OCBA’s Lawyers in the Classroom Program
A Success for Schools & Volunteers

By Pam Bennett
LRE Coordinator

Law-related Education volunteers have stayed busy this school year presenting lesson plans and participating in career days at twenty-seven schools so far, in Oklahoma County through the Lawyers in the Classroom program. The OCBA has approximately 100 volunteers who will talk to thousands of students this year on topics ranging from the Bill of Rights to Contracts. As of this date, volunteers have spoken to 3,032 students since the beginning of the 2013-2014 school year. While the Bar will provide lesson plans, many volunteers have developed their own to coincide with current events and which have been added to the curriculum, including methamphetamine abuse (INFORM), financial literacy/budgeting, and the Presidential election.

The Oklahoma County Bar was one of the first to successfully expand Law-related Education into the classroom with the Lawyers in the Classroom program and over the past 20 years speakers have been in nearly every school in the metropolitan area. Law-related Education committee members were also the first to develop the young adult guide which is now distributed to high school students statewide. This has become an invaluable tool for teenagers (and their parents) as they turn 18.

While this program has been beneficial to students, many volunteers will say they are the ones who benefit from their participation. It is a great opportunity to portray lawyers in a positive light and from their response it’s obvious they are successful. Many speakers receive positive feedback from their response.

Why use an Expert Witness in Domestic Violence Cases

By Deb Stanaland
Certified Domestic and Sexual Violence Response Professional, Chief Support Services Officer, YWCA Oklahoma City

Many victims are concerned about having to face their perpetrator in court. They also fear the perpetrator outside the courtroom before and after the process is complete. In Domestic Violence (DV) cases, the majority of victims report serious physical assault, threats to kill or harm, or threats and/or attempts to take the children. Victims of DV, Sexual Assault (SA) and stalking are regularly murdered by their perpetrators when they try to escape. (See Oklahoma Fatality Review Board Statistics.)

According to the U.S. Department of Justice, National Institute of Justice (NIJ), rearrests or violations begin to occur immediately upon the defendants’ release from the police station or court. In the Massachusetts Misdemeanor Rearrest Study and Brooklyn, N.Y. Felony Arrest Study, the majority of defendants rearrested for new abuse were arrested while their initial abuse cases were still pending in court.

The use of Expert Witnesses will give jurors the information they need to objectively evaluate the evidence.

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A Smile for the Homeless

By President Patricia Parrish

This Christmas season, my nephews (ages 4 through 10) traveled to Oklahoma City with their parents to shop for Christmas presents. The boys are from northwest Oklahoma. My nephews experienced a phenomenon that they had never seen - homelessness. It seemed that on every street corner there was a man or woman asking for help. Their parents explained that sometimes things happen that cause parents and their children to lose all they have - even their homes. My nephews were particularly worried about how Santa would find the homeless children. Realizing they couldn’t give Christmas presents to all these children, they did what they could. They prepared gift bags containing snacks and other goodies and returned to Oklahoma City to hand them out. Each person receiving a “goodie bag” expressed their thankfulness with a huge smile!

In following the example of my young nephews, a Shawnee resident has designated February 22, 2014, as an unofficial Make the Homeless Smile Day. On that day, snacks, blankets and hand warmers will be given out to the homeless. These acts of kindness caused me to think about what we, the members of the OCBA, might be able to do to bring a smile to a homeless person.

The groundwork for assisting the homeless within the local community has already been set by two groups – Trinity Legal Clinic and Legal Aid of Oklahoma. Trinity Legal Clinic, established in 2007 by a group of local attorneys to promote justice and mercy, provides legal services to the poor and needy. Trinity currently staffs three clinics:

• Cross and Crown Mission Wednesday, 11 a.m. - 1 p.m. 1008 N. McKinley Ave.

Most Trinity attorneys volunteer once a month for 2 hours at the clinic of their choice while others serve as referral attorneys in specific areas of the law. Of course, monetary donations are always welcome!

To learn more about volunteering at or donating to Trinity Legal Clinic, visit trinitylegal.org or contact Lori Jones at lyoung@trinitylegal.org or 405-410-4544.

Legal Aid Services of Oklahoma, Inc. provides daily legal services from 8 a.m. to 4 p.m. at the Westtown Homeless Alliance Center located at 1724 N.W. 4th Street, Oklahoma City. If you are interested in this opportunity to volunteer, please contact Greg Bebens at 405-521-1302.

Rockwood Elementary School: A School In Need

By Judge Patricia Parrish

Rockwood Elementary School, 3101 S.W. 24th St., is nestled in a small community south of the I-40 and I-44 exchange just south of the Oklahoma River. Rockwood has approximately 600 students in grades PK-5 and a minority enrollment of 91 percent (majority Hispanic). Perhaps Rockwood is a small town in northwest Oklahoma. My nephews experienced a phenomenon that they had never seen - homelessness.
As a Nation...

By District Judge Jerry D. Bass

“As a nation, we began by declaring that ‘all men are created equal.’ We now practically read it ‘all men are created equal, except Negroes.’ When the Know Nothings get control, it will read ‘all men are created equal, except Negroes, and foreigners, and Catholics.’ When it comes to this I should prefer emigrating to some country where they make no pretense of loving liberty — to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy.”

Abraham Lincoln

Last fall, Joel Ingram, 26-year-old Oklahoma actor (nephew of one of my very best friends) starred in the lead role during the final week of the Broadway smash hit Wicked. I got to spend some time with him and he is one awesome and sincere person. We went to dinner a few times and he told me how happy he was to be back in Oklahoma. He was so proud of his new tattoo of the State of Oklahoma on his wrist! The last night we were here I took him to dinner at a Tulsa restaurant and then physically attacked outside.

Consider the following stories:

1. 19-year-old Zach Harrington hung himself after a Norman city council meeting where gay slurs were hurled for 3 hours;
2. 15-year-old, openly gay Jadin Bell bullied at school, hung himself and clung to life in a coma for 2 weeks before dying. His father William Bell was killed in Colorado by a semi tractor trailer. He was walking across country to call attention to bullying in schools.
3. An Oklahoma County judge’s nephew being verbally assaulted inside a Tulsa restaurant and then physically attacked outside.
4. Former Oklahoma County Commissioner assaulted outside an Oklahoma City restaurant.

It brought me to ask where do these people get their power — to visit verbal and physical violence upon another human being? It comes from Governors, legislators, and judges. These people are empowered and come to believe their actions are vindicated when our political, legal and religious leaders use words or engage in actions that treat others as something less than a whole person or citizen. They then conclude it is all together proper to visit verbal and physical violence upon a fellow human being - simply because I am different - and for no other reason.

Now, let me make it clear that responsible political, legal and religious leaders never intend their words to cause these harms. However, the fact remains that they do. When statements are made, legislation passed, judicial orders issued - they carry consequences. As leaders our words and actions carry consequences... including prompting prejudice and even inciting violence upon another human being - unintended as they may be. Nevertheless it happens, as related by the above anecdotal examples.

Let me cut to the chase. When I talk to others about being gay — 99.9 percent of those people who denounce gay people at some point in the discussion always say ‘my bible says’ — so if that is the rationale for their position then the question has to be: as a society do we have the right to impose our religious beliefs on another citizen?...and of course the answer is no...there can be no other answer... save the Spanish inquisition or the Salem witch trials.

I think daily of the young men and women that get up to go to school knowing that they will be bullied, called names and knowing there’s a good chance they will get beaten up, only because we are who God made us to be. We are all children of God, brothers and sisters and yet denied the same rights as do the majority of the people enjoy, simply because we are different.

As judges we are responsible not to some of the people but to all of the people. Our words carry authority and therefore we must be measured in our written and oral proclamations. People listen to what we have to say and act on our words, therefore there are consequences as a result of our opinions. We occupy a position like no other in our democracy. We have to be careful not to enshrine our beliefs — no matter how religiously valid we believe them to be — in our judicial rulings, legislative laws and See NATION, PAGE 11
By Jim Croy

February 10, 1914

One Hundred Years Ago

[Excerpted from Chicago R. I. & P. Y. Co. v. Evans, 1914 OK 56, 138 P. 804.]

This was a action instituted by Charles Evans, aged 19, against his father and next friend, for damages for personal injuries on account of an alleged forcible and wrongful ejection from one of the defendant’s passenger trains between Holdenville and Wewoka. In the early spring of 1909, the plaintiff was properly joined, and there was a trial to the court and jury and a verdict and judgment for the plaintiff against the defendant for $1,945, from which an appeal was properly brought to this court by petition in error and case-made.

Error is assigned in overruling the motion for new trial and in rendering judgment for the plaintiff. It is urged by the plaintiff in error that the trial court erred in not granting this motion to the jury and in refusing to give a requested instruction, and that the judgment is excessive.

It appears from the evidence that the plaintiff, who was a young man, nineteen years of age, boarded one of the plaintiff’s passenger trains at Holdenville for the purpose of collecting a debt from one Mike Ryan, a passenger on said train, and that after he boarded the train he engaged in a controversy with Mike Ryan, and the train pulled out of Holdenville and continued on its journey toward Shawnee, and, when some three or four miles from Holdenville, the plaintiff, still engaged in his controversy with Mike Ryan, became boisterous and was creating a disturbance with the passengers on the train, and, the conductor’s attention being then called to the disturbance, he went back to the part of the train where the plaintiff and Ryan were and attempted to quell the plaintiff. The auditor then asked plaintiff for his ticket. The plaintiff said he had no ticket, “wasn’t going anywhere,” and had no money to pay his fare, and the conductor, then failing to quiet him, gave the signal to the train to back up and he be placed in the left in that place, and suggested that the conductor that for the protection of the train be backed up and he be placed in the baggage car and rode there until the train arrived at Wewoka, where he was turned over to the county physician. All this occurred on May 25, 1909. The evidence shows that on August 2d following the plaintiff was adjudged insane by the insanity board of Pittsburg county, where his father resided and where he was taken in this incident and sent to the insane asylum at Norman, where he was still confined at the date of the trial, February 11, 1911. It was contended on behalf of the plaintiff that the force and violence used in ejecting him from the train and after he was ejected was the proximate cause of his subsequent insanity.

It is clear from the testimony that the plaintiff was not a passenger on the defendant’s train, and that he did not intimate he became a passenger when he entered the train. He neither purchased a ticket before entering nor provided himself with money to pay his fare from the station where he entered to the next station. The railroad company, therefore, did not owe him that high degree of care it owes a passenger on one of its trains. Its servants had a right to eject him in a proper manner and at a proper place for failure to pay his fare, or in lieu of a ticket, and on account of the boisterous conduct and annoyance he caused to the passengers on the train. Section 813, Rev. Laws 1910.

In instruction No. 2, complained of by the plaintiff in error, the court told the jury that the servants of the defendant had a right to eject the plaintiff from the train or to remove him from the passenger car to some other part of the train, but in so doing they were bound to use only such force as was reasonably necessary under the circumstances to remove and eject him.

In the third instruction of the court to the jury, also complained of by the plaintiff in error, the court told the jury, in effect, that the plaintiff was not a passenger on the train, and he could not recover for such ejection without unnecessary force.

It does not seem to be material in this case whether the plaintiff was a trespasser or a licensee; so long as he was not a passenger, the company’s duty to him would be that of a mere servant or customer, and it would be liable for injury wantonly and willfully inflicted upon either trespasser or licensee.

The court told the jury in instruction No. 3 that the plaintiff was not a passenger on defendant’s train, and that the defendant’s servants had a right to eject him without unnecessary force, and that he was not entitled to recover for such ejection; and in instruction No. 2 told the jury that the servants of the plaintiff in error had a right to remove the plaintiff from the train or from the passenger car to some other part of the train, but that in

* * *

The company insists that the action of the trial judge is correct, and cites Lambert v. Harris, 183 Okla. 612, 84 P.2d 41, and the earlier decisions of this court to the same effect. The rule therein stated is: “A juror will not be permitted, by affidavit or testimony, to impeach the verdict for misconduct occurring either inside or outside the jury room.

We believe the law is the proper rule, and it is one which has existed in this jurisdiction for years. In Lambert v. Harris, supra, we were expressly and strenuously urged to renounce the rule, and we declined. The attorneys who filed briefs in that case cited all of the earlier decisions of this court from which they could derive any comfort, but it appeared that none of them then occupied a status that called for it to be overruled, or even differentiated from those cases mentioned in our opinion therein.

However, there is an earlier Oklahoma case substantially in keeping with the contention of Lambert, in that case, and Wolff, in this case, which was not called to our attention in the Lambert Case. It is called to our attention by Wolff and is urged by him as being entirely in line with his contention. That case is Harrod v. Sanders, 137 Okla. 231, 278 P. 1102.

The ground for the new trial there was misconduct of a juror outside the jury room. The trial court, in compliance with a request under section 361, O. S. 1931, 12 Okla. St. Ann. sec. 579, directed the jury to view the scene of the accident. One juror separated himself from the jury, and did not view the scene of the accident. This was discovered after the jury’s verdict had been received and the jury discharged. This was established solely and specifically upon the testimony of the juror, alone. The proposition advanced was discussed from three aspects, but great if not paramount importance was attached to the law relating to unauthorized view by a juror, the precise issue made here. The law relating to unauthorized views was treated therein as being entirely analogous to a failure to view. In that portion of the cases where such misconduct is permitted to be shown by the affidavit or testimony of the juror, the basis for treating an unauthorized view by a juror, or the failure of a juror to view although by permission or direction, as presumptively prejudicial is the fact that it results in the jury as a unit deliberating upon unequal evidence.

See OLIO, PAGE 15
Community Service Committee Spreads Holiday Cheer to Young and Old

By Ray Zschiesche

This year, the Community Service Committee continued its annual holiday tradition of providing some holiday cheer to those less fortunate. For many years, members of the Committee have provided Christmas gifts to juvenile residents of Family Junction, a youth shelter that is part of Youth Services of Oklahoma County. Family Junction houses juveniles who, due to circumstances beyond their control, are not able to live at home. These children are placed at Family Junction because their parents are incarcerated, have drug or alcohol problems or a myriad of other issues that prevent them from providing a safe environment for the children at home.

Members of the Committee received wish lists from the children and either purchased gifts from the wish list or donated money to be used for the purchase of gifts. On December 18, the Committee sponsored a holiday pizza party for the children at the shelter, during which Committee members, OCBA staff and Judge Patricia Parrish had an opportunity to visit with children and hand out stockings with gift cards to fast food restaurants (a rare treat for the kids). The party included Committee members amazing the kids with feats of physical dexterity and cobra-like reflexes (the quarter on the elbow trick) and awe-inspiring demonstrations of physics and nerves of steel (the toothpick and the fork trick). The evening concluded with failed attempts by the children to show some of the dance-challenged Committee members how to “moonwalk.” It should be noted that Chance Pearson didn’t even try – something about not having on the right kind of shoes.

This year, the Committee also partnered with the Black Lawyers Association of Oklahoma City to provide a holiday party for residents of the Oak Hills Nursing Home in Jones, Oklahoma. Oak Hills is a facility that cares for those who are destitute and cannot otherwise afford nursing care at other facilities. Judge Parrish and the Committee provided snacks and refreshments for the party and Judge Parrish arranged for “The Elderly Brothers” to perform oldies hits.

Committee members and members of the Black Lawyers Association visited and danced with the residents, and some residents even got up out of their wheelchairs to join in the dancing. Based on the smiles on their faces, the foot-stomping, dancing and clapping, this was a night to remember for the residents. In fact, the question most asked by the residents was, “When are you all going to come back?”

As the parties wound down it was hard to tell who had bigger smiles on their faces, OCBA members or residents of Family Junction and Oak Hills.

The Community Service Committee is always looking for new members to participate. Anyone interested may contact Ray Zschiesche at (405) 235-4100 or Chance Pearson at (405) 239-6040.

YLD’s Annual Harvest Food Drive Provides 200,000 Meals

By Clayton D. Ketter

The YLD’s Harvest Food Drive, which has been an annual tradition for over 20 years, was once again a success. The support received enabled a $20,000 donation to be made to the Regional Food Bank of Oklahoma. Chesapeake Energy very generously matched the contribution, resulting in a total donation of $40,000. Each dollar donated to the Regional Food Bank equals about five meals. Therefore, your contributions combined with Chesapeake’s matching provided around 200,000 meals for hungry Oklahomans.

The Regional Food Bank provides enough food to feed more than 90,000 hungry Oklahomans each week, one-third of which are children. Because it is primarily funded by private donations, contributions such as the one provided by the YLD are vital to enabling this wonderful organization to continue its work.
Say Goodbye to Benign Obesity, and Hello to Metabolic Normalcy

By Warren Jones

You may have seen some stories in the lay press about something being called “benign obesity.” The concept is that if you are obese but otherwise “healthy,” then the obesity in and of itself is not dangerous.

It should not be a surprise to you that individuals in the same body mass index category can have substantial differences in metabolic features such as their lipid profile, their glucose tolerance, their blood pressure, and/or their waist circumference. A unique group of obese individuals with normal metabolic features... despite their increased adiposity... has been described as metabolically healthy obese. And it should not surprise you that just as there are some obese individuals with good metabolic function, there is a group of normal weight individuals with adverse metabolic status.

Researchers from Mount Sinai Hospital, University of Toronto wanted to determine the effect of metabolic status.

There is a group of normal weight persons, in overweight persons, and/or their waist circumference. A unique group of obese individuals with normal metabolic features... despite their increased adiposity... has been described as metabolically healthy obese. And it should not surprise you that just as there are some obese individuals with good metabolic function, there is a group of normal weight individuals with adverse metabolic status.

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Mock Trials

By Chris Deason

The University of Oklahoma College of Law hosted the regional National Trial Competition sponsored by the Texas Young Lawyers Association (“TYLA”) and the American College of Trial Lawyers. It is perhaps the oldest mock trial competition and arguably (at least by TYLA) the most prestigious of the law school trial competitions. Schools have the honor of hosting a regional competition about once every ten years.

The twenty-two teams were from Montana, Utah, Arizona, New Mexico, Idaho, and Colorado, as well as OU, OCU and Tulsa. Several Oklahoma County judges and members of the Oklahoma County Bar Association participated by judging competitions beginning on January 31, 2014. The finals were held on Sunday, February 2, 2014, with students from the University of Denver College of Law taking first place and the University of Arizona College of Law placing second after heated rounds against the University of Colorado School of Law and Brigham Young University Law School.

The top two teams have qualified to compete at the national tournament scheduled for March 2014 in Austin, Texas.

OU College of Law Career Development Night

Crowe & Dunlevy attorneys recently co-sponsored the University of Oklahoma College of Law’s Career Development Night, presented by OU Law’s Office of Career Development on Thursday, Jan. 16. The evening offered an opportunity for OU law students to network and meet attorneys. Pictured left to right are Crowe & Dunlevy attorney Daniel Johnson; Morgan Hager, associate director of Career Development at OU; and Abilene Slaton, first-year law student at OU.
James Bailey, A Courthouse Friend

By Geary Walke

We all live busy lives. We run between office and court, hearing to hearing, home to meeting. Often, we miss a lot along the way. For twenty one years James Bailey has worked for the Oklahoma County District Court Clerk (Tim Rhodes is the third such Clerk for whom James has worked). I’ve known James for about ten of those years. Seeing each other in the courthouse, recognizing each other as courthouse denizens, we would greet each other with feigned familiarity; nicely, but formally. Then, we happened to have a conversation. Ever since, we’ve been more than acquaintances. I felt it would be nice for our lawyers, especially those who frequent the courthouse, to know this man when they see him.

James is always impeccably dressed. If the weather conditions are right you may see him wearing a bowler. Don’t call it a derby, as he will correct you. Due to his crippling rheumatoid arthritis and vestiges of old war wounds, you may see him with a cane. The air of old world style isn’t an accident, and James wears it well. Let me tell you about my friend:

James was born on a Mother’s Day in Winfield, Kansas. His Great Grandfather arrived in that area in a covered wagon and began farming. By the time James was born his father was a businessman and they lived in town.

He was always involved in school sports, boy scouts, horses, church, Masons (his father was the Lodge Master at that time) and civic affairs but confesses he maintained a significant vice while living in Kansas: golf. He planned on joining the Marines when he graduated from high school but found himself enlisting in the U.S. Navy and becoming an electronics technician. After initial training he was stationed at Norfolk, Virginia and later Boston, Massachusetts. James was discharged in 1964, and then began college at Southwestern College, which, handily, was also in Winfield, Kansas.

He attended college, worked odd jobs, and then, feeling like he was missing out on whatever was happening in the rest of the world, joined the Marines in 1965. His first duty station was Camp Pendleton up the coast from San Diego where he became a rifleman, and then attended Non-Commissioned Officer’s School. Plans changed, so he didn’t attend “Jungle School” in Luzon, Philippines. After returning to San Diego following a visit home, he was placed on a charter TWA flight and sent through Alaska, Atsugi, Japan and ended up at Cadena Air Force Base in Okinawa. After a week he was sent via a C-130 to Da Nang, Viet Nam, where he landed on January 1, 1967. It was hot. It was humid. In Viet Nam he became the FNG (ask an old guy to interpret that acronym for you if you don’t know… “New Guy” is in the hole somewhere). He recalls that his boots were black and his uniform green, while all the “veterans’” boots and uniforms were extremely faded, and almost white.

He was sent up Highway 1 to Hue. The convoy stopped due to a bridge being blown, and everyone unloaded from the trucks, taking a break. James sat down behind a large rear tire and began writing a note home. A handy item to have out in the jungles of Viet Nam, was an ammo box. It was handy to keep writing paper, pens, and personal items in. One of his fellow Marines saw one on the side of the road and went over to pick it up. James looked up just as someone yelled and warned against picking it up, but it was too late and the booby trapped ammo box exploded. That was James’ first introduction to bloodshed in Viet Nam. At night, they arrived at Hue, an extremely exotic location.

Then, on they went to Quang Tri Province in far north of South Viet Nam, just south of the DMZ. He joined the 3rd Marines there stationed just 3 kilometers south of the DMZ. As dangerous and difficult duty. Somehow he remained alive. On September 11th, 1967 his company spent several days on a hill, which he says was a very bad idea. Being anywhere for any period of time allowed “Charlie” (the North Vietnamese Regulars, or NVA) to make plans to attack, which is what happened. The weather was terrible, being in the monsoon season. It was wet, and while the temperatures were terribly hot in the daytime the nighttime temperatures with all the wetness, felt extremely cold.

James’ company was nearly overrun by North Vietnamese Regulars. They were almost out of ammo, food and water. They were fighting at close quarters. James saw an enemy soldier rise up holding a hand-held antitank grenade launcher, probably an RPG-7. The rocket spiraled toward him and looked like it was moving straight toward his head. He ducked and it exploded behind him. It killed his Captain, his Sergeant, and his Radio Telephone Operator, and severely wounded James. He suffered wounds to his entire right side which was hit with shrapnel. His right elbow and arm, right hand, both legs and his right foot were hit. He was knocked unconscious.

Luckily for James and his men, an A-1 Skyraider (a subsonic, low flying Navy plane) dropped napalm on the Vietnamese positions, saving what was left of the company. A CH-46 Sea Knight helicopter picked up the wounded and headed for Da Nang. When they arrived at the field hospital James was the only survivor of those wounded men who were put on board the helicopter. After initial medical intervention he was flown to Yokasuka, Japan, then through Hickham AFB in Honolulu, Hawaii to Balboa Park Naval Hospital, San Diego, where James spent 7 ½ months in treatment, therapy and rehabilitation. There were multiple operations and James suffered serious damage to nerves in his right arm and right leg which were extremely slow to heal and tedious to treat. He was placed on a Temporary Disabled Retired list and after being home for four years, received an honorable discharge in 1972.

When he made his way home to Winfield it was a bittersweet arrival. He traveled to Wichita, Kansas, where there was no one from his family to meet him due to a mix up on schedules. He caught a train to Winfield. When he arrived he hoisted his sea bag over his shoulder and started walking home. A neighbor, who was the younger sister of one of James’ friends, and who had grown up during his absence, saw him and recognized him, and drove him home. He did his best to settle into civilian life, and she helped!

In November 1968 James bought a green (it was called Good Wood Green by Chevrolet) Corvette, complete with four speed and a 350 HP 327 V8. That didn’t solve problems or cure injuries, but it sure felt good. He managed to keep that car until 1974 when his daughter was born.

James attended college again, being awarded his BA degree in 1969, later earning 215 undergraduate hours, way more than necessary to justify the degree. His first real civilian job was with a radio station. He announced news, weather and sports while managing the sales for the station. His general plan for life at that time was to attend law school at Washburn University Law School in Topeka, Kansas.

However, life got in the way! In 1970 a young lady from France was visiting a friend she knew from Paris. The friend was also from France, but lived in Winfield, Kansas. Walking downtow one day in Winfield, she spotted a young lady from France was visiting a friend she knew from Paris. The friend was also from France, but lived in Winfield, Kansas. Walking downtown on one day in Winfield, she spotted a French girl looking over at a young man leaning against the bank wall, taking a break from his job, and said, “Yes, I’ll take that one.” Her name was Noemie and she was a French ballerina for the Opera of Nice, France. She was spending the summer in Winfield and danced in a musical at the fairgrounds where James saw her and decided he wouldn’t be shy. James had spent time at the fairgrounds and also participated in plays, once starring in Picnic in the role which William Holden made famous opposite Kim Novak. He served as President of the Arts Council and no doubt recognized the great talent possessed by Noemie!

One evening that summer, before Noemie returned to France, James was at home drying dishes. Noemie dropped by and talked, and made a decision.” James asked, “What’s that?” She shocked him by saying, “Well, I’m going home next week. Before I go I am going to be...
Funny Lessons in Persuasion

By Collin Walke

Judge Prince recently spoke to the Oklahoma Bar Association Appellate Section and discussed good and bad brief writing. He specifically referenced a Latin laden Justice Opala opinion. In the eyes of Judge Prince, the sprinkling of alliterated legalese in a brief can make it good. Try telling that to my legal research and writing professor in law school. At that time, we were taught to be short, concise, dry, and leave all Latin to Cicero. We all know that you have to write to your audience. Maybe some judges like Latin, maybe some judges don’t.

Fortunately, Judge Welch has kept a file of humorous legal opinions that provide some general guidelines on how to make legal writing persuasive.

I. Clarity.

One of the best legal writers I have ever had the privilege of working with has a paper weight on his desk that says, “Good writing is clear thinking made visible.” If you don’t know what you’re saying or what you’re asking for, then chances are you should cease writing whatever it is you are writing. In Factac, Inc. v. Richard Willis King, a bankruptcy case out of the Western District of Texas, the Court dismissed “Defendant’s Motion to Discharge Response to Plaintiff’s Response to Defendant’s Response Opposing Objection to Discharge.” The Court noted that it could not “determine the substance, if any, of the Defendant’s legal argument, nor can the court even ascertain the relief that the Defendant is requesting.” To drive his point home, the judge quoted the highest of legal authorities, Billy Madison, a movie starring Adam Sandler. The judge quoted the movie as follows: “Mr. Madison, what you’ve just said is one of the most insanely idiotic things I’ve ever heard. At no point in your rambling, incoherent response was there anything that could even be considered a rational thought. Everyone in this room is now dumber for having listened to it. I award you no points, and may God have mercy on your soul.

In closing the Court stated: “Deceptioning motions like the one present-ed here wastes valuable chamber staff time, and invites this sort of footnote.”

II. Collegiality.

You might not think that collegiality plays a role in persuasion, but you’d be wrong. In Jayhawk Capital Management, L.L.C. v. LSB Industries, Inc., the defend-ant’s counsel sought a continuance because he and his wife were about to have their first child. In keeping with the “unhappy trend” of “attorneys los[ing] sight of their role as professionals, and personal[iz[ing] the dispute; converting the parties’ disagreement into a lawyers’ spat,” the plaintiffs’ counsel objected to the request for a continuance. The court noted each of the plaintiffs’ objections, including the “invitation to speculate on the time of conception of the [defendant’s counsel’s] child,” but ultimately granted the continuance. In so doing, the judge said that while he “is convinced of the importance of fed-eral court, [he] has always tried not to con-fuse what he does with who he is, nor to distort the priorities of his day job with this life’s role. Counsel are encouraged to order their priorities similarly.” In closing, the court wrote:

Defendants’ Motion is GRANTED. The [father and mother] are CONGRATULATED. IT IS SO ORDERED.

If you’ve ever spent any time on the first floor, you have probably been afforded the opportunity to deal with counsel who cannot separate objective reality from their client’s case and the attorney’s obligation to be a zealous advocate. This, of course, exists on other floors of the courthouse as well. I just believe it is most poignant on the first floor. Too often, I have had the unfortunate honor of litigating cases with attorneys who believe each and every action of their client was justified and hon-orable; while each and every action of my client was unreasonable and despicable. This type of attitude does a disservice to both credibility and constructive resolu-tion. In arguing in briefs, let’s not confuse what we do with who we are, or distort the priorities of our job with our life’s role. Call me an optimist, but I think the judges would appreciate this.

III. Character.

Simply because we can request some form of relief from a court, does not always mean that we should. In United States of America v. Bortot et al., a defend-ant was accused of murder-for-hire, conspir-acy to commit murder-for-hire, and a firearm offense. Defendant’s counsel, less than a month before trial, requested a con-tinuance because he was “a perennial con- testant in the Ernest Hemingway Look-alike Contest...” The court was, as you would presume, not impressed by the request. The judge observed that “[b]etween a murder-for-hire trial and an annual look-alike contest, surely Hemingway, a peretivd admirer of ‘grace under pressure,’ would choose the trial.” After all, “[g]ether a lawyer who evokes Hemingway can resist relaxing frolic in favor of solemn duty.”

I’m not a judge and I’ve performed no polling to confirm this, but I have a sneaking suspicion that courts look with disfa-vor upon attorneys who request relief that is patently unreasonable. We shouldn’t forget that just because we can ask for something doesn’t mean we should. Sometimes, being a good lawyer means telling your client no; or, at a minimum, means not ask-ing to continue a murder-for-hire trial so that you can attend a look-alike contest.

Book Notes

By Bill Gorden

David and Goliath: Underdogs, Misfits, and the Art of Battling Giants

Malcolm Gladwell, Little, Brown, 2013, Hardback, 305 pages, $29.00

Authors of multiple books, which is to say successful authors, hit a quandary after a while. This is especially true of non-fiCTION authors, especially those with a tidy niche for their work. The quandary is that the mass of information they have gathered over years may not always fit tidily within their set niche. Editors and publish-ers are interested in getting the author’s name on the shelf, because that is what sells after a series of successes. Over time, the information left over after a series of successes may not be manageable, as the winnowing has left only information culled over in the previous works. This means the fit into the niche gets harder each pass.

So it is becoming with Gladwell. Some of his previous works are monumental ways of explaining what should be obvi-ous, but often is not. Outliers, reviewed here some time ago, was outstanding. Now it is late in the day, and the theme for this book, David versus Goliath, or more specifically how Goliath never had a chance and should have known it, is strong, but the facts marshalled to fit the hypothesis are weak. It is as though Gladwell has hung up with the theme. Perhaps a team effort built the cor-ral for these varied stories. Whatever, it is, a tangential arrangement. Each story is somewhat engaging, but there is some heavy lifting to get some of the stories to fit the theme.

Likewise, some of the stories are count-er-intuitive to some of Gladwell’s previous stories in other books. If one is an acolyte of the writer, this will haunt the reading. Is it worth reading? Sure, Gladwell is always good. Just be advised that there is some stretch going on here for marketing pur-poses.

The Age of Edison: Electric Light and the Invention of Modern America

Ernest Freeberg, Penguin Press, 2013, Hardback, 354 pages, $27.95

This is a comprehensive study of the phenomenon of electric light, focusing on the activities of Thomas A. Edison in its development. That said, it is more. The basic set of facts is well laid out. The writing is such that it brings one into a consideration of the vast change electric light brought to mankind. That is a real accomplishment in a small history of a concrete phenomenon. One’s mind wanders while reading this, contemplating the feel of a night without light, save flicker-ing candles or smelly, dirt inducing gas light. The intricacies of capitalism, inven-tion, governance of a new set of possibili-ties are well explained, perhaps a little over the top, but we said it was compre-hensive.

Here’s the interesting part. If one reads the series of events surrounding this invention closely, one sees all the similari-ties with other, more recent inventions, particularly electronic ones. There is the first, untrammeled rush of discovery by multiple inventors. There is the over-sell-ing of the future. There is danger first from the lack of governance of the new reality, then the mean that governance and monopoliza-tion of the new regime. Does this sound familiar? Computers? Cell phones? The Internet?

So, read this with one eye to the distant past, one eye on the future. (The govern-ance part is the most lifeless, which means that is where the power is.) This is more than a history book. There is here the well disguised march that is always going on around us.
Conner & Winters Names Five New Partners

Conner & Winters, LLP has named five attorneys as partners at the firm. The new partners are: Crystal A. Johnson, Heidi M. Nichols, Amber J. Prince, David S. Randolph and Elizabeth G. Zeiders.

Crystal A. Johnson concentrates her practice on commercial litigation, including: complex litigation, bankruptcy, and employment law in the firm’s Oklahoma City office. Ms. Johnson also has experience in all types of business transactions, including commercial finance transactions, leases and real estate sales and acquisitions.

Heidi M. Nichols’ practice is focused primarily in litigation. Ms. Nichols, who works in the firm’s Oklahoma City office, has experience in complex litigation and business transactions, serving clients in many industries, including insurance, oil and gas, and medical malpractice and product liability. She graduated cum laude from Ithaca College in New York. She earned her juris doctor degree from Saint Louis University in 2002. In 1998, Ms. Nichols was named the NCAA Female Athlete of the Year for New York, and was also named NCAA All-American and Academic All-American for both Volleyball and Track and Field. She enjoys volunteering her time in community outreach programs, including speaking engagements at local schools on important legal issues such as bullying and harassment.

David S. Randolph practices in the corporate group in the firm’s Tulsa office with particular emphasis in banking and finance and mergers and acquisitions. In his banking practice, Mr. Randolph has represented lenders in a wide range of matters, including cash flow and asset-based lending. Mr. Randolph’s M&A experience includes both public and private companies ranging in scope from local to international. He also regularly represents clients in a variety of other areas, including the formation of business entities, real estate matters, Native American/American Indian law issues, the negotiation of complex software agreements, intellectual property, and general corporate matters. Mr. Randolph earned his undergraduate degrees in 2004 from the University of Tulsa, where he was a triple-major in Economics, Management Information Systems and Russian Studies. In 2007, he received his juris doctor degree, with honors, also from the University of Tulsa.

Elizabeth G. Zeiders practices in the areas of commercial real estate transactions, mergers and acquisitions, corporate services and banking. Ms. Zeiders, who works in the firm’s Tulsa office, specializes in business acquisitions and dispositions, corporate governance, negotiation of business contracts, complex commercial real estate transactions, leasing, resolution of title issues, pipeline easement issues, real estate related litigation and mortgage transactions. Her clients include public and private held companies, national retailers and restaurants, real estate developers, energy companies, banks, nonprofits and private individuals. Ms. Zeiders has industry expertise in the retail, manufacturing, energy, construction, real estate, and banking industries. Ms. Zeiders graduated cum laude from Brandeis University in 1995 with a bachelor of arts degree. She earned a masters of arts degree from the University of Oklahoma graduating summa cum laude in 1999. Ms. Zeiders earned her juris doctor degree with honors with from the University of Tulsa in 2006.

Amber J. Prince is an attorney in the firm’s litigation practice in the Northwest Arkansas office. Her practice focuses on a wide variety of transportation and complex litigation, including tractor-trailer accidents, products liability, and business torts. Ms. Prince has worked with many reputable corporations and their counsel while defending multimillion-dollar lawsuits. She has also assisted in the organization and execution of major transportation seminars. Clients represented by Ms. Prince include companies in the retail, food service, insurance, and transportation industries. Ms. Prince received a bachelor of science in Business Administration degree in 2004 and a juris doctor degree in 2007, both from the University of Arkansas. She has been selected as a Mid-South Super Lawyers Rising Star for the past three years.

McAfee & Taft Names Eight New Shareholders

The shareholders of McAfee & Taft, Oklahoma’s largest law firm, have elected attorneys Mark H. Allen, Jodi W. Dishman, J. Barrett Ellis, Roberta B. Fields, Maria E. Gonzalez, Alison Patel, Keith E. Peters and Sharolyn C. Whiting-Ralston as fellow shareholders, effective January 1, 2014. The announcement was made by managing director Richard D. Nix.

Mark H. Allen is a veteran business lawyer with a broad base of experience in private practice, in senior executive leadership roles with public companies, and in the private equity and venture capital industries. His practice is focused on mergers, acquisitions, divestitures, corporate structuring, tax planning, financing, and other complex business transactions.

Jodi Warmbord Dishman is a trial lawyer who handles complex litigation matters in federal and state courts across the country, as well as in various arbitration forums, with an emphasis on complex business litigation, class actions, and appeals. Jodi’s practice spans numerous industries, including energy and oil and gas, hospitals and health care systems, waste management, insurance/financial, sports, and retail. Prior to joining McAfee & Taft, the Edmond native worked in the San Antonio, Texas, office of Akim Gump Strauss Hauer & Feld.

J. Barrett Ellis is a banking and corporate attorney who advises state and financial institution clients in a wide range of transactional matters, with a particular emphasis on finance transactions and regulatory compliance. His clients include several of the region’s largest financial institutions and private companies, as well as community banks, small businesses and start-up ventures. Prior to joining McAfee & Taft, he practiced for several years in the Chicago office of a large international law firm and represented many preeminent national banks, private equity funds, and publicly traded companies.

Roberta Browning Fields is a trial lawyer whose primary practice is focused on the representation of employers in all areas of employment law, including litigation in state and federal courts, in arbitrations, and before regulatory and administrative agencies. A portion of her practice is devoted to railroad law, public utility law and commercial litigation. She has successfully represented major railway, electric utility and telephone companies in lawsuits involving claims of negligence, environmental damage, asbestos exposure, wrongful death, and personal and property damage.

Maria E. Gonzalez is an aviation attorney whose practice primarily focuses on aircraft transactions and aircraft title and financing matters. Her practice involves the review of Federal Aviation Administration records for aircraft, engines and propellers and advising clients regarding title issues as well as liens and encumbrances of record at the FAA. She also reviews security agreements, leases, bills of sale and other documents to ensure compliance with FAA regulations and procedures and advises clients on matters arising under the Cape Town Convention with regard to the filings of interests and prospective interests in aircraft with the International Registry.

Alison Patel is an ERISA attorney with extensive experience in a wide range of employee benefits and executive compensation matters for a broad base of clients, including public and private companies and tax-exempt and governmental entities of all sizes. She frequently represents clients in dealings with the Internal Revenue Service, including plan audits, governmental reporting, requests for determinations and voluntary compliance programs. In addition, she has extensive experience handling the employee benefit and executive compensation aspects of corporate mergers and acquisitions.

Keith E. Peters is a tax attorney whose practice is primarily focused on general tax planning for corporations, partnerships, and individuals; structuring business transactions; estate planning; and federal and state tax disputes. He has represented closely held corporations, limited liability companies and limited partnerships as well as public companies. He also advises tax-exempt organizations on formation and administration issues. He has successfully represented taxpayers in appeals to the IRS, the Oklahoma Tax Commission, the U.S. Tax Court, and in other federal and state courts.

Sharolyn C. Whiting-Ralston is a trial lawyer whose practice primarily focuses on labor and employment law as well as general civil and business litigation. She represents employers in all phases of labor and employment law, including litigation before state and federal courts, regulatory and administrative agencies, and arbitration panels. She regularly represents clients in general civil and business litigation matters including construction disputes and complex commercial litigation.

Mullins Martinez Sexton & Reaves, P.C. Newly Formed

Michael L. Mullins, Tracey D. Martinez, Jamie K. Sexton and Ryan J. Reaves proudly announce the formation and opening of their law firm, Mullins Martinez Sexton & Reaves, P.C. The attorneys formerly practiced with the law firm of Mullins, Hirsch, Edwards, Heath, White & Martinez, P.C. The group will continue to focus their practice in the area of family law with an emphasis on matters involving valuation and division of substantial marital estates, complex business evaluation, high income support issues, custody litigation, appellate work and preparation of Pre-Nuptial Agreements. The new firm is located in the Waterford Complex at 6307 Waterford Blvd, Suite 215, Oklahoma City, OK 73118 and can still be reached at (405) 235-2335 or on the web at www.mmssr-law.com.

GableGottwalds Announces Shareholders

GableGottwalds is pleased to name Paul Rossler and Greg Metcalfe as Shareholders in the Firm effective January 2014.

Paul Rossler has been an associate with GableGottwalds since 2007. Rossler has an extensive background in intellectual property and engineering. Prior to practicing law, Rossler served on the engineering faculty at Oklahoma State University and Kettering University. His court admissions include the United States Patent & Trademark Office along with all Oklahoma courts. He is also a registered professional engineer in Oklahoma. In 2013, Rossler was named by Super Lawyers a Rising Star in Intellectual Property.

Greg Metcalfe has been of counsel with GableGottwalds since 2011. Metcalf came to the Firm with a wealth of state and federal
tive feedback by way of letters, cards and pictures from the students.

Schools that have participated in the OCBA Law Related Education Program this year include:

Andrew Johnson Elementary, Astee Charter School, Belle Isle Enterprise Middle School, Bishop John Carroll School, Briarwood Elementary, Cesar Chavez Elementary, Council Grove Elementary, Crutcho Public School, Deer Creek Middle School, Douglass High School, Eugene Field Elementary, Harding Charter Prep, Highland West Jr.

High, Hillcrest Elementary, Jackson Middle School, James L. Dennis Elementary, Kerr Middle School, Kingsgate Elementary, Mount St. Mary High School, Putnam City High School, St. Philip Neri Catholic School, Southgate-Rippeote Elementary, Taft Middle School and Taft 6th Grade Center.

Those interested in more information regarding the Lawyers in the Classroom project may contact the Bar at 236-8421, or, better yet, talk to any volunteer.

How to use an Expert Witness:

In DV, SA and Stalking cases it is important to select an Expert Witness with subject knowledge obtained through a combination of education, training and experience. Select an Expert Witness who will present facts in a neutral manner in order to retain credibility. You may use an expert for consultation only, or as a testifying expert. A consulting expert can help you understand the attitudes/preconceptions the community (jurors) may have about DV, SA and stalking and how these crimes often intersect and overlap; how a victim’s fear, shame and guilt affects her/his attitude, ability and willingness to cooperate with prosecution; the dynamics of a perpetrator; and how to address these issues either through victim testimony or Expert testimony. Victims of interpersonal violence deserve representation that acknowledges the unique dynamics involved when one is suffering the effects of trauma, the need for safety planning, and the need to be treated with respect and dignity.

We reject Appellant’s claim that Stanaland was not qualified to testify on the subject of Domestic Violence. Appellant points out that Stanaland holds no professional degree specifically relating to her field of expertise. HN15 An “expert” need not hold a professional degree. Salazar, 1996 OK CR 25 at p32, 919 P. 2d at 1129. Any combination of education, training, and experience may qualify a person as an “expert” on a particular subject. See id.; 12 O.S. 2001, § 2702. Stanaland’s qualifications are established in the record before us. Harris v. State, 84 P. 3d731, 747 (Okla.Crim.App.2004)

Executive actions. Unfortunately, that is exactly what has taken place in Oklahoma county. An order for a name change was issued based in no small part on religious rationale and justification. Then an article, written in response to a Law Day article that appeared in the Oklahoma County Bar Briefcase, ended in an attack on gay citizens - on Oklahoma citizens. To debase and strip the dignity, in the name of religion, from another human being is inexcusable.

I am comfortable with a society that bends towards justice for all, fairness to all, wholeness, openness and above all else, compassion to all. I believe that so long as a society seeks to repress another smaller and different part of society - and all because they are different - then I believe that history will judge us very harshly. The children and grandchildren of our judicial and political leaders should rightfully be proud of the public service to the state of Oklahoma - however, they will on this issue not be so proud and maybe experience some justifiable shame.

We must stay true to our oaths and be ever vigilant as judges to keep the consequences of our words in mind AND remember our duty is to all the citizens of this great state. My prayer is that justice will triumph over prejudice. “As a nation...”

“Equal and exact justice to all men, of whatever state of persuasion”

Thomas Jefferson

(Engraved above the east entrance of the Oklahoma County Courthouse.)

*This was written in September 2013 but because of certain events beyond my control I am only now publishing this statement.
YLD Chili Cook-Off and Silent Auction: a Success

By Clayton D. Ketter
A crowd of over 200 people attended the Young Lawyers Division 2014 Chili Cook-Off and Silent Auction, held on January 31 at Rocky’s in Bricktown. Proceeds from the event go to the YLD’s annual Harvest Food Drive, benefiting the Regional Food Bank of Oklahoma.

Lawyers, judges, and law students from the Oklahoma County legal community, along with their friends and families, enjoyed sampling the various chilis and engaging in great conversation and fellowship. The heat of the chili was rivaled by the fiery bidding for the silent auction items, which were generously contributed by many local businesses and organizations.

“The turnout at this year’s chili cook-off was fantastic,” commented Zane Anderson, YLD Board Member and co-organizer of the cook-off. “Not only do I believe all the attendees had a great time, but we were also able to raise money for a great cause.”

Trading their gavels for spoons, the brave judges for the contest were Justice Noma Gurich, Judge Don Andrews, Judge Lisa Hammond, Judge Tim Henderson, and Judge Cindy Truong. John Miley also served as judge for the evening.

1st Place Winners for this year’s Cook-Off were:

- Traditional Chili: Bass Law
- Non-Traditional Chili: TRMG Law Firm
- Hottest Chili: Hartzog Conger Cason & Neville

BEST OF SHOW:
- Pierce Couch Hendrickson

Best Overall Chili Team: Raegan Sifferman, Hailey Hopper, Cristi Bullard, Shannon Bickham, Dan Card, Jessica Speegle & Jacqueline McCormick

Best Non-Traditional Chili Team: Kelly Wilbur, Jerry Noblin and Shanika Chapman

Best Traditional Chili Team: Gabe Bass, Justin Meek, Colin Barrett, Ben Grubb, Lynley Grubb and Rachael Dewberry

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Best Hot Chili Team: adults from left to right are Brad Madore, Naomi Smith, Beth Price and Derek Ensminger. Children from left to right are Elise Madore, Jordan Smith, and Maddy Smith.

Brian Boerner grew up in Tulsa, where he attended Metro Christian Academy and was raised by his mother who was a teacher at his high school. He earned an undergraduate degree and then a law degree from the University of Oklahoma, and came to the firm from Chesapeake Energy Corporation where he specialized in oil and gas title examination.

He and his wife live in downtown Oklahoma City, where they actively support local community events and charities. In his free time, he enjoys being outdoors and is an avid fan of the Oklahoma City Thunder NBA team.

Brian can be reached at the firm’s Oklahoma City office.

Gungoll, Jackson, Box and Devoll, P.C.
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www.GungollJackson.com
By Chris Deason and Judge Don Deason

The city of Seattle waited a long time to be No. 1. By winning Super Bowl 2014 this month, the Seattle Seahawks earned the city’s first major professional sports title since the Seattle SuperSonics’ NBA championship in 1979. We got to thinking about other “longest” record setting events, such as the longest government shutdown in U.S. history that lasted three weeks in late 1995, or the longest word in English dictionaries that contains 30 letters and has something to do with lung disease caused by inhalation of volcanic particles. The longest reigning heavyweight boxing champion is still Joe Louis at 11 years, 8 months, and 8 days. We looked to Billboard’s Hot 100 and found that the longest gap between No. 1s is held by Cher. The time span is 24 years, 11 months and three weeks between Dark Lady from 1974 and Believe from 1999. The longest streak of No. 1 albums goes to Elvis Presley who had his first No. 1 album in 1956 and his last in 2002, or 46 years, five months and three weeks later. The longest wait by an artist to make it to No. 1 is Santana who labored for 30 years after releasing Jingo in 1969 until finally reaching No. 1 with Smooth in 1999. Local favorites, the Flaming Lips, consistently show up on lists of longest-song-titles with the likes of Free Radicals (A Halucination of the Christmas Skeleton Pleading with a Suicide Bomber), and What Is the Light? (An Untested Hypothesis Suggesting That the Chemical [In Our Brains] by Which We Are Able to Experience the Sensation of Being in Love Is the Same Chemical That Caused the “Big Bang” That Was the Birth of the Accelerating Universe), Whew!

Enjoy this month’s iBar submissions from OCBA members.

The Honorable Judge Barry Hafar: Having grown up in Denver, Judge Hafar’s hopes for a Super Bowl championship were high. His house was decked out in team colors. The chairs were strategically placed around a giant TV. He took the loss in stride and turned his attention to a seven layer dip not long after halftime. As a citizen of Denver, he was required to attend the University of Colorado. It was after graduation that work with Flint Co. brought Judge Hafar to Oklahoma where he met and married Alison who is an accomplished commercial interior designer and expert hostess. He graduated from OU College of Law in 1993, and was in private practice before appointment to the bench in 2006. The Hafars reside with their cocker spaniel, Bogie, in a home straight from the pages of Architectural Digest. We are certain that Bogie runs the show. Judge Hafar currently listens to music on Pandora due to technical difficulties (his computer is down). The CDs in his vehicle on the day of the Super Bowl include the following:

<table>
<thead>
<tr>
<th>Song Title</th>
<th>Artist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Save Me San Francisco</td>
<td>Train</td>
</tr>
<tr>
<td>Two Light</td>
<td>Five For Fighting</td>
</tr>
<tr>
<td>Dark Horse</td>
<td>Nickelback</td>
</tr>
<tr>
<td>Foiled</td>
<td>Blue October</td>
</tr>
<tr>
<td>Ocean Eye</td>
<td>Owl City</td>
</tr>
<tr>
<td>Boston</td>
<td>Boston</td>
</tr>
<tr>
<td>A Hangover You Don’t Deserve</td>
<td>Bowling For Soup (guilty pleasure)</td>
</tr>
</tbody>
</table>

Miguel Garcia: Miguel was born in Mexico, but grew up in Texas. After graduating from OU College of Law 2009, he decided to stay put. Miguel works for Michael Brooks-Jimenez, P.C. when he isn’t moonlighting as a DJ at Café do Brasil. His taste in music is so diverse that he made one big playlist beginning with English, migrating to Latino sounds, and ending in Spanish. We look forward to seeing DJ Miguel.

<table>
<thead>
<tr>
<th>Song Title</th>
<th>Artist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma Breakdown</td>
<td>Stoney LaRue</td>
</tr>
<tr>
<td>Move Yourself To Dance</td>
<td>Daft Punk</td>
</tr>
<tr>
<td>Yoshimi Battles the Pink Robots</td>
<td>Flaming Lips</td>
</tr>
<tr>
<td>Tijuana Sound Machine</td>
<td>Nortec</td>
</tr>
<tr>
<td>Bongo Bong</td>
<td>Manu Chao</td>
</tr>
<tr>
<td>Oye Como Va</td>
<td>Carlos Santana</td>
</tr>
<tr>
<td>Let’s Stay Together</td>
<td>Al Green</td>
</tr>
<tr>
<td></td>
<td>(not so much a guilty pleasure, but because it’s February)</td>
</tr>
</tbody>
</table>
expressly overruled in so far as it con-

sufficiency of the evidence, or the

sufficiency of the evidence, or the

in the lower court.

We have carefully examined the entire

We have carefully examined the entire

...”

The statement made by the prosecutor

Since we have so recently reviewed

The County Attorney questioned him

It is stated by counsel for defendant,

It is stated by counsel for defendant,

The defendant was charged with hav-

The defendant was charged with hav-

The defendant's counsel was very zealous

The defendant's counsel was very zealous

In 1964

February 19, 1964

Motion for new trial was duly filed and

On direct examination defendant testi-

Where evidence of a previous convic-

“Life is like a ten-speed bike.

Most of us have gears

we never use.”

~ Charles Schulz, cartoonist

(1922-2000)
laboration experience earned during eight years as an Oklahoma Assistant Attorney General. He has handled hundreds of civil lawsuits and appeals involving a variety of diverse issues, including technology issues, contract disputes, business litigation, oil and gas litigation, employment disputes, civil rights defense, and tort claims. He has also developed expertise in the discovery of electronic information and he serves as an e-discovery instructor for the National Association of Attorneys General.

Former Assistant U.S. Attorney for Oklahoma Vicki Behenna Joins Crowe & Dunlevy

Crowe & Dunlevy today announced that Vicki Behenna, former federal prosecutor who has tried numerous significant cases, has joined the firm’s Oklahoma City office as a director. Behenna’s practice will focus on white collar fraud, compliance, and corporate healthcare. Additionally, she was responsible for the prosecution of complex public corruption cases and for the past five years has continued to pursue substantial white collar cases while also serving as the healthcare coordinator for the Western District of Oklahoma.

Behenna was more than 25 years of experience as a federal prosecutor in the U.S. Attorney’s Office for the Western District of Oklahoma. During this time, she tried fraud cases involving bank, wire, mail, and healthcare fraud. Additionally, she was responsible for the prosecution of complex public corruption cases and for the past five years has continued to pursue substantial white collar cases while also serving as the healthcare coordinator for the Western District of Oklahoma.

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After obtaining adverse decisions through the entire administrative procedure with her former employer as adjudicator, Glenn appealed to the Board of Review. The Board of Review’s decision is subject to review by the Western District of Oklahoma on the basis of appeal. In this case, the Court of Appeals reversed the Board of Review’s decision and remanded the case for further proceedings.

The Court of Appeals reversed the Board of Review’s decision and remanded the case for further proceedings. The appeal was denied on the grounds that the Board of Review’s decision was supported by substantial evidence. The undisputed evidence showed that Glenn found it impossible to continue her job after her subordinate was appointed as her supervisor. Her work load increased and she became extremely depressed. She sought medical attention and then attempted to return to work. When her work conditions became unbearable, she decided to go on disability. Using the Court of Appeals’ own procedure, the district court found that “[w]ork that contributes to an illness is held to constitute good cause for leaving employment.” The court also specifically found that because she was a former employee, Glenn’s application for unemployment benefits had been treated differently from other applications which the Commission normally processes.

In examining the entire record, the district court concluded that Glenn had met her burden of proof and was entitled to unemployment benefits. The court’s order which reversed the Board of Review’s denial of unemployment compensation is supported by substantial evidence and is affirmed.

Veteran Real Estate Lawyer Joe Lewallen, Paralegal Rebecca Hunter Join McAfee & Taft

McAfee & Taft has announced the addition of veteran real estate and business attorney Joe C. Lewallen Jr. and paralegal Rebecca Hunter.

Joe Lewallen’s practice encompasses a broad range of commercial transactions and transactions with an emphasis on all aspects of commercial real estate development, including land acquisition, financing with debt and equity components, and development and construction of retail shopping centers, office buildings, hotels, and mixed-use projects. His client list includes public and private companies engaged in broad and diverse kinds of industries, including real estate, energy, restaurant, data storage and food processing. Lewallen’s achievements have earned him inclusion in The Best Lawyers in America and Oklahoma Super Lawyers. In 2013, he was selected by Best Lawyers as the “Oklahoma City Real Estate Lawyer of the Year,” an honor only given to a single lawyer in each legal specialty in each community.

He holds a bachelor’s degree from Oklahoma State University and a Juris Doctor from the University of Oklahoma.

Rebecca Hunter began her legal career in 1985 and currently serves as a paralegal for lawyers engaged in complex business and real estate transactions, with an emphasis on commercial real estate sales, acquisitions, construction, development, financing, and leasing. She is an active member of the Central Oklahoma Association of Legal Assistants and has previously served as the organization’s second vice president and chaired its membership, recruitment, public relations and parliamentarian committees. Hunter graduated with an associate’s degree in paralegal studies from Rose State College and a bachelor’s degree in legal studies from Oklahoma City University.

Crowe & Dunlevy Attorney Named General Counsel for Oklahoma City Human Resource Society

The Oklahoma City Human Resource Society has named Crowe & Dunlevy attorney Tanya S. Bryant general counsel for the organization.

Bryant is a director in the firm’s Labor & Employment practice group. She exclusively represents management in employment-related matters ranging from policies and procedures to lawsuits brought by employees under federal and state law. In addition, Bryant handles Oklahoma Employment Security Commission hearings and Equal Employment Opportunity Commission investigations.

She serves on the board of directors of the Parkinson Foundation of Oklahoma and the board of trustees of the Oklahoma Bar Foundation. She is a graduate of the 2007-2008 Leadership Oklahoma City class and is a former member of the William J. Holloway, Jr. American Inn of Court.

She received her juris doctor from Oklahoma City University School of Law in 2004 and is a member of the Labor and Employment section of the Oklahoma Bar Association and the American Association for Justice.

Founded in 1948, the Oklahoma City Human Resource Society is an active organization composed of human resource professionals from a broad spectrum of the Oklahoma City and surrounding areas. The group includes more than 300 members representing industrial firms, large national corporations, small business and city, state and federal agencies. Its members include retailing, manufacturing, service, government and educational entities.

Crowe & Dunlevy Announces B. Jo Balding Scholarship Recipient

Oklahoma law firm Crowe & Dunlevy has awarded Toni Caruso the $1,000 B. Jo Balding Scholarship for Students in the Legal Assistant Education Program at the University of Oklahoma Law Center. After more than 25 years of experience in the legal industry, Caruso will complete the Legal Assistant Education program this May. She will sit for the National Association of Legal Assistants paralegal certification exam this spring upon completing her coursework at the University of Oklahoma Law Center.

Toni Caruso is a legal assistant with Crowe & Dunlevy who has been with the firm for the past seven years. She received her juris doctor from the University of Oklahoma Law Center. She is a former member of the William J. Holloway, Jr. American Inn of Court.

Behenna has more than 25 years of experience as a federal prosecutor in the U.S. Attorney’s Office for the Western District of Oklahoma. During this time, she tried fraud cases involving bank, wire, mail, and healthcare fraud. Additionally, she was responsible for the prosecution of complex public corruption cases and for the past five years has continued to pursue substantial white collar cases while also serving as the healthcare coordinator for the Western District of Oklahoma.

Behenna was selected to participate in the Oklahoma City bombing case against Timothy McVeigh as a special attorney to then U.S. Attorney General Janet Reno. On completion of the case, Behenna was selected by U.S. Attorney Pat Ryan to serve as Senior Litigation Counsel for the Western District of Oklahoma. Since 1997, Behenna has served as an adjunct professor at Oklahoma City University School of Law instructing the Trial Practice and Evidence course. She has received many accolades during her career including receiving the Integrity Award from the Department of Health and Human Services Office of Inspector General, Distinguished Service Award from U.S. Attorney General Janet Reno and was recognized as Outstanding Assistant U.S. Attorney for the Western District of Oklahoma in 2012. She is a member of the Federal, American and Oklahoma Bar Associations, Oklahoma Association of Women Lawyers and the William J. Holloway, Jr. American Inn of Court.

In addition, Behenna has been actively involved in several Edmond public schools, the OCU Law Alumni Board of Directors, CARE Center and TEAM Board of Directors and is a lay minister and member of Peace Lutheran Church.

Behenna received her juris doctor from the Oklahoma City University School of Law and her Bachelor of Arts from the University of Oklahoma.

Rebecca Hunter graduated from the Oklahoma State University and a Juris Doctor from the University of Oklahoma.
engaged. You come over in six months and we’ll get married. I am real glad I decided that.” James can only remember sitting down in the living room, drying dish and cloth in hand, in a state of shock and somewhat scared.

Luckily, James got over his initial reaction and flew to Europe, via Reykjavik, Iceland and Luxembourg, and then took a train to Nice. They were married on April 21, 1972 at the Franciscan Monastery of Cimiez, Nice, France.

They made their home in Winfield where James worked for T.G. & Y. until he was moved to headquarters for T.G. & Y. in Oklahoma City as a hardware buyer. In 1982 they moved into their home in “old” Edmond.

James and Noemie had two children, who were, of course, dual citizens of both the United States and of France. Noemie taught French in the Edmond Public Schools. The children were reared as “International” and spent summers in France with Noemie’s family. Leslie, their daughter, attended boarding school for a time in southern France, returned and became an honor student at University of Central Oklahoma, and speaks French and Spanish fluently.

She went to work for Delta Airlines and American Airlines, then joined the United States Air Force where she became a senior flight attendant responsible for flights of upper echelon military and political leaders flying around the world, except for the President. She is a member of the Honor Guard and in June 2012 was married in the mountains near Albuquerque, New Mexico to an Air Force officer who flies C-17s.

Their son, Henri, lives in the Edgemere district of Oklahoma City and has been involved managing several popular restaurants in Oklahoma City. He is currently working on plans for a new venture. One of his previous engagements allowed James’ photo to be memorialized at two Tucker’s Onion Hamburger locations. As you enter one location you’ll see a photo of James looking down at you over a large portion of fries. The other location has a similar, but not identical, photo of James allegedly in the women’s bathroom. James avers he has never seen it.

In the 1980s the former Oklahoma County Court Clerk, Tom Petuskey, asked James to come to work for him. James agreed and has been employed by the Oklahoma County Court Clerk’s

BAR OBSERVER from PAGE 16

The Crowe & Dunlevy Foundation established an annual $1,000 scholarship to assist one University of Oklahoma Law Center student enrolled in the Legal Assistant Education program in his/her pursuit of a career in the legal field in honor of longtime Crowe & Dunlevy paralegal B.Jo Balding. Balding has served the firm for more than 50 years with professionalism and dedication.

To qualify for the scholarship, Caruso had to be enrolled in the Legal Assistant Education program at the University of Oklahoma Law Center and be in academic good standing with at least a 3.0 grade point average for her most recent term (high school or college) at application submission.

Ben Munda and J.D. Brown Join McAfee & Taft

McAfee & Taft has announced the addition of Benjamin L. Munda and John David Brown as associates in its Oklahoma City office.

Ben Munda joins the firm’s Intellectual Property Group. His practice encompasses the areas of patent, trademark, copyright, licensing and trade secret law, as well as litigation involving disputes over intellectual property assets.

The Oklahoma native is a 2013 honors graduate from the University of Oklahoma College of Law, where he served as note editor of the American Indian Law Review, was named to the Order of the Coif, and earned five American Jurisprudence Awards.

Munda holds a bachelor’s degree in chemical engineering, with a focus on biotechnology, and a minor in chemistry from the University of Oklahoma and worked as a chemist for a local laboratory prior to entering law school. His career experience also includes working as an engineering intern for a leading manufacturer of hydrocolloids and as a treasury department intern for a Fortune 500 energy company while earning his degrees.

J.D. Brown joins the firm’s Aviation Group. He represents clients in transactional matters involving the buying, selling, leasing, financing and registration of aircraft. He also works with aircraft owners, lenders, lessors and lessees to protect their interests internationally by registering their interests in aircraft assets with the International Registry in Ireland.

Brown earned his Juris Doctor from the University of Oklahoma College of Law, where he was a member of the American Indian Law Review. He also participated in the Oxford University Study Abroad Program at Brasenose College in Oxford, England, one summer.

Brown was selected as the first representative of the OU College of Law to serve as legal extern for the U.S. Department of State in Washington, D.C. While assigned to the State Department’s Office of the Assistant Legal Adviser for International Claims and Investment Disputes, he conducted research and drafted substantive memoranda regarding international arbitration between the U.S. and other sovereigns, international law, and U.S. foreign policy.

While pursuing his undergraduate degree in finance from the University of Oklahoma’s Price College of Business, he served a summer as a legislative intern for the Office of Senator Tom Coburn in Washington, D.C., and spent a summer abroad studying at the University of Sienna in Arezzo, Italy.

GableGotwals Announces 2014 Slate of Officers and Directors

2014 Officers and Directors for GableGotwals

David Keglovits - Chair and CEO
Sid Swinson - President
Dale Cottingham - Treasurer
Amy Stipe - Secretary
John Dale
Terry Ragsdale
Rob Robertson
Scott Rowland

GableGotwals is a full-service law firm of over 80 attorneys who represent a diversified client base across the nation. GableGotwals effectively handles litigation matters (state, federal, appellate courts), regulatory and licensing issues, and transactional matters. With offices in Oklahoma City and Tulsa, GableGotwals is one of the largest law firms in the state of Oklahoma.

McAfee & Taft Shareholders Elect Stephen M. Hetrick to Board of Directors

The shareholders of McAfee & Taft, Oklahoma’s largest law firm, have elected Stephen M. Hetrick as the newest member of its board of directors. He joins Michael Blake, Jennifer Callahan, Robert L. Garbrecht, Michael Joseph and Michael Lauderdale— all of whom were re-elected for another one-year term — as well as managing director Richard Nix on the seven-member board.

Hetrick is a Tulsa-based corporate attorney whose practice encompasses a broad range of complex business transactions, including the organization, debt and equity financing, acquisition, reorganization and divestiture of all types of entities; the acquisition, development, leasing, management and financing of real estate; and state and local taxation matters. While his primary focus has been assisting clients in mergers and acquisitions and real estate transactions, he also oversees all the legal needs of many of his clients.

Prior to his election to the firm’s board, Hetrick has served as co-leader of the firm’s Corporate and Securities Group.

His achievements have earned him recognition in Chambers USA Guide to America’s Leading Lawyers for Business and Oklahoma Super Lawyers’ list of “Oklahoma Rising Stars.”
By Roscoe X. Pound

Dear Roscoe:

Over the holidays we took a family vacation to Disney World, and we had an amazing performance by a Beatles tribute band. My question is, how is it legal to impersonate living people for profit? T.P., Edmond, OK.

Dear T.P.: Clever of you to distinguish between dead and deceased celebrities (as well as folks like Elvis and Jim Morrison, about whom opinions vary). Different sets of rules apply depending on one’s status—mortality-wise. However, I’m going to confine my answer to living subjects, since that was the question. In addition, I’m going to exclude the situations in which the celebrity impersonated has given license or otherwise authorized the act. I’m also excluding parodies. Celebrity impersonation falls under State “right of publicity” laws. In some States heavily attached to the entertainment industry (E.g.: California and Nevada) usage is regulated by statute. Other States follow common rules. In essence, the right of publicity provides that individuals have the right to exploit their own name, voice, image, or likeness. When another seeks to use these for profit, the celebrity has the right to enjoinder that usage. Here again, local law governs so that, for example, in Nevada, impersonators have immunity as to liability for damages.

The test that applies for tribute bands is called “nominative fair use.” There are three parts to this test:

1. Whether the product/service in question is readily identifiable without use of the trademark.
2. Whether only so much of the trademark is used as is “reasonably necessary” to identify the product/service.
3. Whether the user does anything that would, in conjunction with the trademark, suggest sponsorship or endorsement by the original trademark holder.

Doing a quick analysis, the first part of the test is rarely an obstacle. It would be nearly impossible for a Beatles tribute band not to use a Beatles title or identify themselves as a “Beatles tribute band.” The second part of the test is more tricky. Using the original band name is acceptable to describe the tribute act, but not using a specific font that the original band used. This is determined on a case-by-case basis. Lastly, courts have found that tribute bands have “suggested” endorsement by the original act by prominently and boldly playing the band name on promotion material. To limit exposure, they should never display original band’s name more prominently than their own.

Trademarks and copyrights are another matter. Tribute bands occupy a loophole in the licensing system for public performances of copyrighted works. Any money that is actually collected for tribute band performances is covered by licenses purchased by venues or promoters, not the bands themselves, and little if any actually reaches the original artist. Given the potential millions some tribute bands earn, this inequity has been recognized by the courts. I suspect real change will have to await a statutory change to fully address the situation.

I arrived at Crenshaw’s place to find the exterior swarming with police and concerned neighbors and the interior ransacked to a degree that would have done even Alfred Hitchcock proud. Crenshaw appeared different. His inner peace, figure that, had been either or a treasure hunt in mind. They had gone out of their way to destroy photos and memorabilia. Even now, Crenshaw held a shattered photo of his late wife and co-star. They had been together over 53 years. He made no sound but seemed to sway a bit in his chair. His hands shook. His ancient body seemed to recede into his overcoat.

“Have you ever suffered an insult like this, Mr. Pound?” he asked.

“Well, not to my home, but sort of,” I said.

“And did you gain redress?”

“Yes.”

Crenshaw nodded over to Junior who had quietly slipped into a chair in the far corner.

“I don’t imagine people often kicked sand in your face at the beach, did they?” Junior shook his head.

“Please take this in the spirit it’s meant but you remind me a bit of Karloff in his younger years.”

“No offense,” Junior replied in his rumbling whisper. “Someone called me Nosferatu once. Never played the violin after that.”

Crenshaw smiled weakly, obviously feeling the old voodoo bit: “And could he play the violin before that?”

To his surprise, Junior came back with: “Oh yeah, it was the one thing any good about him.”

“You use the past tense,” Crenshaw observed.

“What? Oh, yeah. Well, he has gotten older, but he’s no better a person.”

Crenshaw nodded again. “Sylvia,” he called. “Would you bring my carry-on bag.”

A young woman entered. She looked to be in her mid-20s. She had long blonde hair which she wore over her right shoulder, a portion of which she had colored in strands of pale green, blue, and lavender. These seemed to flow into the edges of light shawls of similar colors which she wore over a gauzy sort of dress. The colors in her hair melded with the shawls for an eye-searing effect.

She certainly caught Junior’s eye. He had gone from sitting up right in a heartbeat, sort of like, well, sort of like the way Nosferatu levitated from his coffin in the movie. Of course, Junior struck a pose there, figure that, but only slightly. I think, in an animated version of this scene, little hearts might float and pop around his head. Sylvia’s eyes widened a bit upon noticing him, then she strode over and offered her hand.

“Sylvia,” she said.

He engulfed her hand with his and smiled.

In a word, I’d have to say Junior was smitten; a first as far as I knew. Oh, he’s had girlfriends in the past, including one long term relationship who called it off on Black Friday, appropriately enough. All break-ups hurt, but there’s a special pain that comes when someone has a diamond on layaway and ready for Christmas. He may be rebounding, hard to tell with him. “Sylvia’s my strong right arm, I couldn’t function without her,” Crenshaw said.

Sylvia handed him a small valise.

Crenshaw handed it over to me.

“This will tell you all you need to know about the matter for which I’m recruiting. I’m guessing it will be safer with you than it quite obviously would be with him.” His hands still trembled slightly. After a moment he said: “Mr. Pound, Jeremy’s a good boy. Oh, he’s got that Goth thing going, and I had higher hopes for him than a tattoo artist, but he’s smart and he’s honest. He tells me that you fall somewhere between Sherlock Holmes and Have Gun Will Travel. Any truth to that?”

“I’ve gotten people out of a scrape or two - not always by brainwork.”

“Yeah, I knew that. Come on, I’m in my eighties and I’m hoping to see my nineties. Fifty, maybe sixty, but I’m listing them off.”

Sylvia handed him a small valise.

Crenshaw nodded. “I’ve thought of that. I’ve lived here since ’77, the first time my wife and I lived in a real house together rather than an apartment or condo, or in the early days, hotels and motels. I may be old and I acknowledge my frailties, but I won’t run out of my home.”

“I’ll stay with him, Mr. Pound,” Sylvia said.

I flashed her a smile. “That’s swell of you, but I can’t see you taking on the ones who did this.”

“I’ll stay,” Junior didn’t make an offer; he made a statement of fact.

“Sure,” I said. “I’ll walk back home.”

Next thing I knew, his car keys were sailing in the air toward me. I caught them and hopefully I suppressed my grin.

“I can get a ride back tomorrow,” Junior said.

Sylvia smiled and nodded.

1. The astute reader will recall the March 2011 edition of the Briefcase.
New OBA President, Renee DeMoss

By Honorable Patricia Parrish

On January 10, 2014, I had the privilege of attending the swearing-in of OBA President Renee DeMoss, OBA President-elect David Poarch, Jr., OBA Vice President Susan Shields, as well as nine new members of the OBA Board of Governors.

President DeMoss outlined an ambitious agenda for the upcoming year with a focus on increasing public understanding of the courts and judiciary. She stated, “It is important that Oklahomans are educated on how our system works and how qualified judges are selected.” Her plans include establishing an OBA speaker’s bureau, and scheduling public meetings in court houses across the state to educate the public about our judicial system. She has further requested the OBA’s Law-related Education Committee to focus on providing civics education for Oklahoma students. President DeMoss is a shareholder in the Tulsa firm of Gable Gotwals, practicing in the areas of commercial litigation, ERISA, insurance law and general business matters.

President-elect Poarch will become OBA president in 2015. His practice includes real estate, probate and estate matters. He practices with the Norman law firm Bailey and Poarch.

Vice President Shields is a shareholder with McAfee & Taft practicing in the areas of estate planning, estate/trust administration and business planning for business and charitable organizations. She currently serves as an OCBA director.

The OCBA extends its congratulations to President DeMoss and all the newly elected officers and directors. We look forward to working alongside the OBA this upcoming year to further President DeMoss’ agenda.

Wanted: Nominations for Law Day Awards

Journal Record Award is presented by the Journal Record Publishing Company each OCBA Law Day Luncheon to an attorney or judge who has served both the community and legal community in a professional and outstanding way. Based on lifetime achievements, this award recipient is selected by the Law Day Committee and is one of the OCBA’s most prestigious awards.

Journal Record Leadership Awards are presented at the Law Day Luncheon and recipients of these awards are selected by the OCBA Awards Committee. The Awards Committee is looking for outstanding leaders in the legal community who unselfishly give their time and energy to improve the lives of fellow Oklahomans, in addition to juggling their busy legal careers. Only five recipients are selected each year.

Liberty Bell Award is presented at the Law Day Luncheon by the Young Lawyers Division. This award is given to a non-lawyer who has given of his/her time to assist the legal community in Oklahoma County.

TO SUBMIT NOMINATIONS FOR THE ABOVE AWARDS, please send a letter with the nominee’s information and the reason(s) for the nomination. Mail to: OCBA, 240 Robinson Renaissance, 119 N. Robinson, OKC, OK 73102.

Howard K. Berry Sr. Award is given to an individual who resides in Oklahoma County or a charitable organization that is located in Oklahoma County to honor that individual’s or organization’s outstanding achievement or contribution to Justice or the Justice System. The winner of the Award will receive a $10,000 cash award from the Oklahoma County Bar Foundation. The winner of the Howard K. Berry Sr. Award is selected by the Board of the Oklahoma County Bar Foundation from the nominations received without any action on the part of the nominee to seek this award or enter the proceedings. One need not be an attorney or member of the Bar to make a nomination, but one must be a resident of Oklahoma County to make a nomination.

The winner of the award need not be an attorney or employed in the legal profession or the Justice System, but the winner’s achievement or contribution must advance the charitable purposes of the Foundation to advance the cause of Justice, equal access to justice for all and/or the improvement of the Justice system. No nominee will be disqualified by having been previously nominated for any other award in recognition of his, her or its achievement or contribution to Justice and/or the Justice System or the Legal Profession. The Winner of the Award will not be required to render any substantial future services as a condition to receiving the prize or the Award. This award is made possible through the generous gift of Oklahoma County Attorney, Howard K. Berry, Jr., to honor his father and long time Oklahoma County Attorney, Howard K. Berry, Sr. Mr. Berry’s gift has established the Howard K. Berry, Sr. Fund at the Oklahoma County Bar Foundation to provide funds for the Howard K. Berry, Sr. Award and support other causes related to law and justice.

No special form is required to make a nomination, but a form is available on the OCBA website at www.okcb.org under the OCBF tab.

Please keep the following in mind when making nominations: the entire nomination – letter, supporting materials, clippings, seconding letters and attachments included may be no longer than five single-sided, 8 1/2” x 11” pages. No exceptions. The nomination must contain contact information of the nominating individual including verifiable information as to the qualification of the individual to make the nomination and the Nominee’s qualification to receive the Award.
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In re Assignment of Judges to the Juvenile Court of Oklahoma County

ORDER

Pursuant to the administrative authority granted to the Chief Justice by the Oklahoma Constitution, Article VII, section 6, and by the authority for maintaining effective and efficient management of the courts provided in the Rules on Administration of Courts, Okla. Stat. tit. 20, ch. 1, app. 2 (2011), which were legislatively authorized by sections 23 and 24 of title 20 of the Oklahoma Statutes, IT IS THEREFORE ORDERED that the following assignments of service are effective immediately:

(1) Judge Lisa Davis is assigned to the position of Presiding Judge of the Juvenile Court Docket of Oklahoma County.

(2) Judge Ken Watson is assigned to the Juvenile Court of Oklahoma County.

(3) Judge Larry Shaw is transferred to the District Court of Oklahoma County for assignment by the Presiding District Judge.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE the 3rd day of February, 2014.

CHIEF JUSTICE

ALL JUSTICES CONCUR
IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA  
SEVENTH JUDICIAL DISTRICT  

IN RE: JUDICIAL ASSIGNMENT ) NO. A07-2014-07  

ADMINISTRATIVE ORDER  
( Clarifying AO-2014-06 )  

As a result of SCAD 2014-09 issued by Chief Justice Colbert on February 3, 2014, effective February 18, 2014, the following judicial assignments shall take effect:

<table>
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<tr>
<th>Judge</th>
<th>Courtroom</th>
<th>Division</th>
<th>Docket</th>
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</thead>
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<tr>
<td>Timothy R. Henderson</td>
<td>223</td>
<td>Criminal</td>
<td>Watson</td>
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<td>Bernard M. Jones</td>
<td>811</td>
<td>Civil</td>
<td>Davis</td>
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<td>Richard W. Kirby</td>
<td>325</td>
<td>Probate</td>
<td>Henderson</td>
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<tr>
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<td>(No Change)</td>
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<tr>
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<tr>
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<td></td>
<td></td>
<td>(Mental Health &amp; VPO)</td>
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</tbody>
</table>

Any matters which have been taken under advisement shall be completed by the judge who has taken the matter under advisement.

All pursuant to 20 O.S. §91.2 and §120 - Rules for District Courts.

IT IS SO ORDERED.

Dated this 4th day of February, 2014.

RAY C. ELLIOTT  
PRESIDING ADMINISTRATIVE JUDGE  
SEVENTH JUDICIAL
Excerpts from OCBA News:
February, 1973, Part 5

New Committee Appointments

Stewart W. Mark has appointed the following people to Committee Chairmen for 1973:
Bench and Bar Committee, John R. McKee; Budget and Finance Committee, John H. Halley, Jr.; by-Laws and Long Range Planning Committee, Howard K. Berry, Jr.; Communications – OCBA News, Kenneth R. Webster; Continuing Legal Education, Hal D. Leaming; Criminal Procedure and Penal Reform, Robert M. Jernigan; Environmental Law, Robert H. Anderson; Fee Grievance, Clarence P. Green; Grievance and Ethics, Robert F. Bourke and Daniel R. Sheehan; Justice and Order, William D. Curlee; Law Day, Earl Sneed; Law Students and Legal Interns, James M. Little; Lawyer Referral Service, Reid Robison; Legal Aid Committee, William F. Shideed; Medico-Legal, Jack Shaffer; Membership, Andrew L. Hamilton; No-Fault Insurance Legislation, Dale Reneau; Program, Max H. Lawrence; Public Service, Jeff L. Hirzel; Speaker’s Bureau, Terry A. Pendell; Specialization, Robert R. Buck; Unauthorized Practice, Lon Foster III; Prepaid Legal Insurance, B.J. Cooper.

If you wish to become a member of one of these committees, please contact the Chairman or the Bar Office.

OCBA Plans Tea For Wives

The Oklahoma County Bar Auxiliary is planning a membership tea February 9, 1973 in the home of Mrs. F. Anthony Zahn, 3400 Twelve Oaks Road in Quail Creek. The membership chairman for 1973 is Mrs. Arlen E. Fielden. Membership will be open until the second week in March and wives unable to attend the tea are invited to contact Mrs. Fielden concerning membership.

The Bar Auxiliary is interested in meeting new lawyers wives who may not have joined the Auxiliary previously as well as regular members.
Chili Cook-Off Judges and Guests

As a nationally ranked, full-service law firm, we offer an unsurpassed wealth of knowledge, expertise and resources to clients. Our collaborative approach enhances our goal of superior client service. Because of this approach and recognized reputation, top attorneys choose Crowe & Dunlevy as a place to call home. We welcome the addition of nationally renowned former Assistant U.S. Attorney, Vicki Behenna.

CroweDunlevy.com

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