Continuing the Legacy of Servant Leadership

A Year to Expand the Reach of the OCBA

By Jim Webb
OCBA President

I am honored and excited to serve as the new OCBA President. As you can see from Judge Parrish’s farewell, the legacy of servant leadership left by my predecessors is awesome. Most recently, Judge Parrish tirelessly served the OCBA with vision, character, and action—lots and lots of action. I will do my best to follow in her footsteps, and I hope to focus on and strengthen the servant leadership that truly defines the OCBA and its members.

Speaking of membership—that is one of the things on which I want to work hard this year. It is my belief that many lawyers in Oklahoma County view the OCBA as an organization for trial lawyers and judges, period. That is just plain wrong. We have a number of very active members who do not fall into either group. However, can you imagine the increased impact the OCBA could have on our community if we get active involvement from, for example, transactional lawyers and lawyers who practice somewhere other than a law firm (in-house, government, non-profit, and the like)? That prospect really motivates me as we head into the year.

See WEBB, PAGE 3

Heartfelt Thanks for an Incredible Year

By Patricia Parrish

As my term as President comes to an end, I thank each and every member for taking the time and giving tirelessly to serve those who are less fortunate. Over the past year the Oklahoma County Bar Association ("OCBA") has answered the call of service in numerous ways to address the needs of so many.

I have seen our membership bring to life this quote from Leo Roston.

"The purpose of life is not just to be happy. The purpose of life is to be useful, to be responsible, to be compassionate. It is above all to matter, to count, to stand for something, to make a difference that you have lived at all."

This year, the OCBA placed the interests of children at the forefront. Listed below are just some of the areas where members volunteered their time and resources.

Working with Children
• Reading to pre-school or school age children
• Hosting birthday and holiday events at Family Junction
• Donating school supplies
• Constructing a reading room at Rockwell Elementary School

Juvenile Center
• OCBA members have volunteered countless hours at the Juvenile Center through Oklahoma Lawyers for Children and CASA
• The members have also stepped up to the plate and provided much needed toys for the children who are faced with the frightening experience of “going to court”

Pro Bono Representation
• OCBA members have unselfishly donated their time and talents through the following free legal clinics: Cross and Crown, City Rescue Mission and Trinity Legal Clinic
• Our members have also honored our Veterans by providing free legal services through the Veterans’ Service Committee

Community Projects
• Volunteering at the Red Andrews Christmas dinner
• Providing clothing to the Drug Court clothes closet
• Raising funds for the Regional Food Bank
• Performing weekend projects for the elderly
• Hosting parties at nursing homes
• Supporting women facing incarceration through the Remerge Program and taking a stand against domestic violence

This has been a wonderful year and my admiration for the members of the OCBA has only grown. Thank you for allowing me to be of service to you this past year. It has been my honor and privilege to have served as your President.

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Calling All In-House Counsel & Other Non-Law Firm Lawyers!

Finally, a fun networking opportunity for you! Join the OCBA for a Happy Hour!

Date: Thursday October 23rd
Time: 5:30-7:30 p.m. (come and go)
Place: Rococo on 122nd and May
(Northpark Mall)

We hope to see you there!
Contact Coree Stevenson at corees@loves.com with any questions and to RSVP!

You do not need to be an OCBA member to attend.
Community Service Committee Update and Invitation to New Members

By Ray Zschiesche
Community Service Committee Chair

The goal of the Community Service Committee is to provide an outreach to members of our community who are financially or socially less fortunate. This year, in an effort to accomplish that goal, the committee has undertaken a number of projects.

The committee has continued its long-standing relationship with Family Junction. Family Junction is a shelter that houses juveniles who, due to circumstances beyond their control, are not able to live at home. These children are placed at Family Junction because their parents are incarcerated, have drug or alcohol problems or a myriad of other issues that prevent them from providing a safe environment for the children at home.

The committee has provided funds for monthly activities for the children at Family Junction, helped provide meals at holidays, provided gifts for the children at Christmas, and most recently, collected donations so that the children can purchase clothes to go back to school. Many of these children arrive at the shelter with nothing but the clothes on their backs, and the donations which allow them to purchase shoes and clothes for school provide a huge moral boost to them.

This year, the committee has also provided a birthday cake, birthday card and gift card to the children on their birthday. The recent response we received following the delivery of a birthday package to a young lady at the shelter who was turning 13, brought home the fact that many of the things that we take for granted are unknown to these children. After delivering the package and cake to the young woman, we received a note from the director of the shelter telling us that the young lady was ecstatic because the cake she received on her 13th birthday was the first birthday cake she had ever had.

In addition to continuing its relationship with Family Junction, the committee has made a concerted effort to expand its community outreach to other groups in need.

The committee has hosted holiday parties for residents of a nursing home in Jones, Oklahoma. This particular nursing home cares for those who are destitute and cannot otherwise afford nursing care at other facilities. Committee members provided snacks and danced with residents to oldies tunes. The biggest obstacle the committee faces in expanding its outreach projects is manpower. In an effort to try to cultivate interest among our community who are finances or socially less fortunate. This year, the committee also provided volunteers to check-in children for Camp Cavett. Camp Cavett is a camp for chronically and seriously ill children. It provides the children an opportunity to be around other children who face the same or similar medical challenges and a chance to experience a diversion from the medical problems that they live with every day.

In June the committee also conducted a toy drive for the Oklahoma County Juvenile Justice Center. Committee members purchased small toys for the Juvenile Court judges to hand out to children who have to appear in court because they have been taken from their parents due to abuse and/or neglect. The toys occupy the young children while they wait outside the courtroom for their cases to be called and make them feel more at ease during what is usually a scary process for them.

The committee recently completed a yard clean-up project in Spencer, Oklahoma for a senior citizen client of Sunbeam Family Services. The committee provided the manpower for the clean-up project and planted flowers for the senior.

The committee would like to extend an open invitation to members of the OCBA to join the committee. As Cheryl Hunter said, I promise you will get back so much more than you give. That struck a chord with me.

The committee meets at a noon on the last Wednesday of the month, and meetings typically last for approximately 30 minutes. Anyone interested in joining the committee may contact Ray Zschiesche at 235-4100 or ryzschiesche@philipsmurrah.com or Chance Pearson at 239-6040 or cpearson@ryanwhaley.com.

At that meeting, committee member Cheryl Hunter encouraged the students to consider joining the committee after graduation, and in doing so, Cheryl told the students, “I promise you will get back so much more than you give.” That struck a chord with me.

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Profiles in Professionalism

Rex Travis: A Lawful Life

By Margaret Travis and Travis Pickens

The one thing people don’t know about Rex Travis, is how much he truly loves the company of other lawyers; he loves talking to lawyers, sharing ideas, and helping to resolve problems. There is simply no other group of people Rex would rather know, talk with or be identified with. Because, to him, being a lawyer isn’t simply what he does for a living, it is who he is.

When Rex took his family on vacation to the Bahamas, the first thing he wanted to do on the beautiful sandy islands, what he dearly offered to his children as an exciting initial excursion, was a tour of the local courthouse where he wanted to go watch cases being tried. That is all you need to know about what the law and being a lawyer is to Rex. Not as important as his family, but more important than anything else. He admits to no other hobbies, unless law-related like his teaching or writing, few other interests, and values no pursuit more honorably than the law. He continues to work almost as long and almost as hard as he did as a young man. He reads everything related to law, his practice and carries a well-thumbed copy of the U.S. Constitution in his pocket everywhere he goes. At seventy-six, he maintains an everyday practice with two associates and three to four legal assistants, and continues to try lawsuits, speak, teach and write. He confesses to being a “recovering workaholic” who sometimes relapses.

So respected is he that most of his sizeable case load consists of referrals from other lawyers. So practical is he that he continues to pass out personalized calendars and ballpark pens when he speaks; a time-worn, tried and true method to make contacts, pass out his contact information, and continue to get referrals. His two photos. That was accomplished.

Correction, Yes, Another!

Mea Culpa. In August we published a Profiles in Professionalism article written by Allen Campbell and Collin Walkie. In order to complement the article the editor decided to include photographs of Wayne Campbell and Herman Merson, the two subjects of the article about our noble profession. Editor asked staff to go to our archives (Pictorial Directories) and get the two photos. That was accomplished. However, the photograph, identified in the 1971 County Bar Directory as Herman Merson, was, in reality, Harry Merson, Herman’s son and also a gifted lawyer. Unfortunately, our 43-year-old error came back to haunt us and we inadvertently, nay innocently, published the wrong photo.

We sincerely apologize to the authors. We sincerely apologize to Harry Merson (who no doubt received some grief over it).

We are hereewith publishing two photos, which we really, really believe are Wayne Campbell and Herman Merson, both stalwarts in the profession during their days as lawyers! -Editor

WEBB from PAGE 1

As has become a tradition (a/k/a required by the Briefcase!), let me start off the year by telling you a little about my family. I was born in Oklahoma City and my mom and dad are graduates of Putnam City schools (Go Pirates!) from K-12. My dad was an electrical engineer with Seagate (and its predecessors), and my mom is a retired teacher. I graduated from Austin College in Sherman, Texas, after spending my junior year at the University of Durham in England. I received my JD in 1993 from Washington University in St. Louis, and then took a job with a law firm in Denver, where I finally married my long-time, long-distance sweetheart, Stacy O’Toole. After two years in Denver, Stacy finally convinced me to move back to our hometown. I joined McAfee & Taft in 1995, and I practiced there until 2012, when I moved to Chesapeake, first as a contractor and eventually as general counsel.

Stacy and I have five (yes, five) boys. Jack is 17, Sam is 15, Ben is 13, Peter is 11, and Hank is 8. All five attend Southwest Covenant School in Yukon. Needless to say, we spend a lot of time at boys’ sporting and other events of all kinds. Otherwise, Stacy will tell you my “happy place” is sitting 20-feet high up in a tree stand with a bow in my hand, waiting on Bambi’s father to walk within range, and being thankful that I have no cell phone coverage.

I have an open door policy. If you have ideas on how we can improve the OCBA, please email me at jim.webb@chk.com or call me at 935-9594. I look forward to working closely with Debbie, Pam and Connie – and all of you. Together, we will make this another great year for the OCBA!!
By Jim Croy

September 15, 1914
One Hundred Years Ago

[Excerpted from Ball v. Dancer et al 1914 OK 415, 143 P.855.]

This is an ordinary action in forcible entry and detainer, brought in a justice of the peace court in Choctaw county, and taken from there on appeal to the county court, where a demurrer was sustained to plaintiff’s evidence and judgment rendered for the defendants. From this decision this appeal is taken by case-made properly certified. At the trial the plaintiff, to sustain his claim of a right of possession of the premises, produced evidence which shows that in November, 1909, he obtained two separate written leases from one Davenworth Bacon to the land in controversy; the first lease to cover a period from January 1, 1910, to January 1, 1911, and the second, the period from January 1, 1911, to December 31, 1911. Plaintiff was the only witness who testified, and at the conclusion of his evidence the attorney for the defendants presented his demurrer to the evidence in the following language:

“If the court please, I want to renew my demurrer on the ground that a full-blood Indian cannot lease his homestead for more than one year, and ask for further instructions for the defendant.”

The court replied: “I will sustain your motion and direct a verdict for the defendant.” To this ruling of the court the plaintiff was satisfied, and the case is not now the defendant bound to consider whether or not a full-blood Indian could lease his homestead during one period of two years, simply by executing at the same time a different instrument for each of the years. It is not necessary to consider whether or not the first lease was “framed,” but introduced none in evidence, nor the second, because of the fact, that even the question of a right of possession for the second year being involved in the same case, the defendant is not entitled to introduce evidence concerning the same claim. The judgment of this court, therefore, will be reversed and remanded for further proceedings.

September 26, 1939
Seventy-Five Years Ago

[Excerpted from In re Stolper, 1939 OK 337, 94 P.2d 832.]

The Board of Governors of the State Bar have recommended that J. H. Stolper be disbarred. He was charged, among other things, with having been convicted and sentenced upon a plea of guilty to the crime of charging and receiving a fee greater than that allowed by federal statute for services rendered in connection with the recovery of war risk insurance. He served a term of one year and one day for this offense in the federal reformatory. It is contended by the board that, although the violation of the federal statute is a misdemeanor, nevertheless the circumstances under which the excessive fee was charged and received rendered the offense an involving moral turpitude justifying disbarment.

At the hearing before the board, the conviction and sentence were established and evidence was introduced disclosing the circumstances surrounding the conviction. Briefly, the evidence supports these facts: The mother of a war veteran was the beneficiary of a policy of war risk insurance, and in September, 1932, was introduced to Stolper by a man named Yoes, who is not a lawyer. The beneficiary at that time was about 65 years of age and unable to read or write. Stolper, who lives at Muskogee, was introduced as “a man from Washington.” At this meeting he prepared, and caused the beneficiary to sign by mark, a letter to the Administrator of Veteran Affairs in Washington, informing him the checks pertaining to the policy to be sent to Stolper at Muskogee. On March 8, 1933, a check in the sum of $6,785, payable to the beneficiary, was mailed from Washington, to Stolper at Muskogee. It was established that prior to the ordinary course of mail the check should arrive in Muskogee on March 10th. Another check for $57.50 was sent to Stolper on March 14th, which he should have received on March 16th. On March 15th, about five days after the above check would have been received by Stolper in the ordinary course of mail he met the beneficiary and told her that she was in danger of losing her insurance inasmuch as Congress was about to repeal the law by virtue of which it was payable. He, then, prevailed upon her to sign by mark, and deliver to himself, a contract (now lost) by which he was to receive one-half of all money realized on the claim. On March 23, 1933, the same day that the beneficiary received a letter from her Congressman advising that Stolper had the checks, he called the beneficiary to his office and they proceeded to the bank where one-half the amount was given to the beneficiary in the form of a certified check and the other half taken out in cash and retained by Stolper.

The federal statute provides that $10 is the maximum that may be charged for services in connection with noncontested war risk insurance cases, such as this was. Yoes and Stolper were both indicted in federal court on a charge of violating this statute. After the government had rested and Yoes had testified, Stolper changed his original plea of not guilty to a plea of guilty, and the sentence above referred to was imposed. Stolper has much to say in his briefs and attempts to justify the taking of the money. He mentions that he had drawings from the government, but introduced none in evidence. He contends principally that the checks sent from Washington were delayed in the mail so that he did not have in his possession at the meeting with the beneficiary where the alleged attorney’s fee contract was entered into. He relies upon a purporting letter from the assistant postmaster at Muskogee, attached as an exhibit to his pleading, indicating that the checks were delayed in the mail. But this letter was not introduced in evidence and there is no testimony at all regarding it in the record. The only evidence in the least manner touching upon the subject is the statement of postal authorities, which shows that the enquirer that sometimes there are delays in the mail.

Stolper denies the execution of the attorney’s fee contract, contends that he received no part of the money, except reimbursement for expenses, and that he advised Yoes (who he says received the money) against taking it until Yoes told him the law limiting the maximum fee had been repealed. In these latter contentions he is supported by the testimony of Yoes taken at the criminal trial, and introduced by transcript at the hearing before the Board of Governors.

We have given due consideration to this testimony, but are of the opinion that the evidence shows that the service performed in question was committed under such circumstances as to render it an act involving moral turpitude such as justifies disbarment. Although several witnesses testified that Stolper’s service had been good, nevertheless he was at the time a man of mature years and had considerable experience in handling war risk insurance cases, and we cannot condone his conduct in this matter, which he failed to refute by substantial evidence, because of the reputation he previously enjoyed.

September 30, 1964
Fifty Years Ago


Delbert Bill Spomer, hereinafter referred to as the defendant, was charged by Information in the District Court of Major County in the crime of Wife and Child Abandonment and Failure to Support Minor Children. He was tried before a jury, found guilty, and sentenced to Five Years in the Oklahoma State Penitentiary.

Defendant lodged his appeal in this Court within the time prescribed by law asserting numerous assignments of error. The record reflects that a most unusual occurrence took place during the testimony of the court clerk, Pauline Setton, who had been called to identify certain court records of divorce proceedings between defendant and the complaining witness. The record reveals the following transpired during examination by the County Attorney—

“Q. Now what — well, I’m going to ask you to be a little bit of a lawyer here. — ‘THE COURT: She’s a good lawyer. She advises me all the time. — ‘Q. Oh, well, the matter of fact, she keeps me straight. What would occur if the father does not pay the child support? — ‘A. Well, it depends upon the — ‘Q. — What could happen? — ‘A. He could be cited for contempt of court. — ‘Q. Was that done in this divorce pro-
By Guest Columnists Adam and Bridget Childers*

To prepare for our turn as guest iBar columnists, we did our musical homework. Which is to say that we sat on the couch and tuned in to MTV. You remember, the station that once upon a time showed music videos but now focuses more on reality TV and teen-angst driven remakes of ’80s classics like Teen Wolf? We watched the recent Video Music Awards set in Inglewood, California.

There was no shortage of fun and controversy at this year’s VMAs. Wardrobe malfunction? Check. Nicki Minaj spent most of her performance of her new song “Anaconda” clutching at the scraps of her skimpy outfit as her, ahem, posterior threatened to burst onto the scene.

A homeless dude on stage? Check. Miley Cyrus followed up on last year’s “twerk-gate” by sending her new friend, a scruffy hipster without a home named Jesse, onstage to accept her award for Video of the Year for “Wrecking Ball.”

America’s newest sweetheart? Check. Taylor Swift left little doubt that she is no longer a country and western crooner, while making 13 year olds everywhere (including ours) freak out while grooving to her pop smash, “Shake it Off.”

One of the best VMA performances ever? Check. Beyoncé Knowles absolutely killed it with a medley of seemingly every one of her hit songs which spanned about 20 minutes and oozed with class and creativity.

By the end of the VMAs, Adam had a sprained ankle sustained during a commercial break when he attempted to show Bridget that he could still moonwalk. And, Bridget’s voice was a bit scratchy from her attempts to hijack a duet with Beyoncé and hit all the high notes in her marathon performance. Setting aside these performance injuries, we figure the entire viewing experience made us music aficionados and therefore completely ready to take the reins of this column, at least for this month.

Leonard Court: Leonard is a shareholder at the law firm of Crowe & Dunlevy. Leonard joined the firm in 1972 and has had an illustrious career as one of the nation’s pre-eminent labor and employment defense attorneys. He was recently named by the Best Lawyers publication as the 2013 Oklahoma City Labor Law Management Lawyer of the Year.

While he is a graduate of Harvard Law School, if you spend any time with Leonard you will hear him talk much more about his beloved undergraduate alma mater, the Oklahoma State Cowboys. Leonard was inducted into OSU’s Alumni Association Hall of Fame in 2006, and he proudly displays his orange pride wherever he goes. From his office to his car to his home, Leonard surrounds himself with Cowboy regalia, and he and his wife Jody rarely miss an OSU sporting event. So deep is his love and appreciation of the Pokes, it was a bit surprising to not find the OSU fight song “Ride ‘em Cowboys” in his list of songs below.

Leonard is the proud father of three sons, Brooke, Chris and Todd, and just as proud of his six grandchildren. When Leonard is not in the office, you will most often find him playing tennis or golf or just enjoying life with Jody.

<table>
<thead>
<tr>
<th>Song Title</th>
<th>Artist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Everybody Loves Somebody Sometimes</td>
<td>Dean Martin</td>
</tr>
<tr>
<td>Locked out of Heaven</td>
<td>Bruno Mars</td>
</tr>
<tr>
<td>Life in the Fast Lane</td>
<td>The Eagles</td>
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<tr>
<td>On Top of the World</td>
<td>Imagine Dragons</td>
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<tr>
<td>Wake Me Up</td>
<td>Aloe Blacc</td>
</tr>
<tr>
<td>Bad (guilty pleasure)</td>
<td>Michael Jackson</td>
</tr>
</tbody>
</table>

Lindsey W. Andrews: Lindsey W. Andrews is an attorney with Echols & Associates. As a full time wife, mother, lawyer and children’s author, she’s a lover of both words and music. Because her firm primarily focuses in the area of family law, most of her playlist is a red hot mess of emotions; morphing between red dirt country, big band crooners like Frank Sinatra, beach bum hippies such as Ben Howard and Jack Johnson and ridiculous throwback hair bands from the early ‘90s. Being parents to two adopted children, Ruta (10) and Alazar (6), she and her husband Le are forced to bear witness to such tragic current music selections such as Taylor Swift, One Direction and What Does The Fox Say? Regarding what the fox said, they both have agreed, no one gives a darn.

Lindsey is usually unable to listen to music in the car, as her children can never seem to agree on the selection. Her cell phone carries her music. Her kids continue to be oblivious

See iBAR, PAGE 14
By Roscoe X. Pound

Dear Roscoe:

What can you tell me about the “community caretaking” rule and its effect on searches and seizures? E.F., OKC, OK

Dear B.B.: Probably more than you want to know. By the way, did anyone ever mention you have the same initials as Robert Davall’s character in “The Apostle”? By the same token, did anyone ever tell you that, in general, “affect” is a verb and “effect” is the noun? There are some exceptions. It’s a pet peeve of mine if anyone cares.

The “community caretaking exception,” can legitimize an otherwise unconstitutional warrantless search of an automobile when police conduct the search in order to protect the general public from harm, as opposed to a search conducted in the course of a criminal investigation. SCOTUS laid down the principle in Cady v. Dombrowski, 413 U.S. 433, 439 (1973). Community caretaking doesn’t provide carte blanche for officers conducting a warrantless search. First, while authorities are split, most limit this to vehicular searches. Second, at the risk of oversimplifying for the purpose of time and space, it can be seen as a sub-species of the exigent circumstances doctrine.

When faced with a community caretaking scenario, what constitutes exigency may sometimes be more loosely defined. The belief that a community caretaking situation exists must be objectively reasonable. Would an officer similarly situated believe a threat to one or more persons exists? Thus, for example, one could not invoke the doctrine by saying the driver appeared lost or out-of-place. It has been upheld in the following situations:

• Checking on motorists parked in rest areas, especially in winter.
• Observing a car registered to a name matching one on a missing persons bulletin.
• Observing furniture hanging out the back of a vehicle.
• Observing an operator driving slowly on the shoulder with a flashing turn signal.

It has been rejected in the following cases:

• Legally parking where youth often consume alcohol.
• Providing information a driver requested two weeks earlier.
• Observing a driver that remained motionless at a stop sign for 45-60 seconds and began moving away when the officer approached.

When the doctrine is invoked, defense counsel (and prosecutors for that matter) need to vigorously screen for signs of pretext. Also, even in jurisdictions extending the doctrine beyond automobile searches, the community-caretaking doctrine is not a justification for the warrantless entry and search of a home in the absence of some form of an objective- ly reasonable emergency. The community caretaker doctrine seeks to strike a balance between the ability of law enforcement to aid the public in appropriate circumstances while, on the other hand, assuring Fourth Amendment compliance on the other. For a more extensive discussion see: Michael Dinstein. Police Paternalism: Community Caretaking, Assistance Searches, and Fourth Amendment Reasonableness, 66 WASH & LEE L. REV. 1485 (2009).

I put together the foregoing response over a room service dinner at a hotel in Chicago. My hunt for the mysterious Claude Blum had taken me from Toronto to Chicago. For someone just past the 80-year mark, the old boy sure could get around. Even with the assistance of friends or acquaintances on both sides of the law, I had managed to arrive at places where he’d been as opposed to where he was. The trail led me back to the New York City metro, and I planned to return home. A call from both home and my building alarm monitors accelerated that schedule.

Three men broke into my office. Rae had been there alone. The bad guys entered through the backdoor. Rae saw me build for you, and that Pyro Jimmy’s torch for your ma. Add to that the fact that someone tried to torch the building they built for you, and that Pyro Jimmy’s calling about someone laying hands on his niece.”

He stopped talking as I snatched my bag from the carousel. “OK, and so...?” I prompted.

Ernie sighed. “And so Tony wants you to know he’s here for you, which means I’m here for you. What you’re here for I haven’t got a clue.”

“I’m touched.”

Ernie shrugged. “I coulda begged off but they did mess with Penny. I always liked Penny. Well, since she belted me with a fistful of dimes in Junior year any way. Hope you don’t mind my saying so.”

“I married up. I’m the first to admit it,” I replied.

“Besides, how many other chances will I get to meet Hosef Usher himself?”

“Didn’t know you were a fan.”

“I like a good monster picture and magic trick as much as the next guy. Unlike you and your friends, however, I had better things to do than hang around watching them and shoving pizza down my pie hole every Saturday night.”

“Oh yeah,” I said wistfully, “So many cigarette trucks to hijack, so little time.”

“That’s what I’m saying,” he answered, and probably meant it.

He led me to a midnight blue Lincoln. He opened the trunk and I tossed in my bag. We made our way up I-95 North. I asked him to pull into Legends Diner. He granted but complied. I ordered breakfast, he opted for coffee. I began filling him in on what I knew so far. Suddenly, his hand gripped my wrist.

“What do you think you’re doing?” he asked.

“Um... putting ketchup on my eggs?” I ventured.

“What ketchup? Who puts ketchup on bullseyes?”

For a moment I felt like some sort of Philistine. Before I could defend my culinary choices, however, my cell rang. It was Junior. I listened for a moment then said: “I’m back in town. Be right up.”

“Change of plans,” I told Ernie, “We’re going up to Englewood. Seems our Mr. Blum has surfaced. Wonder if I could get a to-go box.”

“Bring that in my car, I’ll shoot you myself,” he replied, his expression and voice flat, totally devoid of affect. See what I mean about exceptions?

Changes in District Court Traffic Docket

By James B. Croy

Traffic citations issued by the Highway Patrol, the Oklahoma County Sheriff’s Office, university police departments, the Veterans Administration Police, and the University of Oklahoma Health Science Center police are adjudicated on the Oklahoma County District Court traffic court. For decades, the initial appearance docket of traffic court has been administered by the district attorney’s office, and the staff of that office would use that time to, among other things, negotiate agreements with respect to the traffic citations.

The district attorney has determined that beginning with the September traffic dockets, his office will no longer participate in the initial appearance docket of the traffic court. Also, the district attorney will not negotiate traffic citations either before or after the initial appearance docket. Rather, the initial appearance docket for traffic court will closely mirror the felony and misdemeanor initial appearance docket, in which only the defense appears. The defendants appearing on that docket will have the ability either to pay the fines and costs in full or to obtain a trial date by posting bond. In these cases, the defendant does not have to appear before the judge but can simply go to the court clerk’s office. Also, the defendant may also agree to plead guilty if he wishes to plead guilty but seeks alternative adjudication. In all cases, the amount of the bond or the payment in full consists of the statutory court costs and the minimum statutory fine.

There are a number of cases in which, if the defendant, not later than the initial appearance, corrects the condition which occasioned the issuance of the citation, the case will be dismissed. Those cases will include driver’s license violations, tag violations, failure to carry security verification, and equipment violations. Depending on the offense, the subject is subject to being dismissed either with or without the payment of costs.

Attorneys should advise their clients who have received district court traffic citations that failure to appear at the initial appearance docket will result in a warrant for the defendant’s arrest unless the defendant has satisfied the citation prior to the court date. The defendant can satisfy the citation either by paying the fine and costs in full, by posting bond and receiving a trial date, or by showing the judge proof that the aforementioned violations have been satisfied prior to the initial appearance court date.

The touchstone for the defendants is easy. Do they have an appearance court clerk receipt or a signed court order when they leave the initial appearance docket. Otherwise, a warrant will be issued for their arrest. Continuances on the initial appearance docket will be rarer than a Sooner at an OSU pep rally.

Attorneys need to keep in mind that a trip to the courthouse to negotiate a traffic citation with the district attorney’s staff will not be a productive use of the lawyer’s time. However, all previous negotiated agreements will be honored.
A Historic Move
Crowe & Dunlevy is traveling a short distance to make a big impact.

For more than 100 years, our firm has been at the forefront of Oklahoma’s legal community. And for almost as long, the Braniff Building has stood as a historic icon on the streets of downtown Oklahoma City. Together, beginning September 1, we will forge our legacies for many years to come.
Bowlers burned up the lanes at Heritage Bowling Center on Thursday, August 21 in the opening fundraiser for the Young Lawyers’ Division Harvest Food Drive. Apparently, a little liquid libation makes one bowl better. (At least that was the observation of this reporter.) Twenty-one teams took on the task of being named this year’s winner and the camaraderie was infectious!

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OU College of Law News

The University of Oklahoma College of Law to Produce First Class of Digital Legal Students

Technology is changing the face of the legal profession at a speed we have never seen before. As a pacemaker in legal education, the University of Oklahoma College of Law is committed to providing graduates with the tools they need to succeed. Today the OU College of Law becomes the first law school in the country to launch a collegewide Digital Initiative, designed to prepare students for success in the digital world.

Tomorrow’s most talented lawyers must be proficient with technology. They will research, annotate, organize, and present in the digital medium. From the office to the boardroom to the courtroom, they must be skillful in employing software applications to enhance their effectiveness and efficiency.

As the keystone, every student in the OU College of Law will be provided with an iPad, at no cost to the student. The iPad provides a common tool and platform, for the firm’s Litigation Group.

Cassie Willis Joins McAfee & Taft as Litigation Paralegal

Cassie Willis, a career legal professional with more than 18 years of experience, has joined McAfee & Taft as a paralegal.

OU Law is committed to maximizing students’ competitive edge in the market. This initiative will train students to become professionals who continue to thrive in the new digital world.

Old News

Excerpts from OCBA News: April, 1973, Part 4

The Special Client

By Jon Masters

What do you do when a client comes into your office and says, “I want you to see some people and make them stop taking over my mind. I want you to get them out of my head because they make me do things I would not do by myself.” Mary Curry with the Lawyer Referral Service calls Jonathan W. Burch to set up an appointment for this type of “client.” Jonathan is an attorney with Burch & Burch in the First National Center, one of several attorneys who serve on the Sanity Commission in the Oklahoma County District Court, and Chairman of the Public Affairs Committee of the Oklahoma Mental Health Association.

While attending OU Law School (1966-1967) Jonathan Burch served as Bailiff to then County Judge William S. Myers, Jr., and was a “next door” neighbor of Dr. Hayden H. Donahue, Judge Myers’ Court handled all county sanity hearings (an average of 700 per year). Dr. Donahue was (and is) Director of the State Department of Mental Health and Superintendent of Central State Hospital.

In this setting, Jonathan developed a keen interest in the matter of Mental Health, and has since become recognized as somewhat of an authority on the subject of “Mental Health and the Law.”

The first duty of the lawyer is to determine what real legal problems such a client has. We cannot say that such a person is crazy and obviously not in need of legal services. Many mentally ill people are competent to manage their business, keep house, hold a job or write a will. Even if they have been declared legally incompetent, they can still write a will if they know their property and their heirs. A mentally ill person can be a plaintiff in a personal injury suit, or workmen’s compensation case, as well as the ward of a guardianship.

The mentally ill have rights and need legal service just as other citizens do. The Lawyer Referral Service in Oklahoma City serves these clients as well as the others. It has been Jonathan’s experience that most of these clients need medical attention rather than legal help for the problems they describe. He tries to help them contact the appropriate mental health facilities in the community, or their family doctor, if they will accept help.

“I always treat such clients gently, but firmly, and give them my frank opinion of the problem. I tell them what the law can do and cannot do. If they appear to have a possible mental illness, I tell them so and urge them to have it checked out medically.

His most frequent contacts with the subject arise because of his service on the Lawyer Referral Service Panel and his periodic service on the Oklahoma County Sanity Commission. His experiences with the mentally ill run the gamut. One example is the schizophrenic who wanted to sue the “other person” and the “other person’s” psychiatrist to have them enjoined from entering and controlling her mind.

Jonathan is particularly interested in the system utilized for involuntary commitment of the mentally ill and more particularly in improvement of that system. At the present time, a proceeding for involuntary commitment is commenced by the filing of a petition with the District Court (presently handled exclusively in Judge Traub’s court through special deputy court clerk, Juanita Grider). If the petition (and evidence) presented merit serious consideration, a detention order is issued by the court, the patient is then picked up by the Sheriff and incarcerated in special mental detention cells in the county jail pending a hearing. In Oklahoma County this period of detention is one to five days; in some rural counties it may be in excess of two weeks. Prior to the sanity hearing, a three-member commission (two doctors and one lawyer) is appointed to interview the patient and make a recommendation to the court at the time of the hearing.

Assuming a positive finding, the court issues an order of involuntary commitment and the patient is then escorted to the hospital (public or private, depending on financial circumstances). At the time the latter order is issued, the patient becomes legally incompetent, a disability which continues until competency is restored through the same court, a step which is frequently overlooked.

Mr. Burch has certain specific recommendations for improvement of the present system. These recommendations relate to keeping the “system” in step with the tremendous advances in treatment and cure of mental illness. He notes that when he first became involved, the average period of confinement for one who was involuntarily committed was eight years. Now, the average is ten days. With this in mind, he suggests that the initial incarceration be in a medical facility rather than jail, and that treatment should commence as soon as possible. He further suggests that the matter of legal competency should be deferred until after some reasonable period after confinement. Jonathan is working for legislation to update our laws pertaining to the subject of mental health and would most assuredly welcome his colleagues as allies in this cause.
Come on Inn
The Water’s Fine

By Rhonda J. McLean

In the United States, there are currently over 130 Inns of Court with more than 28,000 active judges and lawyers and at least 150 participating law schools. The mission of the American Inns of Court is “To foster excellence in professionalism, ethics, civility, and legal skills.” Through fellowship, mentoring, and education, each Inn serves to instill these traits into each and every one of its members.

In June, I was pleased to attend, along with Sarah Glick, a one-day American Inns of Court Leadership Summit in Kansas City, Missouri. This particular summit was attended by almost thirty people that included members of the American Inns of Court Foundation and members of thirteen individual Inns of Court across six states. The Leadership Summit revealed to me the many different ways Inns work to meet the mission of the American Inns of Court. For example, I was surprised to learn that many Inns limit their membership to litigators or to members of specific practice areas. I was inspired by the fact that regardless of how any individual Inn approaches the mission, each Inn understands and respects the positive role it can have not only on its membership, but on the legal profession and the community as a whole.

The Leadership Summit included your typical Inn administration topics; however, it wasn’t limited to a focus on increasing or retaining membership, or just a focus on the relationships within an Inn. A good portion of the day was spent in open discussion with members of various Inns reflecting on how their Inn impacted the community around them. Ideas and experiences flowed on how to reach out to the legal community through joint meetings with other Inns, County and State Bar Associations, to the community at large through various service projects, and to individual members of the bar who could benefit from the mentoring focus of the American Inns of Court. We also discussed ways to make sure that we ourselves, as members of our respective Inns, ensure that we project these traits through our own actions.

As we enter a new Inn year, I find myself reflecting on what being a member of The Ruth Bader Ginsburg Inn of Court has meant to me over the last four years. Specializing in oil and gas title opinions, I never find myself in the courtroom, and have limited interaction on a working basis with other attorneys. It is through memberships in the Oklahoma County Bar, practice area specific groups and The Ruth Bader Ginsburg Inn of Court that I do develop connections with my fellow members of the bar. Although I thoroughly enjoy each membership, being an active member of The Ruth Bader Ginsburg Inn of Court truly allows me to interact with attorneys from a wide variety of practice areas, along with current students and members of the judiciary. Being a present and active member of an Inn of Court, and of The Ruth Bader Ginsburg Inn of Court in particular, has introduced me to so many wonderful people I likely would not otherwise have ever met, and allowed me to form meaningful relationships with many fellow members.

We have four Inns of Court in the Oklahoma City area, each with its own unique focus and personality. Inns of Court don’t replace the need to be members of other professional organizations such as county bar associations. I encourage anyone who is interested in learning more about Inns of Court to visit http://home.innsofcourt.org. It is certainly a decision I have benefit from both personally and professionally.

It Does Not Have to be This Way

By Gretchen Harris

Lawyers Against Domestic Abuse Committee Chair

In the June issue of the Briefcase, Oklahoma County Bar Association President Judge Patricia Parrish shared a personal story of her experience in which her niece was murdered in 2002 as a result of domestic abuse. She asked the question, “What could I have done?” Judge Parrish noted that “in the majority of domestic violence incidents, family members, friends and/or law enforcement know of ongoing domestic abuse prior to a homicide occurring.”

Domestic abuse has not decreased since 2002. In fact, our state has grown to be one of the most dangerous. The Violence Policy Center has ranked Oklahoma 3rd in the nation for women killed by men in single victim, single offender, homicides. The Oklahoma Domestic Violence Fatality Review Board reported in 2012, that there were thirty one (31) domestic violence homicides in Oklahoma County alone. Our county by far has the greatest need for legal services in our state when it comes to dealing with domestic abuse legal issues.

Deb Stanaland, Chief Support Services Officer of the YWCA Oklahoma City, explains that one of the reasons women don’t leave their abuser is because they are financially trapped into staying by the control tactics used by the abuser. Domestic Abuse is one of the leading causes of homelessness. Also, victims do not want to talk about it because they are embarrassed and are afraid of their abuser. In their 2013 report, the Fatality Review Board reported that 109 men, women, and children died in 2012 as a result of domestic violence. But it does not have to be this way.

To paraphrase Judge Parrish’s article from the June issue, the OCBA Lawyers Against Domestic Abuse Committee is committed to educating our members to know what they can do to effectively represent victims of violence, as well as educating our lawyer and judicial members (and in turn, the public) about domestic abuse. The committee also wants to make our members aware of volunteer opportunities to use their legal skills to help victims and prevent domestic abuse.

On October 17, the Lawyers Against Domestic Abuse (LADA) committee will present a three hour program from noon to 3 p.m. at the OCBA office, on “Everything You Didn’t Know About Domestic Abuse.” The program will be moderated by the Honorable Lisa Hammond, Special Judge of Oklahoma County District Court. Presenters include: Jackie Steyn, Office of the Oklahoma County General Counsel; Attorney at Law; Sonya L. Patterson, Legal Aid Services of Oklahoma, Inc.; Heather M. Cline, Cline Law Office; and Deb Stanaland, YWCA.

The program is designed to educate OCBA members about domestic abuse, the resources available to assist victims of domestic abuse, interviewing techniques, and the importance of safety planning. There are numerous resources available to victims that the local bar may not be aware of. For example, there is a “Court School” sponsored by the Domestic Violence Prosecution Unit of the Oklahoma County District Attorney’s Office to educate abuse victims about the criminal court process. The Oklahoma County District Attorney’s Office has a Victim’s Co-Sponsor of Attorney at Law to help victims, and allows them to help victims. The Oklahoma Attorney General’s Office has a Victims’ Services Unit that manages a notification system for victims to be aware when an abuser is released from prison, or other long-term custody. Our local YWCA offers many services to victims such as counseling or an advocate to go to court with the survivor. All of these programs are free.

The Lawyers against Domestic Abuse Committee hopes that after attending the program some of our members will consider reaching out to victims of legal needs by volunteering as a pro bono attorney for Legal Aid or the YWCA. According to Jan Peery, Chief Executive Officer of the YWCA, one of the greatest needs for victims of domestic violence is legal support. Attorneys are always in demand to provide legal counsel in a variety of legal areas, which help survivors with their legal needs, which continue to create barriers to safety. To start, you can attend this very informative and important CLE on October 17, 2014.

Use of a Deposition in Trial

By Rex Travis

General Rules of Civil Procedure 32(a)(3) provides: “An adverse party may use for any purpose the deposition of a party.” 12 O.S. § 3232A contains the same provision in state courts. This provision gave rise to the following (probably apocryphal) bit of transcript:

The Court: Next witness.
Ms. Olschner: Your Honor, at this time I would like to swat Mr. Buck in the head with his client’s deposition.

The Court: You mean read it?
Ms. Olschner: No, sir. I mean to swat him [in] the head with it. Pursuant to Rule 32, I may use the deposition “for any purpose” and that is the purpose for which I want to use it.

The Court: Well, it does say that.

(Pause.)

The Court: There being no objection, you may proceed.
Ms. Olschner: Thank you, Judge Hanes.
(Whereupon Ms. Olschner swatted Mr. Buck in the head with a deposition.)

Mr. Buck: But Judge…
The Court: Next witness.
Mr. Buck: We object.
The Court: Sustained. Next witness.

End transcript.

In fairness, Snopes.com cites the story as “unconfirmed.” Perhaps you can use it next time a literal interpretation of a statute or rule results in an absurdity which hurts your case.

Thanks to Laurie Koller of Carr & Carr in Tulsa for bringing this transcript to my attention.
To Avoid “Met Syn,” Meet or Exceed Minimum Strength Thresholds

By Warren E. Jones

Most of my articles through the years have focused on the benefits of aerobic exercise, healthy eating, and appropriate body weight (or, more correctly, appropriate body composition). Fewer of my articles have addressed the benefits of resistance training. The newest issue of the official journal of the American College of Sports Medicine, Medicine and Science in Sports and Exercise, has a fascinating study by world renown epidemiologists on such benefits.

I’ve written in several of my articles (over the years) of a condition known as the Metabolic Syndrome (Met Syn).

Having the Met Syn is not a good thing. It’s something to be avoided. Having the Met Syn exposes one to greatly elevated risks of cardiovascular diseases, cerebrovascular diseases, kidney diseases, and early mortality.

One has Met Syn when one has any of three of these five: a waist circumference of 40 inches or greater (for men, about three of these five: a waist circumference of 40 inches or greater (for men, about

The findings, by the way, were independent of age, body mass index, or cardiorespiratory fitness. That is, for example, two fellows with identical fitness, body mass index, and age who differ greatly in strength will likewise differ greatly in risks of developing the metabolic syndrome. Or, for example, two fellows with identical BMI but who differ greatly in strength would likewise differ greatly in risks of developing the metabolic syndrome.

It could go without saying, but won’t: your strength is a modifiable risk factor. If you undertake this one rep max assessment, and if you find your strength is lacking, it is fixable. Just as are your cardiorespiratory fitness, your dietary patterns, and your body composition.

“Be kind, for everyone you know is fighting a battle you know nothing about.”

~ Wendy Mass, Author (b. 1967)
to the fact that if mom is making dinner and smiling, she most likely has her ear buds in place to drown out the bickering.
After losing her brother early this year and then her father in June, Lindsey railed their music collection and she remembered that she was raised by a classic rocker, which conjured up a music revival in her soul. Despite all of her trying, her brother’s rap collection continues to be unplayed, as she still is not convinced that it is music after all.
When Lindsey is not at the office or at a kid’s soccer game, she can be found in her garden, blaring Brown Eyed Girl by Van Morrison or anything by The Rolling Stones.

Randall A. “Randy” Breshears

Randall A. “Randy” Breshears of Oklahoma City died July 23, 2014. Randy was born July 12, 1954, in Oklahoma City, Ok. He was a proud graduate of Putnam City High School, Oklahoma State University, and The University of Tulsa College of Law. Randy’s only career position as a lawyer was practicing insurance defense with the firm Monnet, Hayes, Bullis, Thompson & Edwards, where he was a long-time partner. His youthful appearance was certainly an attribute, but he will be remembered most as a gentleman, a respected adversary, and a loyal and trusted friend and counsel to many. He was preceded in death by his parents and is survived by brothers Walt Breshears and family and Dierk Breshears.

Randall A. “Randy” Breshears

A. That’s right.  
Q. So really whether or not the defendant is convicted of this crime really has nothing to do with whether he is going to make child support payments or not, does it? I mean we have got him under a civil case.  
A. I couldn’t answer that.  
Q. Mr. GLEASON: Your Honor, in view of the fact the defendant hasn’t any bond up in this civil case, I object to this statement, ‘We have got him.’ He hasn’t got anything.  
THE COURT: She said she couldn’t answer it anyway.  
Q. What I’m trying to establish is whether or not Mrs. Spomer has some remedy other than this criminal action. The County Attorney has put this divorce file into evidence and I think you have answered the question that I wanted you to answer.  
THE COURT: Well, I think your question is whether this matter is still pending.  
Q. Yes. I mean this is a civil matter against the defendant to make him pay child support.  
THE COURT: I think we all understand that. Redirection examination.  
(By Mr. Gleason)  
Q. If he advised him. Now I need some advice.  
THE COURT: Send them a bill.  
Q. This case was filed and there was a citation. Now if the defendant lives in Texas, you send a citation down to Texas to be served, Mrs. Sutton? I’m Talking about a citation.  
A. No, sir.  
Q. So if he is in Texas, a citation is not going to be any good because there is no way of going down there and bringing him back. Right?  
A. That’s right.  
This Court fails to see the propriety or reason for permitting a layman to expedite to the jury upon the law as it pertains to citations for Contempt or any phase of Criminal Jurisprudence.  
The trial judge recognized the extent the witness went to in dissertation of the law when he said to the witness, “Send them a bill.” Nevertheless, there is one man in the trial of any criminal case charged with the responsibility of advising the jury on matters of law, and that is the trial judge. For anyone else to do so is improper and invades the province of the judge. This practice is most improper and should be condemned.

In the case at bar, Appellant OCB obtained a valid state court judgment over civil proceedings ‘arising in or related to cases under the Bankruptcy Code.’ (Citations omitted.) In comparison, claims for relief from creditor’s acts prohibited solely by the automatic stay should be brought only in bankruptcy court.

THE CRUX OF HAWTHORNE’S CLAIM THAT HE WAS WRONGFULLY GARNISHED WAS NOT ACTIONABLE UNDER STATE LAW TO GARNISH HAWTHORNE’S WAGES UNTIL SUCH TIME AS HAWTHORNE CAME UNDER THE PROTECTION OF THE FEDERAL BANKRUPTCY COURT BY FILING BANKRUPTCY. APPPELLANT’S ACT IN GARNISHING HAWTHORNE came under the protection of the federal bankruptcy court by filing bankruptcy. Appellant’s act in garnishing Hawthorne became allegedly “wrongful” or “negligent” only under federal law upon the imposition of the automatic bankruptcy stay. Thus, Appellant’s alleged wrongful garnishment was not actionable under state law because Hawthorne was not entitled to relief in state court for acts arising solely from a violation of the automatic stay ordered by the federal bankruptcy court. This matter should have been brought before the bankruptcy court for violation of its own order. This was the exclusive province of the bankruptcy court.

WITNESS WENT TO IN DISCUSSION OF THE LAW WHEN HE SAID TO THE WITNESS, “SEND THEM A BILL.” NEVERTHLESS, THERE IS ONE MAN IN THE TRIAL OF ANY CRIMINAL CASE CHARGED WITH THE RESPONSIBILITY OF ADVISING THE JURY ON MATTERS OF LAW, AND THAT IS THE TRIAL JUDGE. FOR ANYONE ELSE TO DO SO IS IMPROPER AND INVADERS THE PROVINC OF THE JUDGE. THIS PRACTICE IS MOST IMPROPER AND SHOULD BE CONDEMNED.

Randall A. “Randy” Breshears

A. He is usually kept there until he pays.  
Q. It is possible he could be thrown into jail for failing to pay child support payments?  
A. It is possible.  
Q. It is possible he could be thrown into jail for failing to pay child support payments?  
A. He is usually kept there until he pays.  
Q. In other words, he will be jailed or the court will allow her some remedy until he decides to make these child support payments? Is that correct?  
A. If the court so rules.  
Q. I mean the court has that power?
“Gentlemen. Look to your left, look to your right. At the end of three years only one of you will remain.” And, Rex recalls, he was pretty much correct. When questioned about the “gentlemen” part, Rex says, “There were no women in my law school class.

While in law school Rex continued to receive Lew Wentz Scholarships to pay his tuition. During law school Rex was recruited by his classmate, Jerry Sokolosky, to assist lawyer, and later Oklahoma County District Court Judge, Eugene Matthews in Civil Rights “Sit-In” Cases, which Judge Matthews was then handling. In 1962 Rex received his LL.B. from OU and began his law career.

Rex knew he wanted to be a trial lawyer. He relates early on in his career, he interviewed for a job as acting county attorney in the panhandle. The job paid a small fortune in the early sixties to a man with a wife and three small children ($450 a month). While there for an interview, he asked the prior acting county attorney “how many cases do you try a year?” And the answer was “two felonies and six misdemeanors in the eight years I’ve been here.” He also looked at the county law library, thinking he might want to do some legal research and writing. He found it had only Oklahoma Reports. He asked what they did when they needed an out-of-state case. The former prosecutor said: “Well, it gives you a good excuse to go to Oklahoma City to the state law library.” Rex opted to return to Oklahoma City to hone his skills as a trial attorney. In the early days of his career, he took whatever cases came his way. He did some criminal defense work, and insurance defense work because it provided him the best opportunity to get trial experience. He practiced some family law for the same reasons. In his forties, Rex began doing plaintiff’s personal injury work. While his motives were not entirely altruistic, Rex believes in the rights of the little guy, the injured person who may have little recourse against large well-funded companies.

Rex has tried hundreds of cases and won verdicts large and small. Nowadays, he has the luxury of taking a case simply because he thinks the law ought to be tested or changed or because the case (or case) has merit, but not enough money attached to make it economically feasible for most lawyers.

During all of this time, Rex has helped and influenced scores of lawyers and students. Warren Bickford worked with Rex as a young associate and recalls Rex being a great mentor, generous with his time, expert in litigating, and at ease. This was important to him more than his own interests… Money was not that important to him. He always put his clients first.

A close friend, David Edmonds, refers to him fondly as “a rascal” and “devilish”. Edmonds described Rex as one of the hardest working and most honest lawyers he has known, and that he enjoys teasing his friends with a sharp and witty sense of humor. Another close friend, Hank Meyer, said, “Rex has been extraordinarily generous with his time in mentoring attorneys of all ages, races, and sexes. He is a fine example of what we all should be like, has an unrelenting love of the jury system which this Country adopted and has fought for years to preserve the same. With all that said, it is really difficult for me to be around him. Rex hates to lose. I once time placed a bet with him about the outcome of a presidential race in the late afternoon of Election Day. I was so pleased to win. I reminded Rex of the obligation, who doesn’t send him a check and in the lower left corner he wrote ‘illegal gambling debt’ and reminded me if ever ran for office, he would have the check. That check never cleared.”

Once at lunch at the Poor Lawyer’s Beacon Club, aka The Lunch Box, the Lunch Box has since closed and the group has moved north to The Boulevard Cafeteria) the crowd of usual suspects were there. Jim Davis, David Edmonds, Billy Bell, Mickey Homsey, and Aristotle aka “Johnny” Paparonis, the Lunch Box owner. The topic under discussion that day was a case before the United States Supreme Court dealing with the Second Amendment to the United States Constitution; the right to bear arms. The conversation was heated. Personal barbs passed back and forth. Quips about the heritage of the other’s parents were thrown in. At some point, Edmonds, in his gravelly, booming voice said, “well we should see EXACTLY what the second amendment says,” and without missing a beat, and with a Cheshire Cat grin, Rex pulled out his copy of the U.S. Constitution and read the Second Amendment aloud to the group. The discussion continued. No one seemed surprised that Rex carried a copy of the U.S. Constitution around in his pocket.

Like so many of us, Rex’s early life experiences influenced everything about him. His work ethic, empathy for working families and the disadvantaged, practicality, story-telling and love of books all align and point to the path Rex has made in the Oklahoma legal field. And what a path it has been. He served his country, and likely a couple thousand clients. He has taught hundreds of students, hundreds of lawyers, and participated in the state and county bar associations. He has written extensively and well on not only the law, but his fellow lawyers. No one writes a tribute to a lawyer’s life better than Rex. He loves both the law and lawyering but always retains a deep sense of his own, and others’ humanity. He has done so with integrity, honor, and the highest competence while maintaining a sense of humor. He has made a lot of money but it has never been his god. He has taken some cases just because it was a case no one else would accept, or frankly, be able to effectively make.

One such case abolished the common law tort rule that a tenant had no claim against the landlord for a defect in the rented premises. The most salient examples of that old rule included a case in which the tenant’s child drowned in an abandoned cistern on the property and in which the landlord left a gas pipe uncapped and the house blew up. In Rex’s case a woman had an apartment with a loose balcony railing. She leaned against the railing and fell from the second floor. Miller v. David Grace, Inc., 2009 OK 49 reverses the common law rule cases and changed the law to allow a recovery. Watching Rex Travis has been like watching a great musician or athlete at the top of their craft. It is uplifting for those of us who likely do not have his gifts but aspire to do more. It makes us want to get better at what we do, to achieve what Rex and anyone else at the top of their profession has done. What is even better is that Rex is accessible to all of us. He still writes, and speaks, and shares his time with a fellow lawyer.

To do well what we were born to do is much of what this life means. Rex has very well done that, and with a unique sense of our common humanity. For that, and for what Rex continues to give us, we lawyers and his friends and clients should all be very grateful.
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