OCBA NOMINATIONS & ELECTION COMMITTEE ANNOUNCES CANDIDATES FOR 2015-2016

President-Elect Angela Ailles Bahm, serving as Chair of this year’s Nominations & Election Committee, has announced the slate of candidates approved by the Board of Directors.

Ballots will be mailed the first week in July and should be returned no later than July 31, 2015. Election results will be announced in August and elected officials will take office September 1, 2015. The candidates and their qualifications are listed here:

**PRESIDENT-ELECT**
Judge Barbara Swinton, District Judge for the Oklahoma County District Court
OCBA activities include: Board of Directors; Bench & Bar Committee; YLD Chili Cook-off Judge; Work Life Balance Committee; Law Day Committee.
OBA activities include: Bench & Bar Committee, Chair and Co-Chair; Professionalism Committee; Family Law Committee.
ABA activities include: Member.

**VICE PRESIDENT**
David A. Cheek, Cheek & Falcone, P.L.L.C.
OCBA activities include: Board of Directors, Fee Grievance & Ethics Committee 1978 – present, Chair 1984-1986; Bankruptcy Section.
OBA activities include: Member.

**LAW LIBRARY TRUSTEE**
Sonya L. Patterson, Legal Aid Services of Oklahoma, Inc.
J.D. – Oklahoma City University 2012.
OCBA activities include: Lawyers Against Domestic Abuse Committee; Legal Aid Committee; Family Law Section.
OBA activities include: Family Law Section.
Other Legal/Community activities include: Homeward Bound Pug Rescue.

See **CANDIDATES, PAGE 10**

Sixth Annual MAKE-A-WILL and Financial Planning Workshop

By Stan Evans

OU Assistant Dean Stan Evans, leader of the legal team, reported that 90 persons completed the process this year and walked out with written wills during the 6th Make-A-Will and Family Financial Planning Workshop. Fifty clients were provided Advance Directives, and 28 clients availed themselves of the Family Financial Planning and Management counseling. Over the past six years, wealth creation has been enriched for more than 500 families.

The purpose of this project is to help families in our African American community establish means for passing wealth from one generation to the next. It has been reported that almost 90 percent of African Americans do not “go the extra mile” to protect their wealth by making a simple will. This project seeks to fill this gap, and additionally provide Advance Healthcare Directives and Financial Management Advice.

Clients signed up for the workshop in their churches, then met with an attorney or counselor at their church to prepare a data sheet. They were then given an appointment at the Saturday workshop where they

See **WORKSHOP, PAGE 15**

2015MAW - Law Alum and Student Bonding Moment
From the President

It Could Have Been Much Worse

By Jim Webb
OCBA President

I have been called lots of things in my life, many of which cannot be printed. One thing I have never been called, though, is an optimist. Optimism does not come naturally to me. I relate all too well to the anonymous quote, “Anything that can go wrong, but doesn’t go wrong, is just waiting for a much worse time to go wrong.” Simply put, I’m an eternal pessimist.

That might just mean I picked the right profession almost 30 years back. A few years ago, there was a lot of inquiry and study in psychological circles into the differences between optimistic thinkers versus pessimistic thinkers. You know what they found? (You pessimists are already grumbling about the answer, and I haven’t even given it!) Optimists do better in virtually everything.

They do better in school. They do better in sports. They do better in the arts. They do better in business.

There are at least two glaring exceptions to this rule. Pessimists do better in law school and the practice of law. Uh, yea, team! To be honest, I approached the 2015 Oklahoma legislative session with a belly full of pessimism. The combination of the rhetoric that flowed in 2014 and a potentially crippling funding gap in state government in 2015 had me worried. That was why I focused on the relationship between the courts and the legislature in some public writings in January and February. From the feedback I received, I was not alone in my negative thoughts.

Fortunately, as often happens with pessimistic concerns, I was wrong. Looking back on the 2015 legislative session, at least insofar as it relates to the courts, I would sum it up as, “It could have been a lot worse.”

For one, we saw more collaboration, or at least rational debate and discussion. Sure, we had a couple emotional outbursts by legislators that flashed on the news for a couple minutes, but all in all, it was a “normal” legislative session.

We did not see anything like the craziness happening with our neighbors to the north. Did you catch that in Kansas? Legislators actually threatened to cut off all funding for the judicial branch if the Kansas Supreme Court, in a pending case, struck down a 2014 legislative enactment for how chief trial court judges are selected. I am certainly no constitutional scholar, but if that is not a violation of the principles of Separation of Powers, I do not know what would be. Craziness.

Back in Oklahoma, we started off a little rough. Just a couple months into the session, the legislature was talking about taking $22,000,000 out of the Court Information Systems Revolving Fund (MIS/IT fund). The Senate actually passed a bill to end this funding, which would have been absolutely disastrous in this electronic day and age, in my opinion. The House refused to hear the bill, and it died, thankfully. As it turned out, the legislature still took another $10,000,000 out of the fund, but there is at least some hope that this amount can be regenerated slowly over time.

In the bigger budget picture, the legislature made a slight reduction in the Supreme Court’s budget, with rumors being that the reduction matched an overdue increase in appellate judicial pay, which finally passed. The budgets for the District Courts, Court of Civil Appeals, and Court of Criminal Appeals were all deemed to be “flat” year over year. That is not completely accurate, though. For example, with the District Courts, the legislature forced the courts to use funds that were formerly a carryover, so in a sense, we really just kicked the can down the road a bit.

Perhaps the best news of all for those practicing in District Courts is that the funding in such that we should not see more layoffs of bailiffs, court reporters, and other court staff. Whew! Even that sigh of relief is not forever, though. Unless something changes, the District Courts (and perhaps others) will still likely be forced to ask for supplemental funding by the end of the fiscal year.

Many in the judicial branch are following Winston Churchill’s advice of never letting a good crisis go to waste. We are seeing and will continue to see hard work by our judges and court staffs to get the very most out of the least. They are looking for new and improved ways to increase the collection of fees and costs, while being ever so mindful of important constitutional issues concerning access to justice. They will inevitably look for more ways to consolidate already lean staffs. They will look for ways to accomplish tasks with employees instead of third-party vendors.

The best news of all? This must just mean we have more optimists in our judicial system. Winston Churchill also said, “A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty.” I am thankful 2015 did not devolve into unhealthy inter-branch disputes, like happened in Kansas. Maybe this middle-aged dog can learn a few new tricks from these optimistic thinkers, and I will not have the same level of concern heading into the 2016 legislative session. I doubt it.

As always, remember I have an open door policy. I welcome your ideas on how we can improve the OCBA. Please email me at jim.webb@chk.com or call me at 935-9594.

Jim Webb

Yo Ho Ho - My Logo Had To Go

By Joi McClendon

As a sole practitioner, a lawyer will become familiar with moving from one office to another for a multitude of reasons. One reason to move may be to get closer to downtown, another may be cheaper overhead or another may be the landlord hates your logo. Whatever the reason, there are several things that must take place prior to, during and after your move.

Prior to the move, you must find a new place. A good resource is the classifieds in the Oklahoma Bar Journal. Office space listed in the journal are generally designed...
The Great Big Charter

By Geary Walke

2015 is the 800th anniversary of the Great Charter. We don’t hear as much about it as we should, but there is the occasional reference. My dogta is filled with curiosity about those things I didn’t have time to study when I was young. Or, perhaps I studied them, and just don’t remember them. Eight centuries is a long time for the Britons and the Americans to do something, especially when it’s something good, important, right and foundational to our way of life. (See Briefcase Article by Judges Noma Gurich and Geary Walke, June, 2007, on American Inns of Court National Conference: The Rule of Law (or: Dinner With The Chief Justice) celebrating 400 years in America of the Rule of Law stemming from the Magna Carta and transplanted in America first at Jamestown Colony in 1607.)

The Great Charter, or Magna Carta as the Romans would say back in the day, if they felt like saying it, was, as we all know, written in 1215 and established our great tradition for the rule of law. Or, did it?

Have you ever actually read it?

Do you know the history that explains this document? Ever watch Robin Hood?

I am not knowledgeable on this subject, but I was curious about all the hooplah concerning 800 years of government-of-laws-not-of-men heritage and tradition. That curiosity led me to actually read this document for the first time since my college days. Gads!

I’m certain it sounds better in Latin.

I’ll eventually, on another occasion, go through some of the 63 different paragraphs and discuss their terms. The very last paragraph best explains the document:

Wherefore it is our will, and we firmly enjoin, that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, of us and our heirs, in all respects and in all places for ever, as is aforesaid. An oath, moreover, has been taken, as well on our part as on the part of the barons, that all these conditions aforesaid shall be kept in good faith and without evil intent. Given under our hand— the above-named and many others.

Each successive king after 1217 recognized the Great Charter’s role in governing England forevermore, but omitted paragraph 61. Paragraph 61 was a blank check to the barons to freely rebel against the king if principles contained in Magna Carta were not obeyed by the king.

The Great Charter was either not considered as permanent as its very words claimed, because it was annulled and in 1225 King Henry “reissued” it in order to secure support so he could levy new taxes (read my lips). In 1297 King Edward I reaffirmed the earlier reissuance of Magna Carta and confirmed that thenceforth it would be a part of the statutes of England.

LONGER VERSION OF HISTORY, YET STILL INCOMPLETE.

Why was the Magna Carta deemed necessary?

The rebel barons weren’t alone in their fight. Prince Louis, anticipated to be King of France in the future, invaded in support of the barons and was actually received—but not crowned, as the new king of England. In less than a month he had captured half of England and forced King John against the wall with little choice but to concede a lot of power.

King John’s buddy, Stephen the Archbishop of Canterbury, drafted Magna Carta to end the rebellion, but also to keep King John in power. It meant the end to rule by the mere will of the king, and instead prescribed rules, conditions, and limitations on the king’s power.

Sometime during 1215 Pope Innocent III annulled Magna Carta. Well, the barons thought that was completely inappropriate and reinstated their warning.

The war continued until King John died, at which time it seems the barons thought it would be more advantageous to let John’s son, Henry — age 10—who promised to rule per Magna Carta, lead England. You may be thinking how easily manipulated a 10 year old might be, but anyway, the rebel barons decided to dump their alliance with Prince Louis, who then gave up his efforts to become King of England.

In 1216 King Henry affirmed the Great Charter’s role in governing England forevermore, but omitted paragraph 61. Paragraph 61 was a blank check to the barons to freely rebel against the king if principles contained in Magna Carta were not obeyed by the king. The blank check of paragraph 61 was a dangerous allowance for the king but it would be reinstated in 1217 when the French were formally driven from England’s shores and pubs.

CONTEXT

Each successive king after 1217 routinely affirmed Magna Carta. It became a real tradition. However, the fact that the principles contained in it endured over the centuries is itself a testament to the greatness of the document. The best key to understanding the significance of Magna Carta is to appreciate the context in which it was written and sealed.

King John had a reputation for being supportive of courts. His courts, or assizes, traveled around the countryside dispensing justice. A centralized government implemented the King’s law. The royal courts ruled in local cases where previously the local lords had meted out justice per local custom. John’s courts were administered by John’s appointed officials, yet John was so intent upon maintaining control in such matters of national and local significance, that he personally intervened in many instances, presumably those instances with greater import. This resulted in many local customs being ignored, contrary to the wishes of local barons. It wasn’t just the English. It was also the Welsh, the Irish, the Scots and the Clergy as well as...
And the Court Said

An Olio of Court Thinking

By Jim Croy

June 8, 1915
One Hundred Years Ago

The court sustained the demurrer and directed a verdict apparently on the theory that there was no evidence tending to show that the party with whom the plaintiffs made the contract was the agent of defendant, or that the defendant's many acts and former conduct and correspondence had ratification in the matter of that contract. Taking the plaintiffs' brief alone, standing as it does without any refutation or other explanation, it is made to appear that there was sufficient evidence to submit the question to the jury. We do not wish to be misunderstood as representing upon the question, but simply draw from that statement the conclusion that the plaintiffs in error should not be allowed to submit the case to the jury. For the reason it is incompetent, immaterial, and irrelevant, and is not the best evidence, no proper foundation is shown for this testimony. By the Court: Overruled. By Mr. Ruble: Exception.

No evidence was offered by the state to show that Mr. Eaton was absent; the record does not show that a subpoena had been issued for him; and so far as the record shows, there was no evidence to show the guilty knowledge or intent that the defendant in error was guilty of other and distinct offenses. The evidence of giving a bogus check as above set forth was in no way connected with the offense for which the defendant was being tried, does not come within the rule above stated, and the same should not have been admitted in evidence. It is true that at the close of the case the county attorney made application to withdraw the check from the record; but the damage, if any had already been done by the examination of the witness concerning check in the possession of the jury. Upon a retrial of this case, all of this evidence should be eliminated.

June 29, 1965
Fifty Years Ago
[Excerpted from Oklahoma City V. Hudson, 1965 OK 109, 405 P.2d 178.]

The defendant in error, hereinafter referred to as plaintiff, filed this action against plaintiff in error, hereinafter referred to as defendant, to recover damages for personal injuries incurred in the manner hereinafter related. Plaintiff was an employee of the Oklahoma City Zoo. On the day in question, he was cleaning out the pit used for lions. Prior to this operation he had closed the door shutting off the area where he was to work. While so working, he accidentally turned the door, it opened and the animals rushed into the place where he was working, mauling him severely. He recovered a verdict and judgment in the sum of $57,300.00. After the overruling of his motion for a new trial, defendant perfected the present appeal.

**The evidence at the trial established that plaintiff had worked at the zoo seven or eight months prior to the accident. Plaintiff testified, in substance, that his “training” during the early days of his employment had been as a “helper” to two other employees in cleaning the “run-around” used by hoofed animals and that he had cleared the lion pit “not more than three times” previous to the date of his injury. When he was interrogated at length about whether, on the day of the accident, he had securely locked the safety doors closing off from the pit, the part of the zoo in which the lions customarily remained, while the pit was being cleaned, plaintiff testified to the effect that the last one of the door locks was “hard to lock.” When asked whether he actually latched the safety doors, he, at one point, testified: “I am not one hundred percent positive.” Despite the fact that plaintiff’s petition . . . purported to state a cause of action based upon defendant’s negligence, and, at the pre-trial conference it was decreed that the general nature of the case was “negligence of defendant”, the court submitted the case to the jury on the theory of defendant’s absolute liability, by giving the following instructions: “No. 6.”

“You are further instructed that it is not in itself unlawful for a person to keep wild beasts, although they may be such as are of a nature vicious and dangerous, as a lion, yet it is the duty of those who own or keep them to do it in such a manner as will absolutely prevent the occurrence of an injury to others. The state and the court are naturally inclined to commit; and for any injury they may do to others, the person keeping them is liable, irrespective of any questions of negligence or knowledge of previous acts showing a vicious disposition.

“No. 7.

“While any person has the right to keep a wild animal, and no one has a right to refer him in so doing, as a result thereof, he assumes the obligations with respect thereto with the public generally. A person who keeps an animal such as a lion keeps it at his peril; and if he loses control of it and it does damage, he is responsible.”

While defendant urges several grounds for reversing the order and judgment appealed from, it is necessary to deal only with its argument urging error in the above quoted instructions. It maintains that its common fallacy consisted of invoking the doctrine of absolute liability, while in truth such doctrine has no application to a case like the present one, where the plaintiff is defendant’s employee, rather than a member of the public. Herein lies the distinction between this case and City of Mangum v. Brownlee, 181 Okl. 515, 75 P.2d 174, and City of Tonkawa v. Danielson, 166 Okl. 241, 27 P.2d 348, wherein the plaintiffs were members of the general public, not associated in any way with the care, keeping, or harboring of the animals involved.**

**In this case, it is unnecessary to become involved in, or to discuss, the various differences in the opinions of various courts as to whether the usual defenses in tort actions generally, such as contributory negligence, assumption of risk, etc.; apply to actions by the patrons of a zoo or other places where wild animals are kept on exhibit for amusement or educational purposes . . . or to actions by domestic servants . . . or employees generally, who were not hired to help keep, or care for, wild animals and who might only infrequently, or casually, come into contact with them during the performance of unrelated tasks of their employment. Here, plaintiff was not a spectator at the zoo, but the undisputed evidence is that he was employed specifically to assist in caring for wild animals on exhibit there; that he had undergone an apprenticeship or “training” and had had some previous experience in working in the lion pit. There can be no doubt in our opinion but that the rules applying to master and servant cases apply here, and that the doctrine of absolute liability has no application. The giving of the quoted instructions were the practical equivalent of an instructed verdict for the plaintiff, and constituted prejudicial error. This error

See OILIO, PAGE 13
A Pro Bono Journal:
Catholic Charities Provides Legal Assistance to Unaccompanied Minor Immigrant Children at Fort Sill

By C. Austin Reams

Nearly a year ago, unaccompanied children, most immigrating from Central America, began arriving at Fort Sill in Lawton, Oklahoma. By summer’s end, more than 1,800 children had passed through the military base before it was closed in early August of 2014. Many attorneys in Oklahoma, working pro bono, assisted these children who eventually continued on to each of the 50 States. Catholic Charities of the Archdiocese of Oklahoma City, Inc. played a central role.

According to the American Immigration Council, from October of 2013 through September of 2014, more than 60,000 unaccompanied children were detained at the southwest US border. As reported by the Council, most of the children were from Mexico (23%), Guatemala (25%), Honduras (27%) and El Salvador (24%). As learned from interviews conducted by the Refugee and Immigration Center for Education and Legal Services (RAICES) in San Antonio, Texas, many children had been victims of sexual assault, trafficking, domestic abuse, gang intimidation, persecution, and torture.

Unaccompanied children often surrendered to U.S. Customs and Boarder Protection. Because unaccompanied children cannot be placed into expedited removal procedures, they were transferred to the Office of Refugee Resettlement of the Department of Health and Human Services (HHS), which subsequently interviewed the children, determining that many of them had family contacts in the United States.

In June of 2014, HHS opened several sites to temporarily house unaccompanied children between the age of 12 and 17, including locations at Lackland AFB in San Antonio, Texas, the Naval Base in Ventura County, California, and Fort Sill Army Base in Lawton, Oklahoma, the latter of which housed approximately 1,200 children. Beginning in June 9, 2014, at the Lackland AFB, RAICES had been providing KYR Presentations and legal screenings to nearly 1,200 unaccompanied children. Before Congress on July 29, 2014, Ryan said, “We have carefully peer-reviewed the intakes of 925 children so far, and our assessment is that 63 percent of these 925 children are likely to be found eligible for relief by a U.S. Immigration Judge.”

Many of the unaccompanied children obtained had arrived with addresses and contact information for extended relatives in the United States. “Following interviews by HHS, most of the kids who arrived at Fort Sill had already been identified as probably having a family with whom they could potentially be reunited,” said Klinge.

After meeting with pro bono attorneys and volunteers at Fort Sill, being advised of their rights and the legal road ahead of them, most children were processed to families or foster homes, and some without identifiable families were sent to other shelters. “Children knew where they were going when they left Fort Sill,” said Klinge, “and many had a notice to appear before a court. They had instructions in hand as to how to seek legal help once they reached their destination.” According to Klinge, after Fort Sill, unaccompanied children went to all of the 50 States.

Klinge says most of the children have faced removal proceedings in an US immigration court, depending on where they were sent. These children have often been eligible for immigration options, including four bilingual lawyers at its expense to assist. From July 3, 2014 through August 5, 2014, Catholic Charities and these volunteers provided “Know Your Rights (KYR) Presentations” to groups, and also met individually, assisting more than 600 children.

Initially, many of the children were scared and reluctant to trust. “As the days at Fort Sill passed, we realized that children were talking among themselves and they fully began to understand that the Catholic Charities legal team was not part of the government and we were only there to help them,” said Klinge. “They began to open up to us about why they left, how they got to the US and what they had experienced along their journey.”

Before Catholic Charities began assisting children at Fort Sill, Klinge had travelled to San Antonio, Texas to meet with Jonathan D. Ryan, Executive Director of RAICES to learn from its assistance to unaccompanied children.

Within the first two weeks of their stay at Fort Sill, Küll said to RAICES to continue full service. “We had a standing room only courtroom and many children were sent to families or foster homes,” Ryan said.

According to Mr. Klinge, more than 700 people from Oklahoma, and many immigration lawyers from throughout the US, responded to Catholic Charities’ call for assistance for these unaccompanied children. The law firm of Jones Day also provided.

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Quote of the MONTH

“They couldn’t hit an elephant at this distance!”

~ Last words of Union General John Sedgwick (1813-1864) just before being hit by Confederate sharpshooter fire at the battle of Spotsylvania Court House. (The distance was about 1,000 yards.)

Events & Seminars

JULY 17, 2015
OCBA Night at the Bricktown Dodgers 7 p.m., Bricktown Ballpark

SEPTEMBER 4, 2015
Annual Dinner Dance 6:30 p.m., Skirvin Hotel Grand Ballroom

See CHARITIES, PAGE 16
By Rex Travis

At the end of the Civil War, there existed a Confederate prisoner-of-war camp in Southwest Georgia - Andersonville - which became synonymous with mistreatment of prisoners-of-war. The camp existed for only about 14 months, from February of 1864 through May of 1865, when it was abandoned as Union forces came close to overrunning the area of the camp.

Large numbers of Union Army prisoners were accumulated there after being taken prisoner all over the south. The area was selected because it was remote from the war, which was mostly happening to the north and east of there. The Confederates were fearful of having large numbers of Union prisoners in the area of their capitol, Richmond, lest they be liberate, armed with weapons stored in or near Richmond and used to take Richmond.

In theory, food should have been available in that rich agricultural area to feed large numbers of prisoners without having to transport the food over long distances on insufficient railroads. In reality food was always short at Andersonville. What happened was a camp small in size (designed to hold 10,000 prisoners) but at its peak holding 33,000. It consisted of a log stockade with nothing inside to house the prisoners. They had to live in the open or build their own structures from whatever material they could find.

Due to neglect, poor sanitation and generally bad conditions, horrendous numbers of prisoners (about 13,000) died there. What was then a horror scene is now a beautiful, park-like place with a beautiful national cemetery. This is the story of how it got to be that way. I will tell you the story of some people who made it that way.

The man most responsible for the conversion of Andersonville to a place of peace today was Trooper Dorence Atwater. He was an 18-year-old Connecticut cavalryman, captured 4 days after the Battle of Gettysburg. He was sent first to a Confederate prison in a Richmond tobacco warehouse. There, he reported a Confederate officer for stealing from packages sent to Union prisoners. As a result, he was sent to Andersonville when it opened in early 1864.

Dorence Atwater proved to be unusual in several respects. He was educated. (Many of the soldiers, now prisoners, were illiterate.) He was also very good at writing. He had worked for storekeepers in Connecticut, keeping ledgers and books.

The Confederates soon figured this out and put him to work in the prison hospital, keeping records of all deaths in the prison. When a prisoner died, his body was taken from the stockade and buried in a long trench in the prison cemetery. Atwater kept a secret duplicate copy of the ledger for his own use, without the knowledge of the Confederates. He hid his ledger or journal throughout the war, putting it in his boots or Private duffle when he was released to Union forces at the end of the war. When he got to Camp Parole, on the grounds of the U.S. Naval Academy, he reported that he had the lists of the dead at Andersonville.

The result was surprising, to say the least. Instead of being treated as a hero, he was ultimately imprisoned and put out of the army with a dishonorable discharge. The problem was that the army had no system for notifying families of the death or capture of a loved one. Rather, people just went off to war and never came back. Unless some of their buddies reported what happened to them, all the families knew was that they didn’t come home.

Secretary of War Stanton was very sensitive to having the families of the Union Army known of the fate of their loved one died in miserable squalor in Andersonville, as opposed to dying a glorious death on some battlefield. The reason this was such sensitive information was that there was great criticism of the decision (primarily by General Grant) not to exchange prisoners.

Grant’s frankly expressed position was that it was better to leave Union prisoners in Confederate prisons than to exchange Confederate prisoners for the Union prisoners and have to fight the Confederate prisoners all over again. Grant was almost certainly militarily right but politically, not so much so.

And, after Lincoln’s assassination, Grant was almost certain to be the Republican nominee for President. Stanton particularly did not want a lot of publicity about the Andersonville dead just before that presidential election. These peculiar circumstances gave rise to the most amazing story of the post-war world.

The army insisted Atwater turn over the list. When he realized the list would not be used to notify the families, he resisted. The army charged him with theft of government property (the list which was, after all, made by Atwater while he was on the payroll as a soldier). He was also charged with acting to the prejudice of the good order and discipline of the service, by refusing to give the list to the government but instead giving it to reporters, who used it to notify the families.

Put in an army prison, Atwater made contact with another equally remarkable character: Clara Barton. She was from Massachusetts but her brother had moved to North Carolina and served in the Confederate Army. He was captured and badly treated as a prisoner.

Clara Barton was so powerful (for reasons we shall soon see) that she was able to get him released from his Union prison. However, his health was so bad from his imprisonment that he died from the illness he had contracted as a POW.

How did she get to be so powerful that she could just sign her brother out of a POW camp? As a 10 year-old girl, she had nursed her brother back to health from a serious illness. She acquired and practiced nursing skills as a result.

When the war began, she was living in Washington and working for the Patent Office. She discovered as wounded soldiers were brought to Washington from battles in the south that the Army had almost no medical structure to take care of them. As a matter of fact, many were brought to the Patent Office, which became a makeshift hospital.

She used her nursing skills and considerable organizational skills to put together a private organization that raised money for medical supplies and equipment and enabled her to nurse the soldiers back to health. Her new organization got permission from President Lincoln to publish the names of the dead from the war. She set up a system for notifying families of the death of their loved one.

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Secretary of War Stanton was very sensitive to having the families of the Andersonville dead know their loved ones died in a prisoner-of-war camp. She used her nursing skills and considerable organizational skills to put together a private organization that raised money for medical supplies and equipment and enabled her to nurse the soldiers back to health. Her new organization got permission from President Lincoln to publish the names of the dead from the war. She set up a system for notifying families of the death of their loved one.
Reducing Serious Mental Illness Encounters with Police in Oklahoma

By Capt. Jeffrey Pierce, OKCPD

From my professional experience there are several major systemic challenges in the state mental health system inhibiting law enforcements ability to reduce the number of mental health consumer contacts by police that should be examined for repair.

These challenges begin with what can best be described as the current ‘Pass/Fail’ state system mental health consumers must navigate, to use the current structure of the state mental health system in Oklahoma. In the most basic terms, if an individual with severe mental illness ‘plays nice’ by almost complete and voluntary cooperation in making treatment appointments, taking medication, completing appropriate, but voluntary oversight monitoring, etc., they most likely will ‘Pass’ in the system. If they ‘Fail’, by encountering roadblocks, relapse setbacks, non-cooperation in voluntary regular medication intake, failure to make treatment appointments, etc., they stand a greater chance of entering a cycle of regular police contact.

Unfortunately, as much statistical data supports, this is a majority of the individuals with severe mental illness within the city which OKCPD officers contact on a regular basis. From a police perspective, the system can be likened to a weak ‘three legged stool’. If any of the stool legs are weak, the result is collapse, equating to increased police contact with severely mentally ill individuals. In order to significantly and positively impact the repetitive cycle driving law enforcement contact with severely mentally ill individuals, the major players in the current mental health system must be willing to examine some possible modifications, thereby strengthening all three legs of the mental health system stool.

The Three-Legged Stool

First Leg (Housing Options) – The overwhelming majority of available treatment options outside of an immediate or emergency crisis event, rely heavily on the almost virtual voluntary cooperation of consumers who utilize the current state mental health system. Although the establishment of Programs of Assertive Community Treatment Teams (PACT) operated by a few private community based treatment providers is certainly a step in the right direction, these resources are very limited in size as compared to the consumer population who would benefit from them. They are also costly and laborious in nature for the providers who operate these programs. But most importantly, they lack ‘teeth’, in their ability to provide swift, sure and consistent negative motivation for mental health consumers who either fail program requirements or lack the necessary individual positive motivation to complete program goals on their own, outside of the ‘hammer’ of a pending or suspended criminal charge.

In addition and or to supplement PACT services, consideration should be given to examining options for implementing statewide Assisted Outpatient Treatment (AOT). AOT requires court ordered intervention and provides the ‘hammer’ necessary to ensure some severely mentally ill individuals remain medication compliant in order to continue to live independently in the community. There appears to be at least some apprehension on the part of ODMHSAS and a percentage of the local treatment community in embracing this concept, although it has been used successfully in other parts of the nation as well as in Tulsa County for some time.

Of course, this type of program will also require the support and cooperation of the Oklahoma County District Attorney’s Office and the Oklahoma County District Court to implement. However, without this type of oversight option, it would be unreasonable to expect anything less than a continuation of cycling in and out of the system to continue for the small but ever-growing percentage of individuals with more severe cases of diagnosed mental illness in the State of Oklahoma.

A step in the right direction in Oklahoma County as well as a handful of other counties is the implementation of Mental Health Court. Statistics will no doubt show this program has directed many individuals on a path of supported treatment and medication compliance. However, there is room to do much more.

Some consideration should also be given by system decision makers in growing the available crisis beds as well as longer term treatment beds within the state. This holds especially true for the larger population centers of the state. In the OKC and Tulsa areas there has been and remains, a significant and widely known shortage of crisis treatment beds. This fact negatively and
A BRIEF SYNOPSIS OF SELECTED 2015 LEGISLATION

By James B. Croy

The legislature adjourned this year’s session sine die on May 22, leaving bills on the governor’s desk for signature or veto. By the time you read this, the time for signing bills, June 6, will have and all enrolled bills which were not signed by the deadline have been vetoed via the ‘pocket veto’ machination. This session was marked by the lack of substantive legislation involving the practice of law which bills actually passed. However, let us give a brief glance as a few bills which might be of interest to the bar.

In the area of family law, SB486 makes provisions for a 6% salary increase for appellate judges. HB1007 permits religious officials to decline to perform marriage ceremony if it violates that person’s conscience or religious principles. While one might leap to the conclusion that this is directed at Texans intermarrying, apparently it is directed at same sex marriage. SB460 permits the court to waive educational program attendance by parties in a divorce involving child under 18 if the court finds attendance is not in the best interest of the child or where domestic abuse has occurred during the marriage. Apparently under current law, it is possible for a parent participating in shared parenting to pay more child support than if he or she was not participating in shared parenting. HB1042 corrects that situation by capping support in shared parenting cases. And, HB1918 contains this language: “In a paternity action, prior to genetic testing to establish paternity pursuant to the Uniform Parentage Act, the court may award custody to the presumed father if it would be in the best interests of the child.”

In probate, SB109 provides that an attorney in fact is accountable to the fiduciary as well as to the principal when charged with the management of properties owed by a principal. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if the principal were not disabled or incapacitated. Any actions of the attorney in fact will be binding on the principal or the principal’s successors in interest unless a notice to revoke power of attorney is filed in each county where the durable power of attorney was recorded. With respect to international adoptions, HB1399 limits the fees for apostilles to a maximum of $100.

With respect to the courts, SB456 by $10.00 per case for courthouse security if the county commissioners approve such a cost increase. Those monies will accrue to the county in which the case arose, not the county in which it is being tried.

In criminal procedure, HB1120 allows a title insurance company to provide for a 6% salary increase for appellate judges. HB1123 decreases from 50 days to 30 days the time for filing release documents with the county clerk’s office after a mortgage has been paid off.

In the area of probate, SB109 provides that an attorney in fact is accountable to the fiduciary as well as to the principal when charged with the management of properties owed by a principal. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if the principal were not disabled or incapacitated. Any actions of the attorney in fact will be binding on the principal or the principal’s successors in interest unless a notice to revoke power of attorney is filed in each county where the durable power of attorney was recorded. With respect to international adoptions, HB1399 limits the fees for apostilles to a maximum of $100.

With respect to the courts, SB456 provides for a 6% salary increase for appellate judges. HB2233 is the supplemental appropriation, and HB2242 is the general appropriations bill. Insofar as the budgets are concerned, the trial courts and court of criminal appeals budgets were ‘flat,’ and the supreme court budgets was decreased by 2%. HB1477 statutorily enables the electronic jury management system.

Everyone can breathe a sigh of relief now that SB423 has repealed the restrictions on selling second-hand watches, thus unleashing the power of this vital segment of our economy. It should be pointed out that the watches to which the act refers are those which have been previously owned, not those with a second hand. And, finally, no one can breathe a sigh of relief now that HB1879 has determined that nitrogen hypoxia will be an alternative method of inflicting the death penalty if lethal injection is ruled unconstitutional. Originally it was going to be hypoxia induced by helium, but some thought that the condemned uttering his last words in that funny helium voice detracted from the solemnity of the occasion.

If you wish to read the text of the various enrolled bills, I would suggest you Google the Oklahoma legislature homepage. On the homepage, choose ‘legislation,’ and then, in the space for the bill number, enter the bill number as it appears in this article. Then choose ‘versions.’ You will see the enrolled bill, and that is the version you want to read.

(Judge Croy is the chair of the Legislative Committee of the Oklahoma Judicial Conference and a longstanding member of the Executive Board of that body.)
for lawyers and can range from a single office to an entire suite. Some offices are office sharing arrangements with the added benefits of a secretary, conference room, telephone, internet and kitchen. There may also be possibilities of case referrals in your area(s) of practice. For the attorney on the constant move, a virtual office is available to rent. It consists of an office and/or conference room you schedule in advance to meet with clients, among other amenities. Another resource is Craig’s List and social media. Upon inquiring on Facebook if anyone knew of any office space for rent, my posting led to mass media coverage, free advertising and a larger and cheaper office space. Of course there is no guarantee that you will receive the same advantageous reception to your online posting. That generally requires a good backstory and a really cool and creative logo. Upon finding your new office, there are numerous things that must be checked off the moving to do list.

After you have given notice to your former landlord, paid your new landlord and signed a lease (be sure to put in writing that you are allowed to post your logo on the window), you now have to move everything from point A to point B. This is the difficult and biggest pain of the moving process. Hopefully your office is in tip-top shape and completely organized. For the rest of us normal people, you have to now organize everything! Label your boxes! This is a must! Plan a day for the actual move and line up help. Call on your clients who owe you money! Enlist the help of your children (free labor!). Generally such a move needs to take place on a weekend so you can get back to business as soon as possible. Be sure to contact the telephone provider and other such companies to ensure there are no missed calls. It is usually not a problem to keep the same phone number, even if you switch to a different telephone provider. Go to the post office and have your mail forwarded to your new address. Order business cards ahead of time. Contact the Oklahoma Bar Association and notify them of your change of address. This can be easily done online at www.okbar.org. Even though you have completed these tasks, there are a few more things left to do,

Now that you have moved into your new digs, you must now notify all of your clients in writing of your change of address. You also have to provide notice of your new address to all opposing counsel in each of your cases. This is a tedious, but necessary and important task! It is also a good idea to notify your former clients so they are able to reach you should they need your services in the future. Be sure to update your information on social media accounts and on your webpage.

After your successful move, get creative in your decorating. Make your new office yours! Reward yourself with a new piece of furniture or a nice, big flat screen TV (always good to be weather aware...as well as keeping up with certain sports or Orange is the New Black). Proudly hang your super awesome cool logo on your new office window before you get back to fighting the good fight for justice for all.

Good luck, Godspeed and beware of the poisonous deadly pirates!
BOAND OF DIRECTORS

Judge Don Andrews,
District Judge for Oklahoma County District Court.
J.D. – Oklahoma City University 1989.
OCBA activities include: Member since 1989; Lawyers Against Domestic Abuse Committee, founding member 2012; Delegate to OBA 2013 & 2014.
Other Legal/Community activities include: Kiwanis Club of Downtown Oklahoma City; Downtown Oklahoma City Exchange Club; Oklahom Trial Judges Association, Director.

Timothy J. Bomhoff,
McAfee & Taft, P.C.
OCBA activities include: Board of Directors, 1995-1997; Law Day Chair 1992; Bench & Bar Committee 1995.
OBA activities include: Young Lawyers Board of Directors.
Other Legal/Community activities include: Federal Bar Association; Western District of Oklahoma Local Civil Rules Committee; Mineral Lawyers Society of Oklahoma City.

Chance Pearson,
Ryan Whaley Coldiron Jantzen Peters & Webber
OCBA activities include: Community Service Committee, Vice Chair.
OBA activities include: Member; Oklahoma Lawyers for Heroes.
ABA activities include: Member.
Other Legal/Community activities include: Oklahoma Lawyers for Children; Luther Bohannon American Inn of Court.

Coree Stevenson,
Love’s Travel Stops & Country Stores, Inc., Corporate Counsel-Manager of Litigation
J.D. – Oklahoma City University 1999.
OCBA activities include: Young Lawyers Division Board of Directors 1999-2004, Vice Chair 2000-2003; Work Life Balance Task Force & Committee; Recipient of OCBA Pro Bono Award 2004.
OBA activities include: Member, 1999-present; Work Life Balance Committee; Ask A Lawyer Volunteer; Rules of Professional Conduct Committee; Litigation Section.
ABA activities include: Member 1999-present; Litigation Section; Environment, Energy & Resources Section; Intellectual Property Law Section. Other Legal/Community activities include: Oklahoma Lawyers for Children; William J. Holloway American Inn of Court; Legal Aid Services of Oklahoma, Volunteer; Junior Achievement, Volunteer 2001-04.
Miguel Garcia, Miguel Garcia, P.L.L.C.
J.D. – University of Oklahoma 2010.
OCBA activities include: Awards Committee.
OBA activities include: Diversity Committee; Legislative Monitoring Committee.
Other Legal/Community activities include: Board of Directors for Latino Community Development Agency; Board of Directors for Youth Leadership Exchange; Soccer Team Assistant Coach for U16, St. James Catholic School; Member, Little Flower Catholic Church.

Adam C. Hall, Crowe & Dunlevy, P.C.
J.D. – Oklahoma City University 2006.
OCBA activities include: Member.
OBA activities include: Litigation Committee; Financial Institutions and Commercial Law Committee; Bankruptcy and Reorganization Committee.
ABA activities include: Tort & Trial Insurance Practice Section; Securities Litigation Section.
Other Legal/Community activities include: Urban Land Institute; Commercial Real Estate Council of Oklahoma City; William J. Holloway Inn of Court, Barrister 2013-15, Associate 2007-09, Student Member 2005-06; Allied Arts, Former Committee Member for Artusi; Avant Gardener benefitting Myriad Botanical Gardens; Barre benefitting Oklahoma City Ballet.

Sheila D. Stinson, Stinson Law Group
OCBA activities include: Law Library Trustee 2007-09 & 2012-14; CLE Committee, Past Chair; Awards Committee; Bench & Bar Committee; Law Related Education Volunteer; Law Day Committee, Community Service Committee; Young Lawyers Division.
OBA activities include: Member; Bench & Bar Committee; Ask a Lawyer Volunteer.
Other Legal/Community activities include: Adjunct Professor OCU Law; Leadership OKC, Class 33; Past President North OKC Rotary, Assistant District Governor, Rotary District 5750; Legal Education Director Oklahoma Girls’ State.

Elisabeth E. Muckala, Hall Estill Hardwick Gable Golden & Nelson, P.C.
J.D. – Oklahoma City University 2006.
OCBA activities include: Member.
OBA activities include: Employment/Labor Committee; CLE presentations.
ABA activities include: Member.
Other Legal/Community activities include: Teach classes for Habitat for Humanity Homeowner’s College, 4 years; assisted with March of Dimes Signature Chef Auction Event, 2012-14; Planning Committee for the Institute for the Economic Empowerment of Women (IEEW); served on Advisory Council for St. James the Greater School.

Judge Cassandra Williams, Special Judge for the Oklahoma County District Court
J.D. – Oklahoma City University 1988.
OCBA activities include: Member.
OBA activities include: Mock Trial Coach, Douglass High School.
Other Legal/Community activities include: Board Governance Santa Fe South School, Inc., Past Member; Road to Independence – Department of Human Services.

Ray E. Zschiesche, Phillips Murrah, P.C.
OCBA activities include: Journal Record LeadershipinLawAward2010; Community Service Committee, 2005-present, Vice Chair 2011-13, Chair 2013-present; Voices for Children Committee, 2011-present.
OBA activities include: Litigation Section; Insurance Law Section.
ABA activities include: Member, 1985-present. Other Legal/Community activities include: Oklahoma Lawyers for Children Volunteer; Luther Bohannon American Inn of Court, Master 2005-08; Jim Thorpe Association, Executive Council.

Judge Richard C. Ogden, Special Judge for Oklahoma County District Court
OCBA activities include: Board of Directors, 1993-94, 1996; Young Lawyers Division, Chair 1993-94, Director 1990-94; Outstanding Young Lawyer Award 1994.
OBA activities include: Board of Governors 1996; Task Force on Practice Management 1996; Mentorship Committee, Chair 1996-98; Diversity Committee 2000-12; MCLE Commissioner 2006-13; Young Lawyers Division, Chair 1996, Director 1992-97, Task Force on Placement Management, Long Range Planning Committee; Oklahoma Bar Foundation Fellow; OBA YLD Fellow; Outstanding Young Lawyer 1997.
Other Legal/Community activities include: Leadership Oklahoma City, Class XIX; St. Paul’s Episcopal Cathedral, Vestry Board 2006-08 & 2014-17; Regent, Regional University System of Oklahoma, 2010-15; Chairman, Board of Regents 2013-14; Tinker Air Force Base, COMMISTAR, Class of 2011; Leadership Oklahoma, Class XXVI; Robert J. Turner Inn of Court, Master.

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The Arbuckle-Simpson Aquifer

Conserving a Critical Source of Water for Oklahoma

Free-flowing waters of the Blue River which is sustained by the Arbuckle-Simpson Aquifer. © Mike Fuhr

The Arbuckle-Simpson Aquifer is a precious source of water for life and economic development in south-central Oklahoma.

Visit nature.org/asa to learn about The Nature Conservancy’s efforts to protect the health of the Arbuckle-Simpson Aquifer.
uncher's case made the point that certain state facilities were designed primarily to house and medicate patients rather than to facilitate their return to society.**

In a related vein, the court also held that the state's failure to provide adequate facilities and services for returning patients was a violation of their constitutional rights. The court cited decisions such as *Reynolds v. Sims* (1964) and *Loving v. Virginia* (1967), which established that the state had a duty to provide adequate health care and treatment for its patients. The court further noted that the state's failure to provide these services was a direct cause of the patients' continued incarceration.

The court then went on to examine the specific conditions at the state's mental health facilities. It noted that the facilities were overcrowded, understaffed, and lacked adequate medical facilities and equipment. The court also cited reports of poor living conditions, inadequate food, and neglect of patients' medical needs.

The court then considered the evidence presented by the state. It noted that the state had made some efforts to improve the facilities, but these efforts were insufficient to remedy the deficiencies. The court also noted that the state had not provided adequate funding for the facilities or for the care and treatment of its patients.

The court then went on to examine the legal issues raised by the case. It noted that the state had a duty to provide adequate facilities and services for its patients, and that the state's failure to do so violated the patients' constitutional rights. The court also noted that the state's failure to provide adequate care and treatment for its patients was a violation of the state's contract with the patients, under *Ball v. City of New York* (1961).

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HALL ESTILL ATTORNEY HONORED BY AMERICAN COLLEGE OF CONSUMER FINANCIAL SERVICES LAWYERS

Hall Estill Associate Tami Hines was honored by the American College of Consumer Financial Services Lawyers (ACCFSL) during its 2015 annual meeting as a winner of its Annual Writing Competition. Each year the ACCFSL seeks to recognize written contributions to the field of consumer financial services law. Hines is the winner of the student category for her article, MERS: Sometimes Agent, Sometimes Principal, Often Misconstrued.

Hines’ award included a trip to the San Francisco ceremony and a cash prize. Ms. Hines joined Hall Estill after graduating from Oklahoma City University School of Law in 2014. While in law school she was the editor-in-chief of the Oklahoma City University Law Review for the 2013-2014 academic year and a William J. Holloway American Inn of Court student member.

Founded in 1996, the ACCFSL is a professional association of lawyers particularly skilled and experienced in handling consumer financial services matters and dedicated to the improvement and enhancement of the skill and practice of consumer financial services law and the ethics of the profession. The College brings together into an association qualified members of the profession who, by reason of their character, skill and ability, will contribute to the accomplishments and good fellowship of the College.

Crowe & Dunlevy attorney appointed to Commission for Educational Quality and Accountability

Gov. Mary Fallin recently appointed Crowe & Dunlevy attorney Bruce W. Day to the Commission for Educational Quality and Accountability. Day will serve a four-year term beginning July 1, 2015.

The newly created commission will focus on setting teacher preparation standards, student performance and directing a more efficient and productive state educational effort to match current and anticipated workforce needs.

Day serves as the co-chair of the firm’s Securities Litigation practice group and is a member of the Corporate & Securities, Energy & Natural Resources and Labor & Employment practice groups. He has a national practice and represents and advises a variety of for profit and nonprofit businesses and organizations, broker-dealer firms, investment advisors and individuals in sales practice, employment, regulatory and litigation matters. Additionally, he has represented energy companies engaged in financing and merger and acquisition activities.

Day often lectures at continuing legal education seminars in the areas of alternative dispute resolution, general corporate law, employment, federal and state securities law and compliance with Sarbanes-Oxley requirements. Selected by peers and featured in the inaugural issue of Super Lawyers, he was also named for inclusion on Martindale-Hubbell’s Bar Register of Pre-Eminent Lawyers, Best Lawyers and Outstanding Lawyers of America.

Prior to joining the firm, Day served in the enforcement division of the U.S. Securities and Exchange Commission in Washington, D.C. and was subsequently appointed to serve as administrator of the Oklahoma Department of Securities.

He is a graduate of the University of Oklahoma College of Law and received his undergraduate degree from the University of Oklahoma. He is admitted to practice law in Oklahoma, the Western District of Oklahoma, the Northern District of Oklahoma and the U.S. Court of Appeals for the Tenth Circuit.

HALL ESTILL ATTORNEY NAMED SPECIAL OLYMPICS OKLAHOMA VOLUNTEER OF THE YEAR

Special Olympics Oklahoma named Hall Estill Labor and Employment Attorney Elaine R. Turner the 2015 Volunteer of the Year Wednesday evening. Turner has organized Capitol Area Special Olympic events since 1996.

Each year Special Olympics Oklahoma presents the Volunteer of the Year award to outstanding volunteers who are committed to the athletes and who put their all into volunteering for Special Olympics Oklahoma.

Turner’s award was presented during the 2015 Summer Games Opening Ceremonies in at Oklahoma State University’s Gallagher Iba Arena.

Special Olympics, a global nonprofit organization, provides year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, providing continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other Special Olympics athletes and the community.

The goal of Special Olympics is for all persons with intellectual disabilities to have the opportunity to become useful and productive citizens who are accepted and respected by their families, friends and in their communities.

McAfee & Taft adds paralegals

McAfee & Taft has added veteran paralegals Charlotte Howard and Lu Ann Williams to its Oklahoma City office.

Charlotte Howard provides experienced paralegal support for trial lawyers whose practices are concentrated in energy and oil & gas litigation at the state, federal and appellate levels. She began her legal career in 1983 and has extensive experience in the areas of civil litigation, bankruptcy and reorganization, commercial law, employment law and insurance law.

Howard holds an associate of science degree in mid-management administration from Rose State College, is a graduate of the University of Oklahoma College of Law’s Legal Assistant Program, and earned her certified bankruptcy legal assistant credentials from the Association of Bankruptcy Judicial Assistants.

In her new role as a paralegal for the firm’s Intellectual Property Group, Lu Ann Williams is primarily responsible for docketing management. Williams began her career in 1985 and has worked as an administrative and legal assistant for a major Oklahoma-based manufacturing company, as an intellectual property paralegal for the Phoenix, AZ, office of Snell & Wilmer, and as an administrative assistant for an Oklahoma-based law firm. Over the years she has developed extensive experience in the areas of intellectual property law and litigation, civil litigation, and estate planning.

Environmental and energy industry leader joins Crowe & Dunlevy

Crowe & Dunlevy recently announced attorney Donald K. Shandy has joined the firm as a director in the Oklahoma City office and member of the firm’s Environmental and Energy & Natural Resources practice groups. One of five distinguished Oklahoma attorneys in the American College of Environmental Lawyers, his addition makes a total of four at the firm.

Shandy has worked on projects in 41 states and interacted closely with numerous federal agencies, including the United States Environmental Protection Agency (EPA). In 2001, he was nominated by the Western Governors’ Association to become assistant administrator for air and radiation at the EPA, but ultimately decided to remain in private practice. During the Clinton administration, Shandy worked extensively with White House administrators regarding global climate change. He has also served as the deputy general counsel for Tronox, Inc., former Kerr-McGee Chemical Company, and had oversight responsibility for litigation, environmental matters and corporate issues.

Involved in a number of public utility commission matters, Shandy served as lead counsel on behalf of the Natural Gas Interveners in the Colorado Public Utility Commission “Clean Air/Clean Jobs” docket resulting in a major restructuring of Colorado’s electric generation fleet.

As both in-house and outside counsel, Shandy had responsibility for a wide range of legal matters at international manufacturing facilities where he interfaced with regulators and other foreign officials to resolve issues. He also worked on European environmental matters and has experience negotiating trade barrier issues between various countries. In addition, Shandy has represented a number of industry sectors including exploration and production, midstream transmission, refining, pulp and paper, aerospace and cement manufacturing.

Recently, Shandy negotiated settlements totaling approximately $70 million on behalf of the City of Blackwell, Oklahoma and Kay County, Oklahoma related to environmental contamination encompassing soil, groundwater and visible smelter issues.

Shandy earned his Bachelor of Arts and Juris Doctor from the University of Oklahoma. He is licensed by the Oklahoma and Texas Bar Associations. He frequently writes and lectures throughout the United States on a variety of energy and environmental issues.

Fellers Snider Awards Diversity Scholarships

Fellers Snider announced the recipients of its third annual diversity and inclusion scholarships. Cassia Carr, Andrea Fryar, and Loren Randolph will each be awarded $3,000.

Andrea Fryar, now a third year student at the Oklahoma City University College of Law, has been on the Dean’s List every semester. Last year, outside of her academics, Ms. Fryar worked with the Canadian County Court Appointed Special Advocates (CASA) to review and amend its training.

Lorene Randolph, who just completed her first year at the University of Oklahoma College of Law, worked at the Oklahoma Department of Human Services prior to law school. In addition to participating in law school organizations, Ms. Randolph volunteers with the Victim Protective Order Program.

Cassia Carr will be a third year student at the University of Tulsa College of Law. Ms. Carr not only excels in her studies, but also spends time volunteering at Tulsa Hope Academy and Pipeline Plus.

Fellers Snider created these scholarships to encourage and promote the importance of diversity in the legal profession.

See BAR OBSERVER, PAGE 18
Work Life Balance

Get a Grip, a Tight Grip.

By Warren E. Jones

Grip strength was a stronger predictor of all cause mortality and cardiovascular mortality than even systolic blood pressure or, surprise, levels of exercise.

The results were similar across county strata and income strata. That is, in nations of great variety and of disparate income level. That is, among people of diverse economic and socio-cultural backgrounds.

Low grip strength was associated with the presence of many baseline co-morbid disorders: hypertension, coronary artery disease, heart failure, stroke, and pulmonary disease. That is, it was likely that those with low grip strength also had one or more other conditions like high blood pressure.

The inverse association between grip strength and death was consistent between the sexes and across tertiles: lowest third, middle third and highest third.

Low grip strength is associated with increased susceptibility to cardiovascular death in people who develop cardiovascular disease. Wait, say that again. If you HAVE cardiovascular disease and LOW grip strength, you are more likely to die than those with CVD and HIGH grip strength.

The association between grip strength and incident cardiovascular disease persisted after adjustment for confounding factors: age, exercise, tobacco use, alcohol use, education level, etc.

The associations between grip strength and outcomes remained after excluding participating patients who died within six months of grip strength assessment or participants with pre-existing cardiovascular disease. Doing so allays concerns regarding reverse causation.

Now, from a CNBC story describing the study: “Here’s a surprisingly easy and low-tech way to predict who is most likely to have a heart attack or stroke: Measure their grip… A large study of nearly 140,000 people from 17 different countries found a clear and consistent link between grip strength and death from any cause, but especially from heart attack and a stroke. It is a better predictor than blood pressure, and it could be a cheap, quick way for doctors to screen out (those patients) who need the most attention.... It is not a new idea, but this is by far the biggest study to look at it, and the first to look at people from all over the world.”

The assessments were made on a “dynamometer.” Think: a device to measure (meter) a dynamo. Specifically, a Jamar dynamometer.

The outcome measured was the average of three attempts on each hand. The top third for men was about 110 pounds, the middle third about 85 pounds, and the lower third about 61 pounds. For women, the top third was about 71 pounds, the middle, 54 pounds, and the lowest, 38 pounds.

Find yourself a gym that has technicians who have (and know how to use) a Jamar dynamometer. I found, when I used the Jamar, the results were more accurate if I properly “sized” the grip “reach” to the hand size of my clients. It will take some titration. But it is well worth the extra few minutes. It will produce believable results. Note, too, please, that the Jamar shows results in kilograms and pounds. Kilograms were used in the above study (as are all peer reviewed international medical studies), but they are readily convertable.

Regardless of YOUR results, just remember the increased risks with a 5 kg (approx 11 pound) reduction in grip strength. By the same token, one can assume a lower risk with a 5 kg INCREASE in grip strength. The Jamar has normative results published. That is, you can see how you fare against other people your age and sex.

A take-home message? Of course, continue, or begin, your cardiovascular training; continue, or begin, good nutrition; continue, or begin, stress reduction; continue, or begin, achieving appropriate body weight; but by all means: get to the gym, and commence resistance training... not just flexing your grip muscles, but commence total body resistance training, while emphasizing free weights or barbells that NECESSITATE gripping and controlling the resistance. Good Luck!

Warren E. Jones, JD, HFS, CSCS, CEQ, is an American College of Sports Medicine (ACSM) Health Fitness Specialist, a National Strength and Conditioning Association Certified Strength and Conditioning Specialist, and a holder of an ACSM Certificate of Enhanced Qualification. His clients range from competitive athletes to the morbidly obese. He can be reached at wejones65@gmail.com or at 405-812-7612.

WORKSHOP from PAGE 1

met with attorneys who advised them and prepared their wills and other documents.

Attorney Ken Maillard, leader of the Family Financial Planning segment, was pleased with the accomplished goal to increase the number of clients receiving financial and investment planning advice.

Maillard emphasized the importance of the individualized family management component, and our stated goal of increasing the participation this year.

Reverend Lee Cooper, the overall chairman and pastor of Prospect Baptist Church, expressed appreciation to the thirty-four (34) volunteer attorneys and financial planners who contributed their professional services. Most spent the entire day with clients. They were able to smoothly handle the client load with the support of Legal Aid Services of Oklahoma. Headed by Attorneys Rick Goralewicz, and Cindy Goble, and LaCerro Daniels, volunteer coordinator, they provided an efficient process that enabled clients to complete the legal documents and counseling in about 90 minutes.

Thirty-one (31) law students participated from the Universities of Oklahoma and Oklahoma City as a part of their law school community service projects. Law Professor Danne Johnson commended these students, who, working as assistants to the attorneys added to the high degree of professionalism and compassion in working with the clients. They also gained great experience by interacting with actual clients under the supervision of the attorneys.

For the first time, thirty-one (31) Metro churches participated. This project has grown from 10 churches during the first year (2010). Ms. Espaniola Bowen was cited by Reverend Cooper for the great turnout of clients. She coordinated with the churches and assisted in the placement of attorneys.

Because of a great team effort the Make-A-Will and Family Financial Planning Program is making a real difference in helping families collect and pass wealth from one generation to the next. After six years, the estimated value of free legal and financial services provided to Oklahoma families is over $800,000.

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Dear Roscoe:

I live and office in Oklahoma but I recently tried my first criminal case in Texas, where I am also licensed. I had put on my first two witnesses when the judge called the D.A. and me up to the bench. She asked me: “Before we go much further I have to ask, is your client guilty or not?” I replied, “Your honor, he’s entitled to a presumption of innocence.” The judge said, “I thought so,” and the trial continued. I actually won on two of three counts. I ended up with a deferred on the third one, so I guess no harm no foul. Still, the question remains, how should I answer a question like that? A. Newbie, Marietta, OK.

Dear B.R.:

Marietta, huh? The word continues to spread. Your email requires a 3 part response. First, it does you no good to adopt a pseudonym when your actual name and firm appear in the email address. Second, in my book there’s no room for “no harm, no foul” in matters of ethics and due process. Third, the question should never have been asked and it placed you in an impossible situation. Let’s break it down:

a. You could answer the question innocuously as you did, but in doing so you risk giving a hostile bench a reason to infer guilt.

b. You could be forthright and say “Your Honor, you can’t ask me that question.” Here again you add criticism of the judge to the inference of guilt.

c. You could take the high road and say “Your Honor, I can’t ethically answer that,” but that, along with other non-responsive answers still carries with it the adverse inference that’s what the court is looking for.

Let’s look at what we know. Rule 1.6 protects all information relating to the professional relationship, including information harmful or embarrassing to the client. The Constitution safeguards his presumption of innocence. By saying anything wishy-washy about guilt or innocence, one might question the zeal of your representation.

Actually, you’re not the first person this has happened to. Sadly, I doubt you’ll be the last. The ABA has described criminal defense lawyers as the client’s lone champion against a hostile world. STANDARDS RELATING TO THE PROSECUTION FUNCTION AND THE DEFENSE FUNCTION 145 (Approved Draft, 1971). I agree. This has even greater weight in a case like yours, where the defendant actually is innocent. Regardless, I agree with the late pro- fessor and ethicist Monroe Freedman, himself no stranger to the courtroom, in his conclusion that the only correct answer you could give at the point at which the question was asked would be to say he was not guilty. Fourth, the lawyer’s response is not literally false, because it is a form of morally justifiable equivocation. That is, although the lawyer’s statement is misleading, it is technically accurate, because the client is presumed to be innocent, and is not legally guilty until the jury has found him to be guilty at the conclusion of trial.

Now, you may say “But Roscoe, 1.6 doesn’t say I can misconstrue the court, and, in fact, I have a duty of candor.” Right on both counts. However, in the “Scope” section of the Rules you will find the following: “The Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law.

In honor of Professor Freedman, I think we should have a dialogue on ethical points like this. What do you say, OCBA?

So, you think you’ve got problems away from home, Newbie? Try mine.

Ernie Trani arranged a flight from Teterboro to Elmiria, NY. We’d be met there by a NY State named Rob Nelson. The pilot must have thought he had a pretty strange cargo. Seery and Innocente kept each other company as they tried to ignore Ernie and Daddy Mike. I occupied myself with assorted files and recordings. Chips scraped together. My armchair psy- ch evalua- tion led me to believe that, in addition to being delusional and sociopathic, Stockel probably suffered from agoraphobia as well. That sort of explained why he usually limited himself to his office and apartment in the City, and his upstate compound/hate factory. I gave him points for oration, though if he’d ever had an original thought it probably died of loneliness. He spotted the usual racist rants from Mein Kampf. He also plagiarized Boys from Brazil and even Alfalfa Bill Murray. I think he actually believed this master race rot.

Lieutenant Nelson met us at the airport. I put him at about my age, short but stocky. Seery had mentioned that Nelson had boxed bantam weight in his youth. Seery made introductions. Nelson said: “Two cops, a bondsman plus, a gunsel and…[indicating Daddy Mike]. Christ, it’s like one of those Incredible Journey movies.” “Gunsell?” said Ernie. “It fits.”

Only it ain’t 1954 and you ain’t Alan Ladd.”

Nelson would drive us to the dairy farm that Martin Hettinger’s family ran in rural Chemung County. As we pulled up to the gate, an ex-husband greeted us. He carried a similarly camouflaged Wilson M-4. He appeared impressive and impas- sable. However, a grin spread across his face as he recognized Nelson. “Sheriff Bob,” he said.


Frankie unlocked the gate and ushered us in.

We drove down a dirt road until we came to a cluster of small homes and barns. A large Victorian farmhouse brooded over them from the high ground, a flagship among an armada of lesser vessels. A rotund, elderly man, bald except for a white goatee, stepped from the main building.

“Colonel,” said Nelson by way of greeting.

“Cmon in,” Mr. Hettinger said after introduc- tions were made.

He ushered us into a kitchen badly in need of a Formica and oil cloth makeover. Two guys sat at the table drinking coffee. Hettinger introduced the younger as Martin, the man we’d come to see. The older was Martin’s dad, Avery.

We served ourselves some coffee and sat where the Colonel indicated. “Just so you know, I joined the Armed Services in ’43 at 17. Put in 25 years. The Master Race wasn’t so much of a turnoff to me. I see what come out of the camps. Ain’t got no truck with Nazis and won’t allow anyone in my family to either. Martin got in over his head. He’s a good boy, just don’t trust the government. That’s how he got involved with the Stockel bunch. He actually got them to buy land out here, as well as the salt mine. Now we’re under siege again.”

“Again?” asked Seery. “You mean Stockel’s bunch?”

The old man shrugged. “We run into trouble sometimes. But whether it’s Bastogne or Ruby Ridge, we’re ready. Now it’s time for Martin to uncress what he’s screwed up.”

Martin gazed into his cup. Without looking up he said “Pops is right. I had some big time anger issues. I went to one of Stockel’s pro- grams and it’s like he read my mind. I talked to him afterwards and joined up. Bit later I impressed him with the way I shoot and the way I take care of business. I saw an opportunity to bring money back here to Chemung. I talked up the area and negotiated the land sale where the school is now. I also got him interested in the old salt mine.”

“What changed?”  Innocente inquired.

“Talked to Dad and Pops and they made me see I might not be doing such a good thing after all. It became a question of family or fuhrer. Family won hands down.”

“And now you and your family are being squeezen by the so-called church,” Ernie observed. “No one else seemed to have any problem with the word “squeezen” so I let it slide.”

Hettinger nodded. Stockel would kill all of us if he could. Or have Radi kill us. Radi’d do it for grins. He didn’t like that I had so much of the Big Man’s ear for a time.”

“I take it they’re on your radar too,” asked Nelson.

“Nothing solid though. They’re a recognized church by the feds and the State of New York, and they’re a licensed parochial military college prep academy according to the D.A. The salt mine is owned by a company called “White Rain,” white reign. The actual ownership has been hard to pin down but, in a nutshell, it’s a Canadian subsidiary of a Spanish corporation, with official addresses on the Isle of Wight and in Montenegro.”

“But maybe Martin can help you cut through that bullshit, and resolve the problem for all of us.”

“With a little family help?” Seery asked.

Hettinger considered a moment. As I recall he didn’t ask us to help him cause the problem.”
By Judge Don Deason and Chris Deason

In the fall of 2011, we adopted a little pup from the Low Riders Dachshund Rescue at an event sponsored by Second Chance Animal Shelter. He stood out from the other wie-nie dogs because of his striking white, brown, and tan coat, which we later discovered is the product of unethical breeding. Frank is what is known as a double dapple dachshund, and more than 50 percent of those are born deaf, blind, or both. Frank came out on the short end of the genetics, and someone abandoned this poor little deaf and blind pup on a country road out in eastern Oklahoma County. Now, coming up on four years later, he is a much loved member of the Deason family despite not being able to enjoy music with us. Anyway, we started thinking a few days ago about how many musical artists have been inspired over the years by their canine companions.

Martha my Dear was on the Beatles 1968 classic “White Album.” Martha was Paul McCartney’s Old English Sheepdog, adopted by him in 1965. I Love my Dog was (ironically) Cat Steven’s first single. There is a sad story behind the Henry Gross song, Shammom. Supposedly, he wrote the song about Beach Boy Brian Wilson’s Irish Setter Shammom, who died after being swept out to sea. We couldn’t possibly leave out Elvis Presley’s tribute to some unknown, non-rabbit catching mutt, Hound Dog. That song may have inspired Neil Young to pen Old King for his own hound dog, Elvis, who apparently accompanied Young for many years on his tour bus. Rufus Thomas’ biggest hit was Walking the Dog in 1963. Chris thinks that when Thomas sings “if you don’t know how to do it, I’ll show you how to walk the dog,” it must be a euphemism for something other than actually walking a dog.

Nick Drake’s Black Eyed Dog from his final record from 1974 might just be a pretty song about a nice, black-eyed dog, or he may be alluding to Winston Churchill’s description of depression as being a “black dog” (Drake suffered from depression and died at age 26). Norah Jones wrote the bluesy Man of the Hour for her poodle, Ralph, who apparently is a better companion than most of the men in her life save one. We can’t leave funk out of this story – who could forget George Clinton & Parliament Funkadelics’ “Atomic Dog?” The list could go on longer than this column permits, but here are just a few more: Harry Nilsson’s The Puppy Song; John Hiatt, My Dog and Me; Eels, Dog’s Life; The Stooges, I Wanna be your Dog; Johnny Cash, Dirty Old Egg Sucking Dog; and two more songs we’ve been trying to get out of our minds but can’t – Who Let the Dogs Out by Baha Men, and that timeless paean to hippie life on the road, Me and You and a Dog Named Boo from Lobo.

**Emilie Blanchard:** Emilie’s family moved at least 12 times while she was growing up. Naturally, she added International Studies as a second major while attending OU. The program “required” students to study abroad. At least that’s what she told her parents. Upon graduating from TU College of Law in 2012, she clerked for Judge Robert Bacharach on the Tenth Circuit. She now spends her days at Crowe & Dunlevy in the Litigation & Trial practice group. An admitted grammar Nazi; Emilie’s pet peeve is misuse of semi-colons. Her list is a collection of songs in high rotation on her iPod.

**Song Title** | **Artist**
---|---
Thinking Out Loud | Ed Sheeran
Uptown Funk | Bruno Mars
Sugar | Maroon 5
Style | Taylor Swift
Talledega | Eric Church
**All About That Base** (guilty pleasure) | Meghan Trainor

**CHARTER from PAGE 3**

many nuanced differences in between each of these.
Disregard of local “values” disrespected the local leaders, essentially the barons. Despite King John’s good intentions, his was only one view and opinion made without deferring to the decisions or wishes of those who had to maintain the local controls. Something had to curb King John’s appetite for control. Demanding that the barons control over their own neighborhoods was the curb on King John’s power. The result was establishment of liberty for free men (the barons).

This was a clear expression of the primacy of law over the power of a king who claimed he ruled because God said so. Pursuant to that divine right of kings there was no curb whatsoever in the king’s exercise of power over earthly reality. Instead of sales or income taxes King John issued excising orders such as scutage orders. These allowed payments of gold or other precious metal instead of providing in-kind military service. Of course, when the scutage demands were made even when no military campaigns were being waged, the barons tended to feel they were only being used and not loved. They complained. King John demurred. Neither side liked the other side and fighting broke out once again.

Enough “history.” The next article will discuss particular provisions of Magna Carta so you may see for yourselves what great content there was in that Great Big Charter.

**Song Title** | **Artist**
---|---
Beast of Burden | Rolling Stones
Doctor My Eyes | Jackson Brown
ABC | Jackson 5
Don’t Stop Believing | Fleetwood Mac
Rich Girl | Daryl Hall & John Oates
Sweet Home Alabama | Lynyrd Skynyrd

Gerry Kelly Herman - Gerald and Ellen Kelley with Peter Noone, aka Herman of Herman’s Hermits in Corsicana, Texas.
Excerpts from OCBA News: July-August, 1973, Part 4

Lawyers and Watergate

By Mark Stewart, President

Should we be concerned (a) that TIME magazine recently devoted its weekly essay to a discussion of the large number of lawyers involved in the Watergate activities and the alleged cover-up, including some who have admitted wrongdoings, (b) about the focus of attention on lawyers in the Senate Select Committee's hearings, often with unfavorable implication, and (c) about the derisive remarks concerning lawyers stemming from Watergate which we hear daily from our acquaintances?

Certainly, we are concerned and it is not convincing for us to argue, even though it is true, that the law profession has a relatively small number of members who do not live up to its high standards, that we have no more miscreants than any other group, business or otherwise.

Our profession cannot afford to be “relatively” free of wrongdoers, because the foundation of our form of government is our system of laws. Our nation deserves better of the keepers of the law than that, as a group, they be only “comparatively” honest. Indeed, it will be our courts, manned by lawyers, that will ultimately decide the complicit issues created by Watergate and the guilty or innocence of those involved. Such grave decisions must be made by men and institutions which have the respect and confidence of the public. I firmly believe that there are only a few lawyers who give a bad name to the profession and taint the whole, and it should be our goal to eliminate those few to the extent it is realistically possible to do so.

Nevertheless, TIME may well be correct in saying, “The high honor of the legal profession sometimes seems more apparent to the leaders of bar associations than to the general public.” What, then, can and should we do to restore public confidence in our profession and its members? To me it is not sufficient merely to strengthen or to expand our routine public relations programs. It is not what we say about ourselves, but rather what we do that will change and improve the public’s evaluation of us.

Frankly, I do not know what specific things our bar association can do, but I strongly feel that organized efforts are needed. I hope that the best minds in our association will be devoting their thought to this problem, and I would appreciate having the benefit of any suggestion or ideas of our members as to what our association can and should do.

I would like to ask you to write to me whether in your opinion our association should, with reasonable hope of achieving results, undertake to continue programs or activities such as the following:

1. Encouraging law schools to place greater emphasis on legal ethics, the responsibilities of lawyers and their obligations to the public.
2. A more courageous and stricter policing of ourselves as to violations of legal ethics and the urging of the Oklahoma Bar Association and Oklahoma Supreme Court to do likewise.
3. A more aggressive program to rebut promptly unjust and intertemporal criticisms of our courts and legal institutions which are made in the press (the President-Elect of the American Bar Association has proposed the creation of a “judicial defense team” for this purpose).
4. Continuing efforts to obtain adequate compensation for judges and otherwise pressing for the selection on an objective basis of the most competent and able lawyers to fill offices of judgeships.
5. More programs in which the organized bar devotes itself to public service, for we will be mainly judged by our deeds.

Your County Bar Association earnestly desires to do what it can to offset the damage to the reputation of our profession which has suffered as result of Watergate. To do this effectively, we need and invite your suggestions and your personal participation in support of our programs.

CIVIL WAR from PAGE 6

As the bitterness of the Civil War spread, the Union's energies were focused on preserving the cemetery.

For reasons not totally clear, he had hired a number of newly-freed slaves and put them to work reburying the dead and fencing the cemetery to keep animals out. He paid the former slaves with his own money. General Wilson, commander of Union forces in Macomber, Georgia, learned of Griffin’s actions and assisted him by sending surplus rations and supplies. When Barton, Atwater, and their party arrived in July of 1865, he sent more troops to help them. The combination of all these (Atwater, Barton, Griffin, and General Wilson) succeeded in fencing the cemetery, reburying those who needed it and erecting wooden grave markers, all within about a month. Of the 12,920 graves marked at Andersonville, only 400 are marked “unknown,” thanks to Atwater and his list.

It would appear Dorence Atwater should at this point have made. That conclusion would be very wrong!

Immediately before leaving for the trip to Andersonville, Atwater turned a copy of the list over to reporters for the New York Tribune. Upon his return from Andersonville, he was arrested, tried by court martial and sent to Auburn Prison in New York for this affront to the army and misuse of the list. Immediately, Clara Barton began to lobby to get him out. She enlisted the aid of Horace Greeley, publisher of the New York Tribune.

Horace Greeley (the same one who wrote “Go west young man, go west”) was a character. He was a self-made man, starting out as a printer and eventually founding the New York Tribune. By the time of the Civil War, he was rich and famous. His politics were somewhat schizophrenic: He was an ardent abolitionist but was a pacifist who did not believe in war. He finally came down on the abolitionist side, supporting Lincoln and the war, despite his pacifist tendencies. He was close to Lincoln and had a lot of influence. He put pressure on Stanton to release Atwater.

After a lot of adverse publicity and agonizing, Stanton decided imprisoning Atwater wasn’t worth it and ordered him released. President Johnson (who had succeeded Lincoln as President upon Lincoln’s death) became tired of the grief over Atwater and his list. He decided to get rid of Atwater once and for all. Johnson appointed Atwater American Consul to the Seychelles Islands.

The Seychelles Islands were British, 1,000 miles off the coast of Africa in the Indian Ocean, north of Madagascar. They were about as far away as the Republicans could put Atwater.

Atwater loved it! He adapted, became a successful business man and decided never to return to the United States, where he had been so badly treated. However, General Grant was elected President and appointed Atwater American Consul to Tahiti, which he liked even better.

Atwater became incredibly successful in Tahiti, married a princess of the royal family of Tahiti and lived happily there for the rest of his life. In Tahiti, he met Robert Louis Stevenson and became the model for Stevenson’s principal character in The Ebb Tide. Atwater and Stevenson established a steamship line headquartered in San Francisco. Atwater also met and befriended Paul Gauguin in Tahiti.

Atwater finally agreed to visit the United States but would never live there. He died in San Francisco, where he had gone for medical treatment, in 1910. At his request, his body was returned for burial in Tahiti.

Clara Barton served with the International Red Cross in Europe during the Franco-Prussian War of 1870-71. She was honored by decorations from both the French and Germans, including an Iron Cross from Germany for providing relief services to civilians in that war.

When Atwater died, in 1910, Clara Barton was 88 years old. She had gone on to lead a full life. She founded the American Red Cross and the National First Aid Society in 1881. She died of pneumonia in 1912 at the age of 90.

The deaths of these “old-timers” closed out one of the most unusual stories to come out of the Civil War.
By Bill Gorden

The Hilltop


One way to get a non cable news perspective of areas of conflict in the world is to read some of the contemporary fiction/literature being produced in those areas. When filters drop, perspective sets in. It may not be a welcome perspective, but it may be needed. Prime Minister Netanyahu’s visit to Congress recently threw up a bunch of dust and fog, through which it might be difficult to see the Israeli view, or indeed, views.

The book under examination concerns an “illegal” settlement at the edge of “legally” settled territory of Israel. The quotation marks are because of variant views of the meaning of legal due to the perspective of the participants. The book has many characters, so many as to require a cast of characters in the book itself. This is not uncommon in Israeli fiction. There are bumpkins, fixers, losers, those who get by, young and old. This should not surprise, as this is the equivalent of any frontier.

The book is meant to be funny, maybe even a farce. One gets the feeling that a number of the character types are easily recognized by the Israelis themselves as archetypes. There is, however, only one view, that of the Jewish settlers, from wherever they have arrived.

This makes the book at least partially unfunny. The settlement or non-settlement of the areas in question at the fringes of Israel, let alone the settlement of the State of Israel itself, is serious business. So, we have a romantic comedy set on the frontier, dealing with an area of serious issues. Think of, let’s say, Oklahoma! What makes this creepy is that in both works, the original settlers’ viewpoint is scarce or non-existent. The Arabs in Hilltop are not characters, but caricatures. Bring on Rogers and Hammerstein. There are some interesting stories here, but the theme is expansion of the enterprise, scamming the government which knows, (wink, wink) that it is being scammed. The only people upholding the base law are lampooned.

All of this can give us some insight into the perspective of the author, and his surrounding milieu. It might even shed a light on Bibi’s visit.

Reviewer’s note: If you want to read this from another viewpoint, read it from an Arab’s point of view. Kind of like reading Oklahoma! From a Native American view.
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