Nominations for Law Day
2016 Award Nominations Now Being Accepted

Several awards will be presented at this year’s Law Day Luncheon on April 29 at the Skirvin Hotel. Nominations for these awards are now being accepted:

Journal Record Award is presented by the Journal Record Publishing Company to an attorney or judge who has served both the community and legal community in a professional and outstanding way. Based on lifetime achievements, this award recipient is selected by the Law Day Committee and is one of the OCBA’s most prestigious awards. Letters of nomination for this award should be sent to the OCBA, 119 N. Robinson, Suite 240, Oklahoma City, OK 73102, attn: Law Day Committee. Nominations should be received in the bar office no later than April 1, 2016.

Journal Record Leadership in Law Awards are selected by the OCBA Awards Committee. The Awards Committee is looking for outstanding leaders in the legal community who selflessly give their time and energy to improve the lives of fellow Oklahomans, in addition to juggling their busy legal careers. Only five recipients are selected each year. Letters of nomination should be mailed to: OCBA, 119 N. Robinson, Suite 240, Oklahoma City, OK 73102, attn: Awards Committee. The nomination deadline is April 1, 2015.

Liberty Bell Award is presented at the Law Day Luncheon by the Young Lawyers Division. This award is given to a non-lawyer who has given his/her time to assist the legal community in Oklahoma County. Nominations for this award can be emailed to YLD Chair Curtis Thomas at curtis.thomas@mcafeetaft.com.

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

The winner of the award need not be an attorney or employed in the legal profession or the Justice System, but

OCBA member Gavin Isaacs was sworn-in on Jan. 15 to serve as 2016 OBA President. John W. Coyle III will serve as the OBA Governor for this area and as such will serve on the OCBA Board of Directors.

See NOMINATIONS, PAGE 15
From the President

Saddle Up! Bumpy Ride Ahead

By President Angela Alles Bahr

I wanted this February issue to be “a love letter to lawyers.” (I know, pretty cheesy.) But, I don’t have the space for everything that needs to be included this month, so please allow me to just extend my thanks to ALL of you for ALL you do for the community, for your clients, and for the State. Thank you for your dedication to boards, churches, associations, committees of all kinds, and ALL the things you do, and organizations you support, above and beyond your “day job.” Thank you.

On January 21st I attended the ad hoc In-house Counsel Committee. This was a committee started last year by Immediate Past President, Jim Webb. It is intended to fill the need and provide a community for in-house lawyers, whether they be employed by oil and gas companies, insurers, or state and federal agencies, for example. Todd Blasdel, an employee of Devon Energy, is the chair. There are approximately 40 lawyers who have expressed an interest in the committee by signing up for membership. The meeting I was able to attend was the second for the year. There was a healthy conversation about membership. How to encourage more members. How to generate interest in young lawyers (which seems to be a reoccurring theme in most committee or association meetings I attend.). They also discussed what services members might be interested in. Last year they started with a networking opportunity which was greatly enjoyed as evidenced by all the milling around and animated conversations. There was also a CLE hosted at Devon Energy which was very well attended. If you’re interested, please contact Todd at 405-228-7726, or send him an email at todd.blasdel@dnv.com. The committee would greatly appreciate your input and thoughts on events.

Next I feel like saying, “Saddle up and get ready. It’s going to be a bumpy ride!” Yep, the legislature is in session.

One of the things I have learned, much to my dismay, is that the issues we are addressing here in Oklahoma, including the attack on the judiciary, is NOT isolated to Oklahoma. I feel like I have a good idea as to when and why it started here, but that is a National issue. Please, please never get complacent about this. It is NOT going away.

I am getting a lot of information from a variety of sources about these issues and background on who is contributing to the conversation. Thank you and please keep it coming.

Anthony J. Ferate, Vice-President of the Oklahoma Independent Producers Association, recently wrote an opinion piece for the Tulsa World on January 22. Mr. Ferate was also a speaker at Rep. Calvey’s Interim Study on Judicial Reform. The piece is titled “Give people power to elect appellate judges” and I encourage you to read the full article. Advocating for election of appellate judges, he writes, in pertinent part, “The people of Oklahoma deserve the right, in light of the judicial activism running rampant in our system and endorsed by the Judicial Nominating Commission, to chart a path that allows them to select our judges and determine their merit for ourselves. It is time to cast aside the cozy backroom system that gives lawyers more control than citizens. It’s time to move for direct elections on the ballot…. “While a state governor would make the appointment, the governor would be limited to only three candidates approved by the commission. Giving lawyers outsized control over the judiciary would be no different than giving utility companies the power to select the Corporation Commissioners. Absurd, and undemocratic.” … “The people of this state overwhelmingly demand Judges that will follow the law and the Constitution rather than judges who carry out the political agenda of the special interests who selected them. Yes, I do say judges possess political agendas. Attorneys supportive of reform who work in firms are currently being told to conceal their opinions because their firms have cases before the court. Privately, even attorneys supportive of the current system have to admit there is a fear of punishment for speaking out against the current regime. That’s not a merit system. That’s politics as usual.”

Again I am surprised at the failure to recognize the participation and dedication of the citizen/layers of the JNC, who comprise the majority of the commission. The 6 attorneys on the JNC are elected by members of the Bar Association from the 6 congressional districts that existed when the JNC was first created in 1967. The only real “politics” of the existing process, that is the selection of the individual judge or justice by the Governor, is only mentioned in passing. Not mentioned at all is that the sitting governor selects 6 of the lawyers from each of the old congressional districts, not more than three can belong to any one political party, and no one can have a lawyer licensed in any state as a member of their family.

The Oklahoma Conservative Political Action Committee, OCPAC, is also weighing in on the issue. In its statement “Correcting the Court” the PAC opines, “Arguably the most important goal that conservatives wish to reach this session is regaining control of Oklahoma courts. The Oklahoma Supreme Court is one of the most liberal in the land. They have overturned every pro-life bill ever passed. They have redefined the plain language of the Oklahoma Constitution so that the legislature can borrow money without a vote of the people. By the same process, they have removed Universal Moral Law as a foundation of Oklahoma civil law and replaced it with Secular Humanism, where Collectivism is morally just and arbitrary ends justify any political means.”

Three key reforms are needed. First, judges need to be elected by the people or appointed by an accountable, elected official, such as a Governor. Second, judges, like other elected officials need to have term limits. Representative Jason Murphey announced he would propose term limits for judges. Third, judges’ salaries need to be controlled by the legislature. Right now judges’ salaries are set by an unaccountable commission. …

The Federalist Society has also joined the conversation advocating for election of appellate judges. On December 2 they hosted a meeting titled, “Modernizing Oklahoma Judicial Selection: Potential Reforms.” Speakers included Mr. Ferate; Whit Ayres, President and Founder of North Star Opinion Research, “a national public opinion and public affairs research firm located in Alexandria, Virginia” whose clients include the Federalist Society; and Professor Michael O’Shea, OCU Law School.

The election of judges is certainly not new to Oklahoma court or district court judges. However at the level which is being debated – that’s new ground for us. Other states are doing it. So what is their experience? Google it. I read an article recently about the spending in Pennsylvania for their Supreme Court race. See www.justiceatstake.org. Spending for the race was over $16.5 million. And where does the money come from in these races? The citizens whose rights supposedly are being protected and advocated for? No – it’s paid for by big business and big special interests.

Again, I ask you to get involved in this discussion, regardless of what your position is, but get informed and get involved. Talk about it with your Rotary Club, your neighborhood associations, your political and religious organizations, family and friends. I encourage you to keep learning too! As always, don’t hesitate to let me know what you think. Send me an email or give me a call at 405-475-9707.
I THINK YOU SUPPORT DONALD TRUMP: “YOU'RE FIRED”

By Kieran D. Maye, Jr.*

Suppose you are a public employee. Your supervisor is diametrically opposed to Donald Trump’s candidacy for President of the United States. He thinks, wrongly, that you support Donald Trump and he fires you for that. Surely you can bring a claim against your employer for violation of your First Amendment rights, can’t you? That is the question presented in the case currently before the United States Supreme Court called Heffernan v. City of Paterson, New Jersey.1 Jeffrey Heffernan had been a police officer in the City of Paterson, New Jersey, for over 20 years. He had risen to the rank of Detective. There was a contested mayoral campaign underway in Paterson in which the current police chief supported the incumbent mayor, who was being opposed by a former police chief named Spagnola. Detective Heffernan was a close personal friend of Spagnola. However, even though he wanted Spagnola to win the current election, he was not at all involved in Spagnola’s campaign and could not even vote for Spagnola because he did not live in Paterson. Heffernan’s mother, on the other hand, did live in Paterson and was a Spagnola supporter. She asked her son to drive in to Paterson and to obtain for her a large Spagnola campaign yard sign. On his day off, Heffernan drove to Paterson to a distribution point where Spagnola campaign workers were distributing signs. Heffernan spoke briefly with Spagnola’s campaign manager and took a sign which he later delivered to his mother’s house. While he was at the campaign office, Heffernan was observed there by another Paterson police officer. Heffernan and the Spagnola campaign manager saw the other police officer watching them and the campaign manager predicted that Heffernan would be seen as having helped with the Spagnola campaign which would lead to him being “targeted” within the police department due to the fact that the current police chief supported the incumbent mayor. This prediction turned out to be true. The other police officer immediately called the police chief, who in turn reported the events to the mayor. Later that day, Heffernan spoke to another police officer who told him that “[a]ll hell was breaking loose” in the police chief’s offices. The very next day, Heffernan was demoted from detective to patrol officer and assigned to a walking patrol post. Heffernan then filed a Section 1983 suit for retaliatory demotion and violation of his First Amendment right to freedom of speech and association. The jury found in Heffernan’s favor awarding him $75,000 in compensatory damages and $30,000 in punitive damages. However, the verdict was later vacated and the district court ultimately granted the respondent’s motion for summary judgment holding that Heffernan had no cause of action based on his actual speech or association because he did not actually speak or associate. The Court of Appeals for the Third Circuit affirmed.2

The case was argued to the United States Supreme Court on January 19, 2016. This case asks a fundamental question; what is the focus of the First Amendment? Is the focus on limiting the government’s actions and its motives or is it on insuring and protecting a person’s activities? Political patronage in public employment is not new to the Supreme Court. In Elrod v. Burns, 427 U.S. 347, 353 (1976), the United States Supreme Court held that the First Amendment protected a public employee in his speech and activities outside of the workplace.

The paradox of the City of Paterson’s argument is presented by this scenario. Suppose two police officers of the City of Paterson arrive at the Spagnola campaign office at the same time. One of those police officers is in fact an avid supporter of Spagnola’s campaign for mayor and is there to support the campaign and pick up yard signs for display in his own yard. The other, Officer Heffernan, is there merely picking up a yard sign for his mother and is not there to associate with the Spagnola campaign or to offer to work on the campaign. Both of those officers are seen by another who reports their activity to the police chief and the mayor of Paterson. They are both fired or demoted on the next day. Under the City of Paterson’s theory of the case, as adopted by the Third Circuit, only the officer who is in fact there to associate with the Spagnola campaign and to volunteer to work for the campaign would have a recognizable claim for violation of his First Amendment rights. Heffernan would not.

The employer that is careless in wrongfully ascribing to Heffernan political beliefs which he in fact did not have, is excused from liability, at least under 1983 because Heffernan was not in fact exercising any free speech or associational rights.

Based on the oral arguments, it is likely this will be one of those 5-4 or 6-3 ideologically divided opinions. Justice Scalia, the Chief Justice, and Justice Alito seem to express great doubt of the existence of a claim in favor of Mr. Heffernan for being discharged under the mistaken belief that he was supporting the Spagnola campaign. (No one knows what Justice Thomas thinks because he never says anything at oral argument. But it is probably safe to assume he aligns himself with the other conservative justices.) Justices Ginsburg, Sotomayor, Breyer and Kagan all seem supportive of Officer Heffernan’s claim. It is likely that this case will hinge on Justice Kennedy’s opinions. Historically, Justice Kennedy is an ardent supporter of free speech voting in favor of protecting speech that many of us might find repugnant.3 But he did seem to be struggling during oral argument to identify the precise right to be protected. Early in the argument, Justice Kennedy suggested that the right at issue is the right “to be free from governmental inquiry into and oversight of your view.” 4

Certainly Officer Heffernan was not speaking and was not associating, therefore, can the City of Paterson be sued for firing him on the mistaken belief that he was. The case will largely be decided on the fundamental question of whether the First Amendment protects the individual’s activities or instead focuses on the government’s motives and actions. As Justice Breyer observed, this case will hinge on Justice Kennedy’s views expressed herein are Mr. Maye’s alone, and do not necessarily reflect the views of Oklahoma City Law School or Miller Dollarhide. 5

By Kieran D. Maye, Jr.*

1 Case No. 14-1280.

* Mr. Maye is an Adjunct Professor of Law at Oklahoma City University School of Law where he teaches a seminar on current U.S. Supreme Court cases, and is an annual presenter at the Oklahoma Judicial Conference where he presents a program on the significant constitutional law cases from the most recent U.S. Supreme Court term. This, and future columns, will similarly address recent developments at the U.S. Supreme Court. Mr. Maye also teaches Evidence, Ethics, and Commercial Paper at OU Law School. Mr. Maye is also the Managing Director of the Oklahoma City law firm Miller Dollarhide. The views expressed herein are Mr. Maye’s alone, and do not necessarily reflect the views of Oklahoma City Law School or Miller Dollarhide.

2 Heffernan v. City of Paterson, New Jersey, 777 F.3d 347 (3rd Cir. 2015).


www.okcbar.org • February 2016 • BRIEFCASE 3
An Olio of Court Thinking

By Jim Croy

February 29, 1916
One Hundred Years Ago


Shoe Boy died intestate in Custer county October 30, 1910, leaving an estate worth approximately $ 50,000.00. An administrator was appointed and took charge thereof. Shoe Boy was never married, and died without issue. His father, Crooked Arm, died in 1903. Shoe Boy left surviving him, his mother, Mrs. Crooked Arm, or Later Woman, and the following half brothers and sisters on his father’s side by a former marriage: John Squint Eye, Darwin Hayes, Mrs. Little Hawk, or Holy Woman, Mrs. Ed Williams, or Eating Bull, Little Wolf, or Shell Woman, also Mattie and Ellen Hansel, minor children of a deceased half-sister on the paternal side. He also left on the mother’s side Perry Reynolds, John Washa, and Mrs. John P. Hart, or Corn Stock. The relatives mentioned herein filed their petition in the county court against Mrs. Crooked Arm or Later Woman, claiming to be the heirs of Shoe Boy, and praying a division of his estate. It was stipulated that the relationship as above set out was correct. The county court held that the mother took the entire estate. On appeal to the district court the same judgment was rendered, from which the half brothers and sisters and the two nieces in the father’s line appeal. Did the court err?

Session Laws 1909, c. 35, p. 548, were fully inserted the words “or mother,” and inadvertently omitted following the words “If there be no father,” the words “or mother.” This is an action in the nature of quo

And The Court Said

view 4, supra. Upon the subject Statutes of 1890, of 1893, and Wilson’s Revised and Annotated Statutes 1903 are identical. * * *

From the foregoing, under the present facts, it is evident that the father was given a preference over the mother; that the mother was classed with the brothers and sisters, but preferred to the issue of deceased brother or sister. Reference to the identical statutes shows a complete scheme of succession to the property of a deceased.

The Legislature of the state (Session Laws 1909, supra) unquestionably intended to raise the status of a mother to that of a father. It is not only apparently, but expressly, so; however, in so wording the change, the present confusion followed; but, if read in light of the intention pointed out, the intent is obvious. Let us see. Referring to Session Laws of 1909, supra: All of the first part of subdivision 2, down to and including the words “by right of representation,” deals with the subject of marriage state; that is, the surviving husband or wife takes half, and the father or mother, as the case may be, or both if living, take the remaining half. Or, if the decedent leave no issue, nor father, nor mother, but leaves a wife and brothers and sisters and children of deceased brothers and sisters, the wife takes one half, and the brothers and sisters and the children of deceased brothers and sisters, by right of representation, take the remaining half. If read in this light to and including the words in quotations, and keeping in mind the subject-matter as mentioned, then we are driven to the conclusion that the lawmakers understood and intended to supply which is apparent and which was inadvertantly omitted following the words “if there be no father,” the words “or mother.” * * *

The confusion as herein pointed out was observed by the codifiers, and they rightfully inserted the words “or mother,” and made other minor changes in the language. The section now reads:

“Second. If the decedent leave no issue, the estate goes one-half to the surviving husband or wife, and the remaining one-half to the decedent’s father or mother, or if he leave both father and mother to them in equal shares. If there be no father, then one-half goes, in equal shares, to the brothers and sisters of the decedent, and to the children of any deceased brother or sister, by right of representation. If decedent leaves no issue, nor husband nor wife, the estate must go to the father or mother, or if he leave both father and mother, to them in equal shares: Provided, in all cases where the property is acquired by the joint industry of husband and wife during coverture, and there is no issue, the whole estate to go to the survivor, at whose death if any of the said property remain, one-half of such property shall go to the heirs of the husband and one-half to the heirs of the wife, according to the right of representation.

* * *

“Fourth. If the decedent leave no issue nor husband, nor wife nor father and no brother or sister is living at the time of his death, the estate goes to his mother to the exclusion of the issue, if any, of deceased brothers or sisters.”

It will be observed in subdivision 2 there is a positive declaration applicable to the facts in the instant case. We quote: “If decedent leave no issue, nor husband nor wife, the estate must go to the father or mother, or, if he leave both father and mother, to them in equal shares. * * *” This provision is apparently in conflict with the inference to be gained from subdivision 4 as surplusage, we hold that, as the decedent’s father or mother, or if he leave both father and mother, to them in equal shares; but if there be no father or mother, then said remaining one-half goes, in equal shares, to the brothers and sisters of the decedent, and the children of any deceased brother or sister, by right of representation. If decedent leave no issue, nor husband nor wife, the estate must go to the father or mother, or if he leave both father and mother, to them in equal shares. * * *” (Rev. Laws 1910, sec. 8418.)

Reverting to Session Laws of 1909, subdivision 4 is unquestionably surplusage. In view of subdivision 2, there was no field for its operation. It was taken from an existing statute and inadvertently re-enacted by the Legislature, and overlooked by the revisers of the 1910 Laws, and we think it is our duty to so treat it. * * *

Giving subdivision 2 the interpretation herein set forth, and treating subdivision 4 as surplusage, we hold that, as the decedent died intestate, leaving no wife nor issue nor father, but leaving a mother and half brothers and sisters and children of a deceased half-sister, the mother takes the entire estate to the exclusion of such half brothers and sisters and the children of such deceased half-sister, and the trial court did not err in so adjudging.

February 18, 1941
Seventy-Five Years Ago

[Excerpted from Rogers v. Carleton, 1941 OK 58, 110 P.2d 908.] This is an action in the nature of quo warranto to try title to the office of mayor of the city of Clinton.

Events & Seminars

APRIL 11, 2016
OCBA Night at the Thunder
OKC Thunder v. LA Lakers
7 p.m., Chesapeake Arena

APRIL 29, 2016
Law Day Luncheon
12 Noon, Skirvin Grand Ballroom

MAY 23, 2016
OCBA Annual Golf Tournament
Twin Hills Golf Club

PLANNING YOUR WEDDING?
FORMAL WEAR AVAILABLE
FROM OUR
TUXXEDO & ACCESSORY COLLECTIONS
FOR PURCHASE OR RENTAL

TEENAHICKS COMPANY
210 PARK AVENUE, SUITE 220 OKLAHOMA CITY, OK 73102
CALL (405) 255-4800 TO RESERVE PARKING SPACES 1:11 OR 1:12
AT THE EAST CITY CENTER GARAGE, ENTER AT THE CORNER OF PARK AND HARVEY.
www.teenahickscompany.com
Plaintiff below was the legally qualified and acting mayor of said city. Under the charter his term would expire April 2, 1940. On July 18, 1940, he submitted his written resignation to the city commissioners conditioned only that it become effective August 15, 1940. The resignation was accepted by order of the board on July 26, 1940. On August 9th the plaintiff filed a withdrawal of the resignation. On August 17th, two days after the effective date of the resignation, the board of commissioners issued an order purporting to accept the resignation served to end forever the acceptance of the resignation. The resignation to take effect in the future may be withdrawn prior to its effective date, even against the will of the body to which it is tendered, and which has accepted it, provided that such acceptance is not necessary to render it effective. ... Where acceptance is necessary, a public officer-who has tendered an absolute and unconditional resignation to take effect in the future cannot withdraw the resignation after it has been duly accepted by the proper authority even though the time at which it is to take effect has not arrived. Since we are governed here by the common law, and acceptance is necessary, we adopt the rule above.

February 15, 1966
Fifty Years Ago

[Excerpted from Marcus v. State, 1966 OK 26, 411 P.2d 539.]

The sole question to be determined in this appeal is whether a person elected and holding office as a city councilman is prohibited from holding an employee’s liquor license.

On July 1, 1962, Moe Marcus, plaintiff in error, was issued employee’s license No. 3300 by the Alcoholic Beverage Control Board of Oklahoma. On May 1, 1963, plaintiff in error took the oath of office as city councilman for the City of Perry and entered into the duties thereof. Thereafter plaintiff in error was given notice to appear and show cause why his license should not be revoked.

After due hearing, the license of plaintiff in error was revoked on the grounds that the license had entered upon the duties of a city councilman which rendered him ineligible to hold an employee’s liquor license. On appeal, the District Court on trial de novo, revoked the license for the same reason.

Article 27, Sec. 8 of the Oklahoma Constitution and Title 37 O.S. 1961, Sec. 511 (d) are the constitutional and statutory grounds on which the revocation of the license of the plaintiff in error was predicated.

Art. 27, Sec. 8 of the Oklahoma Constitution provides:

“The State of Oklahoma, or any political subdivision thereof, or any board, or any body thereof, is hereby prohibited from engaging in any phase of the alcoholic beverage business, including the manufacture, sale, transportation, or distribution thereof, at wholesale or retail, and the maintenance, ownership or operation of warehouses or alcoholic beverage stores.”

The only difference between the above constitutional provision and Title 37 O.S. 1961, Sec. 511 (d) is that the statutory provision contains the additional words “directly and indirectly” before the word “engaging,” and the words “importation, exportation” before the word “transportation”.

Plaintiff in error contends the above

...
Profiles in Professionalism

ROBERT J. “JIM” TURNER (1934-1998) AN HOMAGE

By Phil Horning

Jim Turner was a “lawyer’s lawyer,” and no one loved being a lawyer more. He had a gruff, curmudgeonly personality and a gravelly voice, but it didn’t get in the way of his popularity. He was elected OCBA President in 1978, and later served as OBA President. He graduated from OKC’s Capitol Hill High School and majored in letters at OU. Not large in stature, with a commanding presence, he was Bogartesque. George Short, a contemporary trial lawyer, who deserves his own homage, described him as, “easy to settle, hard to beat.” At some point, Jim was in the Army, and he told me about losing an entire pay check playing poker with fellow soldiers. He went to a book store, bought a book on how to play and said he never lost again.

He was always open minded with an innate sense of justice. The first time he ever called me, he began by growling, “Why are you helping sue my father?” His dad was the County Sheriff, and a juvenile who was jailed with adult prisoners had been badly abused including being burned with lit cigarettes. I gave him details of the abuse and told him that what happened to that boy wasn’t right. “Well, okay then,” he said. He was satisfied.

For some reason, I took great pleasure in making him laugh. After losing a lopsided vote on an issue at a county bar board of directors meeting, I whispered to Jim an old George Gobel line: “The world is a treadmill and I’m a brown pair of shoes.” He liked it. Another time, after he and I appeared opposite each other in Enid we were driving home in separate cars and had to stop for a train. On a lark, I put mine in park, walked back to his, leaned in and said, “Jim, do you realize that somewhere in Poland they are telling Oklahoma lawyer jokes?” He laughed, shook his head, and said, “You’re nuts.”

I forget what we were discussing, but I once commented that he had an “iron will.” He smiled, but offered no objection. Another time I inquired what he and his wife Mary did together. He replied, “Are you asking about my sex life?” I stammered that was not what I meant; I was only asking what they did for recreation. He said they worked in the yard. Then he added that he worked in the back, and she worked in the front. “What?”

“You know how I am,” he explained.

He practiced in a small firm with his brother Ken and tried all kinds of cases. He once defended a county commissioner and began his closing argument by thrusting his index finger at the jury as if tapping their collective chest, and saying, “Look, this country was founded on rough and tumble politics.” Another time he avoided the death penalty (probably the only reason the case was tried) for a client who burned his young wife alive.

The year he presided over the annual OBA meeting, the hot topic for the general assembly was whether our state bar would recognize legal specialties. Lengthy arguments for and against were made, and the session broke for lunch. Jim, who was always prompt, announced the time we would reconvene for the vote. He was a generalist and did not favor certifying legal specialties, but he took no part in the debate. The measure lost by 2 or 3 votes, and almost immediately several delegates who spent just a few minutes too long over lunch arrived. They demanded another vote. They were wasting their breath.

Jim was always purposeful. I called him for lunch, and he asked, “What’s on your mind?” I replied, “Not a damn thing.” After a pause, he said, “Let’s do it anyway.” He once returned from vacationing in Chicago and reported he was enthralled way.” He once returned from vacationing in Chicago and reported he was enthralled way. “You know how I am,” he explained.

He practiced in a small firm with his brother Ken and tried all kinds of cases. He once defended a county commissioner and began his closing argument by thrusting his index finger at the jury as if tapping their collective chest, and saying, “Look, this country was founded on rough and tumble politics.” Another time he avoided the death penalty (probably the only reason the case was tried) for a client who burned his young wife alive.

The year he presided over the annual OBA meeting, the hot topic for the general assembly was whether our state bar would recognize legal specialties. Lengthy arguments for and against were made, and the session broke for lunch. Jim, who was always prompt, announced the time we would reconvene for the vote. He was a generalist and did not favor certifying legal specialties, but he took no part in the debate. The measure lost by 2 or 3 votes, and almost immediately several delegates who spent just a few minutes too long over lunch arrived. They demanded another vote. They were wasting their breath.

Jim was always purposeful. I called him for lunch, and he asked, “What’s on your mind?” I replied, “Not a damn thing.” After a pause, he said, “Let’s do it anyway.” He once returned from vacationing in Chicago and reported he was enthralled way. “You know how I am,” he explained.

He practiced in a small firm with his brother Ken and tried all kinds of cases. He once defended a county commissioner and began his closing argument by thrusting his index finger at the jury as if tapping their collective chest, and saying, “Look, this country was founded on rough and tumble politics.” Another time he avoided the death penalty (probably the only reason the case was tried) for a client who burned his young wife alive.

The year he presided over the annual OBA meeting, the hot topic for the general assembly was whether our state bar would recognize legal specialties. Lengthy arguments for and against were made, and the session broke for lunch. Jim, who was always prompt, announced the time we would reconvene for the vote. He was a generalist and did not favor certifying legal specialties, but he took no part in the debate. The measure lost by 2 or 3 votes, and almost immediately several delegates who spent just a few minutes too long over lunch arrived. They demanded another vote. They were wasting their breath.

Jim was always purposeful. I called him for lunch, and he asked, “What’s on your mind?” I replied, “Not a damn thing.” After a pause, he said, “Let’s do it anyway.” He once returned from vacationing in Chicago and reported he was enthralled way. “You know how I am,” he explained.

He practiced in a small firm with his brother Ken and tried all kinds of cases. He once defended a county commissioner and began his closing argument by thrusting his index finger at the jury as if tapping their collective chest, and saying, “Look, this country was founded on rough and tumble politics.” Another time he avoided the death penalty (probably the only reason the case was tried) for a client who burned his young wife alive.

The year he presided over the annual OBA meeting, the hot topic for the general assembly was whether our state bar would recognize legal specialties. Lengthy arguments for and against were made, and the session broke for lunch. Jim, who was always prompt, announced the time we would reconvene for the vote. He was a generalist and did not favor certifying legal specialties, but he took no part in the debate. The measure lost by 2 or 3 votes, and almost immediately several delegates who spent just a few minutes too long over lunch arrived. They demanded another vote. They were wasting their breath.

Jim was always purposeful. I called him for lunch, and he asked, “What’s on your mind?” I replied, “Not a damn thing.” After a pause, he said, “Let’s do it anyway.” He once returned from vacationing in Chicago and reported he was enthralled way. “You know how I am,” he explained.

He practiced in a small firm with his brother Ken and tried all kinds of cases. He once defended a county commissioner and began his closing argument by thrusting his index finger at the jury as if tapping their collective chest, and saying, “Look, this country was founded on rough and
How Often Should I Exercise?

By Warren E. Jones

Those of you who have been reading my column over the years are familiar with the health risks of being overweight or obese...and, worse, being “centrally” obese, i.e., having fat tissue around your middle section.

The newest Annals of Internal Medicine has a Mayo Clinic study quantifying the risks of central obesity (or central adiposity) among people who are (ignoring the central adiposity) either normal weight, overweight, or obese. Turns out that those persons (men and women alike) who are at a normal weight, by Body Mass Index (BMI) standards, but who have central adiposity (In a minute, I’ll explain how it is determined) are at the highest risk of death vs. those...even those....who are overweight or obese but whose weight is “spread” throughout the body: arms, legs, hips, torso, etc.

How do we apply the Annals study to you? First, pin down your BMI. Use Siri or Google. I dictated a question about how often you should exercise and your doctor NOT to merrily proceed through your medical exam if his or her nurse reveals “normal” BMI. Of course, overweight men and obese men WITH central adiposity have elevated risks vs overweight men and obese men with NO central adiposity, but their risks are not as dramatically elevated as the “normal” weight men with central adiposity.

The figures, the stats, for women are not identical, but are similar...at the .85 waist to hip level, and above. So, while the ideal is normal weight without central adiposity, one who is overweight or obese but without central adiposity, i.e., one whose fat is “well distributed,” has better odds than Mr. Self Righteous BMI but who has a large amount of central fat.

This study should awaken you and your doctor NOT to merrily proceed through your medical exam if his or her nurse reveals you to have “normal” BMI. Central obesity is associated with visceral adiposity and an adverse metabolic profile compared with BMI...which measures both lean mass and fat mass. Also, excessive visceral fat is associated with insulin resistance (pushing toward type II diabetes), high triglycerides, high cholesterol, and inflammation. Further, an elevated waist to hip is associated with decreased muscle mass in the legs, higher glucose levels, and increased cardiovascular risk.

You know the take home: first, measure your waist to hip. Then, if you exceed the levels for central adiposity in this Annals study, take preventive steps by modifying your lifestyle, and see your doctor. “Modifying your lifestyle?” Yes, eat smart, and move your body (aerobically and anaerobically). Aerobic exercises: walking, biking, dancing, swimming, group aerobic classes, tennis, walking golf, ellipticals, etc. Anaerobic exercises: resistance training.

And remember this exercise physiology fact: energy necessary for aerobic exercise prefers visceral fat....that central adiposity......as its source.

So, back to the question in the title to this article relative to how frequently should one exercise: Do as I tell my clients to do: exercise only on those days that you plan to eat.

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.
sections of the Constitution and statute are discriminatory and violate the Fourteenth Amendment to the Constitution of the United States in that they deprive him of equal protection of the law by prohibiting him from engaging in the liquor business; and that any attempt by the Legislature to do so would be an unreasonable exercise of its police powers.

There is no natural or inherent right to manufacture, sell, transport or in any manner use, possess, or deal in intoxicants, in any such sense as to remove the liquor traffic from the legitimate sphere of legislative control. 48 C.J.S. Intoxicating Liquors § 20, p. 154. A license law will not be held invalid because it restricts the right to obtain licenses to persons in a particular class. 48 C.J.S. Intoxicating Liquors § 38, p. 174.

30 Am.Jur., Intoxicating Liquors, Sec. 141, pp. 616, 617, states that no one has an absolute or inherent right to a license to sell intoxicating liquor, and its issuance is a matter, not of right, but purely of legislative grace, and may be extended, limited, or denied without violating any constitutional right. Blum v. Ford, 194 Ark. 393, 107 S.W.2d 340. Legislatures may lawfully grant the right to engage in the liquor traffic to a certain class or classes of persons and withhold it from others, and no persons may complain because liquor legislation has denied him the privilege of engaging in the liquor traffic. . . . We therefore hold that the above constitutional and statutory provisions are not discriminatory or repugnant to the constitutional right.

It is clear that under the circumstances in the instant case plaintiff in error, being a city councilman, is a public officer and an agent of the City of Perry. Being an agent of said political subdivision, he is therefore prohibited from engaging in any phase of the alcoholic beverage business while serving in such position under the existing provisions of the State Constitution and statutes.

February 19, 1991
Twenty-Five Years Ago


Rosalie Carlyle (Carlyle) was a public school teacher, with tenure, employed by Independent School District No. 1-71 of McCurtain County, Oklahoma (School Board). The Oklahoma State Board of Education was dismissed as an unnecessary party to this action.

The following were among an extensive number of facts stipulated to by the parties. Carlyle, who at the time was 65 years old, was initially employed by School Board for the 1981-82 school year. Although School Board then had a policy of mandatory retirement at age 65, they chose not to enforce the policy in the belief it was rendered invalid by a 1978 amendment to the Federal Age Discrimination in Employment Act (29 U.S.C. §§ 621 et seq.). The amendment extended the upper limits of the Act’s protection from 65 to 70 years of age. On August 12, 1985, School Board adopted a policy requiring mandatory retirement at age 70 for all employees. At that time Carlyle was the only teacher who had reached, or would reach, age 70 during the 1985-86 school year. School Board notified Carlyle in March 1986 that her contract would not be renewed. The parties further stipulated the sole reason for not renewing Carlyle’s contract was the mandatory retirement policy, and that she was an otherwise competent teacher.

Pursuant to the rights stated in the notification letter, Carlyle requested an administrative hearing under 70 O.S. 1981 § 6-103.4. The written decision of the hearing judge found no authority for the hearing panel to rule on School Board’s actions in this case, in essence because mandatory age retirement was not one of the enumerated grounds for “nonre-employment”: found in 70 O.S. 1981 § 6-103 (now 70 O.S. 1989 Supp. § 6-101.22 [89-6-101.22]). Carlyle then filed this action, seeking a stay of the nonrenewal and reinstatement, or in the alternative, an order remanding the matter to the hearing panel for determination on the merits. The trial court affirmed School Board’s action, stating, in relevant part: it is the finding of the Court that the School Board did have the authority to make a mandatory retirement age, so long as such age was not discriminatory. Under the statutes of the State of Oklahoma, the drawing of that mandatory retirement age at age 70 does not appear to be discriminatory on its face.

Although School Board does refer us to 70 O.S. 1981 §§ 17-101 et seq, Teachers’ Retirement System, to point out the definition therein of “normal retirement age”. We find that definition irrelevant to the question under consideration, but do note with interest the following language from § 17-105(d), discussing contributions to the system: Members currently teaching in the public schools of Oklahoma past the fiscal year during which age seventy (70) is attained and who have not retired shall be granted the privilege of making up . . . contributions, . . . for the years taught after age seventy (70). (emphasis added)
The Legislature not only has not chosen to provide a mandatory retirement age for teachers, but to the contrary, clearly contemplates teachers remaining active beyond age 70.

The question of a mandatory retirement age for teachers has not been decided by our appellate courts. . . .

Finally, we do not find a mandatory retirement age is “essential to the declared objects and purposes of the corporation”. Board of Education of Oklahoma City v. Cloudman, 185 Okla. 400, 92 P.2d 837 (1939). School Board’s only argument even peripherally related to this point is that a teacher’s abilities to manage and control large groups of young people may be lessened after a certain age, and prove to be an undue strain upon the teacher. We view this contention as an unsupported pre-determination of incompetency. While we recognize School Board’s legitimate interest in assuring competency in its teachers, its brief provides no factual basis for the supposition that age as a single factor is inimical to the objects and purposes of the school district. . . . Also, School Board had clear statutory authority to refuse to renew contracts on competency grounds, if a teacher is in fact not a competent teacher because of the effects of age. 70 O.S. 1981 § 6-103.

In the absence of statutory authority - express, implied, incidental or essential - School Board was not empowered to adopt a mandatory retirement policy based solely on age. It was error, as a matter of law, for the trial court to have upheld such a policy.
ODDS OF NEXT PRESIDENT BEING A LAWYER

By Miles Pringle

Presidential campaign season is upon us, although you’ve probably already been drowning in campaign news for the past several months. As most lawyers are aware, more often than not the President of the United States of America has been an attorney. Twenty-five of the first forty-three U.S. Presidents have been lawyers, and that is not including Harry S. Truman or Lyndon Johnson, both of whom attended law school but did not graduate. It should be noted that Grover Cleveland is considered both the 22nd and 24th President, so while Barack Obama is the 44th President, he is the 43rd individual to hold the Office. In the early days of our Republic, being a lawyer was almost a prerequisite to holding the office as twelve of the first sixteen presidents were lawyers.

So what are the odds of the forty-fifth occupant being a lawyer? Going into the Iowa Caucuses, two of the three Democratic contestants (Hillary Clinton and Martin O’Malley) were attorneys. Governor O’Malley dropped out after the results in Iowa. On the Republican side, five of the contestants have their jurisdoctrices: Chris Christie, Ted Cruz, Marco Rubio, Jim “That guy ran for President?” Gilmore, and Rick Santorum.

After the narrowest of results in Iowa, Senator Sanders and Secretary Clinton appear to be neck and neck. According to FiveThirtyEight.com, creation of electoral prediction wonder boy Nate Silver, as of February 2, 2016, Senator Sanders has a 89% chance of winning the New Hampshire Primary (with projected results of 54% to 42%); however, Secretary Clinton has strong leads in other early primary states (e.g. she is polling better than 2-to-1 among likely South Carolina Primary voters according to a January 28, 2016 Marist Poll). Clinton is probably still the favorite, but her nomination is by no means a foregone conclusion.

Senator and lawyer Ted Cruz won Iowa, and Marco Rubio finished within a percentage point of Donald Trump for third place. FiveThirtyEight.com shows Trump in the lead in other early primary states, but after losing in Iowa, his campaign narrative of being a “winner” has certainly taken a hit. The chaos of the Republican Primary makes forecasting the party’s future nominee difficult, but it is fair to say that two of the top three candidates at this time are lawyers.

Thus, there is a good chance that the next President will again be legally trained. An even more likely scenario, however, is that the next Vice-President will be an attorney. Thirty-four of the forty-seven U.S. Vice-Presidents have been attorneys. Again not including Harry S. Truman, Lyndon Johnson, or Al Gore whom all attended law school for a time.

Some of these are a stretch. Some might even be called politically incorrect. Realistically, Mr. Dershowitz was probably given a theme for this proposed work, and expanded thereon. It is an amusing work, and the Theology works. The points developed to fit the theme are arguably pertinent to the “Jewish Lawyer”, and if nothing else, derive a smile or a poignant thought. The best of the book is the calling to our mind the Battalion of Jewish lawyers who have contributed to so many good causes world-wide and particularly in this country. In the latter part of the book Dershowitz waxes eloquent on some of his own causes, and given the previous humor, rings a little hollow. An entertaining book, but a must read?

We are pleased to welcome Brett Behenna to the Blau Law Firm.

“Brett is a skilled trial lawyer with a distinguished background as a prosecutor and civil litigator. He will continue the Firm’s tradition of providing excellence in representation for every client.”

- Ed Blau, founder

Blaulawfirm.com | 405.232.2528
101 Park Ave, Ste 600 OKC, OK 73102
The Importance of Tools to Identify Domestic Abuse

By Liz Oglesby*

Domestic abuse refers to a pattern of controlling behavior and not just a single act. Domestic abuse “means the threat of the infliction of physical injury, any act of physical harm or the creation of a reasonable fear thereof, or the intentional infliction of emotional distress by a parent or a present or former member of the household of the child, against the child or another member of the household, including coercive control by a parent involving physical, sexual, psychological, emotional, economic or financial abuse.”1 Research indicates that it can have lifelong and intergenerational consequences.2 Domestic violence is a learned behavior and cultural acceptance of domestic abuse is reinforced when abusers are not arrested, prosecuted or otherwise held responsible for their actions.3 The “emotional recovery of children who have been exposed to domestic violence appears to depend on the quality of their relationship with the non-battering parent more than on any other single factor.”4

So how can we make a difference? Courts and professionals cannot assume that joint custody and shared parenting is what is best for the child. In fact, this is against the policies of 43 O.S. § 109 which require the court to consider “what appears to be in the best interests of the physical and mental and moral welfare of the child.” When there is a dispute as to the custody of minor children, the court must determine if domestic violence, stalking or harassment has occurred as that is not in the best interest of the child.5 Of course, you are then asked the abused partner to dispute custody and stand up against his or her abuser, which needless to say, the abused would be very hesitant to do so for fear of safety concerns for the protective parent and children, fear of losing custody of children, fear that no one will believe her, lack of financial resources, and lack of support from an informed legal system. Therefore, we need proper tools to identify the battering parent from the non-battering parent to ensure we get the separation to occur safely and not place children back in the home of the abusive parent or subject the children and protective parent to other forms of battering after the divorce. We need to look into the education and training given to attorneys, judges and court experts. Continued education must be a requirement as new research and studies can change and improve how things are done and how children and abused parents can be supported and recover from the terrors of abuse.

We cannot only rely on the “expert” to determine what is going on in the household. There is a duty on the courts and the professionals to also have training to help in identify possible signs of domestic abuse. Do not make the assumption the evaluator is correct and simply rubber-stamp their decision. Never forget to use your brain—it is the whole reason you have so much student loan debt! Whether or not you are directly involved in assisting the abused, domestic abuse effects our entire society. Family violence accounts for 11%-33% of all violent crime.6 Domestic violence is the immediate cause of homelessness for many victims. This is a subject that we, as a society, cannot ignore. Keep yourself educated, keep yourself aware and spread your knowledge. Stay tuned for future tips from our committee to make yourself a better attorney and help protect children and victims from the cycle of violence.

*Oglesby is an attorney with Ailles & Associates. She is an active member of the OCR A Lawyers Against Domestic Abuse Committee.

3 The Massachusetts Coalition Against Sexual Assault

Song
Artist
Golden
Jill Scott (She likes to think its life’s theme song.)
Airplane
Plain White T’s (Because she loves to travel, but flying...not so much.)
Baby Mine
Bette Midler (Sang it to Isabella when she was a baby...and still loves listening to it.)
Incredible Love
Ingrid Michaelson (Favorite dance song with her hubby.)
Bloodstream
Ed Sheeran (She would listen to just about anything of his and says he’s amazing in concert.)
In A Week
Hozier (Beautiful, haunting song. Also a great concert!)
Bang! Bang! (Guilty Pleasure)
Ariana Grande, Jessie J, and Nicki Minaj

Any song from Pitch Perfect 1 & 2 because they are Aca-Awesome!

*Liz Oglesby attended Trinity University and graduated from OU College of Law in 2008. In keeping with the recent Star Wars release, Liz appreciates the Dark Side having always been an insurance defense lawyer. She works for Angela whom she greatly admires. Liz has a beautiful 21 month old daughter. The little stinker already has two boyfriends at daycare. Good luck with that, Liz. When not brandishing a lightsaber for State Farm or chasing a toddler, she enjoys starting craft projects that will never be completed and dreaming up home improvement projects for her architect husband. Liz would like to beatbox in an a cappella group, but will settle for singing loudly in the car to her daughter. She’s turned the table on us by including only guilty pleasures on her playlist. Clever girl.

Song
Artist
Here I Go Again
Whitesnake
Believe
Cher
It’s Not Unusual
Tom Jones
All About That Bass
Meghan Trainor
Wannabe
Spice Girls
All I Want For Christmas
Mariah Carey

Any song from Pitch Perfect 1 & 2 because they are Aca-Awesome!

Liz Oglesby has been the managing attorney of State Farm’s in-house office since its inception and longer than she cares to admit. She loves listening to music in the car – really loud. Her prerequisite to any auto purchase is exceptional sound quality of the stereo. The next time you turn down your music to hear what’s blasting from the car next to you, check to see if it’s Angela. She has an all-time favorite video of her then nine year old daughter Isabella singing Queen’s Bohemian Rhapsody. The kid covers all 5:55 minutes of it! Both Isabella and Angela’s husband Mark are musicians. Angela isn’t, but she loves to listen and dance. Her playlist is a random sample of favorites.
Old News

Excerpts from OCBA News: September, 1973, Part 3

Judge Clarence Mills Resigns

By Floyd L. Martin

Woodrow Wilson must have had men like Clarence Mills in mind when he reminded a troubled world that while most persons conceive of justice as the prompt, fair, and open application of impartial rules, yet a Christian conception of justice must be much higher. It must include sympathy and helpfulness and a willingness to forego self-interest in order to promote the welfare, happiness, and contentment of others and of the community as a whole.

Judge Mills recently announced his retirement, effective November 1, 1973, after serving almost 40 years on the Bench in Oklahoma County.

Clarence Mills was born in Muskogee, Indian Territory, August 21, 1896. He moved to Oklahoma City in 1923. Not long after arriving in Oklahoma City he went to a dance where he met Evelyn Bozarth. After two years of effort he convinced her to marry him. They have one child and one grandchild.

Military bravery with the Second Division A.E.F. in World War I, which earned him the Silver Star Medal, portended the kind of mental toughness he was to exhibit as a jurist. Mills has consistently served the civic and spiritual community in other ways. He was Chairman of the Red Cross during World War II, has served as a Member of the Board of Directors of the Oklahoma City Symphony, an Honorary Member of the Board of Trustees of the Arts Center, a member of the American Legion, the Defenders of Verdun, and a 32nd Degree Mason, and was a founder and the first Treasurer of Casady School. After the birth of their child, Judge and Mrs. Mills joined St. Paul’s Episcopal Church, where he was later to serve on the Vestry and on the Bishop and Council.

Although he would never claim the personal credit that is due him, Judge Mills is justifiably proud of the national records set by the Oklahoma County judiciary in establishing a tradition of speedy administration of justice.

There are few lawyers in active practice who are unaware of Judge Mills’ 3/5 card file so readily available in his desk. In almost any court situation His Honor could reach into that card file and come up with the leading Oklahoma Decision on the point in question.

The determination, the dedication and the strength of character of Clarence Mills have kept him on duty constantly during these last several months despite the pain and debilitating effect of an illness that would have caused most other men to give up long ago. Still not giving up, Judge Mills will continue to be on duty in the Court House handling the large volume of application from incarcerated persons for Post-Conviction Relief and such other duties as may be assigned to him.

We who have practiced under his judicial eye, as well as we who have served along side him on the Bench of Oklahoma County, are proud to acknowledge the debt we owe to the judicial virtue of Clarence Mills, being fully aware that praise, like gold and diamonds, owes its value only to its scarcity.

By justice the lawyer generally means the prompt, fair, and open application of impartial rules; but we call ours a Christian civilization, and a Christian conception of justice must be much higher.

— Woodrow Wilson

Promoting Leaders

Melissa Gardner
Oil and Gas Transactions

Clayton Ketter
Financial Restructuring

Patrick Hultum
Complex Litigation

Bobby Dolatabadi
Commercial Real Estate

Phillips Murrah is proud to announce our new Directors.

3Ig
3000 Insurance Group

LOCAL KNOWLEDGE

Find out why so many attorneys trust 3iG for service and value. Contact us today.

ALL-AROUND PROTECTION

We make it easy for you to get all the insurance coverage you need for your business, personal life and employee benefits from one trusted source. We work with over 35 top-rated insurance companies and our knowledgeable agents look at the big picture to help you avoid overlaps or gaps in coverage – for greater confidence and value.

405.521.1600 / 800.530.4863 / 3000ig.com
Crowe & Dunlevy enhances Indian Law & Gaming practice group
Christina M. Vaughn and Jennifer N. Lamirand join the firm in Tulsa and Oklahoma City

Crowe & Dunlevy recently announced two attorneys have joined the firm’s Indian Law & Gaming practice group. Christina M. Vaughn is a director in the firm’s Tulsa office, while Jennifer N. Lamirand is an associate in the Oklahoma City office. Vaughn is a member of the firm’s Indian Law & Gaming, Litigation & Trial and Energy, Environment & Natural Resources practice groups. She is experienced in commercial litigation, business torts, oil and gas, environmental law, and devotes an extensive portion of her practice to Native American law.

Vaughn currently serves as Attorney General for one of the largest Indian tribes in Oklahoma. Her Native American law practice includes representing Indian tribes in federal courts and before federal agencies, drafting legislation, providing legal guidance regarding internal tribal matters and external matters affecting tribes, assisting with elections, gaming regulatory and compliance matters and litigation, tribal court juvenile proceedings, tribal housing authority matters, and negotiating agreements with the state, the federal government, and other tribes. She is admitted to practice in a number of tribal courts, including the United Keetoowah Band of Cherokee Indians in Oklahoma, Muscogee (Creek) Nation, Pawnee Nation of Oklahoma, Seminole Nation of Oklahoma, Osage Nation, as well as the United States Court of Indian Offenses. In addition, Vaughn represents clients in transactional matters such as commercial contracts, Uniform Commercial Code (UCC) issues, class actions, management agreements and joint partnership agreements.

Vaughn has been named one of Oklahoma Super Lawyers’ Top 25 Women. She was selected as a Rising Star in the areas of Native American Law, civil litigation defense and environmental litigation, a Super Lawyer in Native American Law, and was selected for inclusion in Chambers USA for Native American law. An Oklahoma native, she graduated from the University of Tulsa College of Law with highest honors; earning a Juris Doctor and certificate in Native American law. She also graduated summa cum laude from Northeastern State University in Tahlequah, Oklahoma and holds a Bachelor of Business Administration.

Lamirand is a member of the firm’s Indian Law & Gaming, Litigation & Trial and Insurance practice groups. She is a member of the Citizen Potawatomi Nation. Her practice includes litigation matters with a primary focus on Native American law, insurance coverage, insurance claims and contract disputes. Prior to joining Crowe & Dunlevy, Lamirand worked as a litigation attorney at an international law firm based in Los Angeles, California.

She holds a Master of Laws degree from the London School of Economics and Political Science, where she graduated with merit and received distinctions in International Business Transactions: Commercial Litigation, International Business Transactions: Transnational Torts, and Art and Antiquities Law. Lamirand also graduated cum laude from the University of Notre Dame Law School, where she received her Juris Doctor and entered the Phi Alpha Delta International Law Fraternity. She received her Bachelor of Arts in English magna cum laude from Oklahoma State University in Stillwater, Oklahoma.

McAfee & Taft adds labor and employment paralegal Liz Othon

Paralegal Liz Othon has joined the Labor and Employment Group at McAfee & Taft. Her responsibilities include conducting legal research and factual investigations, drafting and filing pleadings and motions, coordinating depositions, reviewing and organizing documents and exhibits, managing dockets, preparing for trial, and assisting with post-trial and settlement work.

Othon began her career as a human resources assistant and training instructor for the Army & Air Force Exchange Service in 1989. Prior to joining McAfee & Taft, she worked as a litigation paralegal and legal assistant for law firms in Delaware, Oklahoma and Arkansas. Othon holds a business administration degree from the University of Maryland and is certified in medical transcription.

W. Casey Gray Joins Andrews Davis

Casey joined the firm in 2016. His practice areas include Oil and Gas Law, Real Estate, Energy & Natural Resources, Environmental Law, Alternative Dispute Resolution and Mediation. Casey’s practice emphasizes oil and gas title examination, oil and gas regulatory matters, well acquisition due diligence, and the preparation of drilling title opinions and division order title opinions.

He has been admitted to practice in the Oklahoma Supreme Court and all Oklahoma District Courts, as well as the United States District Court for the Western District of Oklahoma. Mr. Gray is a member of the Oklahoma City Mineral Lawyers Society, Young Professionals in Energy, and the Oklahoma Bar Association (Energy and Natural Resources Law, Real Property Law, and Environmental Law Sections).

Casey graduated from the University of Oklahoma with a Bachelor of Arts degree in Letters. He then went on to study law at Vermont Law School and graduated with a Juris Doctor and a Master of Environmental Law and Policy, with honors. Casey grew up in Oklahoma, but chose to attend Vermont Law School due to its position as the top law program in the area of Environmental Law. During law school, he was an editor and contributing author of the American Bar Association’s 2010 Year in Review, and a student clinician in the Environmental and Natural Resources Law Clinic. Prior to practicing law, Casey worked as a Landman in the Mid-Continent Region.

Helms & Underwood Announce New Associates

Helms & Underwood is pleased to announce that Lake J. Hann and Joshua K. Riley have become associates of the firm. Mr. Hann graduated from OU Law School in 2015 and will be concentrating in the areas of employment law and civil litigation. Mr. Riley graduated from OCU Law School in 2015 and will be concentrating in the areas of business law, family law, and civil litigation.

Helms and Underwood Announce New Partners

Helms & Underwood is pleased to announce that Tiffany K. Peterson and Glenn K. Brown have become partners of the firm. Mrs. Peterson graduated magna cum laude from OCU Law School in 2012 and will be concentrating her practice in the areas of civil litigation, appeals, business transactions and oil and gas. Mrs. Brown also graduated magna cum laude from OCU Law School in 2012 and will be concentrating her practice in the areas of family law (including adoptions), probate and civil litigation.

GableGotwals Announces New Shareholders

With over 90 attorneys, GableGotwals has announced the promotion of one associate attorney and three of counsel attorneys to shareholder status. The new shareholders include Sara Barry, Brandon Bickle, and Philip Nixon who are located in Tulsa and Leo Portman who practices in Oklahoma City. The Firm now has offices in Tulsa, Oklahoma City and San Antonio, Texas.

Sara E. Barry counsels clients on corporate formations and reorganizations, contract review, mergers and acquisitions, real estate transactions and estate planning. Her areas of focus include Corporate and Business Organizations, Commercial Law, Mergers and Acquisitions, Securities and Corporate Finance, Trusts and Estates, Employee Benefits and Real Estate. Sara was named a Rising Star by Super Lawyers in 2008.

Brandon C. Bickle regularly advises clients on a variety of business matters, including contract and loan disputes, construction disputes, collections, loan workouts, and bankruptcy matters. Brandon’s practice is focused broadly in the area of general commercial litigation, with an emphasis on collections, foreclosures, and bankruptcy. Brandon has been named a Rising Star by Super Lawyers in the areas of Business Law, Bankruptcy, and Commercial Litigation.

Looking for an affordable, businesslike and comfortable place for lunch, dinner, drinks, business meetings, social events, large or small, join The Beacon Club.

24th Floor
Oklahoma Tower
www.beaconclub.net
405-239-2461
By Roscoe X Pound

So this month I’m going to exercise a bit of editorial privilege to the extent Judge Walke will allow it. Instead of answering questions from my legions of fans and admirers (the ranks of which, the aforementioned jurist tells me, have now swelled to three) I’d like to weigh in on a point of personal interest.

In the January 16, 2016 edition of the OBAJ, my friend Garvin Isaacs has authored a piece entitled Will We Let History Repeat Itself? If you haven’t read it, you really ought to. In it, Garvin talks about the abolition of the Judicial Nominating Committee and the prospect of politicizing the appellate courts. Pay particular attention to his admonition that:

“It is time for us as lawyers and members of the Oklahoma Bar Association to stand up for a judicial system free from any influences caused by campaign contributions.”

I agree. In addition, the influences brought to bear on the judiciary do not stop with campaign contributions. An appellate court—the unique lawmaking stop with campaign contributions. An appellate court to the demands of popular opinion stands anathema to their role of public educators to raise public awareness that the very unaccountability of the appellate courts a demagogue may Co-assail constitutes their own best hope for the preservation of rule of law.

I believe we live in dangerous times. In the aftermath of the oral arguments in King v. Burwell, President Obama announced that for the court to overturn his health care process would constitute judicial activism; the Republican front runner du jour has flatly declared the President is not bound by Supreme Court decisions; the First Amendment has been weaponized; and State courts and legislators actively seek to defy and nullify binding federal precedent. This is not the time for passivity on the part of the Bar.

***

I’ve enjoyed several days off at home and we walk into the forest aways, and we say sure. So he takes us to this place on the road and see some gorillas in the wild. All kinds of animals. Now, you know Ernie. He never says a word unless he think he thought it was all kinda cool. He never says a word unless he think he thought it was all kinda cool.

“So the guide asks do we wanna go off-road and see some gorillas in the wild. We say sure. So he takes us to this place and we walk into the forest aways, and we see all these gorillas there. Then the guide holds up his hand and motions we need to be quiet. And then he shows us, between us and the gorillas, three poachers. So he raises his rifle, then looks over at us. He looks at them, then looks at us again He’s trying to figure out if he wants to take the shot with us paunchy, middle-aged Americans. So he finally shakes his head and mutters “not today.” Then he has us back off.

“About halfway to the Land Rover we realize Ernie ain’t with us. We turn around and start to go back, and we hear five shots. Ernie comes sauntering out like he’s strolling in the park. “What about the poachers?” the guide asks. Ernie shakes his head and says “douchie bags.” We come to find out he took out all three.”

Tony shook his head and headed for the exit, his personal bodyguard and Lenny sticking close. After a while, I managed to confirm the shooting went down pretty much the way Tony had said. They still has Ernie in surgery. I took a seat and waited.

After a few minutes a doctor came out and dropped into a seat nearby. He still wore his surgical mask, his scrubs bloody. He nodded a tired greeting, which I returned.

“It’s been awhile since I’ve operated on anyone. Thank God I haven’t lost the touch.”

I looked over at him as he removed his mask. It was Enver Koleka.
of Business Litigation and Bankruptcy & Creditor/Debtor Rights. Philip D. Dixon represents the interests of clients in a variety of legal matters including construction, environment, insurance, health care, general litigation and appeals and review of the same. Philip is an AV Preeminent attorney with Martindale-Hubbell and a Super Lawyers Rising Star. He currently serves as co-chair of the Health Law section for the Tulsa County Bar Association.

Leo J. Portman, an Oklahoma City attorney, brings over thirty years of experience to GableGotwals in the areas of title examination and oil and gas law. He also practices in the areas of corporate liquidation, wealth management for families and businesses, and with business management and asset transactions. With over 30 years practicing law, Leo is well known in the legal and civic communities for his leadership in a variety of private and nonprofit organizations.

Phillips Murrah law firm appoints Director as new Practice Group Leader

Phillips Murrah Director Joshua L. Edwards has been named as the Practice Group Leader of the Firm’s Transactional Practice Group. Edwards is a corporate attorney who represents clients in a broad range of commercial transactions, including private securities offerings and venture capital financings, mergers and acquisitions, real estate transactions, and commercial finance. Edwards joins Director Lyndon W. Whitmire, who is the Litigation Practice Group Leader.

Phillips Murrah law firm elects new member to Executive Committee

The Phillips Murrah Board of Directors has elected Director Dawn M. Rahme to the Firm’s Executive Committee. Rahme previously served as a Practice Group Leader for the Firm’s Transactional Practice Group. Rahme represents individuals and businesses in an array of transactional matters focusing on assisting corporations, partnerships and individuals in general tax planning.

McAfee & Taft elects six new shareholders

The shareholders of McAfee & Taft have elected attorneys Jeremy M. Black, Jodi C. Cole, Laura J. Long, Kristin M. Simp森, Joshua W. Solberg, and J. Todd Woolery as fellow shareholders, effective January 1, 2016. The announcement was made by managing director Michael Larderdale.

Jeremy M. Black is a tax lawyer whose practice covers federal and local tax planning for businesses as well as individuals, tax structuring of complex business transactions, entity selection and related tax analysis, Section 1031 tax-deferred exchanges of property, and general business advisory services.

Jodi C. Cole is a trial lawyer whose practice primarily focuses on matters affecting the energy industry, including the defense of oil and gas companies in class action royalty lawsuits as well disputes involving environmental claims, quiet title, lease cancellation, bodily injury, and property damage. The transactional portion of her practice involves negotiating and oil and gas leases and industry-related agreements.

Laura J. Long is a trial lawyer whose practice encompasses energy litigation and complex business litigation, including local and multi-state class actions, mass actions, and federal and state litigation. She also advises clients in a variety of industries in matters involving intellectual property, contract disputes, personal injury, and creditor’s rights, including liens, foreclosures and bankruptcy.

Kristin M. Simp森 is a trial lawyer whose practice focuses primarily on oil and gas litigation. Her practice is focused on labor and employment law and general civil and business litigation, including the resolution of matters involving contract disputes, construction matters, insurance-related disputes, and condemnation actions. In addition to her private practice, she also serves as a volunteer attorney for Oklahoma Lawyers for Children.

Joshua W. Solberg is a trial lawyer who counsels and represents businesses in all areas of labor and employment law, including litigation matters involving all types of wrongful discharge claims, wage and hour disputes, unemployment claims, employment contracts, and other disputes arising from the employer-employee relationship.

J. Todd Woolery is a lawyer whose broad-based practice is concentrated on litigation and transactional matters affecting the oil and gas, manufacturing, and renewable energy industries. As part of his practice, he also serves as outside general counsel for an oilfield service provider and a manufacturing company.

OU Law Announces Endowed Scholarships in Energy Law

The University of Oklahoma College of Law is pleased to announce two endowed scholarships for students with a demonstrated interest in energy law. The Mahaffey & Gere Endowed Scholarship and the Owen L. Anderson Endowed Scholarship are both $100,000 or more and will each generate approximately $5,000 annually to be awarded to outstanding and deserving students.

With a gift of $105,000, Mahaffey & Gere, P.C., a full-service energy law firm in Oklahoma City, established the Mahaffey & Gere Endowed Scholarship. Mahaffey & Gere, P.C. holds a reputation as one of Oklahoma’s premier energy law firms.

Attorneys at the firm, many of whom are OU Law graduates, specialize in energy law, petroleum exploration and development contracts and oil and gas litigation.

In fall 2016, the Oklahoma College of Law, the University of Oklahoma College of Law, and the Oklahoma State University’s College of Law joined forces to establish a new energy law program. As part of the program, the school offers a Master of Laws degree in energy law and natural resources through its John B. Turner LL.M. Program, along with certificates in both areas as well.

Phillips Murrah law firm names four new Directors and Shareholders

Phillips Murrah expanded its group of Directors from 31 to 35, promoting Associate Attorneys Bobby Dolatabadi, Melissa R. Gardner, Patrick L. Humm, and Clayton D. Ketter to Shareholders. Dolatabadi represents clients in Commercial Real Estate; Gardner’s practice focuses on Oil and Gas Transactions; Humm specializes in Complex Litigation matters; and Ketter’s practice has a strong emphasis on Financial Restructuring.

Crowe & Dunley attorney makes “30 Under 30” list

Crowe & Dunley attorney Ruth J. Addison was recently named a recipient of the “30 Under 30 (30/30 NextGen Award” from Jon Oklahoma Online, a digital online magazine showcasing Oklahoma’s lifestyle, culture and entertainment. The awards recognize the next generation of innovative, creative and inspiring individuals who push the boundaries beyond their years in all areas: arts, entertainment, business, media, sports, technology and more. A panel of business and civic leaders served as judges and selected the top 30 from submitted nominations.

Addison is associate in the Litigation & Trial, White Collar, Compliance & Investigations, Labor & Employment and Administrative & Regulatory practice groups in Crowe & Dunley’s Tulsa office. As a trial lawyer, she regularly represents individuals and businesses in white collar defense and compliance matters. In the white collar criminal defense arena, Addison represents clients in federal and state court on criminal charges and during grand jury investigations.


Addison received her Juris Doctor from the University of Oklahoma College of Law and holds a bachelor’s degree in government from Oral Roberts University in Tulsa. An active member of the Oklahoma Bar Association and the Tulsa County Bar Association, Addison is heavily involved with the Diversity Committee for both organizations. She is also an adjunct professor of paralegal studies and criminal justice at Brown Mackie College.

Local, Addison serves as a member of the board of directors for Palmer Continuum of Care, Inc., a non-profit organization and Tulsa is a member of both the Junior League of Tulsa and Tulsa Young Professionals.

Trial lawyer Robert Stell joins McAfee & Taft

McAfee & Taft has announced that seasoned trial lawyer and former corporate legal executive C. Robert Stell has joined its Energy and Oil & Gas Group.

Stell has more than 20 years of experience representing oil and natural gas companies of all sizes, including independent producers and Fortune 500 corporations and their subsidiaries, at the state, federal and appellate court levels in cases involving oilfield environmental contamination claims, class action royalty payment disputes, lease challenge and cancellation claims, title disputes, injury and tort claims, and breaches of oil and gas contracts. He also advises clients on regulatory and operational matters.

Before joining McAfee & Taft, Stell served as vice president and associate general counsel for one of the nation’s largest oil and gas companies, and for a leading production company, where he was responsible for managing oil and gas litigation and other legal matters in eight U.S. states. His career experience also includes working as a trial lawyer in private practice for 17 years.

Stell is a 1994 graduate of the University of Oklahoma College of Law and a member of the Oklahoma County Bar Association, Oklahoma Bar Association, and Mineral Lawyers Society of Oklahoma City.

Election of New Officers for Oklahoma Chapter of American Board of Trial Advocates

Gary B. Homsey, 2015 President Oklahoma Chapter of American Board of Trial Advocates, announced the election of new officers for 2016 at the Annual meeting and Awards Banquet held at the Mayo Hotel in Tulsa January 23, 2016. The officers are James Jennings, President; Bradley West, Vice-President and Michael Jones, Secretary. Supreme Court Justice Douglas Combs was the speaker and District Court Judge Joe Sam Vassar was Judge of the Year.

Hall Estill Adds Reed Smith Partner Leah Rudnicki as Oil and Gas Practice Expands

Hall Estill is expanding its Oil & Gas practice with the addition of Leah Rudnicki to the firm’s Oklahoma City office.

Rudnicki, who was most recently a partner at Reed Smith in Houston, is an experienced native who graduated from the University of Oklahoma College of Law in 2001.

Less than 10 years after law school, Leah was president of a private independent oil and gas operator with operations assets in Oklahoma and Texas. Under her
management, the business grew from 17 operated wells in Oklahoma to nearly 300 operated wells in Oklahoma and Texas and from two to more than 30 employees.

As a litigator in private practice, Leah has represented, counseled and advised a diverse range of clients, from small independent businesses to Fortune 500 companies in various disputes in front of state courts, federal multi-district panels, arbitration panels, and local and federal administrative agencies. Most recently, her practice has focused on general advice, litigation, and dispute resolution for oil and gas clients, including, landowner/joint venture disputes, drilling in city limits, alleged breach of joint operating agreements and lease agreements, issues related to horizontal drilling, fracking and disposal wells (water pollution/earthquakes), and royalty/JIB accounting disputes.

Leah previously worked as in-house litigation counsel for a Fortune 500 oil and gas services company. In this position, she advised the company’s corporate litigation department and health, safety, environment, and security departments on a wide range of issues, including responding to potential new regulations affecting the oil and gas service industry. She was instrumental in updating, implementing, and communicating internal policies, preparing a strategy for effectively managing a national toxic tort docket and assessing successor liability claims.

Leah said she has always considered the Sooner State her home and is happy to return with her husband Ray and their two children.

GableGotwals Welcomes New Shareholder

GableGotwals welcomes Philip A. Schovanec as a shareholder in the Oklahoma City office. Philip brings two decades of legal experience to his practice at GableGotwals. His practice focus will be civil litigation and transactional law, with an emphasis in energy and oil & gas law. Schovanec earned his Juris Doctor from the University of Oklahoma College of Law in 1991 and his undergraduate degree from Oklahoma State University in 1989.

OBA Members Elected to The Senior Law Resource Center Board of Directors

William J. Bergner, Sr., Executive Director of The Senior Law Resource Center (SLRC), a non-profit organization which assists qualifying seniors with legal issues, is pleased to announce that at its January 2016 board meeting, the following OBA members were elected to the Board of Directors, Shannon Taylor, President; Isai Molina, Vice President/Secretary; Joe Crosthwait and Kevin Kelley, board members. Also elected to the board as Treasurer was CPA, Gail Meltzer. The SLRC has been assisting seniors with legal issues since 2006 and in 2015 began a free legal clinic to assist pro se litigants in probate and guardianship proceedings in Oklahoma County.

OCU LAW STUDENTS PROVIDE SERVICES TO THE CITY

Starting this Spring, OCU Law is launching the Norick Municipal Law Research Clinic. The Clinic is working with the Oklahoma City’s Municipal Counselor’s Office to answer research questions proposed by its lawyers.

As the Counselor’s Office advises City officials in a variety of areas, students are assigned to research topics from criminal justice, to land use and economic development, to utilities.

The Clinic is headed up by Professor Lee Peoples whom has spent the last couple years organizing the project. According to Peoples, the Clinic is unique from any other law school clinic in the country, and fits well with OCU’s strategic plan of being “the city’s law school.” Inspired by conversations with Oklahoma City officials, the Clinic is named after former Oklahoma City Mayor Ronald Norick.

According to Peoples, the Clinic is unique from any other law school clinic in the country, and fits well with OCU’s strategic plan of being “the city’s law school.” Inspired by conversations with Oklahoma City officials, the Clinic is named after former Oklahoma City Mayor Ronald Norick.

The curriculum includes an initial student meeting with an assigned attorney at the Counselor’s Office (a “client meeting”), drafting a comprehensive research memorandum, and providing an oral presentation to the student’s assigned attorney at the end of the semester. In addition to course credit, students may also fulfill their upper-class writing requirement or their practical skills requirement.

OCU students have also recently formed the Economic Development Law Group, which for Professor Peoples is the faculty supervisor. According to student Mathew Hawkins, the group “was formed to facilitate positive growth of Oklahoma communities.” The group works closely with the Urban Land Institute (“ULI”) and introduces students to issues and professionals in many aspect of real estate development.

NOMINATIONS from PAGE 1

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

No special form is required to make the nomination, but a form is available on the OCBA website at www.okcbar.org under the OCBF tab. Please keep the following in mind when making the nomination: The entire nomination – letter, supporting materials, clippings, seconding letters and attachments included may be no longer than five single-sided, 8 ½ “ x 11” pages. No exceptions. The nomination must contain contact information of the nominating individual including verifiable information as to the qualification of the individual to make the nomination and the Nominee’s qualification to receive the Award.

Quote of the MONTH

First they came for the Jews and I did not speak out because I was not a Jew. Then they came for the Communists and I did not speak out because I was not a Communist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for me and there was no one left to speak out for me.

— Martin Niemoller - Pastor - 1892-1984
Oklahoma County Bar Association
ATTORNEY PLACEMENT SERVICE

A GREAT OPPORTUNITY for attorneys seeking employment!
A GREAT WAY for law firms to find qualified attorneys!
Each candidate will be thoroughly screened by an employment specialist
ALL APPLICATIONS AND POSITIONS KEPT CONFIDENTIAL

For more information please contact
Pam Bennett
405.235.4399
or email to pam@okcbabar.org

For an application packet go to
www.okcbar.org