By incorporating limited scope services into their practice, lawyers can make a meaningful impact on access to justice in Oklahoma

A promotional banner for Oklahoma Free Legal Answers .org. The background features a close-up of golden wheat stalks against a bright blue sky with wispy clouds. In the upper right corner, there is a white silhouette of the state of Oklahoma with the text "OKLAHOMA FREE LEGAL ANSWERS .ORG" in blue, bold, sans-serif font. Below this, the phrase "ENSURE ACCESS TO JUSTICE" is written in large, bold, blue capital letters. Underneath, a line of text reads: "Sign up to anonymously answer a pro bono legal question for a low-income Oklahoman. A little bit of your time can make a big difference." Below that, a bold blue line of text says: "Visit Oklahoma.FreeLegalAnswers.org to learn more". At the bottom left, there is a circular seal of the Oklahoma Bar Association. To the right of the seal, small text reads: "OKLAHOMA FREE LEGAL ANSWERS IS A PROJECT OF: Oklahoma Bar Association, Oklahoma Access to Justice Commission and American Bar Association".

OKLAHOMA FREE LEGAL ANSWERS .ORG

ENSURE ACCESS TO JUSTICE

Sign up to anonymously answer a pro bono legal question for a low-income Oklahoman. A little bit of your time can make a big difference.

Visit Oklahoma.FreeLegalAnswers.org to learn more

OKLAHOMA FREE LEGAL ANSWERS IS A PROJECT OF:
Oklahoma Bar Association,
Oklahoma Access to Justice Commission
and American Bar Association

while growing their own professional opportunities.

OKLAHOMA FREE LEGAL ANSWERS

An easy option for providing pro bono service with minimal disruption to a lawyer's daily schedule is Oklahoma Free Legal Answers. This program, operated in partnership with the American Bar Association, is a secure online platform where qualified low-income Oklahomans can post civil legal questions. Volunteer attorneys log in at their convenience, select questions in their area of knowledge and provide written answers.

The program is designed to make volunteering simple. There is no minimum commitment. Attorneys can answer as few or as many questions as their schedules allow, and they can pick the questions they want to answer. Volunteers remain anonymous unless they choose otherwise, and importantly, the ABA provides malpractice coverage for all advice given through the platform. This means lawyers do not need to carry their own liability insurance to participate.

Clients must meet eligibility requirements, including having an income below 250% of the federal poverty level, being older than 18 and having less than \$5,000 in assets. Most questions involve family law and landlord-tenant issues, although other common civil matters arise, too. Even answering a handful of questions each month can significantly ease the burden for Oklahomans who might otherwise go without help.

ACCESS TO JUSTICE SUMMIT

Finally, I want to highlight the Oklahoma Access to Justice Foundation's Access to Justice Summit on Oct. 24.⁴ This free day of CLE brings together judges, lawyers and advocates to explore practical strategies for improving access to justice across the state. It's an excellent opportunity to learn, network and be inspired to engage in pro bono and low bono service.

CONCLUSION

Whether through limited scope representation, answering a few questions online or attending the Oklahoma Access to Justice Summit, October is the perfect

time to recommit to service.

Lawyers hold a unique place in society as guardians of justice. By taking small but meaningful steps, we can help ensure that access to justice is not determined by geography or income. I encourage you to find a way this month to use your skills for the public good.

Ms. Bays is the OBA Management Assistance Program director. Need a quick answer to a tech problem or help solving a management dilemma? Contact her at 405-416-7031, 800-522-8060 or julieb@okbar.org. It's a free member benefit.

ENDNOTES

1. Legal Services Corp., *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans* (2022), <https://justicegap.lsc.gov>.
2. Oklahoma Rules of Professional Conduct, Rule 1.2(c), Scope of Representation and Allocation of Authority Between Client and Lawyer (2008), <https://bit.ly/3UYTwTZ>.
3. Oklahoma District Court Rule 33, Limited Scope Representation, <https://bit.ly/4mTmwZS>.
4. www.okaccesstojustice.org/summit.

Alliant is Here to Help OBA Members Find the Right Insurance Coverage

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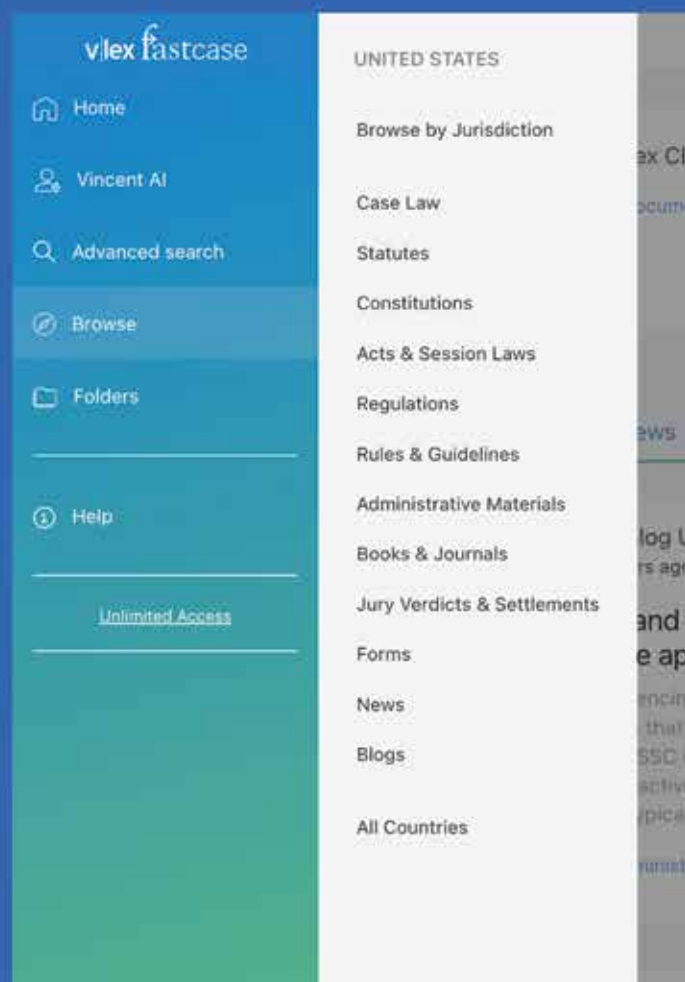
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Meeting Summaries

The Oklahoma Bar Association Board of Governors met July 16.

REPORT OF THE PRESIDENT

President Williams reported he met with the executive director of Legal Aid Services of Oklahoma regarding Legal Services Corp. funding and participated in a virtual conference with OBA representatives regarding LASO. He virtually attended a portion of the Clients' Security Funds Committee's July meeting, finalized and submitted his president's message for the August bar journal and prepared his "State of the OBA" materials for his presentation at the Oklahoma Judicial Conference. He worked on appointments for various volunteer positions, answered several Ask A Lawyer questions from the pool of unanswered questions and responded to the U.S. Executive Office for Immigration Review with recommendations regarding an OBA member. He reviewed and provided guidance on a response to one state agency's criticism of a bar journal article, conferred with Executive Director Johnson regarding human resources issues and worked on responses from county seats to legal desert solutions. He participated in an interview with an *Oklahoma Voice* news reporter and OBA Director of Communications Rasmussen regarding Oklahoma's legal desert issues.

REPORT OF THE PRESIDENT-ELECT

President-Elect Peckio reported she attended the OBA Board of Governors Executive Committee meeting, participated in a virtual conference with OBA representatives regarding Legal Aid Services of Oklahoma and finalized appointments to the OBA Budget Committee for Board of Governors approval. She reviewed and researched Ask A Lawyer questions from the remaining unanswered emails and conferred with the Muskogee County Bar Association president to gauge interest in upcoming committee appointments.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Johnson reported she worked on tailoring the strategic plan implementation member needs assessment, attended the Bar Center Facilities Committee meeting and worked on staff evaluations. She attended a meeting about Legal Services Corp. funding history and prospects and a preconference planning meeting with the OKANA Resort. She worked on final prep for the Solo & Small Firm Conference and authored her article for the August issue of the *Oklahoma Bar Journal*.

REPORT OF THE IMMEDIATE PAST PRESIDENT

Past President Pringle reported by email he reviewed OBA litigation and facilities contracts and

discussed outstanding issues with Executive Director Johnson.

BOARD MEMBER REPORTS

Governor Barbush reported he attended the Bryan County Bar Association summer party and assisted in presenting a 60-year milestone pin to Pat Phelps and a 50-year milestone pin to Ken Rainbolt. He communicated with the Cannabis Law Committee chair concerning the conversion of that committee to a section, and he met with individuals coordinating the upcoming Wills for Heroes event, which is scheduled for August in Durant. **Governor Barker** reported he reviewed nominations for OBA Awards and corresponded with Justice Jett about his appointment to the Supreme Court. He conferred with Chief Justice Rowe about speaking to the Garfield County Bar Association, and he spoke with the Woodward County Bar Association about the upcoming Boiling Springs conference. **Governor Cooper** reported he attended the Oklahoma County Bar Association meeting, as well as the Board of Directors meeting and the retirement party of the OCBA's outgoing executive director, Debbie Gorden. He attended the Bar Center Facilities Committee meeting and reviewed and revised proposed documents with the architect, REES Associates. **Governor Hixon** reported he solicited volunteers from the Tulsa County Bar Association Board of Directors to respond to

pending Ask a Lawyer inquiries and coordinated with OBA and TCBA staffs on a communication seeking additional volunteers from the TCBA membership. **Governor Knott** reported she helped President Williams obtain appointments for the Domestic Violence Fatality Review Board, attended the Solo & Small Firm Conference and presented the 2025 Civil Case Law Update to the Oklahoma Judicial Conference. **Governor Rogers** reported he attended the Clients' Security Fund Committee meeting and worked with the Bar Center Facilities Committee on agreements. **Governor Trevillion** reported he attended the Oklahoma County Bar Association Board of Directors meeting and the Access to Justice Foundation board meeting. **Governor West** reported he attended the Cleveland County Bar Association annual barbecue.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Venus reported preparations for the Aug. 16 Wills for Heroes event are progressing.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported on the status of litigation involving the OBA. A written report of PRC actions and OBA disciplinary matters for the month was submitted to the board for its review.

BOARD LIAISON REPORTS

Vice President White said the **Professionalism Committee** would be presenting a program during the Solo & Small Firm Conference. Governor Barbush said he is continuing to work with the **Cannabis Law Committee** chairperson on that group's desired transition from a committee to a section. He also said the **Lawyers Helping Lawyers Assistance Program Committee** would be co-sponsoring the yoga event during the Solo & Small Firm Conference. Governor Cooper said the **Bar Center Facilities Committee** is continuing its work on planned renovations to the bar center, and the **Technology Committee** is reviewing a proposal from Wicket related to a new membership data platform. Governor Barker said the members of the **Awards Committee** have each received their packet of OBA Awards nominations and are individually reviewing the candidates prior to their upcoming August meeting. Governor Hixon said the **Law Day Committee** is prepared to present its annual report and has its next meeting scheduled. Governor Rogers said the **Clients' Security Fund Committee** met recently and is reviewing claims. Governor Trevillion said the **Access to Justice Committee** met and discussed its planned activities during the Solo & Small Firm Conference. Governor Venus said the **Solo and Small Firm Conference Planning Committee**

had concluded its work for the 2025 event and welcomed all to the OKANA Resort, where the conference would soon get underway.

PRESIDENT WILLIAMS' APPOINTMENTS

The board approved motions to approve the following appointment and slate of names for consideration:

- Oklahoma Bar Foundation Board of Trustees – President Williams reappoints S. Shea Bracken, Edmond, to a one-year term beginning Jan. 1, 2026, and expiring Dec. 31, 2026.
- Domestic Violence Review Board – President Williams proposes to submit the four names of Diana Elena Cupps, Tulsa; Magdalena Anna Way, El Reno; Allyson Anna Marie Stewart, Oklahoma City; and Laura H. McConnell-Corbyn, Oklahoma City, to the Oklahoma attorney general as suggestions for appointment to a term beginning July 2025 and expiring June 2026.

PRESIDENT-ELECT PECKIO'S APPOINTMENTS

The board approved a motion to approve the following appointments:

- Budget Committee – President-Elect Peckio appoints the following

members of the House of Delegates to the Budget Committee: Mariano Acuna, Oklahoma City, and Ashley Roberts Webb, Tulsa.

ARCHITECTURAL AGREEMENT FOR ROOF AND ENTRYWAY

Bar Center Facilities Committee Chair Cody Cooper reviewed the current status of discussions with the architect, various contractors and consultants.

ANNUAL JULY REPORT OF THE LEGAL INTERNSHIP COMMITTEE

Committee Chair Trent Baggett discussed highlights from the report, including proposed revisions aimed at incorporating plain language into the oath administered to all licensed legal interns. Other recent proposed changes include updating the rules related to the time limit for licensed interns to report an inactive status to the OBA. Additional proposed changes relate to the submission of character and fitness reports aimed at requiring ongoing self-reporting during law school. Mr. Baggett said the report will be submitted to the chief justice, and the proposed revisions that have been approved by the Board of Governors will be reviewed by the Supreme Court this fall.

OBA CLE ANNUAL REPORT

Director of Educational Programs McCormick reviewed highlights from the written report submitted to the board. The OBA remains the leading provider of CLE in Oklahoma, with more than 85% of CLE being provided online. She said over \$421,000 worth of free CLE is provided to members. She recommended that a CLE task force be formed to look at issues such as pricing and the value of services,

including partnerships with sections. The board passed a motion to approve forming a task force.

LAW DAY COMMITTEE ANNUAL REPORT

Committee Co-Chairs Ed Wunch and Mary Clement reported on the events and activities that took place in 2025, including a record number of student art and writing contest entries received, as well as a high number of calls and emails sent to the Ask A Lawyer free legal advice hotline. The chairs noted that there remain several dozen emails received prior to the 9 p.m. deadline on May 1 that are awaiting responses.

UPCOMING OBA AND COUNTY BAR EVENTS – 2025

President Williams reviewed upcoming bar-related events and activities involving the Board of Governors, including the Solo & Small Firm Conference at the OKANA Resort in Oklahoma City on July 16-18, the Tulsa County Bar Association and Bar Foundation Annual Meeting in Tulsa on Aug. 21, the rescheduled Sheep Creek event in Ada on Aug. 27 and the joint reception and Board of Governors meeting held in conjunction with the Boiling Springs Legal Institute in Woodward on Sept. 16-17.

The Oklahoma Bar Association Board of Governors met Aug. 22.

REPORT OF THE PRESIDENT

President Williams reported he attended the Solo & Small Firm Conference and the Tulsa County Bar Association Annual Meeting. He traveled to Toronto to attend the Southern Conference of Bar Presidents Annual Meeting, the National Conference of Bar Presidents Annual Meeting, the NCBP 75th anniversary gala

and the ABA Annual Meeting, including the two-day session of the House of Delegates. He also virtually participated in a preparatory meeting of the Oklahoma delegation for the ABA House of Delegates. He reviewed the State Bar of Michigan's report on AI for lawyers and access to justice, worked on preparations for the 2025 OBA Annual Meeting and finalized his September 2025 President's Message for the *Oklahoma Bar Journal*.

REPORT OF THE PRESIDENT-ELECT

President-Elect Peckio reported by email she attended the Solo & Small Firm Conference, the OBF Board of Trustees meeting, the Tulsa County Bar Association and Tulsa County Bar Foundation Annual Meeting, and the ABA Annual Meeting and House of Delegates, along with meetings of the Southern Conference of Bar Presidents and the National Conference of Bar Presidents, including the NCBP 75th anniversary gala in Toronto. She virtually attended a preparatory meeting of the Oklahoma delegation for the ABA House of Delegates and represented Oklahoma at the ABA U.S. territories reception. She was interviewed for an upcoming *Tulsa Lawyer* article related to her service as 2026 OBA president. She reviewed matters concerning current litigation as well as the State Bar of Michigan AI report. She also conducted interviews for the role of Oklahoma High School Mock Trial program coordinator.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Johnson reported she attended the Solo & Small Firm Conference and meetings of the National Association of Bar Executives, the Southern

The OBA remains the leading provider of CLE in Oklahoma, with more than 85% of CLE being provided online. She said over \$421,000 worth of free CLE is provided to members.

Conference of Bar Presidents and the National Conference of Bar Presidents, including the NCBP 75th anniversary gala. She virtually attended a preparatory meeting of the Oklahoma delegation for the ABA House of Delegates. She attended and presented at the Tulsa County Bar Association and Tulsa County Bar Foundation Annual Meeting. She worked on matters related to the 2025 Annual Meeting, staff evaluations, the OBA Strategic Plan lifecycle assessment and planning and preparation for the revamped OBA Law For People site. She met with Supreme Court Chief Justice Rowe to debrief on the 2025 Solo & Small Firm Conference and to discuss plans for 2026. She conducted interviews for the roles of OBA MAP director and Oklahoma High School Mock Trial program coordinator. She reviewed matters concerning current litigation and the State Bar of Michigan AI report. She met with the Arnall Family Foundation and the Oklahoma Access to Justice Foundation to discuss publicly available legal forms, and she attended the Young Lawyers Division Wills for Heroes program in Durant.

REPORT OF THE IMMEDIATE PAST PRESIDENT

Past President Pringle reported he attended the Southern Conference of Bar Presidents and National Conference of Bar Presidents meetings in Toronto. He reviewed a legal AI report from the State Bar of Michigan, filings and invoices related to the association's ongoing litigation and contracts for bar center building improvements. He also drafted an updated investment policy for the Investment Committee's consideration.

BOARD MEMBER REPORTS

Governor Barbush reported he attended the Bryan County Bar Association meeting, the Tulsa County Bar Association annual luncheon and the OAMIC retirement party for Alison Cave. He recruited a member to submit for the Board of Governors District 2 vacancy and communicated with the Cannabis Law Committee leadership about its request to transition into a section. He worked with local media to assist with publicity of the Wills for Heroes event in Durant and notified the Choctaw Lighthouse Police and Fire Department about the event. He also attended the event, arranged for a security presence and provided lunch for the volunteers. **Governor Barker** reported he

attended the Awards Committee meeting, confirmed invitations to the Boiling Springs Legal Institute had been sent to justices and judges, and he researched rural practice initiatives enacted by Nebraska, Ohio, Illinois and Wyoming. **Governor Cooper** reported he attended meetings of the Oklahoma County Bar Association Board of Directors and Executive Committee. He has reviewed proposed contracts for the Bar Center Facilities Committee as well as the proposed Wicket association management software contract for the Bar Association Technology Committee. **Governor Dodoo** reported she attended the Bench and Bar Committee's program "Preserving the Record for Appeal – Amendment of Pleadings." **Governor Hixon** reported by email he attended the Law Day Committee meeting and reviewed the committee's budget submittal for 2026. He also voted on annual award candidates for the Tulsa County Bar Association. **Governor Knott** reported she attended the Legislative Monitoring Committee meeting on Aug. 13 and the Tulsa County Bar Association annual luncheon and meeting on Aug. 21. **Governor Rogers** reported he attended the unveiling of a painting of Vice Chief Justice Dana Kuehn at the TU College of

Law. He also attended the Tulsa County Bar Association and Tulsa County Bar Foundation Annual Meeting and worked with the Bar Center Facilities Committee on the proposed architectural contract. **Governor Thurman** reported by email he attended the AOne Law Enforcement Conference in Tulsa, and he attended an officers' meeting for the Pontotoc County Bar Association and the Bench and Bar Committee meeting. **Governor Trevillion** reported he attended the Oklahoma County Bar Association board meeting and the Access to Justice Committee meeting. **Governor West** reported he attended the Solo & Small Firm Conference.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Venus reported he attended the Solo & Small Conference, the ABA Annual Meeting and House of Delegates and a virtual meeting of Oklahoma's ABA delegates. He attended the Wills for Heroes event in Durant, a meeting of the YLD

Budget Committee and a YLD CLE meeting. He reported the YLD is planning an event on Oct. 8 aimed at providing a free four-hour CLE for its members on the topic of "Insights for New Attorneys From the Bench and Bar." The day's activities will conclude with a social event that evening at Topgolf in Oklahoma City to welcome new admittees. The YLD is also working with the Military Assistance Committee to coordinate and host a Wills for Heroes event at the Oklahoma Bar Center on Nov. 14. He reported there was a good turnout at the August Wills for Heroes event in Durant.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported on the status of pending litigation involving the OBA. A written report of PRC actions and OBA disciplinary matters for the month was submitted to the board for its review.

BOARD LIAISON REPORTS

Governor Barbush reported the **Cannabis Law Committee** has turned in documents regarding its request to transition to an OBA section, and it is working to meet signature requirements. He also said the **Lawyers Helping Lawyers Assistance Program Committee** is reporting that more female members are using the assistance hotline, with the highest number of calls coming from the 40-49 age bracket. Most calls are from those who are seeking therapy; however, suicide intervention is also occurring.

PRESIDENT WILLIAMS' 2025 AND PRESIDENT-ELECT PECKIO'S 2026 APPOINTMENTS

The board passed a motion to approve the following appointments:

- Forensic Review Board – President Williams proposes to submit the three names of Lou Ann Moudy, Henryetta; Albert John Hoch Jr., Oklahoma City; and Leslie Meltzner Hellman, Oklahoma City, to the governor as suggestions for appointment to a term beginning Jan. 1, 2026, to fill a vacancy that will be left by Rhiannon K. Thoreson, Broken Arrow, who is resigning effective Dec. 31, 2025.
- Oklahoma Indian Legal Services (OILS) Board – President-Elect Peckio appoints Emily Eleftherakis, Oklahoma City, to a three-year term beginning Jan. 1, 2026, and expiring Dec. 31, 2028.

He also said the Lawyers Helping Lawyers Assistance Program Committee is reporting that more female members are using the assistance hotline, with the highest number of calls coming from the 40-49 age bracket. Most calls are from those who are seeking therapy; however, suicide intervention is also occurring.

REVIEW AND APPROVAL OF AWARDS COMMITTEE RECOMMENDATIONS

The board passed a motion to approve the Awards Committee's recommendations for the 2025 OBA Awards.

WICKET CONTRACT

A staff recommendation was made to approve this vendor to meet the association management software needs. The issue was tabled for further board review and final vote by email.

EVICITION FORMS PER 12 O.S. §§1148.15-16

The board passed a motion to approve new, plain-language forms pertaining to eviction cases that were recently mandated by statute and subsequently updated by the Access to Justice Committee Forms Subcommittee.

2025 SOLO & SMALL FIRM CONFERENCE DEBRIEF

Executive Director Johnson discussed the overwhelmingly positive response to this year's conference and the OKANA Resort venue. Attendee feedback on conference educational programming will be used to inform decisions about future programming.

2025 ANNUAL MEETING UPDATE

Executive Director Johnson discussed the agenda for the November meeting in Oklahoma City, which will focus on bar business.

COUNCIL ON JUDICIAL COMPLAINTS LEASE

Executive Director Johnson discussed the annual lease renewal on the state agency's office suite within the bar center, which is coordinated with the Oklahoma Office of Management and Enterprise Services.

2026 BOARD OF GOVERNORS VACANCIES

Executive Director Johnson discussed that the governors were asked to help identify local delegates to represent their districts during the House of Delegates in November. Those governors whose terms expire at the end of 2025 are asked to assist in fielding candidates from their areas to fill 2026 leadership vacancies.

BAR CENTER FACILITIES CONTRACT NEGOTIATIONS

The board passed a motion to approve the recently negotiated second round of changes to the architectural contract.

UPCOMING OBA AND COUNTY BAR EVENTS – 2025

President Williams reviewed upcoming bar-related events and activities involving the Board of Governors, including the rescheduled Sheep Creek event in Ada on Aug. 27, the joint reception and Board of Governors meeting held in conjunction with the Boiling Springs Legal Institute in Woodward on Sept. 16-17, the swearing-in ceremony for new admittees at St. Luke's Methodist Church in Oklahoma City on Oct. 2 and the OBA Annual Meeting in Oklahoma City on Nov. 6-7.

NEXT BOARD MEETING

The Board of Governors met in September, and a summary of those actions will be published in the *Oklahoma Bar Journal* once the minutes are approved. The next board meeting will be held in Shawnee on Friday, Oct. 17.

Voices for the Voiceless: How OBF Grants Support Children in Crisis

ACROSS OKLAHOMA, children facing abuse, neglect and trauma are navigating some of the most complex moments of their young lives. In these moments, having someone who listens, advocates and accurately speaks on their behalf can make all the difference. The Oklahoma Bar Foundation invests in programs designed to protect these voices, ensuring that children involved in the justice system are supported in courtrooms, counseling sessions and community spaces where critical decisions about their futures are made.

Through IOLTA grants, the OBF funds organizations that combine legal advocacy, therapeutic care and education to safeguard children's rights and well-being. Canadian County CASA and The CARE Center are two outstanding examples of how funding provides essential support to the most vulnerable members of our communities.

CANADIAN COUNTY CASA: GIVING CHILDREN A VOICE

In Canadian County, CASA (Court Appointed Special Advocates) trains volunteers to speak on behalf of children involved in the foster care system due to abuse or neglect. The OBF awarded \$20,000 to their 2025 Advocacy for Abused Children program.

STRATEGIC CONNECTION

- 47% of attorneys identified family law matters as one of the most urgent unmet legal needs in Oklahoma.
- 50% of attorneys believe adults and youth are not very aware of their legal rights and responsibilities.
- Attorneys in rural and underserved areas report transportation challenges, language access issues and shortages of legal professionals.
- 50% of respondents rated partnerships with community organizations as highly important, and 48% saw mobile clinics as a viable strategy, reflecting the critical role of outreach and legal advocacy networks.

Volunteers meet with children, gather critical information and provide judges with well-informed recommendations about placement and care. Their work directly influences outcomes in child welfare cases. Judges rely on CASA reports because they provide a clearer picture of the child's situation beyond the legal filings. The Canadian County CASA team states that

every recommendation made by a CASA volunteer is backed by time spent with the child, including visiting homes, attending school meetings and ensuring the child's needs are heard both inside and outside the courtroom.

Funding ensures more volunteers are trained, more children are represented and more voices are heard in cases that shape lives for decades to come.

THE CARE CENTER: BUILDING TRUST AND HEALING

The CARE Center, Oklahoma County's child advocacy center, meets children and families at some of their most vulnerable moments. The mission is to provide a safe, supportive space where children can share their stories after experiencing abuse. Their Child Abuse Forensic Interview program received \$12,000 in funding from the OBF for 2025.

To conduct legal investigations and prepare for court cases, forensic interview specialists interview children in child-friendly environments designed to reduce the fear and trauma that come with children telling their stories of abuse. These interviews help gather critical information without requiring a child to retell their story multiple



From left The CARE Center staff with OBF Trustee Dylan Erwin, OBF staff members Jessi Hesami and Deb Holt, and OBF Trustee April Moaning

Left: Advocate Supervisor Whitney Bruton provides information on Canadian County CASA.



times to different professionals, such as attorneys and police. The CARE Center also provides therapy and connects families to ongoing services, ensuring that recovery continues.

OBF funding expands access to these vital services, helping reduce wait times for interviews and therapy while making sure families have immediate access to the resources they need. The CARE Center's multidisciplinary

allows for coordinated responses that prioritize both the child's safety and emotional well-being.

A BROADER COMMITMENT

The OBF is honored to support so many organizations dedicated to protecting and uplifting Oklahoma's children, including Marie Detty Youth & Family Services, the Mary Abbott Children's House, the Oklahoma Guardian Ad Litem Institute,

approach – working closely with law enforcement, medical providers and prosecutors –

Oklahoma Lawyers for Families and Children and many more. These programs serve communities across the state, reaching both rural and urban areas. Together, they provide critical services for children at risk of abuse and neglect.

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ON THE MOVE

Ryan A. Callahan has joined the Oklahoma City office of McAfee & Taft as an associate. He is a member of the Tax and Family Wealth Practice Group, the Employee Benefits and Executive Compensation Practice Group and the Agriculture and Equine Industry Group. Mr. Callahan's practice encompasses the areas of asset protection and wealth transfer tax planning for high-net-worth families and individuals, business and tax planning for closely held family businesses, estate and trust planning and administration, consulting on business and transaction taxation and tax-advantaged activities and the resolution of tax disputes and controversies with state and federal authorities. He also advises businesses of all sizes on the design, implementation and administration of executive compensation and incentive programs. He received his J.D. from the OU College of Law in 2024.

Hillary Stuart has joined the Tulsa office of GableGotwals as of counsel. She has nearly 15 years of litigation, government investigation and military experience. She advises clients and handles matters involving white-collar crimes, corporate investigations, cybersecurity and data privacy, administrative and regulatory law, employment law and governmental compliance. Before joining the firm, she served as an assistant U.S. attorney in the Western District of Washington and the district's military liaison. Ms. Stuart is a major in the U.S. Army Reserve Judge Advocate General's Corps.

She currently serves as a command judge advocate, advising command teams on criminal actions, administrative law, government compliance, the Freedom of Information Act, employment law and national security law. She also oversees legal reviews and investigations of civilian and active-duty employment law issues, equal opportunity cases and sexual harassment complaints. During her nearly 10-year active-duty military career, she was a defense attorney, prosecutor, administrative law attorney and claims attorney.

Sanford C. Coats has joined the Norris Law Firm in Oklahoma City as a partner. He has experience in trial practice, litigation and privileged investigations. Mr. Coats formerly served as the presidentially appointed and U.S. Senate-confirmed U.S. attorney for the Western District of Oklahoma. Most recently, he served as senior counsel and site director at the Boeing Co. In that role, Mr. Coats led and supported the Boeing Oklahoma City site, consisting of over 3,400 employees, provided legal counsel for several domestic and international programs, led internal investigations across the Boeing enterprise and worked with the compliance team under a deferred prosecution agreement with the U.S. Department of Justice. He received his J.D. from the OU College of Law. Mr. Coats is involved with several community and professional organizations, including as a trustee and member of the Executive Committee of the Oklahoma City National Memorial & Museum.

Ethan T. Mock has joined the Tulsa office of GableGotwals as of counsel. He has experience in oil and gas lease processing and title examination, administrative appeals and tribal and federal regulatory compliance. Before joining the firm, Mr. Mock worked for the Eastern Oklahoma Regional Office of the Bureau of Indian Affairs, where he supervised oil and gas leasing operations across the region, including new lease approvals, assignments and permitting. He oversaw compliance with federal regulations and the National Environmental Policy Act, and he communicated directly with the Bureau of Land Management, the Office of Natural Resources Revenue and the Bureau of Trust Fund Administration on regulatory and royalty matters. He also drafted administrative appeal decisions related to oil and gas leasing and surface and subsurface use issues.

Ryan Heatherman has joined the Tulsa office of GableGotwals as a shareholder. He focuses on business issues, estate planning and a broad range of litigation matters. Mr. Heatherman began his career as an officer in the U.S. Marine Corps, where he prosecuted courts-martial as a trial counsel, including numerous jury trials to verdict. Following his military service, he served as general counsel of a Tulsa-based oil and gas company before founding a litigation law firm. He later returned to public service as an assistant U.S. attorney, where he held several leadership roles, including

white-collar crime coordinator for the Eastern District of Oklahoma and civil rights and human trafficking coordinator for all federal districts in Oklahoma. He was promoted to violent crimes team leader and lead homicide prosecutor for the Northern District of Oklahoma, serving as first chair in numerous jury trials, including multiple complex first-degree murder cases. He received his J.D. from the TU College of Law.

Kirsten Pfeiffer has rejoined McAfee & Taft as an associate. Her practice focuses on the resolution of complex business and commercial disputes in state and federal courts, mediations and arbitration proceedings. As a litigator, Ms. Pfeiffer represents insurers in claims and coverage disputes, defends manufacturers and distributors in product liability litigation and represents both individuals and companies in a broad

range of other general civil litigation matters. Before rejoining the firm, she served as a judicial clerk to Judge John D. Russell at the U.S. District Court for the Northern District of Oklahoma. She received her J.D. from the TU College of Law in 2023.

KUDOS

Joe E. White Jr. was inducted into the Inner Circle of Advocates on Aug. 4, an invitation-only group comprised of the top 100 plaintiff lawyers in the U.S. Mr. White joins an elite group of lawyers who are dedicated to advancing excellence and achieving justice for individuals through exceptional courtroom advocacy. Induction recognizes unparalleled courtroom success,

peer respect and a lifetime commitment to justice. Mr. White, who has practiced law since 1988, is a senior partner at White & Weddle PC. He is also a member of the International Academy of Trial Lawyers, the American College of Trial Lawyers, the American Board of Trial Advocates and the Litigation Counsel of America.

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:

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Articles for the December issue must be received by Nov. 1.

IN MEMORIAM

Michael Patrick Brogan of Mustang died Aug. 16. He was born June 15, 1952, in Oklahoma City. He graduated from OCU with a bachelor's degree in 1974 and received his J.D. from the OCU School of Law in 1978. Mr. Brogan began practicing law with his father in 1978, where he practiced for 47 years in the areas of real estate law, probates and trusts.

Forrest James Danley of Edmond died July 7. He was born March 7, 1960, in Ada. He graduated with a bachelor's degree in math and physics from East Central University with highest honors. After working in an engineering position for Southwestern Bell Telephone Co., Mr. Danley received his J.D. with distinction from the OU College of Law in 1986. He dedicated his career to his law firm, Danley Law Firm PC.

W•Samuel Dykeman of Oklahoma City died Aug. 7. He was born Aug. 30, 1928, in Pittsburgh, Pennsylvania. He attended Northeast High School in 1946, where he lettered in baseball and football and played on the all-city football team. Mr. Dykeman graduated from OSU with a degree in business management and was a member of the Sigma Chi fraternity. He received his J.D. from the OU College of Law in 1953. **He served in the U.S. Army.** After being honorably discharged, he started his legal career of approximately 65 years in Oklahoma City. He was an OBA member for more than 70 years.

Loyal J. Roach III of Tulsa died Aug. 25. He was born July 8, 1939. He attended Will Rogers High School, where he played quarterback on the football team. He graduated from OU with a bachelor's degree in drama and performed in many plays and in the short film *Time Out for Trouble*. He received his J.D. from the OU College of Law in 1966. Mr. Roach was a member of the National Society of the Sons of the American Revolution and the Society of the Descendants of Washington's Army at Valley Forge. He practiced law in Tahlequah and Tulsa. Mr. Roach was an actor, attorney, artist, teacher and more.

Warren F. Young of Tulsa died July 28. He was born March 18, 1937, in Ada and graduated from OU with a bachelor's degree. **Mr. Young served in the U.S. Air Force.** Following his service, he received his J.D. from the TU College of Law in 1966. He established the Young Law Firm, where he practiced in the areas of oil, gas and mineral law.



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



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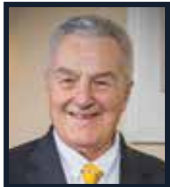
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Updates From the Uniform Law Commission

By Judge Thad Balkman

OKLAHOMA MEMBERS OF the Uniform Law Commission (ULC) actively participated in the commission's 134th annual meeting, held in Santa Fe, New Mexico, in July. Judge Thad Balkman, Ryan Leonard, Laura McConnell Corby, Cheryl Plaxico, Sen. Brent Howard and Mark Ramsey attended the six-day meeting, where commissioners from across the nation gathered to consider uniform acts.

Fred Miller, a longtime commissioner from Oklahoma who passed away earlier this year, was honored by the commission in a stirring tribute given by Mark Ramsey.



Mark Ramsey of Claremore provides the life memorial for Mr. Miller during the July ULC annual meeting in Santa Fe, New Mexico.

Inset: Longtime ULC Commissioner Fred Miller, who died in February

Mr. Ramsey recognized Mr. Miller as "Mr. UCC" based upon Mr. Miller's decades of service drafting, revising, teaching and writing about the Uniform Commercial Code. During the meeting, Oklahoma was recognized for the most enactments of uniform laws in 2025 – the second year in a row Oklahoma has received this recognition.

Three new acts aimed at modernizing and clarifying state laws across the country were adopted at the annual meeting.

The Uniform Assignment for Benefit of Creditors Act

This act offers a streamlined alternative to bankruptcy through a voluntary, debtor-initiated process known as an assignment for the benefit of creditors (ABC). The act standardizes how a debtor can assign assets to a fiduciary who liquidates them and distributes the proceeds to creditors. It clearly defines the roles and duties of both assignors and assignees, providing states with a modern legal framework for handling debt resolution outside the courts.

The Uniform Judicial Interview of Children Act

This act establishes procedures for how judges may interview children in private civil proceedings, such as custody and visitation. It balances the child's right to be heard with the due process rights of the parties involved, ensuring interviews are developmentally appropriate and

free from undue influence. The act sets standards for assessing a child's maturity, safeguards to preserve fairness and provides options for states to adopt the provisions as either legislation or court rules.

The Model State Uniform Law Commission Act

This act updates a 1944 model law that helped states create and manage their commissions on uniform state laws. The new version reflects changes in state government structures and modern legislative practices while preserving the core framework for appointing and supporting commissioners. It provides states with flexible tools to establish or revise their commission statutes, including guidance on appointments, duties, funding and reporting requirements.

Other drafts, which were debated at the ULC annual meeting but were not scheduled for final approval, include the Conflict of Law in Trust and Estate Acts, the Transfers to Minors Act, the Child Digital Entertainers Act, the Occupational Licenses of Servicemembers and Military Spouses Act, the Commercial Financing Disclosure Act and the Indian Child Welfare Act Issues Act.

Judge Balkman is the presiding judge for Oklahoma's 21st Judicial District. He can be reached at thad.balkman@oscn.net.

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