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THE OKLAHOMA BAR Journal

Volume 96 — No. 10 — December 2025



Ethics &
Professional
Responsibility



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2025 ADVANCED BANKRUPTCY SEMINAR

*When Practices Collide:
The Intersection of Bankruptcy and Bar*

Presented by the OBA Bankruptcy and Reorganization Section

AGENDA - DAY ONE

Bankruptcy Ethics

Jack Williams, Professor of Law, Georgia State University

Bankruptcy and Healthcare Law

Layla Dougherty, Attorney, Oklahoma City

Consumer Law Panel

Greggory T. Colpitts, Attorney, Colpitts Law Firm, Oklahoma City

Jerry Brown, Attorney, Jerry D. Brown, P.C., Oklahoma City

How to Advise a Struggling Small Business

Lacey Bryan, Markus Williams Young & Hunsicker, LLC

Tax Considerations in Bankruptcy

Michael Deebe, CIRA, Baker Tilly Virchow Krause, LLP

AGENDA - DAY TWO

Bankruptcy Law Update

Brandon Bickle, Shareholder, GableGotwals, Tulsa

David Herber, Associate, GableGotwals, Tulsa

Chapter 13 Trustee Panel

John Hardeman, Attorney, Oklahoma City

Lonnie Eck, Attorney, Tulsa

Mark Bonney, Attorney, Muskogee

Ethics

Susan Freeman, Womble Bond Dickinson, Phoenix, AZ

Bankruptcy and Family Law

Craig Abrahamson, Attorney, Tulsa

Judges' Panel

Judge Janice Loyd, USBC, Western District of Oklahoma

Chief Judge Sarah Hall, USBC, Western District of Oklahoma

Chief Judge Paul R. Thomas, USBC, Eastern and Northern Districts of Oklahoma

THE OBA ANIMAL LAW SECTION PRESENTS

SOCIAL MEDIA

SAVVY SHELTERS

WEDNESDAY, DEC. 10 | 12:30 PM | VIRTUAL

Join the OBA Animal Law Section and Katie Barnett on Dec. 10 for Social Media Savvy Shelters. Ms. Barnett will discuss significant legal considerations regarding employee and volunteer social media usage. Plus, she will examine matters such as defamation, First Amendment implications and the monetization of personal accounts by staff, providing guidance on complex challenges that animal shelters and rescue organizations may encounter. Her insights will offer strategies for effectively managing social media to support the organization's mission.



ABOUT THE SPEAKER. Katie Barnett, of Barnett Law Office, has primarily worked on animal law legislation, including drafting and analyzing policies that advance animal shelter reform and protect companion animals nationwide. She has led shelter reform initiatives, organized educational programs, developed continuing education for attorneys and veterinarians and lectured at law schools and professional conferences. Ms. Barnett is the founder of the KU Student Animal Legal Defense Fund and the Animal Cruelty Prosecution Clinic. She also worked with Best Friends Animal Society while in law school and upon graduation.

ZOOM LOG IN INFORMATION IS AVAILABLE AT WWW.OKBAR.ORG/EVENTS/LIST

THE OKLAHOMA BAR Journal

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Editor: David Youngblood

ON THE COVER: *Lady of Justice* by Ponca City artist Jo Saylor, who died in 2018. This model of the nearly 12-foot statue displayed at the Oklahoma Bar Center is one of a limited number of smaller sculptures the artist created for the Oklahoma Bar Foundation while the monument was in development. Photo by Lori Rasmussen.

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The State of Our Association

By D. Kenyon “Ken” Williams Jr.

AS ONE OF MY LAST OFFICIAL ACTS AS OBA president, during our 2025 Annual Meeting, I was honored to report during the General Assembly that our association is healthy and well-positioned to carry on our joint purposes. I now share that report with all OBA members as my final president’s message.

Many changes have come about since the pandemic forced the association to develop technology and planning for virtual meetings. We have adapted well to committee and section meetings in a mix of in-person and virtual attendance, which has led to greater participation that was challenging in the past due to the travel required.

Similarly, many of us have taken advantage of virtual continuing legal education, which reduced the need for CLE to be a major part of our Annual Meeting in 2025. Based on attendance, the meeting was a great success! Following the experiment with a mid-year Annual Meeting in 2024, I hope those who attended enjoyed the return to our longstanding history of an autumn Annual Meeting. For those of you who could not attend this year,

I hope to see you at our next Annual Meeting in the fall of 2026.

Our 2025 Solo & Small Firm Conference at OKANA was one of the most popular and well-attended events in the OBA’s history! OKANA produced such a great gathering and family-friendly environment that the association is targeting a return in 2026. If all goes as planned, the 2026 event will be styled as our “Mid-Year Conference” and will be even more inclusive of members and their families. I hope you will make plans to attend next year.

I want to extend a special thanks to our OBA staff. The amount of time and effort required to plan and coordinate the Annual Meeting and the Solo & Small Firm Conference is incredible and daunting. In my experience, under the leadership of Executive Director Janet Johnson, our staff has done an amazing job this year!

My goal this year has been to focus on matters in which our members and our association should be united: defense of the rule of law, defense of an independent judiciary, access to justice, professionalism and civility. I have been humbled and encouraged by the response of our members and our judiciary. I am also thankful to the Oklahoma Supreme Court for its support of this year’s focus on professionalism and civility.

Our celebration of Law Day 2025, both at the statewide and local county bar levels, was very successful. The theme, “The Constitution’s Promise: Out of Many, One,” provided a great opportunity to celebrate and publicize the unifying force of our shared Constitution. Our Ask A Lawyer service campaign had the most calls and emailed questions in the history of this public outreach program.

On the topic of access to justice, I have tried this year to highlight the continuing and accelerating loss of rural attorneys who represent the population of our rural counties (legal deserts). As most of you have heard me mention before, at least 14 of our counties have six or fewer practicing attorneys. In my travels to meet with local county bar associations this year, I have heard many stories of elder attorneys who want to retire but cannot find a replacement. I have also heard stories from rural attorneys, like OBA Governor Ben Barker of Enid and newly elected Governor Chris Jones of Durant. Mr. Barker and Mr. Jones point to the many advantages of a rural practice, including work-life balance, varied legal practice and greater control of caseload, congenial relationships with the bench and bar, willing mentors, lower cost of overhead, shorter commute, community appreciation and support, and a great place to raise a family!

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BAR NEWS IN A MINUTE

SAVE THE DATE FOR THE 2026 SOVEREIGNTY SYMPOSIUM



Save the date for the 38th annual Sovereignty Symposium. This event, presented by the OCU School of Law, will be held June 15-16 at the OKANA Resort in Oklahoma City.

The symposium is currently inviting proposals for panel presentations and is seeking entries for writing and poster competitions. Additional information about the symposium

will be announced soon. Visit www.sovereigntysymposium.com to learn more about the event.

MEMBER DUES STATEMENTS ARE AVAILABLE ONLINE

Don't forget, you can pay your dues online! Access your member dues statement and make a payment through MyOKBar. A paper statement was mailed around the first of December to members who have not yet paid. Please remit your membership dues as soon as possible. Payment is due by Friday, Jan. 2.

MCLE DEADLINE APPROACHING

Dec. 31 is the deadline to earn any remaining MCLE credit for 2025 without having to pay a late fee. The deadline to report your 2025 credit is Tuesday, Feb. 17.

Not sure how much credit you still need? You can view your MCLE transcript online at www.okbar.org. Still need credit? Check out great CLE offerings at ok.webcredenza.com. If you have questions about your credit, email mcle@okbar.org.

LHL DISCUSSION GROUPS HOST UPCOMING MEETINGS

Lawyers Helping Lawyers hosts monthly meetings in Oklahoma City and Tulsa that are 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 and locations.



IMPORTANT UPCOMING DATES

The Oklahoma Bar Center will be closed Wednesday, Dec. 24, and Thursday, Dec. 25, in observance of the Christmas holiday. The bar center will also be closed Thursday, Jan. 1, for New Year's Day and Monday, Jan. 19, for Martin Luther King Jr. Day.



LET US FEATURE YOUR WORK

We want to feature your work on "The Back Page" and the *Oklahoma Bar Journal* cover! All submissions 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 short articles of about 500 words or high-resolution images to OBA Communications Director Lori Rasmussen at lorir@okbar.org.

CONNECT WITH THE OBA THROUGH SOCIAL MEDIA

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





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Do Unto Others: Bench and Bar Thoughts on Counsel Interaction

By Judge James Siderias and M. Shane Henry

FROM THE BENCH

Family law is unique from any other area of practice. The disputes involve the most intimate and emotional aspects of life: children and finances. Because of this, family law often draws out the strongest emotions not only in parties but also in their lawyers. As judges, we are tasked with applying the law impartially while ensuring that proceedings remain focused, efficient and just.

What I have learned from the bench is simple in concept yet hard to grasp. Lawyers set the tone. A professional, respectful lawyer helps keep a case on track. A combative, quarreling lawyer derails it. Few things make presiding over a case more exasperating than counsel who create unnecessary issues and take personal shots at opposing counsel and factually unsupported accusations at the opposing party. Not only is this behavior unproductive, but it is also detrimental to the integrity of the process. There is an old adage that in life we should “dance like no one is watching.” In law, however, the opposite applies. We should write like everyone is reading and behave like the judge is watching.

The Judge’s Perspective: Productivity vs. Pettiness

Every judge has sat through hearings where lawyers turn the

proceeding into a personal contest. What should be a 30-minute motion hearing becomes a three-hour ordeal of objections, interruptions and finger-pointing. Clients become more entrenched, fees escalate, and the actual issues (custody, support, visitation) are lost in the noise. Judges are not swayed by sarcasm or insult. What persuades us are facts supported by credible evidence and arguments tied to legal authority. When counsel engage in pettiness, they do not impress the court. They discredit themselves. Lawyers are officers of the court and owe the duty of courtesy not only to the tribunal but to opposing counsel and parties.

Writing Like Everyone Is Reading

Written advocacy is permanent advocacy. Pleadings, motions and even email correspondence often find their way into the record. Lawyers should assume

every sentence may someday be reviewed by an appellate court, the Oklahoma Bar Association or the client who paid the bill. As judges, we routinely see pleadings laced with unnecessary rhetoric. Accusing opposing counsel of dishonesty without evidence. Using inflammatory adjectives (“outrageous,” “shameful,” “frivolous”) instead of legal argument. Drafting discovery letters as though they were closing arguments. This style may win a moment of client approval, but it rarely advances the case. Worse, it creates a record of hostility that can prejudice settlement and damage credibility. The OBA Standards of Professionalism encourage lawyers to be “civil, courteous, respectful, honest and fair in communicating with adversaries, orally, and in writing.”¹

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Professionalism as Advocacy

Some lawyers mistakenly believe that civility is weakness. That by cooperating with opposing counsel or avoiding personal attacks, they are failing their client. The opposite is true. Professionalism is advocacy. A lawyer who treats opposing counsel with respect is more likely to obtain concessions. A lawyer who communicates clearly and without hostility is more likely to secure timely discovery. A lawyer who maintains credibility with the court is more likely to prevail in close calls. The duty of zealous advocacy does not authorize combative practice but rather requires fair dealing. Civility is not about being “nice.” It is about being effective.

Practical Guidance for Lawyers

From the bench, I can offer several practical observations for practitioners:

- 1) Think before you write. Before sending that email or filing that motion, ask, “Would I be comfortable with this being read aloud in open court?” If not, edit.
- 2) Pick battles wisely. Not every discovery dispute requires a motion to compel. Judges notice lawyers who escalate every disagreement; we also notice those who resolve issues cooperatively.
- 3) Be professional in front of clients. Clients watch their lawyers closely. If you show hostility toward opposing counsel, your client will likely mirror that hostility, making settlement less likely.
- 4) Respect the tribunal’s time. Judges manage heavy dockets. Efficiency is a

mark of professionalism.

A long-winded argument filled with factually unsupported attacks wastes time and undermines your credibility.

- 5) Remember the children. In family law cases, the real parties in interest are often the children. Lawyers who model civility help de-escalate conflict, which ultimately benefits the children.

FROM THE BAR

Practicing family law means navigating conflict not just between parties but also often between lawyers. Few things test your professionalism like dealing with difficult opposing counsel. Whether the problem is hostility, avoidance, over-communication, lack of preparation or just plain meanness. How we, as attorneys, respond matters just as much, if not more, than the behavior to which we are responding. The following strategies are not about “winning” against another lawyer but about advocating effectively for your clients while upholding our ethical responsibilities and professional reputation. Because, in the end, we can’t control how opposing counsel acts, but we can control ourselves.

Email, Phone Call or In Person

In modern practice, email is often the most efficient and reliable way to communicate with opposing counsel. It allows for a clear, written record of exchanges, keeps the lines of communication open and provides an easy way to keep the client informed by forwarding messages or summarizing them in updates. Email also gives both sides the opportunity to review their words before

sending, which is a benefit that live phone calls or in-person meetings sometimes lack.

That said, email can also be a breeding ground for hostility. Many attorneys – especially those operating from an older, more adversarial mindset – use email as a platform for venting, attacking or posturing. You may receive a message full of sarcasm, accusations or outright hostility. When that happens, resist the urge to match their tone. There’s no ethical obligation to engage in every fight. In fact, doing so only wastes time, inflates costs and distracts from your client’s goals.

Our clients are not paying us to get into arguments with opposing counsel that have no bearing on the outcome of the case. They’re paying us to solve problems, find resolutions and advocate persuasively in court. The courtroom is where arguments matter, and it’s where our energy is best spent rather than our inboxes.

When confronted with an attacking or inflammatory email, a simple “received” or “ok” is often the most powerful response. It shows you’re not rattled, not reactive and not interested in mud-slinging. You’re in control of your tone, and by refusing to escalate, you often de-escalate the situation altogether. Opposing counsel isn’t going to convince you of their position by using anger or insults. And you’re not going to change their mind that way either.

Take a step back. Take a deep breath. Acknowledge the message and move on. We can let our filings and our advocacy before the judge do the heavy lifting, not our emails. “Paper tiger” attorneys do much more harm than good for their clients.

Strong relationships between attorneys benefit everyone, especially the clients.

When problems arise in a case, it's easy to resort to written communication. Emails feel safe, provide a paper trail and allow time to craft a response. But in many situations, picking up the phone or scheduling an in-person meeting can be far more effective.

The goals of such interactions are threefold: 1) to seek constructive solutions to the issues in the case, 2) to de-escalate tensions that have built up and 3) to gather facts and clarify positions.

Meaningful conversations can reveal tone, context and nuance that emails cannot. Many disagreements result from simple miscommunications. A phone call allows us to reset the tone and focus on resolution. Always go into these conversations with a prepared agenda, and send it ahead of time to set expectations. We cannot expect opposing counsel to be prepared to discuss "surprise" issues we bring up on a phone call without giving notice for preparation. Nor should we allow ourselves to be placed in such a situation. If this happens, listen, ask questions and then let opposing counsel know you will consider this issue and respond once you have had time to review and discuss with the client.

Listening is just as important as speaking. Avoid jumping to

defend your client's position or attack the other side. Instead, ask open-ended questions and gather as much information as possible. This factfinding approach not only opens the door to compromise but also prepares you for trial if negotiations fail. It is amazing how much information we can learn if we simply listen and ask questions.

Also, don't underestimate the power of breaking bread. Taking opposing counsel to lunch can radically change the dynamic. It reminds both sides that you are humans first.² Strong relationships between attorneys benefit everyone, especially the clients.

Remember that when emotions are high, a delayed response is often the wisest course. We don't have to respond immediately. Take a pause. Reflect. Then respond with professionalism and purpose.

Use Questions

Using questions instead of accusations reframes conflict into a discussion. For example, instead of saying, "Your client is clearly withholding information," ask, "Can you help me understand why Mr. Smith hasn't produced those documents yet?" This reduces defensiveness and fosters cooperation.

Avoid labels like "my client" or "your client" – use names like

Mr. Smith or Ms. Smith. This helps keep conversations objective and removes ownership language. This case isn't personal between counsel. Instead, we have each been hired to help the parties through the process.

Whenever possible, rely on facts rather than conclusions. Stick to what has occurred rather than speculating about motives or drawing assumptions. This factual foundation keeps discussions grounded and respectful.³

When attorneys take the posture of shared problem-solving, solutions become more achievable, and conflict often de-escalates.

Dealing With the Over-Communicator

An over-communicator is an opposing counsel who wants to call, email or message constantly and often needlessly. While not always hostile, their frequent communication can exhaust your time and drive up client costs.

We must set boundaries. Strategies include: 1) setting expectations early in writing about how often you'll respond, 2) proposing scheduled check-in calls to limit back-and-forth and 3) preferring email over calls to limit interruptions and preserve a record. Boundaries are necessary for ethical and practical practice.⁴

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Dealing With the Under-Communicator

The under-communicator delays or avoids responding. They delay, avoid discussions and ignore requests. This can stall the case and create costly inefficiencies. Strategies include: 1) setting clear deadlines and confirming in writing, 2) referencing court-imposed deadlines to encourage cooperation and 3) if necessary, seeking a court conference to address prolonged silence.

These steps demonstrate to our clients and the court that we have taken every reasonable step to resolve matters without involving the court unnecessarily.

Client Expectations

From the outset, we must set realistic expectations for our clients about what can and cannot happen in their cases. Family law outcomes are fluid, and court rulings may shift the case unexpectedly. Clients need to be updated regularly.

Clients should be able to see communications between the attorneys. One best practice is to blind copy (bcc) ourselves and then forward the email to our clients. This protects confidentiality. Avoid copying the client directly, as a “reply all” by opposing counsel can violate the Rules of Professional Conduct.⁵

When communications occur by phone or in person, we should summarize them in writing and share them with our clients. These updates build trust and help maintain client confidence.

Clients always deserve transparency. This is easy when things are going well in the case but critical when the case takes a turn for the worse. Our clients should hear the bad news from us. If we avoid the conversation, they will

often receive the update from the opposing party. We have then placed our client in a situation of having a negative event occur in their case and having to learn about it from their soon-to-be ex. This is a classic example of adding “insult to injury.”

Consequences – Do No Harm

One of the most important responsibilities a family law attorney carries is to never take the case personally. Sometimes lawyers begin to internalize conflict, harbor resentment or treat opposing counsel as an enemy. This behavior transforms the case into something more than a legal dispute, as it becomes personal. Personal disputes between lawyers rarely serve the clients’ best interests but instead run up the legal fees.

I learned this lesson firsthand. A few years ago, my wife and I were purchasing a home. Our realtor had a personal dispute with the seller’s realtor. The transaction nearly fell apart. It wasn’t because of the terms of the deal but because of the egos of the realtors. I realized clients don’t care about our drama. They care about results in their cases.

We should never force a trial to prove a point. Trial means uncertainty, expense and a loss of control for the client. Settlement gives clients influence, predictability and peace. Our charge is to “do no harm.” We must maintain focus on our clients, not the conflict.

Shutting It Down

Sometimes, no matter how professional, patient and constructive we behave, opposing counsel simply won’t engage in good faith. When that happens, it’s time to shut it down. This doesn’t mean abandoning professionalism. It means recognizing when further discussion wastes resources. We must prepare for trial early and consistently.

As I wrote in “The Naked Cat,” trial success is built on preparation, not persuasion. Don’t wait for the last minute. Trial readiness from day one protects our client’s interests and shows the court that we take our responsibilities seriously.⁶

Attorney’s Fees

Clients often expect that the other party will pay their legal fees. While Oklahoma follows the American rule (each party pays



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their own fees), exceptions exist in family law. Recent case law has made fee awards harder to obtain.⁷ Courts now require a clear showing of need, misconduct or imbalance of resources. Even then, awards may be partial or denied entirely. Pursuing fees requires careful cost-benefit analysis. Clients should be informed of the burden of proof and the risks of investing resources into a hearing that may not succeed.⁸

At the end of the day, professionalism is a choice. It is easy to mirror the tone and tactics of difficult opposing counsel, but doing so rarely helps our clients and often harms them. The practice of family law demands not only skill but also restraint, humility and clarity of purpose. Whether preparing for trial or trying to reach a settlement, remember we are responsible for the tone of our side of the case. We may not be able to fix a difficult lawyer, but we can prevent them from pulling us off course. And in doing so, we better serve our clients, the courts and our own professional integrity.

JOINTLY FROM THE BENCH AND BAR

The Ethical Foundation

Oklahoma lawyers are bound by the Oklahoma Rules of Professional Conduct (ORPC), adopted from the ABA Model Rules. At the heart of these rules is the principle that zealous advocacy must coexist with professionalism.

- Rule 1.3 (Diligence): Requires zealous representation but not scorched-earth tactics. “The lawyer’s duty to act with reasonable diligence does not require the use of offensive tactics

or preclude the treating of all persons involved in the legal process with courtesy and respect.”⁹

- Rule 3.5 (Impartiality and Decorum of the Tribunal): Prohibits conduct intended to disrupt a tribunal.¹⁰
- Rule 4.4 (Respect for Rights of Third Persons): Prohibits lawyers from using means that have no substantial purpose other than to embarrass, delay or burden.¹¹
- Rule 8.4 (Misconduct): Defines it as professional misconduct to engage in conduct prejudicial to the administration of justice.¹²

These provisions are not aspirational; they are mandatory. A lawyer who undermines the dignity of the proceedings risks both disciplinary consequences and diminished credibility in court.

A Perfect World

In a perfect world, opposing counsel would be courteous, professional and fair. Communications would be prompt, positions would be reasonable, and disputes would be handled with mutual respect. Of course, that is not always our reality, but that doesn’t mean we shouldn’t work toward that goal.

One of the guiding ethical principles for lawyers in our practices and in our lives is the golden rule: Do unto others as you would have them do unto you.¹³ This simple idea can be a powerful tool in family law litigation. Even when the opposing party or their attorney is behaving poorly, choosing to respond with professionalism and decency doesn’t make us weak; rather, it makes us credible, persuasive and ethical.¹⁴

There’s also a psychological reality we need to be aware of: We tend to judge others by their actions but judge ourselves by our motives. Imagine this: You represent a parent in a custody case, and there’s a sudden disagreement about the exchange location for the minor children. Your client is anxious, and pickup is just days away. The opposing party won’t respond to your client’s attempts at resolution. You place a call to opposing counsel and leave a detailed voicemail. Two days pass without a return call. You send a follow-up email. Still nothing. Your frustration grows. It’s easy to assume opposing counsel is dodging your efforts on purpose, playing games or simply being disrespectful. It feels deliberate. Your client agrees, and now the temperature on the case is rising.

Now flip the scenario. You’re the one receiving that call and email. This week, your world has turned upside down. A close family member has just received a serious medical diagnosis. On top of that, you’re in trial on another matter and barely able to check your inbox, let alone respond. You intend to follow up soon, but at the moment, you’re simply trying to survive. Your delay isn’t malicious. It’s life happening in the background of an overwhelming profession. The facts are the same: a call not returned and an email unanswered. But the interpretation changes entirely depending on which side of the situation you’re on.

This is the bias we all carry. We judge others by their actions but ourselves by our intentions. It’s important in family law to remember that what feels like disrespect may just be the product of real-world circumstances. Grace, patience and professionalism go a

long way in preventing unnecessary escalation.

This difference in perspective can lead to misunderstandings, escalation and unnecessary hostility in litigation. Approaching interactions with humility and a genuine desire to resolve conflict can often de-escalate a situation, even when the other side seems unwilling to do the same.

Some family law attorneys only know one speed. They were trained in an era or by mentors where the default mode of litigation was “scorched earth.” Every issue was a battleground, every communication a confrontation and every case a war to be won at all costs. This aggressive style of advocacy may have been tolerated or even rewarded in decades past, but we now understand that such an approach often does more harm than good. It inflames tensions, drives up legal fees, prolongs litigation and causes unnecessary emotional harm to the parties, especially when children are involved.

Despite this evolution in how we understand effective advocacy, some attorneys still cling to the old-school mentality. Not necessarily out of malice, but because it’s all they know. For them, the idea of working through issues and resolving what can be resolved and reserving only the true disputes for trial feels like weakness. Settling portions of a

case seems like giving in. They’re not being intentionally difficult. They are operating from a script they were handed long ago and never taught to revise.

Recognizing this doesn’t excuse poor conduct, but it does help depersonalize it. When we acknowledge that this “one-speed” behavior is often the product of training and habit rather than hostility, it becomes easier to manage our own reactions. We stop seeing the behavior as a personal attack and start seeing it as a predictable pattern. And when we treat it as a pattern, not a provocation, we regain control. We can maintain our professionalism, set clear boundaries and focus on what truly matters: advancing our client’s interests without being drawn into a needless and expensive brawl.

CONCLUSION

Family law is a practice area where emotions run high, but professionalism must run higher. Lawyers set the tone. Judges notice when counsel maintain civility, focus on legal arguments and advocate with dignity. We also notice when counsel waste time with petty disputes and personal attacks. As lawyers, write like everyone is reading. Behave as if the judge is always watching. Because in truth, we are. And when you model professionalism, you enhance your own credibility and strengthen

the very foundation of justice in Oklahoma’s family courts.

ABOUT THE AUTHORS



Judge James Siderias has been a special judge for the Oklahoma County District Court (District 7) since 2020. Prior to joining the bench, he served as a prosecutor and later as a family law attorney.



M. Shane Henry practices in the areas of personal injury and family law. Mr. Henry has published articles and presented CLE courses on numerous topics related to trial advocacy and Oklahoma family law.

ENDNOTES

1. OBA Standards of Professionalism §3.1 (a).
2. Patterson, Grenny, McMillan and Switzler, *Crucial Conversations: Tools for Talking When Stakes Are High* (2nd ed. 2011).
3. Chris Voss and Tahl Raz, *Never Split the Difference: Negotiating As If Your Life Depended On It* (2016).
4. Henry Cloud and John Townsend, *Boundaries: When to Say Yes, How to Say No* (1992).
5. Oklahoma Rules of Professional Conduct, Rule 1.3, Rule 3.2, Rule 4.4.
6. Shane Henry, “The Naked Cat,” *OBJ*, Vol. 93 No. 3 (January 2022).
7. *Fleig v. Landmark Construction Group*; 2024 OK 25, 549 P.3d 1208.
8. Oklahoma Rules of Professional Conduct, Rule 1.3, Rule 3.2, Rule 4.4.
9. Oklahoma Rules of Professional Conduct, Rule 1.3.
10. *Id.* Rule 3.5.
11. *Id.* Rule 4.4 (a).
12. *Id.* Rule 8.4 (d).
13. Luke 6:31.
14. Oklahoma Rules of Professional Conduct, Rule 1.3, Rule 3.2, Rule 4.4.

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The Only Way Out Is Through

By Ann Murray

HELLO. MY NAME IS ANN MURRAY, and I am a lawyer who lives with depression. I am not alone.

Nationwide, research suggests that nearly 28% of attorneys experience depression, and about 19% live with anxiety.¹ Those numbers are troubling – but this isn't a story about statistics. This is a story about one lawyer's journey through the fog and weight of depression.

It is my story.

Over the years, this journal has published courageous, honest articles from attorneys dealing with addiction, like Scott B. Goode's piece in December 2020.² I admire the courage it takes to speak openly about such personal battles. Today, I'm attempting to do the same – not to dwell on my own pain but to shine a light on a truth too many of us keep in the shadows: *Mental illness is widespread in our profession, and the stigma around it must end.*

THE EARLY YEARS

Becoming a lawyer didn't cause my depression. I've wrestled with it since childhood. But I believe the stress, pace and constant high-stakes pressure of the legal profession can make it worse.

I entered law school in 1987, having already been through a severe depressive episode in college.

Therapy had helped me get back on my feet, and my first year of law school went relatively smoothly. But in my second year, depression began creeping in again. By my third year, it hit with full force.

Imagine waking up one morning with an invisible weight pressing you down – a black cloud that settles over everything. The hobbies and friendships that once brought joy now feel exhausting. I didn't want to go out. I didn't want to talk to friends. I didn't even want to go on dates with my husband. Getting off the couch felt impossible.

Eventually, I had to take a semester off. I returned to therapy and began seeing a psychiatrist for medication options. Slowly, I stabilized, returned to school, graduated and passed the bar. But depression has never completely left me. Over the years, I've faced multiple severe episodes, each with its own challenges.

WHAT DEPRESSION FEELS LIKE

If you've never experienced depression, let me try to explain what it's like for me: It can appear without warning. I might be having a good month – or even a good

year – and then, overnight, dread takes hold. My thoughts turn dark:

"You're not good enough."

"You'll mess this up."

"Nothing will ever get better."

Physically, I ache. My muscles hurt. I'm tired all the time. I want to sleep, but rest never feels refreshing. Everything – brushing my teeth, answering an email, cooking dinner – feels like walking through wet cement.

It's more than sadness. It's a deep, unshakable sense that there's no way forward. In my worst moments, I've understood why people consider ending their lives – not because they want to die but because they desperately want the pain to stop.

THE WAY THROUGH

One of the posters in my office says, *"The only way out is through."* That phrase has carried me more times than I can count.

Here are some of the tools and resources that have helped me – resources I want every lawyer to know exist.

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Therapy

Therapy can teach you coping skills, emotional regulation and ways to reframe destructive thought patterns. There are many effective approaches:

- Cognitive behavioral therapy (CBT) – focuses on identifying and changing unhelpful thinking patterns
- Dialectical behavior therapy (DBT) – teaches mindfulness, distress tolerance and emotional regulation
- Psychodynamic therapy – explores the roots of emotional patterns

Where to start. If you're an Oklahoma attorney, call the confidential Lawyers Helping Lawyers Assistance Program hotline at 800-364-7886. They partner with A Chance to Change to provide six free therapy sessions – no connection to the Oklahoma Bar Association and completely private. If you're outside Oklahoma City, they can connect you with a therapist in your area.

Medication

Sometimes, depression is caused or worsened by a chemical imbalance in the brain. Antidepressants can be life-changing. While many primary care doctors prescribe them, I recommend seeing a

psychiatrist – someone who specializes in mental health and knows the full range of medications available. Your therapist can often refer you.

Support Groups

You don't have to do this alone. Sharing your story and hearing from others who understand can reduce shame and provide hope.

- Depression and Bipolar Support Alliance (DBSA) – offers in-person and online groups nationwide
- Lawyers Helping Lawyers support groups – monthly groups (general and women's) in Oklahoma City and

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Tulsa for attorneys dealing with mental health or substance use challenges

Crisis Support

If you are having suicidal thoughts or can't guarantee your own safety, *please seek help immediately*. This is not weakness – it's courage. Options include:

- 988 Suicide and Crisis Lifeline – call or text 988 (24/7, free and confidential)
- In-patient psychiatric care – a safe, structured environment where you can stabilize, receive therapy and learn coping skills

WHY I'M SHARING THIS

Depression is an illness – just like heart disease or cancer. It's not a character flaw. And there is no shame in seeking help.

I have lived through the darkness and have made it out on the other side – more than once. I am

proof that even when depression feels endless, it can be treated. You can heal. You can find joy again.

If you're struggling, please reach out. Talk to a friend. Call Lawyers Helping Lawyers. Join a support group. Make an appointment with a therapist or psychiatrist. Do something today that gets you one step closer to the light.

Because the only way out ... is through.

HELPFUL RESOURCES

National

- 988 Suicide and Crisis Lifeline: Call or text 988
- Crisis Text Line: Text HOME to 741741
- National Alliance on Mental Illness (NAMI) HelpLine: Call 1-800-950-NAMI or text NAMI to 62640 (Monday-Friday, 9 a.m.-9 p.m.)
- Depression and Bipolar Support Alliance: www.dbsalliance.org

Oklahoma-Specific

- Lawyers Helping Lawyers Assistance Program: 800-364-7886 – six free, confidential therapy sessions
- A Chance to Change: www.achancetochange.org

ABOUT THE AUTHOR



Ann Murray is a member of the Board of Directors for the Lawyers Helping Lawyers Foundation. She is currently employed as the central region administrator for Child Support Services, a division of Oklahoma Human Services. On Sundays, Ms. Murray serves as a priest in the Episcopal Church. In all her endeavors, she works to erase the stigma associated with mental illness.

ENDNOTES

1. <https://bit.ly/43jf2aB>.
2. <https://bit.ly/4oSqOkv>.

FREE CONFIDENTIAL ASSISTANCE

I lost a colleague to depression. I wish I had known how much he was hurting. Don't give yourself the additional burden of trying to deal with this alone. Just talking releases a lot of pressure, and it might be the resource you need to regain your balance. **It is okay to ask for help.**

– Ann E. Murray, 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.

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Oklahoma Bar Association
Lawyers Helping Lawyers
Assistance Program

NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT OF BRIAN KEITH MELTON, SCBD # 7965 TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION

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

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

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CONTACT

Richard Stevens, *OBA Ethics Counsel*

www.okbar.org/ec | richards@okbar.org | 405-416-7055

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Between Competence and Incapacity

Practical and Ethical Challenges Under Oklahoma Rule 1.14

By Evan Taylor

FROM TIME TO TIME, AROUND OUR OWN DINNER TABLE, my wife – with her particular brand of bluntness – will ask, “Why did you take that case if your client is clearly crazy?” The question is a fair one with the benefit of hindsight. But at the beginning of a case, what looks like one problem can turn into another.

My answer is that in family law, it is not unusual for a client to seem irrational in the beginning. Divorce and custody disputes often bring out the worst in people: fear, grief and anger. Most of the time, those emotions settle, and clients regain stability. But sometimes, they do not. And sometimes, what looks like temporary instability is, in fact, a deeper problem. In those cases, the question is no longer just about difficult personalities. It becomes about the limits of client autonomy, the boundaries of lawyer judgment and the ethical responsibilities that fall on us when a client’s capacity is uncertain.

This has increasingly been an issue I have noticed in the representation of the elderly. Many of these clients lean heavily on their spouses, and in the context of a divorce, the spouse is no longer

suitable as support since they are now engaged in “forensic combat” with each other.¹ The combination of age-related cognitive decline, the emotional strain of marital breakdown and the practical challenges of living alone leaves them unable to function at the necessary level to effectively participate in litigation. The press of litigation is especially hard for those whose confusion, forgetfulness or volatility makes it difficult to understand their rights and make decisions. These impairments also hinder their ability to carry out the steps necessary to protect their interests in court. This is especially a problem when a core part of the process is retrieving information and documents related to their cases, as well as making decisions when they are confronted with a true dilemma – when there is no availability of even one good choice over the many bad choices.

Lawyers frequently represent clients who are not legally incompetent but whose functional impairments create real challenges. The fact is that a client’s capacity is not a binary between legal competence and their incompetence, but capacity exists on a spectrum. In contemplation of this fact, the Oklahoma Rules of Professional Conduct Rule 1.14 informs lawyers on how to approach the representation of clients with diminished capacity. The purpose of this rule is to preserve the client’s autonomy and guard the client’s interest against the imposition of outside control, even that of a lawyer who thinks they know what is best for the client.

This article explores the attorney’s ethical obligations when dealing with such a client and the importance of avoiding substituting the attorney’s own judgment for that of the client.

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Oklahoma Rule 1.14 requires that when a client's capacity to make decisions is diminished, the lawyer must, "as far as reasonably possible," maintain a "normal" attorney-client relationship. If a lawyer reasonably believes that a client is at risk of substantial harm and cannot adequately act in their own interest, the lawyer may take reasonable protective measures. This can include consulting with family, professionals or agencies and, in appropriate circumstances, seeking the appointment of a guardian *ad litem* or other legal representative. Information about the client remains confidential under Rule 1.6, but the lawyer is impliedly authorized to disclose what is

reasonably necessary to protect the client's interest. Nonetheless, the lawyer should ensure that the protective measures intrude on the client's autonomy as little as possible, with a focus on maximizing the client's participation in decisions.

A normal lawyer-client relationship is based on the client being capable of making decisions about important matters. In litigation, this also includes the client remembering and following instructions, providing requested information, understanding legal advice and implications and maintaining emotional regulation in court. This becomes a problem when an elderly spouse in a divorce is unable to recall details from

previous meetings. It can also be an issue when any client's grief or anxiety makes sustained focus impossible. It is the hardest in cases where the litigant is isolated and has no support system to help carry out legal tasks.

Rule 1.14 contemplates a variety of protective actions that can be taken to assist the client with diminished capacity. For example, the client may wish to have family members or other trusted persons included in the discussions with the lawyer. When this is necessary to assist in the representation, it does not automatically lead to the invalidation of the attorney-client privilege. Additionally, the lawyer may choose to use written

At its core, the professional relationship between lawyer and client is grounded in the principle that the lawyer advises, and the client decides.¹⁰ Rule 1.14 underscores this balance even when a client's capacity is diminished.

summaries and checklists with the client to assist with clarity. The lawyer can also use a "reconsideration period" in which the lawyer allows a client with diminished capacity to have more time to consider the action to be taken – of course, this works only with a client who has the ability to understand the proceedings, but may be having only a temporary difficulty deciding on a course of action. In extreme cases, the lawyer can seek the appointment of a guardian *ad litem* or a guardian when the client does not have the capacity to make adequately considered decisions in connection with representation.² Further, it should be noted that under the rule, a lawyer is not obligated to take protective measures, and the rule specifically uses the word "may" in regard to such steps.

If a lawyer chooses to take protective measures, Rule 1.14 cautions that the lawyer should avoid overreach and strive to maximize the client's autonomy. The fact that a client may have diminished capacity does not relieve the lawyer of the obligation to treat the

client with attention and respect. This includes maintaining client confidentiality under Rule 1.6, which must be maintained except when taking protective action to the extent reasonably necessary to protect the client's interest. As in all things, the paramount concern is the client's interests and maintaining effective communication.³

A lawyer should assiduously avoid the mistake of confusing difficult behavior with incapacity. This is easier said than done, as many of the same outward behaviors are the same. The client may not return requested documents, delay in responding to requests for direction, become emotionally explosive during routine and necessary discussions and even miss appointments and deadlines. For the difficult client, the right remedy may be a motion to withdraw, but for a client with diminished capacity, there are other options. The question is how to tell the difference. Comment 6 under Rule 1.14 offers some guidance for determining the extent of a client's diminished capacity by balancing the following factors:

- 1) the client's ability to articulate reasoning leading to a decision;
- 2) the variability of state of mind and the ability to appreciate the consequences of a decision;
- 3) the substantive fairness of a decision; and
- 4) the consistency of a decision with the known long-term commitments and values of the client.

If in doubt and subject to limitations on the disclosure of confidential information, the lawyer may seek guidance from a professional who is capable of diagnosing the client's diminished capacity. Applying these factors can be particularly challenging when the client has no family or friends to assist, as is often the case in contested divorces involving elderly litigants. Further, the lawyer can avail themselves of the exception under Rule 1.6 and contact OBA Ethics Counsel Richard Stevens for guidance on the matter.⁴

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One of the most challenging situations under Rule 1.14 arises when a client has no close family members or trusted friends to assist them through litigation. Without someone to help the client remember instructions, gather documents and manage deadlines, the client's ability to function in the case can be severely impaired. Yet, this is not a circumstance in which withdrawal is appropriate, as doing so would leave the client unrepresented and at a serious disadvantage, arguably compounding their vulnerability. A lawyer's ethical duty under Rule 1.14 is to find ways to support the client's participation despite their diminished capacity. It is no easy task and one in which the lawyer should strive not to supplant the client's decision-making.

While there are no published Oklahoma disciplinary cases under Rule 1.14, Mr. Stevens has emphasized careful documentation and adherence to the "least restrictive means" principle when taking protective measures.⁵ As noted in the comments to the rule, "The lawyer's position in such cases is an unavoidably difficult one." Either way, we will look at a couple of cases from other jurisdictions to illustrate what not to do.

A disciplinary case out of Washington, *In re Eugster*, warns that taking over a client's life through an unwanted guardianship can violate both loyalty and confidentiality.⁶ Mr. Eugster attempted to use Washington Rule 1.14 to defend his actions of taking guardianship over his client to protect her and her estate from her relatives. Ultimately, the Washington Supreme Court rejected Mr. Eugster's arguments and found that he had failed to make reasonable inquiries into his

client's competency and that he had reason to know she was competent when he filed the guardianship. Likewise, in *Florida Bar v. Betts*, we find another case of how substituting the lawyer's judgment for the client's, however well-intentioned, undermines the very relationship Rule 1.14 seeks to preserve.⁷ In *Betts*, the lawyer, after failed attempts to persuade his ailing client to reinstate his daughter as a beneficiary, prepared a codicil and guided the client's hand to mark an "x" while the client was comatose. The Florida Supreme Court viewed this as substituting the lawyer's judgment for the client's. Both cases underscore the danger of well-intentioned overreach: In each instance, the lawyer's substitution of judgment for the client's led to disciplinary sanction.

There are several practical steps when a lawyer concludes that the appointment of a guardian *ad litem* is necessary. Rule 1.14 specifically authorizes a lawyer to take protective action, which can include seeking the appointment of a guardian *ad litem* if the lawyer reasonably believes that the client:

- 1) has diminished capacity,
- 2) is at risk of substantial physical, financial or other harm unless action is taken; and
- 3) cannot adequately act in the client's own interest.

This would involve filing a motion with the court to appoint a guardian *ad litem*, as Oklahoma law authorizes the appointment of a guardian *ad litem* "for an infant or incompetent person ... as it deems proper for the protection of the infant or incompetent person."⁸ This step further ensures the integrity of the litigation, as a party's

mental condition, once put at issue, creates a material fact that must be assessed by the court to assure due process.⁹ Prior to filing the same, the lawyer should do the footwork to determine who would be available to serve in this capacity and what the cost would be for such services. It is good practice to bring to the trial court all necessary facts and information for the court to be able to enter effective orders in the case. Additionally, the names of a potential guardian *ad litem*, the relevant fees and the potential guardian's availability are information that will be useful to the trial court. Of course, the lawyer should also attempt to thoroughly discuss the steps with the client and attempt to obtain the client's informed consent prior to acting. Rule 1.14 in Comment 5 allows that the lawyer "should be guided by such factors as the wishes and values of the client to the extent known, the client's best interests and the goals of intruding into the client's decision-making autonomy."

At its core, the professional relationship between lawyer and client is grounded in the principle that the lawyer advises, and the client decides.¹⁰ Rule 1.14 underscores this balance even when a client's capacity is diminished. The lawyer's role is to explain the law, outline options and assess risks but not to commandeer the decision-making. The fact that the lawyer may better understand the process, the likely consequences or the technical subject matter does not confer the right to impose the lawyer's will. Our role is not to make choices for clients but to equip them to make their own. This is true whether or not we would make the same choice in their position. This respect for client autonomy, even

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in the face of decisions we might personally view as unwise, is not just an ethical duty – it is a defining element of professional advocacy.

A lawyer who has not already encountered a client with diminished capacity will certainly encounter one in the future. It is a fact of working with people that lawyers must learn to meet their clients where they are. For those clients who occupy the space between legal competence and incapacity, Oklahoma Rule 1.14 provides guidance that is not about taking over a client's case – or letting someone else do so. Although this is decidedly not an easy balancing act, supporting the

client's ability to participate effectively while protecting autonomy is the goal of good representation.

ABOUT THE AUTHOR



Evan Taylor is a family and divorce lawyer, as well as a dedicated chicken keeper, located in Norman.

ENDNOTES

1. *Chapman v. Chapman*, 1984 OK 89, ¶10, 692 P.2d 1369, 1373.
2. *E.g. Fla. Bar Prof'l Ethics Comm.*, Op. 85-4 (1985) reconsidered in 1998. A Florida attorney, during a divorce settlement, suggested her client see professional help after the client exhibited signs of mental illness, and after her client's

adverse reaction to that suggestion, she sought guidance about whether withdrawal from the case was appropriate.

3. *E.g.*, N.Y. State Bar Ass'n Comm. On Prof'l Ethics, Op. 1144 (2018). The Ethics Committee examined a lawyer's duties to maintain communication with a difficult and intimidating client who may have diminished capacity.

4. Mr. Stevens can be reached at richards@okbar.org or 405-416-7055.

5. Richard Stevens, "Diminished Capacity Rule 1.14," *OBJ* 95 Vol 6 (August 2023).

6. "In the Matter of the Disciplinary Proceeding Against Stephen K. Eugster," 209 P.3d 435 (Washington 2009).

7. *The Florida Bar v. Betts*, 530 So. 2d 928 (Florida 1988).

8. 12 O.S. §2017(C).

9. *Vance v. Federal National Mortgage Assn.*, 1999 OK 73, 988 P.2d 1275 (in assessing the effectiveness of personal service, the Oklahoma Supreme Court emphasized that the defendant's competence was a material fact, and her mental incapacity and the plaintiff's knowledge thereof materially affected the due process concerned).

10. Oklahoma Rules of Professional Conduct, Rule 1.2(a).

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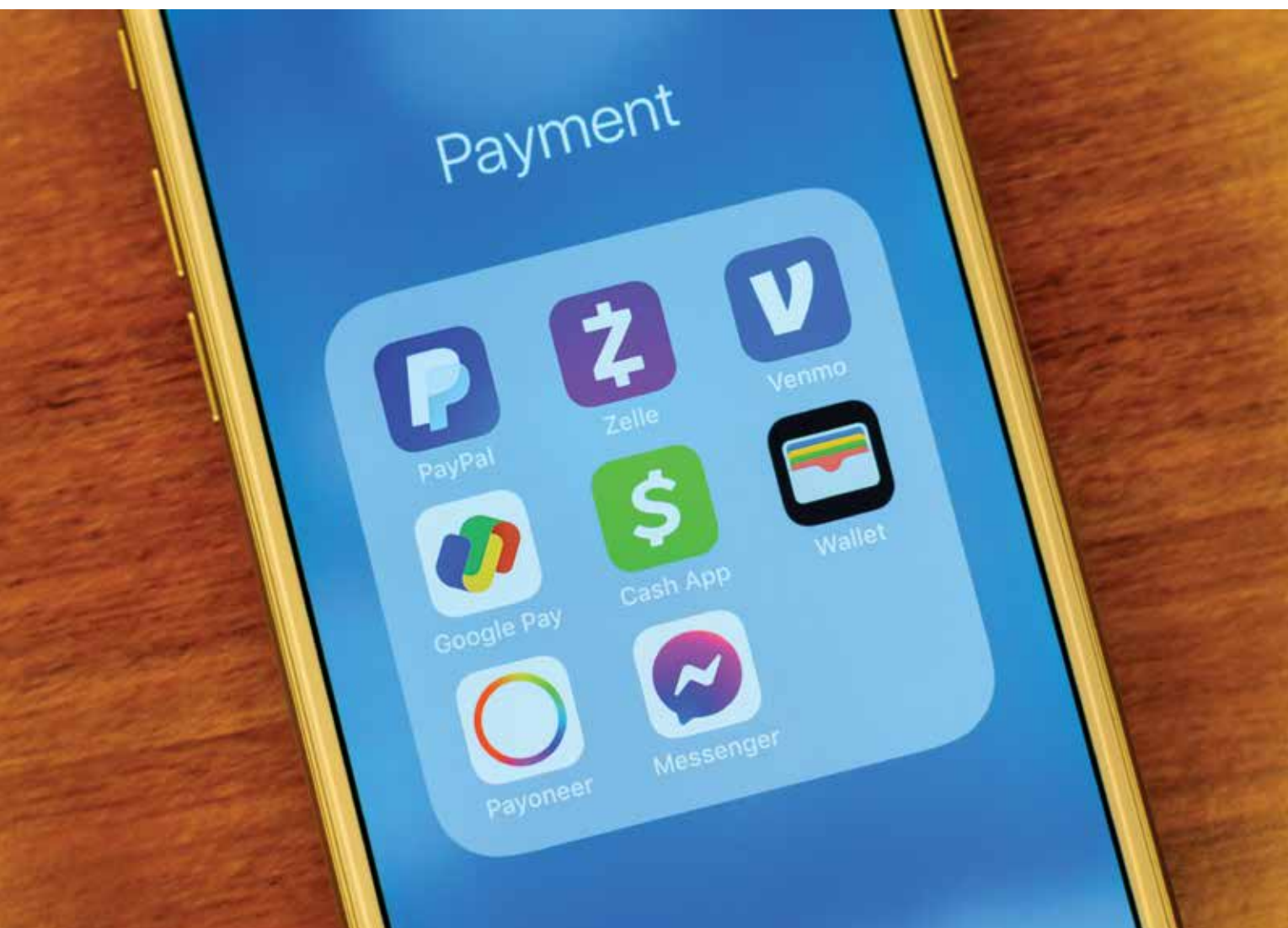
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Trust, Tech and Traps: Safeguarding Legal Funds in a P2P World

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SAFEGUARDING CLIENT FUNDS is one of the most important duties a lawyer has. It's also one of the easiest to get wrong. Trust account management is, on paper, straightforward: Keep client money separate from your own, keep accurate records and reconcile every month. In practice, even honest lawyers sometimes find themselves in disciplinary trouble because they didn't pay enough attention to the details.

And yes, while we like to joke that many lawyers "went to law school because we can't do math," regarding trust accounts, math is no joking matter. Mishandling client funds can put your license at risk.

Now add modern payment apps to the mix. Venmo, PayPal, Zelle, Cash App, Apple Pay and Google Pay are commonly used by clients. They make it easy to pay you from the waiting room, the couch or even while standing in line at the grocery store. For them, it's as natural as ordering coffee on their phone. But what works for buying lunch doesn't always work for holding client funds. These consumer-oriented tools were not built with the strict requirements of the Oklahoma Rules of Professional Conduct (ORPC) in mind.

Accepting retainers or settlement funds through a P2P app

without safeguards can undermine client confidentiality, violate trust accounting rules and leave you scrambling if a transaction is reversed. Across the country, bar associations have weighed in. The short version? You can sometimes use them, but only with serious precautions. And if you're handling unearned fees or other trust funds, legal-specific payment processors are almost always the safer route.

A REVIEW OF THE ORPC IOLTA

The ORPC require a lawyer to hold property of clients or third persons separate from the lawyer's own property. This means retainers and flat fees, filing fees, deposition and expert witness fees, as well as settlement proceeds, should go into a trust account until distribution.¹ These funds must be deposited in an Interest

on Lawyers' Trust Account (IOLTA). The interest earned on IOLTAs is pooled and transferred to the Oklahoma Bar Foundation.

The fiduciary nature of the attorney-client relationship and the need for public confidence in the legal profession require lawyers to maintain trust accounts with the utmost accuracy. Because of this, one requirement under Rule 1.15(k) is that financial institutions must report any overdrafts of IOLTAs to the Oklahoma Bar Association Office of the General Counsel.²

Interest earned by pooling these funds in an IOLTA trust account is forwarded to the OBF by the financial institution where the account is held. These funds are used to support civil legal aid services for the poor and elderly, provide greater access to justice, provide public law-related education programs,

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support high school mock trial programs and support many other vitally needed law-related charitable programs and activities throughout Oklahoma.

ORPC Rule 1.15(h) states:

A lawyer or law firm that holds funds of clients or third parties in connection with a representation shall create and maintain an interest-bearing demand trust account (“IOLTA Account”) and shall deposit therein all such funds to the extent permitted by applicable banking laws, that are nominal in amount or to be held for a short period of time in compliance with the following provisions:

These funds should be nominal in amount or held for short periods of time. To determine whether the client funds are “nominal in amount” or “to be held for a short period of time,” the lawyer should consider whether the funds could be invested to provide a positive net return or benefit to the client considering these factors:

- 1) the amount of interest the funds would earn during the period the funds are expected to be deposited.
- 2) the cost of setting up and administering the account, including the cost of lawyer’s services, bookkeeping costs, and the cost of preparing any tax reports required for

interest accruing to a client’s benefit.

- 3) the capability of the financial institution to calculate and pay interest to individual clients.

Client funds that do not meet the nominal or short-term definitions may be placed in a separate account that may earn interest for the client’s benefit. The client’s tax ID number should be used on such an account.³

FEES MUST BE EARNED

Unearned legal fees, expenses that have not yet been incurred and third-party funds related to representation must be placed in an IOLTA account. Retainers, flat fees (until earned), filing fees, deposition and expert witness costs and settlement proceeds must also be held in trust for distribution. Settlement funds are not to be disbursed until all allocation disputes have been resolved.

In *State ex rel. Oklahoma Bar Association v. Weigel*, the Oklahoma Supreme Court found that an attorney violated Rule 1.15(a) by taking client fees without completing the agreed work and by failing to keep client funds separate from personal funds. The court emphasized that advance fee retainers must remain segregated until earned. It also clarified that attorneys may not label advance payments as “non-refundable retainers.” While fixed fees are permissible, lawyers must refund any unearned portion if representation ends before the work is completed, as required under Rule 1.16(d).⁴

TECHNOLOGICAL COMPETENCE

There is an ethical obligation for lawyers to keep abreast of changes in the law and its practice, which includes understanding the benefits and risks associated with relevant technology. This implies a proactive duty to research and comprehend the security features, terms of service and potential vulnerabilities of any payment platform used in their practice.⁵

PEER-TO-PEER PAYMENT APPLICATIONS

Using peer-to-peer payment applications introduces many risks that extend well beyond basic trust accounting rules. While these tools may be convenient for clients, they were not designed with lawyers’ fiduciary duties in mind. Issues such as data security, privacy, transaction fees and even the possibility of chargebacks can create ethical and financial complications if not fully understood. Lawyers must also know the regulatory limits of these services, including the lack of federal insurance protection and the potential for technical glitches or outages.

SECURITY AND PRIVACY CONCERNS

Lawyers must take reasonable steps to prevent the inadvertent or unwanted disclosure of information regarding transactions with parties other than the lawyer, the client or a third person paying. Several privacy concerns arise when using payment applications. Payment apps often have access to large amounts of personal data, including names, contact information and financial details. If these apps lack strong security measures, that data may be at risk

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of exposure or theft. Some providers even store data in jurisdictions with weaker protection laws, further increasing vulnerability.

Another issue is data sharing. Many payment apps share user information with third parties for purposes such as marketing or business analytics, and sometimes, they even sell that data. This practice can expose client information beyond its intended scope and potentially conflict with a lawyer's duty of confidentiality. Although most apps use encryption to secure transactions, the strength of encryption varies. Inadequate protection could leave sensitive data open to threats. Anonymity is not always possible with payment apps.

In situations where a lawyer or client may need anonymity, such as in certain trust or escrow matters, this limitation can be problematic. Finally, data retention is also a concern. Even after a user deletes an account, some apps keep data for extended periods, creating lingering risks that cybercriminals could exploit.

TRANSACTION FEES

Payment apps charge transaction fees for receiving payments, and these fees should be a significant consideration when collecting retainers. Lawyers may need to factor in these fees when determining their retainer amounts to ensure they receive the appropriate funds for their services. Furthermore, payment apps withdraw these fees directly from the payment the client makes.

The ORPC requires lawyers to keep client funds separate from their own, maintain accurate records and avoid commingling their personal funds with client funds. Regarding the use of payment apps for handling client funds, the transaction fees charged by these apps can create ethical issues. Lawyers are encouraged to carefully review the user agreements or terms of service before they begin accepting payments, particularly retainers for legal services through their existing trust, operational or personal accounts.

Unless there is a different agreement between the attorney and the client, it is the lawyer's responsibility to pay any transaction fees charged to the account, and such costs should not be deducted from the client's trust funds.

CHARGEBACKS

Payment apps also present challenges with chargebacks. A chargeback occurs when a credit card payment is reversed at the request of the bank or cardholder. For lawyers, this can be particularly difficult because legal services are not tangible goods that can be easily evaluated. Clients may dispute the value of services provided and request a chargeback, leaving the lawyer with the burden of proving that services were delivered.

Unlike regulated credit card systems, many payment applications will freeze the entire account rather than isolating the disputed transaction. This means that funds from other clients may be temporarily inaccessible, creating serious risks for lawyers who are holding other clients' money in the same account. Because of these complications, attorneys should be cautious about using platforms such as Venmo, PayPal or Cash App for retainers and should be familiar with the chargeback processes of these providers.

BANK REGULATIONS VERSUS USER AGREEMENTS

Another critical distinction lies between traditional bank regulations and the user agreements of payment apps. The Consumer Financial Protection Bureau (CFPB) has warned consumers not to store funds with payment apps, noting that these services are

not federally insured. This creates risks if the app faces financial troubles or bankruptcy. Unlike deposits held in Federal Deposit Insurance Corp.-insured banks, funds stored in payment apps do not carry the \$250,000 per client protection guarantee.⁶

The collapse of platforms such as FTX highlights the danger when customers cannot access funds because protective measures are absent. In addition, payment apps may face liquidity crises if too many users attempt to withdraw funds at once – a scenario that would rarely occur under traditional banking safeguards.

OTHER PROBLEMS WITH PAYMENT APPLICATIONS

Technical glitches and service outages further illustrate the risks of payment apps. Cash App recently suffered a software error that caused duplicate transactions and left many users with negative balances. Although refunds were issued, the disruption created significant problems for affected customers. Similarly, Cash App and Square both reported major outages in September 2023, which delayed transfers and disrupted transactions.

Zelle has also experienced repeated issues. A disruption at JPMorgan Chase in July 2023 lasted over a week, and a separate failure occurred at Bank of America earlier that year. More recently, in May 2025, Zelle experienced a widespread outage affecting several large banks, including Truist, Navy Federal Credit Union and Bank of America. The problem was traced to a third-party processor, Fiserv. During the outage, users could not complete payments, highlighting the fragility of

Lawyers using these services should know the potential risks related to data privacy, fraud and fund security due to the lack of federal oversight.

the digital payment infrastructure and the cascading effects of third-party disruptions.

CFPB OVERSIGHT EFFORTS AND LEGISLATIVE REPEAL

In late 2024, the CFPB finalized a rule to bring large nonbank digital payment platforms – such as Venmo, PayPal, Cash App, Apple Pay and Google Pay – under federal supervision. The rule would have applied to companies processing over 50 million transactions annually, requiring them to comply with regulations similar to those imposed on banks and credit card providers. These included provisions from the Gramm-Leach-Bliley Act (Regulation P), the Electronic Fund Transfer Act (Regulation E) and prohibitions against unfair, deceptive or abusive acts and practices.

However, in early 2025, Congress overturned the rule using the Congressional Review Act. Despite limited bipartisan support, the resolution was passed and signed into law. This repeal not only nullifies the CFPB's effort to supervise these platforms but also prevents the bureau from issuing a substantially similar rule without explicit new legislative authority.

This rollback results in P2P payment platforms being largely

unregulated at the federal level, despite their increasing use for both personal and commercial transactions, including professional services like legal payments. Lawyers using these services should know the potential risks related to data privacy, fraud and fund security due to the lack of federal oversight.

ANALYSIS OF BAR ASSOCIATION ETHICS OPINIONS ON P2P PAYMENTS

*South Carolina Bar Ethics
Advisory Opinion 18-05 (2018)*

This opinion specifically addressed whether a lawyer may accept an earnest money deposit through PayPal. It concluded that such use is permissible if the PayPal account does not contain the lawyer's own property, thereby preventing commingling. The opinion mandates that appropriate records must be maintained, and if the funds are nominal or short-term, they must be promptly transferred to an IOLTA account for safekeeping. Lawyers are explicitly warned to be aware of the risks of noncollection or reversal of payments, as online payment services have unique terms of service that may allow for reversals on extended timelines compared to traditional checks or wire

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transfers. It reiterates the requirement for extensive documentation to be kept current and preserved for a period of six years after the termination of representation.⁷

*Florida Bar Professional
Ethics Committee Formal
Advisory Opinion 21-2 (2021)*

This opinion directly addressed whether lawyers may accept payments from clients via web-based payment processing services, including Venmo and PayPal. It concluded that there is no ethical prohibition to using such services, provided the lawyer fulfills certain stringent requirements.⁸

Lawyers must take reasonable steps to prevent the disclosure of confidential information. This includes using the most restrictive privacy settings available on platforms (e.g., Venmo's "Private" setting) and researching the service to ensure customary security features are in place. While not ethically required, lawyers may consider advising clients about the risks.

Payments must be directed to an account with the service used only to receive client and third-party funds to strictly prevent commingling. These funds must then be promptly placed in the lawyer's qualifying IOLTA account. The opinion also notes that a payee does not immediately acquire possession of funds transmitted by a payment processing service. A "suspense account" may be necessary if direct transfer to IOLTA is impossible due to banking limitations.

Unless there is an agreement to the contrary, the lawyer must ensure that all transaction fees charged by the payment application are paid by the lawyer and are not deducted from client trust funds.

North Carolina State Bar Guidance
Guidance from the North Carolina State Bar indicates a significant evolution in its stance. Previously, regulations required lawyers to deposit advance fees and other mixed funds directly into a trust account, prohibiting the use of intermediary payment services for entrusted funds.⁹

However, a revised comment now permits the use of an intermediary payment service if it is determined to be "reliable and trustworthy." The lawyer bears the personal responsibility to make a "reasonable investigation into the reliability, stability and viability of an intermediary" to ensure client funds are segregated and safeguarded against loss or theft. The guidance acknowledges that Rule 1.15's strict recordkeeping requirements may prove problematic depending on the specific operation of the P2P application.

Lawyers are explicitly reminded to be mindful of any social media aspects of a payment service that might disclose confidential client information, including payment details. It warns that some applications only allow a lawyer to choose one account for direct deposit, creating a high risk of commingling the lawyer's personal funds, earned fees and client funds, strongly advising setting up a separate account for client funds.

Maine Ethics Opinion 226 (2024)
Issued by the Professional Ethics Commission on Feb. 1, 2024, Maine Ethics Opinion 226 addresses whether Maine attorneys can accept payments through online payment apps – such as Venmo, PayPal, Zelle or Headnote – and the ethical issues surrounding their use.¹⁰

The opinion concludes that Maine lawyers may accept payments (typically for legal fees, retainers or expenses) through these third-party payment apps, provided that the app and the lawyer's processes prevent the commingling of client funds with their own, and unearned fees are placed exclusively into client trust accounts. It strongly encourages lawyers to select only apps specifically designed for the legal industry and for ethical rules compliance, noting that some apps have built-in safeguards while others do not.

Lawyers cannot delegate their responsibility for compliance with the Rules of Professional Conduct. Apps should be secure and updated, and lawyers should stay informed about how the apps function.

CONCLUSION

Bar associations have consistently emphasized the same core requirements: Client funds must remain separate, records must be meticulously maintained, and lawyers bear the ultimate responsibility for safeguarding money held in trust. These principles align with the Oklahoma Rules of Professional Conduct, which focus on preventing commingling, ensuring accuracy and protecting fiduciary relationships with clients.

Peer-to-peer payment apps, while convenient, introduce risks that traditional banking systems and lawyer trust accounts were specifically designed to avoid. Security concerns, transaction fees, chargebacks, account freezes and the lack of federal oversight all stand in stark contrast to the protections built into regulated financial institutions. The lessons

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from bar association ethics opinions are clear: Lawyers may use these tools in limited circumstances, but only with careful attention to safeguards, client communication and prompt transfer of funds into appropriate accounts.

Ultimately, convenience cannot outweigh compliance. Lawyers who accept payments through consumer-oriented platforms must treat every transaction as if the license to practice law depends on it, because in the end, it just might.

ABOUT THE AUTHOR



Julie Bays is the OBA Management Assistance Program director, providing assistance to attorneys using technology and other tools to efficiently manage their offices. She joined the OBA as practice management advisor in 2018. She is also involved with the OBA Access to Justice Committee and actively contributes to the ABA Law Practice Division. She writes for *Law Practice* magazine and

has served on the board of ABA TECHSHOW, including as co-chair in 2025.

ENDNOTES

1. ORPC 1.15(a)(c)(d).
2. ORPC 1.15(k).
3. "Money and Ethics: Trust Accounts, Expenses, Loans, Gifts, Fee Divisions and Liens," *OBJ*, Vol. 76, Issue 34 (Dec. 10, 2005), pp. 2835-2844.
4. *State ex rel. Oklahoma Bar Ass'n v. Weigel*, 2014 OK 4.
5. ORPC 1.1 Comment [6].
6. <https://bit.ly/49hgb6m>.
7. <https://bit.ly/4qWUgaU>.
8. <https://bit.ly/47A7V04>.
9. <https://bit.ly/43o6i3c>.
10. <https://bit.ly/4nUxNZv>.

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YOUR STORIES. YOUR INSIGHTS. YOUR BACK PAGE.

We want to feature your work on "The Back Page" of the *Oklahoma Bar Journal*! 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.

Email submissions of about 500 words or high-resolution images to OBA Communications Director Lori Rasmussen at lorir@okbar.org.



HOUSE OF DELEGATES ACTIONS

Bar business matters were considered Friday, Nov. 7, when the House of Delegates convened at the Oklahoma Bar Association's 121st Annual Meeting at the Sheraton Downtown Hotel in Oklahoma City.



OBA members cast their ballots for the office of OBA president-elect during the House of Delegates.



OBA President-Elect Amber Peckio of Tulsa presides over the House of Delegates.



Oklahoma Supreme Court Chief Justice Dustin P. Rowe delivers the State of the Judiciary remarks during the General Assembly.



Scouting America Troop 26 Redbud District, Indian Nation, presents the colors during the General Assembly on Friday morning with OBA President D. Kenyon Williams Jr. of Sperry presiding.

ELECTION OF OFFICERS AND NEW BOARD MEMBERS

Results of the annual election of officers and new Board of Governors members were announced. New officers and Board of Governors members will take office Jan. 1, 2026.



Amber Peckio of Tulsa will serve as the Oklahoma Bar Association's 2026 president after serving as president-elect in 2025.



Jana L. Knott of El Reno was elected to serve as president-elect for 2026.



S. Shea Bracken of Edmond was elected to serve as vice president.



Sperry lawyer D. Kenyon Williams Jr., who serves as the 2025 OBA president, will remain on the Board of Governors for one year as the immediate past president.



Molly A. Aspan of Tulsa was elected to serve a three-year term as a member at large.



Elected to represent Supreme Court Judicial District 2 was Chris D. Jones of Durant.



Elected to represent Supreme Court Judicial District 8 was Blayne P. Norman of Wewoka.



Elected to represent Supreme Court Judicial District 9 was Kristy E. Loyall of El Reno.



Alexandra J. "Allie" Gage of Tulsa will serve a one-year term as OBA Young Lawyers Division chairperson.

PRESIDENT'S AWARDS

OBA President D. Kenyon Williams Jr. of Sperry presented several OBA members with President's Awards in 2025. Honorees were recognized Nov. 6 during the Annual Awards Luncheon.



OBA Vice President Richard D. "Rick" White Jr. was honored for his unwavering commitment to civility and professionalism in the practice of law.

Judge Brett Butner of Wewoka was recognized for his efforts to honor our association's heritage through the annual Seminole County celebration of Law Day.





Cody J. Cooper of Oklahoma City and Timothy L. Rogers of Tulsa were honored in appreciation of their service and efforts to modernize and improve the Oklahoma Bar Center.



Melissa G. DeLacerda of Stillwater was recognized in appreciation of her decades of service and dedication to the association and its membership.

Elaine M. Dowling of Oklahoma City (right) and OBA MAP Director Julie Bays (below) were recognized for their service and leadership of the OBA Solo and Small Firm Conference Planning Committee.



Chad Kelliher of Oklahoma City, who was unable to attend the awards ceremony, was recognized for his leadership as chairperson of the OBA Professionalism Committee.



Mary J. Clement of Tulsa and Edward W. Wunch IV of Norman were recognized for their service and leadership as co-chairs of the OBA Law Day Committee.

IN RE: AMENDMENTS TO RULE 24 – VOLUNTARY RETIRED CERTIFICATE STATUS AND INACTIVE STATUS OF THE RULES OF THE STATE BOARD OF EXAMINERS OF CERTIFIED SHORTHAND REPORTERS

2025 OK 70

Decided: 10/13/2025

Corrected Order: 10/14/2025

THE SUPREME COURT OF THE STATE OF OKLAHOMA

In re: Amendments to Rule 24 – Voluntary Retired Certificate Status and Inactive Status of the Rules of the State Board of Examiners of Certified Shorthand Reporters

ORDER

Rule 24 – Voluntary Retired Certificate Status and Inactive Status of the Oklahoma Rules of the State Board of Examiners of Certified Shorthand Reporters, Title 20, Chapter 20, Appendix 1, is hereby amended as shown on the attached Exhibit "A." The remainder of Rule 24 is unaffected by the amendment. The amended rule shall be effective immediately upon the date of issuance of this order.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 13th DAY OF OCTOBER, 2025.

/s/ _____

CHIEF JUSTICE

ALL JUSTICES CONCUR.

TO CONTINUE READING, VISIT <https://bit.ly/4oBIGQM>.

IN RE: RULES OF THE SUPREME COURT OF THE STATE OF OKLAHOMA ON LEGAL INTERNSHIP

2025 OK 83

Decided: 11/17/2025

THE SUPREME COURT OF THE STATE OF OKLAHOMA

NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL.

In Re: Rules of the Supreme Court of the State of Oklahoma on Legal Internship

ORDER

This matter comes on before this Court upon an Application to Amend Rules 2 and 6 and Regulation 7 of the Rules of the Supreme Court of the State of Oklahoma Licensed Legal Internship (hereinafter "Rules") filed on May 20, 2025. This Court finds that it has jurisdiction over this matter and Rules 2 and 6 and Regulation 7 is hereby amended as set forth in Exhibit a attached hereto, effective immediately.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 17TH DAY OF NOVEMBER, 2025.

/s/ _____

CHIEF JUSTICE

Rowe, C.J., Winchester, Edmondson, Combs and Jett, JJ., concur; Gurich, J., concurs in part; dissents in part; Kuehn, V.C.J.(by separate writing), Darby and Kane, JJ., dissent.

TO CONTINUE READING, VISIT <https://bit.ly/4oTKYLG>.

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



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Reflecting on a Remarkable Year of Renewal and Connection

By Janet Johnson

AS THIS YEAR DRAWS TO A close, I find myself reflecting on the tremendous energy, resilience, and dedication that have defined our bar's work over the past 12 months. It has been a year of return and renewal – a time when long-standing traditions were revived, new initiatives took shape, and our members once again came together in person to strengthen the bonds that make our profession so vibrant.

One of the true highlights of the year was the return of our **Solo & Small Firm Conference**, a beloved annual summer gathering that had been on hiatus. Bringing it back was no small task – it took months of planning, creativity, and teamwork from our volunteer leaders and staff. But when the doors opened and the first conversations began to hum across the meeting rooms, it was clear the effort had been more than worth it.

The conference reminded us of what makes our solo and small firm practitioners such an essential part of the legal community: their ingenuity, independence, and commitment to service. These lawyers are often their own marketing team, IT department, and HR office; yet they continue to provide personal, high-quality representation to clients across every corner of our state. The exchange



of ideas, practical tips, and mutual encouragement at the conference was inspiring to witness. It was, in every sense, a celebration of the entrepreneurial spirit of law practice.

Equally energizing was our **Annual Meeting**, where members representing all practice areas and career stages assembled. After listening to member feedback, this year's conference returned to its traditional autumn gathering. For 2025, the conference format was different from previous years, with an agenda primarily focused on matters of bar business. Even with that change, this meeting presented

an outstanding opportunity to reconnect face-to-face with many essential committee volunteers and delegates from across the state. The halls were filled with conversation between old friends catching up, new members finding mentors, and colleagues sharing stories that reminded us why we do this work. We will continue to listen to member input as planning for the 2026 bar convention gets underway!

At the Annual Meeting, we also had the privilege of **electing new officers and board members** to lead our bar in the next year. Each of these individuals brings a deep commitment to our mission and to advancing the rule of law in our

communities. Leadership transitions are always a meaningful moment and serve as a reminder that the strength of our organization lies not in any one person but in the continuity of service and the shared purpose that carries us forward. I am deeply grateful to our outgoing officers and board members for their steady leadership and to our incoming leaders for their willingness to step up and serve.

Looking back, I am struck by how much we have accomplished together, not just through our events but also through countless hours of volunteer work, committee projects, and community outreach. The dedication of our members continues to elevate our profession and strengthen public trust in the legal system. Whether mentoring a young lawyer, organizing a CLE, or providing pro bono representation to those in need, our members exemplify the best of what it means to be part of this bar.

None of this would be possible without the extraordinary efforts of our **staff**, who work tirelessly behind the scenes to ensure that every program, publication, and event runs smoothly. Their professionalism and commitment to excellence allow us to focus on our mission and serve our members effectively.

As we look ahead, I am confident the momentum of this year will carry us into an even stronger future. The success of the Solo & Small Firm Conference and the Annual Meeting has reminded us of the power of connection and the importance of showing up, sharing knowledge, and supporting one another. Together, we are building not just a stronger bar but a stronger profession and a stronger community.

Thank you to everyone who contributed to making this year such a success. I look forward to all that lies ahead and to continuing this shared journey of service, learning, and leadership in the year to come.

Janet



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



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The Karen Read Murder Trial

In the freezing winter of 2022, Boston Police Officer John O'Keefe was found dead in a snowbank outside a fellow officer's home. His girlfriend, Karen Read, was accused of killing him with her SUV and leaving him to die. What followed were two high-profile trials — the first ending in a mistrial, the second in a full acquittal — that captured national attention and became a masterclass in the art of creating reasonable doubt.

In this engaging, story-driven CLE, we'll walk through both trials, analyze the prosecution's and defense's theories, compare the two proceedings, and break down the strategies that led to the ultimate not-guilty verdict. Along the way, you'll gain practical trial tips for defending circumstantial murder cases, managing pretrial publicity, and leveraging jury instructions to your advantage.

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FROM THE PRESIDENT

(continued from page 4)

Regarding possible solutions to our legal deserts, I recommend *The Rural Lawyer*, a book by Professor Hannah Haksgaard of the University of South Dakota School of Law, who researched and analyzed the efforts of South Dakota, Arkansas, Illinois, Kansas and Minnesota to solve the “legal desert” problem we face here in Oklahoma. The book explains that South Dakota has had some success in a legislatively created incentive program. Under that program, participating attorneys commit to a rural practice for five years in return for a stipend. The stipend is funded by the state, the county of rural practice and the state bar association. If the participating attorney quits the program before completing the five-year service agreement, they must repay the stipend. I am not advocating for such a program, but my personal plan is to continue seeking and promoting solutions.

A related issue is the demographics of our association. Of our 19,000 members, about 4,800 are out of state. Of our approximately 14,000 in-state members, we have more members over the age of 80 than under the age of 30 (let that sink in for a minute). I had the honor of welcoming hundreds of new admittees to our association this year. However, thus far in 2025, we have lost 164 of our members as the baby boomer generation continues to age. I urge each of you to reach out to young people to encourage them to enter our most honorable profession.

Another good work of which we can be proud is the Lawyers Helping Lawyers Assistance

Program Committee. In a recent three-month period, 25 members reached out for assistance through the hotline. Currently, 88 members are using the free counseling sessions provided through our assistance program. All members have access to up to six hours of free, short-term, problem-focused or crisis counseling. The service is strictly confidential – information regarding the participants is not made available to the OBA. Again, I urge each of you to be sensitive to members who may need help and encourage them to reach out through the hotline. Calls are answered by an independent counseling/mental health service.

I am also pleased to report that the OBA is financially sound and has a conservative and well-reasoned budget that will soon be presented to the Oklahoma Supreme Court for review and approval. Our association, through its staff and member-led committees and sections, continues to provide high-level services and support to our members. Plans for long-needed repairs and improvements to the Oklahoma Bar Center are ready to be implemented. I am confident that you will all be excited and pleased to see the improvements that will be made to the bar center in the coming year!

In closing out my year, I want to first thank my lovely wife, Teresa Williams, for her unfailing and patient support. Even after 51 years of marriage, I am daily reminded how blessed I am to have a life partner like Teresa.

I also want to thank Vice President Rick White, Past President Miles Pringle, our Supreme Court liaison Chief Justice Dustin P. Rowe and all the members of the Board

of Governors for their help and support this year! In particular, I have greatly appreciated the welcoming attitude of all the Supreme Court justices throughout this year. My law firm, Hall Estill Hardwick Gable Golden & Nelson, has been fully supportive of my presidency, and my colleagues have been a source of daily encouragement for me this year. Thanks also to our OBA staff. They are highly dedicated, creative and effective – we are fortunate to have the caliber of staff that work hard to take care of all our members.

Please join me in welcoming incoming OBA President Amber Peckio and President-Elect Jana Knott. I am confident that Ms. Peckio will bring to her presidency a desire to serve all our members and the public, and she will work with energy and creativity for the good of our association. I look forward to serving on the Board of Governors as immediate past president in 2026.

It has been such an honor for me to serve as your president this year. I am very optimistic about the future of our association and our profession. The success of our association depends upon all of you! Please commit to being more involved in our association and your respective communities in 2026. I wish for each of you the very best in life!

‘It Is About Trust’: What an Oklahoma Magistrate Judge’s Order Teaches Us About AI, Advocacy and Professional Courage

By Julie Bays

THE MOST IMPACTFUL court orders serve not only to resolve motions but also to provide valuable teaching moments. An Oct. 22 order from U.S. Magistrate Judge Jason A. Robertson in the Eastern District of Oklahoma does exactly that.¹ It’s a careful, unsparing explanation of what went wrong when counsel filed briefs laced with fabricated citations and misstatements, and it’s also a roadmap for how lawyers should engage with generative AI without surrendering the duties that make advocacy trustworthy.

Judge Robertson sets the tone from the first page: “This ruling is not about technology. It is about trust.” The judge reminds us, “Generative technology can produce words, but it cannot give them belief. It cannot attach courage, sincerity, truth, or responsibility to what it writes. That remains the sacred duty of the lawyer who signs the page.”

The opening paragraph resonated with me on a deep,

emotional level. Judge Robertson’s words powerfully captured the gravity of legal advocacy and the profound responsibility lawyers bear when engaging with emerging technologies like generative AI. His clarity and candor did not merely outline procedural missteps; they illuminated the ethical foundations that underpin the practice of law. By emphasizing trust, verification and the unwavering need for credibility, the judge offered more than legal instruction. He delivered a poignant reminder of the duty attorneys must uphold for the integrity of our profession.

WHAT HAPPENED AND WHY IT MATTERS

Across 11 pleadings, Judge Robertson identified 28 false or misleading citations (including fabricated and erroneous authorities) and found violations of Rule 11(b). The order is based on the systemic nature of the conduct rather than a single event, and it

reflects the importance of ensuring that filed documents are authentic to maintain the integrity of judicial proceedings. As the judge puts it, “Rule 11(b) is the federal lawyer’s first oath in action ... [It] demands that an attorney’s signature certify not creativity, but credibility.”

When opposing counsel raised the alarm, the problem was initially characterized as “clerical and formatting errors.” The judge rejected this, saying, “The problem was not form, it was falsity.” From there, the order walks through a clear framework that all of us can learn from: verification and inquiry, candor and correction, and accountability and supervision. Judge Robertson applies this framework to each lawyer and law firm involved.

The sanctions are measured but meaningful (public reprimands, monetary penalties scaled for responsibility, fee shifting and record-restoration measures). The lesson is explicit: “Artificial intelligence may explain an error, but it can never excuse one.” And



the closing line is one that I'll use in my CLE presentations going forward: "Before this Court, artificial intelligence is optional. Actual intelligence is mandatory."

FEDERAL RULES STILL SAY WHAT THEY'VE ALWAYS SAID

Nothing has changed about Rule 11 or the duties of candor, meritorious advocacy and evidentiary support because AI can draft a paragraph. The judge's order anchors its analysis in Rule 11(b): truthful factual contentions, warranted legal contentions and reasonable inquiry. Then it applies to the realities of AI-assisted drafting. Verification is not optional. The signature on the filing is a personal warranty that the lawyer has read, checked and stands behind what was filed.

The judge's framework translates effortlessly to everyday practice:

- *Verification and Inquiry:* Look up every case in a trusted reporter or database (vLex

Fastcase for OBA members, Westlaw, LexisNexis and OSCN). Do not rely on machine-generated citations or quotations – *ever*.

- *Candor and Correction:* If you discover an error, fix it promptly and transparently. Candor after filing *mitigates*; minimization *aggravates*.
- *Accountability and Supervision:* Responsibility travels up and across the team. Supervising lawyers and local counsel must ensure filings bearing their names are accurate. Firm policies matter.

HOW THIS CONNECTS TO OUR OKLAHOMA RULES OF PROFESSIONAL CONDUCT

Our ORPC already speak to every issue the order surfaces:

- *Competence:* ORPC 1.1 and Comment [6] – Staying current on "the benefits and risks associated with

relevant technology" includes knowing that generative models hallucinate and that their citations must be verified.

- *Candor to the Tribunal and Meritorious Claims:* ORPC 3.3 and ORPC 3.1 – No false statements of law or fact, no frivolous arguments. If the tool invents it and you repeat it, *you own it*.
- *Supervision:* ORPC 5.1 and 5.3 – Partners and managers must adopt and enforce reasonable policies, train teams and review work; lawyers remain responsible for nonlawyer assistants.

These are not new rules. They're our familiar duties applied to a new workflow.

THE QUIET COURAGE OF ADVOCACY

Judge Robertson's order is unmistakably practical, but it's also moral. It insists that the

practice of law is an act of trust and courage, calling for the “quiet, disciplined courage to stand for what is right when compromise would be easier.” Machines can assemble the words, but only lawyers can believe in them. As the judge concluded, “Generative tools may assist, but they can never replace the moral nerve that transforms thought into advocacy.”

WHY DOES THIS KEEP HAPPENING WITH LAWYERS?

Many lawyers are under the false assumption that legal AI tools do not hallucinate. The branding may be different, and the datasets may be curated, but the underlying generative technology can still produce confident wrong answers. That includes invented citations, misread holdings and quotations that do not appear in the source.

This misconception often stems from a lack of familiarity with how generative technology operates. The rapid adoption of AI in legal practice can outpace the development of understanding and training around its limitations.

Busy practitioners may also see AI as a shortcut to efficiency, overlooking the critical need for manual review and validation. AI-generated content must always be independently checked and verified, or these errors will persist, and the responsibility for any resulting inaccuracies will ultimately rest with the lawyer, not the machine.

A PRACTICAL PLAYBOOK (YOU CAN ADOPT TODAY)

To translate these principles into daily habits, consider implementing these practical steps in your legal practice.

Establish a Firmwide AI Policy

Adopting a concise one-page AI policy, whether for a solo practice or a larger firm, helps set clear

expectations and boundaries for responsible AI use. The policy should specifically:

- Name the approved AI tools that have been vetted for security and accuracy. This reduces the risk of using unreliable or insecure software.
- Define “verification” by outlining the process for checking AI-generated content against authoritative sources, ensuring accuracy and reliability.
- Prohibit the inclusion of client identifiers or confidential information in public AI models, thereby protecting client privacy and complying with confidentiality requirements under ORPC 1.6.
- Require human review of all AI-assisted work before it is filed or shared, maintaining professional responsibility and accountability (ORPC 1.1, 5.1 and 5.3).

Utilize an ‘AI-Assisted Draft’ Checklist

Incorporate a standard checklist for both litigation and transactional matters to ensure the integrity and reliability of your work product:

- Confirm each citation by cross-checking with official

sources (e.g., court databases, statutes) to prevent reliance on fabricated or outdated authority.

- Verify each quotation by reading the underlying opinion or source to confirm accuracy and proper context.
- Restate key legal propositions in your own words after reviewing the source material, demonstrating understanding and avoiding parroting potentially erroneous AI output.
- Review the entire document for fit, context and fairness to ensure the arguments are not misleading or taken out of context, upholding duties of competence and candor (ORPC 1.1 and 3.3).

Supervision and Ongoing Training

Continuous oversight and education are essential as technology evolves:

- Senior attorney quarterly spot checks ensure policy compliance and support accountability.
- Regularly refresh policies and training as new AI tools emerge and existing platforms update, ensuring that all team members understand current best practices and ethical obligations (ORPC 5.1 and 5.3).

OBA Management Assistance Program Director Julie Bays and OBA Ethics Counsel Richard Stevens have created a tip sheet members can use to ensure they are using artificial intelligence responsibly in their law practices. Scan the QR code to download the tip sheet.



By embedding these habits into your workflow, you reinforce the core ethical duties of competence, confidentiality, supervision and candor.

EMBRACING THE FUTURE

There is a hopeful message beneath Judge Robertson's admonition. The careful habits that define the legal profession, such as reading the case personally, checking each quotation and verifying every citation, are precisely the practices that will guide lawyers successfully into the AI era. These routines reassure us that legal institutions can evolve while staying anchored to accuracy and rigor.

In a world where technology is rapidly reshaping legal work,

foundational methods do more than uphold standards. They operate as guardrails that keep new tools aligned with truth. As artificial intelligence becomes woven into daily workflows, it may be tempting to accept outputs at face value. By steadily confirming sources and validating assertions, lawyers safeguard the reliability of their work and protect the integrity of the system they serve.

Progress in law is not measured by how quickly we adopt innovation but by how faithfully we use it to advance justice. Courage is the thread that binds technology to truth, and lawyers remain the guardians of that bond. By owning every detail and maintaining high

standards, lawyers ensure that artificial intelligence strengthens the profession's values. With this mindset, the legal system can remain strong, open and dedicated to truth, even as it meets the demands of a changing world.

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.

ENDNOTE

1. <https://bit.ly/4pfYxon>.

TECHSHOW2026

March 25-28, 2026
Hyatt Regency McCormick Place
Chicago, Illinois

Now, more than ever, lawyers and legal professionals must seek out the newest advances in technology. TECHSHOW 2026 is your gateway to harnessing AI's true potential, learning all things related to the future of legal tech, and enhancing access to justice. Join us for a week filled with CLE sessions, networking events, keynotes, and so much more.

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Meeting Summary

The Oklahoma Bar Association Board of Governors met Oct. 17.

REPORT OF THE PRESIDENT

President Williams reported he attended the admission ceremony and provided a welcome speech and welcome email for the fall 2025 new OBA admittees. He also attended the Southern Conference of Bar Presidents in Charleston, South Carolina. He participated in the September meeting of the OBA Professionalism Committee, finalized his 2025 OBA President's Awards selections, drafted his monthly president's message for the November issue of the *Oklahoma Bar Journal*, reviewed information regarding ongoing litigation, participated in planning sessions with Executive Director Johnson regarding the 2025 Annual Meeting, participated in finalizing arrangements for the December Board of Governors meeting and holiday party, participated in the October meeting of the Membership Engagement Committee, reviewed and signed the Oklahoma High School Mock Trial Program's application for an OBF grant and attended the joint reception with the Pottawatomie County Bar Association.

REPORT OF THE PRESIDENT-ELECT

President-Elect Peckio reported she attended the Budget Committee hearing, the Women in Law Conference, the Southern Conference of Bar Presidents, the OBF Board

of Trustees meeting and the OAMIC Board of Directors quarterly meeting. She met with Executive Director Johnson to discuss the Board of Governors calendar for 2026, worked with Communications Director Rasmussen to obtain photos for OBA publications, worked on House of Delegates committee assignments and met with counsel on pending litigation.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Johnson reported she attended the Budget Committee hearing, the public hearing on the proposed OBA budget for 2026, a meeting to discuss the new "OK Law for All" website, the September YLD meeting, the swearing-in ceremony for new OBA admittees, the new admittee celebration hosted by the YLD at Topgolf, the Membership Engagement Committee meeting, the Southern Conference of Bar Presidents and hearings at the Supreme Court related to applications for rule changes pertaining to licensed legal interns and the Oklahoma Rules of Professional Conduct. She worked on the ORPC application for rules 7.2, 7.2 and 7.3. She reviewed the upcoming legislative calendar, met with ISG leadership on upcoming trends, coordinated with subject matter experts on a review of criminal law literature for the Membership Engagement Committee, met with counsel on pending litigation and drafted her monthly column

for the November issue of the *Oklahoma Bar Journal*.

REPORT OF THE IMMEDIATE PAST PRESIDENT

Past President Pringle reported he attended the joint reception with the Pottawatomie County Bar Association and reviewed information regarding ongoing litigation involving the OBA.

BOARD MEMBER REPORTS

Governor Barbush reported by email that he attended the Rules Committee meeting and reviewed the financials submitted to the Audit Committee. **Governor Barker** reported he attended the Garfield County Bar Association meeting and the joint reception with the Pottawatomie County Bar Association. **Governor Cooper** reported by email that he attended meetings of the Oklahoma County Bar Association Executive Committee and Board of Directors. He also attended the preliminary discussion regarding the OBA and lawyers' use of AI, presented by Management Assistance Program Director Bays. He exchanged emails related to the Bar Center Facilities Committee. **Governor Dodoo** reported by email that she attended the Women in Law Conference Luncheon, the Immigration Law Section meeting, the Appellate Practice Section meeting and the joint reception with the Pottawatomie County Bar Association. She also coordinated and secured Judge Barnes as a speaker for the OBA Bench and Bar

Committee presentation, “Persistence and Excellence in Appellate Practice: Lessons From the Bench and Beyond.” **Governor Hixon** reported he participated in meetings of the Rules of Professional Conduct Committee and Law Day Committee. He scheduled a meeting of the OBA Audit Committee. He also attended a joint meeting of the TU and Tulsa lawyers chapters of the Federalist Society, where a “Conversation with Justice Dana Kuehn” was presented. He also attended the joint reception with the Pottawatomie County Bar Association. **Governor Knott** reported by email that she attended the Canadian County Bar Association monthly meeting, the Custer County Bar Association monthly meeting, the Payne County Bar Association meeting and the Young Lawyers Division Topgolf event to celebrate new OBA admittees. **Governor Locke** reported he attended the Membership Engagement Committee meeting, the Rules Committee meeting and the joint reception with the Pottawatomie County Bar Association. He also reviewed three public information brochures that are being discussed by the Membership Engagement Committee. **Governor Oldfield** reported he attended the Kay County Bar Association meeting, the Rules of Professional Conduct Committee meeting and the joint reception with the Pottawatomie County Bar Association. **Governor Thurman** reported he attended the joint reception with the Pottawatomie County Bar Association. **Governor**

Trevillion reported by email that he attended the Access to Justice Committee meeting and the Oklahoma County Bar Association’s “Raising the Bar” reception, and he participated in the OCBA golf tournament. **Governor West** reported he attended the preliminary discussion regarding the OBA and lawyers’ use of AI presented by MAP Director Bays. He attended the October swearing-in ceremony for new OBA admittees and the joint reception with the Pottawatomie County Bar Association. He also presented during the HalfMoon Education seminar for paralegals.

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 Oldfield said the **Rules of Professional Conduct Committee** discussed but has not adopted changes to Rule 8.4. Governor Hixon reported the **Law Day Committee** has adopted the ABA’s Law Day theme for 2026. Governor Locke said the **Membership Engagement Committee** is working on reviewing public information brochures. Executive Director Johnson reported the **Solo and Small Firm**

Conference Planning Committee is discussing possible venues and locations for the 2026 event.

AI AND THE OBA

MAP Director Bays was directed to partner with the OBA ethics counsel to craft a message to members aimed at providing guidance to legal practitioners in the ever-evolving artificial intelligence landscape.

DISCUSSION AND APPROVAL OF 2026 PROPOSED BUDGET AND PERSONNEL SCHEDULE

The board passed a motion to approve the submission of the proposed 2026 budget to the Oklahoma Supreme Court as presented.

UPCOMING OBA AND COUNTY BAR EVENTS

President Williams reviewed upcoming bar-related events and activities involving the Board of Governors, including the OBA Annual Meeting, Nov. 6-7, in Oklahoma City; the Board of Governors holiday event in Tulsa on Dec. 4; and the swearing-in ceremony for new officers and board members on Jan. 16 in Oklahoma City.

NEXT BOARD MEETING

The Board of Governors met in November, 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 on Friday, Dec. 5, in Tulsa.

2026 OBF IOLTA Grants

Your IOLTA Dollars Bringing \$2.9 Million in Legal Services and Education to Oklahoma Communities

By Renee DeMoss

- Safe Center Inc.: Legal services for survivors of domestic violence in Stephens County
- Legal Aid Services of Oklahoma: Refugee and immigration legal services in Texas County
- San Bois CASA: Advocacy support for justice-involved children in LeFlore County
- Oklahoma High School Mock Trial Program: Mock trial program education and training for students on our legal system, available for all 77 Oklahoma counties

These organizations are among the 64 nonprofits across the state that will receive a combined \$2.9 million in funding for legal services and education from the

Oklahoma Bar Foundation in 2026. Through IOLTA accounts established by Oklahoma lawyers and partnerships with these grantees, the OBF strives to bring justice home to our neighbors in all Oklahoma communities.

Last year, Oklahoma lawyers and judges identified areas of primary legal needs facing Oklahomans and areas of the state hardest hit by those needs. By partnering with its grantee organizations, the OBF seeks to respond to and address the wide spectrum of issues affecting Oklahoma individuals and families. These include protecting the elderly and those in danger of losing their homes, providing services to victims of domestic violence by ensuring they have the necessary resources to escape abusive environments and

find safety, supporting refugees and immigrants who face legal uncertainties and need resources to navigate our complex legal system and funding pretrial diversion programs that aim to provide alternatives to incarceration for individuals involved in the criminal justice system. Grants for organizations providing these services help eliminate barriers to justice and offer lifelines to individuals and families who would otherwise face overwhelming challenges without proper legal representation or guidance.

The following 2026 IOLTA grants will impact more than 100,000 lives across the state of Oklahoma.

Ms. DeMoss is the executive director of the Oklahoma Bar Foundation.

Pursuant to Article IV, Section 2 of the bylaws of the Oklahoma Bar Foundation (OBF), the following OBF members have been nominated by the 2025 Nominating Committee to serve on the OBF Board of Trustees: Jason Hartwig, Oklahoma City; Kaleb Hennigh, Enid; and Kevin Sain, Idabel. They have been nominated for three-year terms from 2026-2028.

Any group of 25 or more Partners for Justice (formerly Fellows) may submit the name of a member of the OBF as an additional nominee by submitting a petition duly signed by said Partners and submitted to the OBF Executive Committee no later than 10 days after the nomination slate is published in the *Oklahoma Bar Journal*. Nominating petitions can be mailed to Renee DeMoss, Executive Director, Oklahoma Bar Foundation, P.O. Box 53036, Oklahoma City, OK 73152-3034, or delivered to 1901 N. Lincoln Blvd., Oklahoma City, OK 73105-4901.

2026 IOLTA GRANTEES

GRANTEE ORGANIZATION	PROGRAM/SERVICE	SERVICE AREA	LIVES IMPACTED	GRANT AMOUNT
1st Step Male Diversion Program	Wrapped in Hope: diversion program	Tulsa County	25	\$18,084
22nd Judicial District CASA	Court appointed special advocates program	Hughes, Pontotoc and Seminole counties	70	\$20,000
American Civil Liberties Union of Oklahoma Foundation	Know Your Rights: education sessions	Statewide	250	\$15,000
American Dream Center Institute	Low-cost legal services for immigrants and refugees	Statewide	100	\$30,000
Bill of Rights Institute	Teaching rights and responsibilities under the law to Oklahoma students	Statewide	12,903	\$25,000
Canadian County CASA	Court appointed special advocates program	Canadian County	106	\$20,000
CASA for Kids	Court appointed special advocates program	Kay, Logan and Payne counties	120	\$15,000
CASA of Northeast Oklahoma	Court appointed special advocates program	Delaware, Mayes, Ottawa, Rogers and Washington counties	175	\$25,000
CASA of Oklahoma County	Court appointed special advocates program	Oklahoma County	630	\$25,000
CASA of Southern Oklahoma	Court appointed special advocates program	Carter, Johnston, Love, Marshall and Murray counties	111	\$15,000
CASA of Western Oklahoma	Court appointed special advocates program	Beckham, Custer, Dewey, Roger Mills and Washita counties	185	\$20,000
Catholic Charities of Eastern Oklahoma	Immigration legal services	Statewide	400	\$35,000
Catholic Charities of the Archdiocese of Oklahoma City	Citizenship initiative and support for survivors of crime	Canadian, Cleveland and Oklahoma counties	600	\$75,000
Center for Children and Families	Divorce and co-parenting services	Cleveland and Oklahoma counties	660	\$30,000
Child Advocacy Network	Multidisciplinary child abuse team	Okmulgee, Tulsa and Wagoner counties	1,774	\$20,000
Community Action Agency of Oklahoma City	Community legal counsel center	Canadian and Oklahoma counties	545	\$47,500
Community Court Advocacy Network	CCAN case management	Oklahoma County	127	\$30,000
Community Crisis Center	Community Crisis Center court advocacy	Craig, Delaware and Ottawa counties	150	\$14,000
Domestic Violence Intervention Services	DVIS legal program	Creek and Tulsa counties	3,630	\$25,000
Grand Lake Mental Health Center	Mental health and addiction services for justice-involved individuals and families	Kay County	92	\$20,000
Historical Society of the U.S. District Court for the Western District of Oklahoma	Civics education	Statewide	1,000	\$10,000
Latitude Legal Alliance	Latitude Legal Alliance representation for underserved immigrants	Statewide	4,461	\$100,000
Lawyers Helping Lawyers Foundation	Lawyers Helping Lawyers Foundation	Statewide	16,288	\$200,000
Legal Aid Services of Oklahoma	Access to civil legal services	Statewide	32,500	\$250,000
Marie Detty Youth and Family Services	New directions, domestic and sexual violence and stalking legal services	Caddo, Comanche and Cotton counties	1,625	\$20,000
Mary Abbott Children's House	Forensic interview program	Cleveland, Garvin and McClain counties	1,200	\$15,000

Mental Health Association Oklahoma	Special Services Docket	Statewide	250	\$30,000
New Sanctuary Empowerment Center	El Centro legal program	Tulsa County	200	\$45,000
Oklahoma Access to Justice Foundation	Legal education and empowerment	Statewide	1,500	\$50,000
Oklahoma CASA	Strengthening CASA advocacy	Statewide	19	\$25,000
Oklahoma City University	HEROES (Helping to Eliminate Re-entry Obstacles to Enhance Stability) Clinic	Oklahoma, Canadian, Cleveland and Pottawatomie counties	250	\$57,000
Oklahoma City University	American Indian Wills Clinic	Statewide	100	\$45,000
Oklahoma County Juvenile Bureau	Literacy initiative program	Oklahoma County	80	\$4,927.25
Oklahoma County Juvenile Bureau	Connect to Redirect program	Oklahoma County	1,600	\$8,525
Oklahoma Disability Law Center	Educational juvenile court advocacy/ liaison program	Canadian and Oklahoma counties	35	\$52,715
Oklahoma Guardian Ad Litem Institute	GAL services for children and legal training for domestic violence and court experts	Statewide	200	\$100,000
Oklahoma High School Mock Trial Program	Oklahoma High School Mock Trial Program	Statewide	800	\$75,000
Oklahoma Indian Legal Services	Native Navigator Rural Justice Connection	Statewide	1,200	\$150,000
Oklahoma Lawyers for Families and Children	Oklahoma Families Forward: redefining access to justice for families	Statewide	500	\$235,550
Okmulgee County Family Resource Center	Court appointed special advocates program	Creek and Okmulgee counties	111	\$20,000
Palomar: Oklahoma City's Family Justice Center	Palomar Legal Network	Canadian, Cleveland, Logan and Oklahoma counties	120	\$30,000
Pawnee/Osage CASA	Court appointed special advocates program	Creek, Kay, Osage, Pawnee and Payne counties	57	\$25,000
Pittsburg County Child Abuse Response Effort	2025-2026 MDT training initiative for child abuse investigations	Statewide	500	\$20,000
Project Commutation	Project Commutation internship program	Statewide	1,000	\$80,000
ReMerge	Diversion program for mothers	Canadian, Cleveland, McClain and Oklahoma counties	100	\$31,060
Resonance Center for Women	Diversion and reentry services	Statewide	1,600	\$25,000
Safe Center	Legal services and domestic violence protection	Jefferson and Stephens counties	450	\$75,000
Safe Center	Advocacy for child survivors	Jefferson and Stephens counties	564	\$30,000
San Bois CASA	Court appointed special advocates program	Atoka, Haskell, Latimer, LeFlore and Pittsburg counties	200	\$25,000
Teen Court	Delinquency prevention	Comanche County	1,362	\$50,000
The CARE Center	Child abuse forensic interviewing	Oklahoma County	1,122	\$20,000
The ComeBack Kid Society	Turnaround program	Statewide	1,300	\$20,000
The Parent Child Center of Tulsa	Tulsa Safe Babies program	Tulsa County	75	\$25,000
The Spero Project	Refugee legal services	Canadian, Cleveland and Oklahoma counties	2,700	\$130,000

The Spring	Legal services for survivors of domestic abuse and human trafficking	Statewide	2,500	\$15,000
Trinity Legal Clinic of Oklahoma	Community justice initiative	Canadian, Cleveland, Logan and Oklahoma counties	400	\$75,000
Tulsa CASA	Court appointed special advocates program	Tulsa County	260	\$35,000
Tulsa Lawyers for Children	Legal advocacy and representation for children	Tulsa County	315	\$65,000
Wings of Hope Family Crisis Services	Court advocacy program	Lincoln, Logan, Noble, Pawnee and Payne counties	400	\$20,000
YMCA of Greater Oklahoma City	Youth and government program	Statewide	2,500	\$16,900
Youth and Family Resource Center	Court appointed special advocates program	Lincoln and Pottawatomie counties	35	\$15,000
Youth Services of Tulsa	Youth Court	Tulsa County	475	\$10,000
YWCA Enid	Legal advocacy program for survivors of domestic violence	Garfield, Grant, Blaine, Major and Kingfisher counties	3,000	\$20,500
YWCA Tulsa	Immigration legal services	Tulsa County	747	\$100,000
			108,354	\$2,976,761.25



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Continuing Legal Education

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2025 EMPLOYMENT LAW SEMINAR

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- Mediation in Employment Cases: Evaluating Risk and Value from All Sides
- Faith at Work: The New Landscape of Religious Accommodation Claims
- Federal and State Case Law Update: What's New in 2025
- And More!

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ON THE MOVE

A. Grant Schwabe has joined the Tulsa office of Pray Walker as a partner. He has experience in commercial litigation, representing clients in banking and financial services litigation, real estate transactions, construction disputes, oil and gas matters and labor and employment law. In addition to his trial experience, Mr. Schwabe has represented clients in over 60 appeals, ranging from cases before the Oklahoma Court of

Civil Appeals and the Oklahoma Supreme Court to the U.S. Court of Appeals for the 10th Circuit.

Natalie Frost has joined the Tulsa law firm of Barber & Bartz PC. She practices in the areas of probate, guardianship and estate planning and is a member of the firm's Estate and Trust Group practice. Ms. Frost has 19 years of diverse legal experience.

KUDOS

Jennifer Lamirand has led the launch of a new tribal and federal Indian law practice at the law firm of Bressler, Amery & Ross PC. Ms. Lamirand is a principal in the firm's Financial Institutions and Insurance Litigation practice groups, focusing on litigation in the areas of tribal law, federal Indian law, gaming, securities, contracts and insurance.

HOW TO PLACE AN ANNOUNCEMENT:

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

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

Submit news items to:

Hailey Boyd
Communications Dept.
Oklahoma Bar Association
405-416-7033
barbriefs@okbar.org

Articles for the February issue must be received by Jan. 1.



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IN MEMORIAM

Doyle Wayne Argo of Norman died June 9, 2024. He was born March 24, 1947, in Norman. He graduated from Norman High School in 1965 and attended OU from 1965 to 1969, where he completed the Air Force ROTC program. **Mr. Argo served in the U.S. Air Force from 1969 to 1973, earning a Bronze Star for his exemplary commitment. After active duty, his service continued through the Air Force Reserve, where he retired as a full colonel.** He received his J.D. from the OU College of Law in 1976. He began his legal journey as an assistant district attorney for Cleveland County and went on to serve as general counsel for the OBA in 1979. In 1981, he co-founded the law firm of Bailey, Welch, Argo and Lillard. In April 1987, Mr. Argo was sworn in as a U.S. magistrate judge. He served on the Oklahoma Crime Victims Compensation Board and was involved in the aftermath of the Murrah building bombing. Mr. Argo celebrated his retirement in 2012.

Jay Rosser Bond of Oklahoma City died Oct. 10. He was born Oct. 14, 1932, in Chickasha. He graduated from Chickasha High School, where he was involved in the Boy Scouts of America. He became an Eagle Scout and later served as a neighborhood scout commissioner and explorer advisor. Mr. Bond graduated with a bachelor's degree from OU and received his LL.B. from the OU College of Law. He was a member of the Kappa Alpha fraternity and served as chapter president in 1955. **Mr. Bond was commissioned as a second lieutenant in the U.S. Army and served active duty in Germany during the Cold**

War. He retired as a colonel after 29 years in the Army Reserve. He practiced law in Oklahoma City for 56 years. Mr. Bond served as vice president of the Oklahoma County Bar Association and was a member of the American Bar Association. He was inducted into the Oklahoma Angus Hall of Fame after he served as interim secretary and treasurer of the Oklahoma Angus Association.

Gary W. Dugger of Houston died June 3, 2024. He was born Dec. 4, 1942, in McAlester. He received his J.D. from the OU College of Law in 1966. **Mr. Dugger served his country in Vietnam.**

Thomas Bruce Goodwin of Cheyenne died Oct. 16. He was born May 13, 1949, in San Diego and graduated from Canadian High School in 1967. **Mr. Goodwin was drafted into the U.S. Army in 1968 and stationed in Germany. He served until being honorably discharged in 1971.** He graduated from Panhandle State University in 1975 and received his J.D. from the OU College of Law in 1978, graduating in the top 3% of his class. His legal career began as an associate in the satellite Elk City office of the law firm of Perryman, Smith & Wright. A partner sold his part of the law practice, and Wright & Goodwin continued to practice until 1990, when Mr. Goodwin became a solo practitioner. He and his wife worked side by side in the law office since 1991.

Lawrence Eugene Hoecker of Payson, Arizona, died March 22. He was born Jan. 1, 1932.

William Donald Huser of Wewoka died Jan. 30. He was born Oct. 31, 1940, in Wewoka. He graduated from Wewoka High School and attended Austin College in Sherman, Texas, for two years before graduating from OU with a bachelor's degree in English in 1964. He received his J.D. from the OU College of Law in 1966. Mr. Huser served as a regent of Seminole State College for many years and was an OBA member for 57 years. He practiced law at Huser, Huser & Lively and served as a municipal judge for Wewoka for 15 years and as Konawa city attorney for 30 years. **He served as a U.S. Army reservist for 14 years and achieved the rank of captain before his honorable discharge in 1984.** Mr. Huser was a member of the Oklahoma Trial Lawyers Association, the American Bar Association, the Wewoka Lions Club, the Wewoka Country Club, the Seminole Elks Lodge and the American Lung Association.

Ben Gene Price of Houston died July 19. He was born Feb. 19, 1941, in Randlett. He attended school in Lone Grove, where he excelled academically and in sports, lettering in basketball, baseball and football during his high school years. Mr. Price attended Southeastern Oklahoma State University and completed his bachelor's degree in business administration at the then-Central State College in Edmond. He received his J.D. from the OU College of Law. Mr. Price had a keen interest in history and constitutional law and was a proud citizen of the Chickasaw Nation. **In 1966, Mr. Price joined the U.S. Air Force and was stationed**

at James Connally Air Force Base in Waco, Texas, during the Vietnam War. He was honorably discharged and served in the National Guard. He began his career in Oklahoma in the tax department of Peat, Marwick, Mitchell & Co. from 1968 to 1969 and established a private law practice in 1970. Outside his private practice, he was an attorney for Legal Aid Services of Oklahoma. In 1972, he moved to New Orleans and entered the oil and gas industry as a landman and legal representative for Signal Petroleum. He retired in 1996 from the oil and gas industry at Coastal Oil & Gas Co. in Houston. After retiring, he served as president and CFO of Pickens-Price Enterprises Inc. Mr. Price continued making legal contributions to other organizations, specifically the Hutcherson Flying Queens Foundation.

Gayle Welcher of Oklahoma City died Sept. 8. She was born July 23, 1941. Ms. Welcher received her J.D. from the OU College of Law in 1966 and taught at OU for several years. She was dedicated to the Oklahoma City law firm of Gordon Stuart for more than 40 years.

William R. Wines of Horseshoe Bay, Texas, died March 24, 2024. He was born April 17, 1941, in Tulsa. Mr. Wines received his J.D. from the OU College of Law.

EDITORIAL CALENDAR

2026 ISSUES

JANUARY

Family Law

Editor: Evan Taylor
tayl1256@gmail.com

FEBRUARY

Criminal Law

Editor: Becky Baird
beckyrenebaird@gmail.com

MARCH

Business & Corporate Law

Editor: Magdalena Way
magda@basslaw.net

APRIL

Health Law

Editor: Melissa DeLacerda
melissde@aol.com

MAY

Insurance Law

Editor: Evan Taylor
tayl1256@gmail.com

AUGUST

Taxation

Editor: Melissa DeLacerda
melissde@aol.com

SEPTEMBER

Civil Procedure & Evidence

Editor: David Youngblood
david@youngbloodatoka.com

OCTOBER

Government & Administrative Law Practice

Editor: Martha Rupp Carter
mruppcarter@yahoo.com

NOVEMBER

Appellate Practice

Editor: Melanie Wilson
Rughani
melanie.rughani@crowdunlevy.com

DECEMBER

Law Office Management

Editor: Norma Cossio
ngc@mdpllc.com

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

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Contact Sheila Richardson at (405) 943-3001.

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TEXAS COUNTY HAS AN IMMEDIATE OPENING for a full-time Assistant District Attorney in our Guyton office. Duties include prosecution of misdemeanor and felony offenses from filing to jury trial. Prior prosecution or jury trial experience (3+ years) can expect salary on the upper end of a beginning 70k-90k range. Full State of Oklahoma benefits. Please send inquiries and resumes to taos.smith@dac.state.ok.us.

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Position Available: Associate Attorney – Civil Litigation
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- Collaborate with partner attorneys and support staff to achieve favorable outcomes

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- Juris Doctor (J.D.) from an accredited law school
- Active license to practice law in the State of Oklahoma
- Minimum of five (5) years of civil litigation experience (preferably in insurance defense, professional liability defense, or general civil defense litigation)
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Applicants for the position must have graduated from an accredited law school, be a member in good standing in the Oklahoma Bar Association and be admitted to or eligible for immediate admission to practice in the U.S. District Court for the Western District of Oklahoma and the Tenth Circuit Court of Appeals. Applicants must possess a valid Oklahoma Driver's license. Interested applicants should apply and submit a resume and a law school transcript to mburns@unioncityok.gov.

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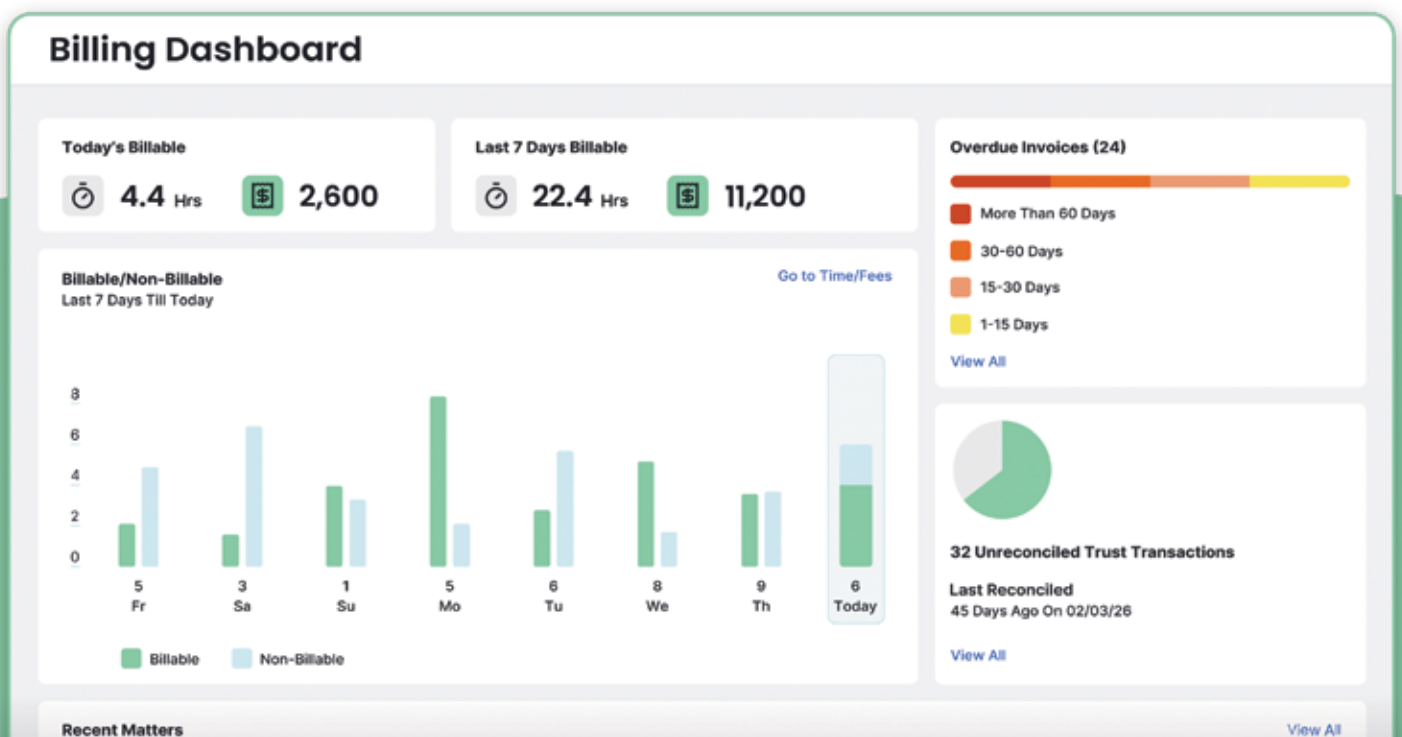
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The Power of a Second Chance

By Courtney Jordan

WHEN THE OKLAHOMA Supreme Court reinstated my license to practice law, it gave me more than the ability to return to courtrooms and client files. It gave me a second chance at life. The court's decision affirmed that mistakes, even serious ones, do not have to define a career or a person. It reminded me that our profession rests not only on accountability but also on restoration.

That second chance did not end with the court's order. Soon after, the Eastern District of Oklahoma readmitted me and welcomed me to the Criminal Justice Act panel. The trust placed in me by the judges of the Eastern District meant that my return to practice was not symbolic. It was real, and it carried with it both responsibility and hope.

As a citizen of the Cherokee Nation, that trust holds special meaning. The Eastern District is where so much of the work of justice in Indian Country takes place. It is where tribal sovereignty, federal law and individual rights meet every day. Serving there has given me a new way to stand alongside tribal citizens, Native communities and others navigating the complexities of federal criminal law.

This opportunity is also rooted in the journey that preceded my setback. Before my suspension,

I devoted much of my career to Indian Country. I represented the Cherokee Nation as an assistant attorney general, working on matters that touched nearly every corner of tribal life. Later, I served as tribal liaison for the United States Attorney's Office, building bridges between federal prosecutors and tribal governments. Teaching Indian law allowed me to pass on that knowledge to the next generation. Service to Indian Country has always been central to who I am, and it remains so today.

Now, with admission in the Eastern District of Oklahoma, the 10th Circuit Court of Appeals and numerous tribal courts, I can continue that service in a renewed way. These admissions allow me to advocate for Native clients and tribal governments in the forums where sovereignty and justice are most often tested.

Still, the law alone could not carry me through a season of rebuilding. What made this journey possible were the people of this profession. Dozens of members of the OBA, colleagues, former opponents and even those who only knew of my story extended encouragement when I needed it most. They reminded me that resilience and redemption are not abstract ideals. They are lived out in the

relationships we hold and the grace we extend to one another.

Today, I stand again as a lawyer in good standing, leading my own practice, teaching and mentoring, always mindful of the responsibility that comes with restoration. Second chances are not owed. They are given. They come from courts willing to weigh not only the conduct that led to discipline but also the evidence of rehabilitation, from colleagues prepared to set aside gossip and choose generosity and from a community that believes people can grow after they fall.

The power of a second chance is that it transforms not only a career but a life. Mine has been transformed. And for that, I will spend the rest of my career working to honor the trust you have placed in me.

Editor's Note: A similar version of this article was also published in The Journal Record.

Ms. Jordan is the founder of Suli Law PLLC in Tulsa.



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Covering bills passed during the latest Oklahoma legislative session.

Original Program Date: Aug. 22, 2025 - MCLE 3/0

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A discussion about the ethical responsibilities of attorneys and ordinary citizens to eliminate wrongful convictions in Oklahoma.

Original Program Date: Oct. 2, 2025 - MCLE 0/1

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This program offers practical guidance for new attorneys through the experiences of seasoned practitioners and judicial officers.

Original Program Date: Oct. 8, 2025 - MCLE 2/1

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Join the CLE Performer, 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.

Original Program Date: Oct. 14, 2025 - MCLE 0/1

CIVILITY: THE FOUNDATION OF EFFECTIVE LAWYERING

In this highly interactive workshop, participants will explore the importance of civility in resolving disputes from the perspectives of parties, party advocates, and judges or neutrals.

Original Program Date: Oct. 24, 2025 - MCLE 0/2

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Presented by the OBA Family Law Section

Original Program Date: Nov. 6, 2025 - MCLE 4/0

OKLAHOMA SENTENCING GUIDELINES UPDATE

What everyone needs to know about the new sentencing statutes.

Original Program Date: Nov. 7, 2025 - MCLE 2/0

TRUST ACCOUNTING AND CREDIT CARDS:

ETHICS, COMPLIANCE AND OKLAHOMA'S NEW SURCHARGE LAW

Julie Bays, Director, OBA Management Assistance Program.

MCLE 0/1

A black and white portrait of Clif Gooding, a middle-aged man with a receding hairline, smiling. He is wearing a suit jacket, a light-colored shirt, and a patterned tie.

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