Young Lawyer’s Division Gives Back

By Benjamin Grubb

The Oklahoma County Bar Association’s Young Lawyer’s Division spent two weekends in June remodeling the family room at the Salvation Army’s Chesapeake Energy Center of Hope in Oklahoma City. The facility, opened in 2015, provides residential housing, laundry facilities, common rooms, meeting areas, and a food pantry to the neediest members of our community. Each night, the facility houses more than 100 Oklahomans.

Last year, the YLD decorated the reading room at Adams Elementary School in Oklahoma City to match their favorite Thunder players’ countries of origin. After visiting the Center of Hope earlier this year, it became clear to YLD directors Kristin Meloni and Kelly Kress that the facility’s family area needed an upgrade. “We saw a room with bare walls, chipping paint, and inadequate seating,” said Meloni, “We knew the YLD had experience with revitalizing spaces; we wanted to bring that experience to the Center of Hope.”

The YLD purchased wall décor, additional rocking chair seating for the family area, new toys for children to enjoy, and a new card and game table for the men’s wing. From June 3 to June 11, 2017 YLD refreshed the paint in the family area, assembled seating, and decorated the space. “The Oklahomans visiting the center deserve a place that feels like a home,” said Ruff. “We hope the YLD’s contributions help comfort them during their time of need.”

Volunteer opportunities are available at http://salvationarmyokcac.org/volunteer/. To volunteer, contact our Volunteer Coordinator Liz Banks at 405-246-1107 or liz.banks@uss.salvation-army.org.

According to their bylaws, the Young Lawyers Division of the OCBA held their elections for officers prior to July 1. Officers for the upcoming year are: Cody J. Cooper, Chair; Benjamin Grubb, Chair-Elect; Amber Martin, Vice-Chair; Merideth Herald, Past Chair; Kristin Meloni, Secretary; and Ashley Warshell, Treasurer.

YLD STRIKING OUT HUNGER BOWLING TOURNAMENT
August 17, 6 p.m.
Heritage Lanes, 11917 N. Pennsylvania
$40 per bowler
Lots of prizes & fun!
ALL PROFITS GO TO REGIONAL FOOD BANK
JUDGE BRYAN DIXON: A LEGACY OF JUDICIAL SERVICE

By: Shanda McKenney

The majority of actively practicing trial lawyers in Oklahoma County cannot remember a time when Judge Dixon was not on the bench. After more than 34 years as a Judge, he has become a fixture at the courthouse and it is difficult to imagine the place without him. Judge Dixon loves his job and would stay, indefinetly, if the retirement system had not caught up with him. After presiding over 667 jury trials, his last day in the office will be August 31, 2017.

Judge Dixon got his start in the Mid-Del area of Oklahoma County and began his judicial career as a municipal judge in Del City. Both prior to and during that time, he had a general civil practice in the Mid-Del area, often sharing office space with other attorneys. He had about 7 years of practice under his belt when he was appointed to the District Court bench. Since that time, his career has netting him more honors and accolades than can be mentioned in the space available.

It is only natural that Judge Dixon have some entertaining stories as a result of his decades in the courtroom. He recalled one competency trial where, upon introducing the parties to the jury, the defendant proceeded to moon both the jury and Judge Dixon following initial introductions of the courtroom players. The defendant was found competent, as the jury apparently believed he understood the nature of the proceedings, due to the specific targets of his mooning. He also earned an extra six months to do for contempt, which was tacked onto his eventual sentence.

The saddest case Judge Dixon ever presided over was a small claims proceeding. The father sued his son for about $40.00. The son explained that the loan was to pay for flowers for his baby’s funeral. The son then gestured to his very pregnant wife at the back of the room and stated that they did not have the funds to repay the loan at that time, and if the father continued to press the case, the son would make sure he never met his coming grandson. Judge Dixon asked the father if he wished to proceed, and he stated he did. The son and his wife left the courtroom and the father received his judgment. Judge Dixon still cannot comprehend why anyone would risk losing their family over a $40.00 debt.

A similarly disappointing matter involved a dispute between brothers over their family’s extensive landholdings and considerable wealth. The case remained pending for many years and was bitterly fought. Judge Dixon was encouraged when the parties got very close to settling the matter, but those discussions eventually fell apart and not long after, one of the brothers committed suicide. The other brother committed suicide, as well, about a year later. Judge Dixon says that lawsuits between family members and members of church congregations tend to be the hardest for him because of all of the intense emotions that are involved.

Thanks to one small claims trial and a “killer” chocolate cheesecake, Judge Dixon and his wife, Margaret, have now been married for 32 years and have two grown children. Their daughter holds a Master’s Degree in Geology from OU and their son was recently sworn in as a member of the Bar and currently practices with Durbin, Larimore & Bialick. Judge Dixon’s plans for retirement include traveling and staying busy with his extracurricular judicial activities through both the State and County Bar Associations. He also currently serves as Treasurer of his Kiwanis Club and he and his wife are very active with St. Luke’s Methodist Church. The 8th floor of the courthouse will never be quite the same without his dry sense of humor and pragmatic approach to pushing along sometimes recalcitrant litigants. However, after more than 34 years, this is a retirement well-earned and we all wish him the best.

JUDGE ROGER STUART SET TO RETIRE

By: Shanda McKenney

After 22 years on the bench, Judge Roger Stuart will be trading in his black robe for a “honey-do” list this August. His last day on the job will be July 31, 2017.

Judge Stuart grew up in Del City and graduated from law school in 1978. He went to work as an Assistant District Attorney under Andy Coats, where he received a massive amount of jury trial and general courtroom experience. He is proud of his win/loss record, but it didn’t occur to him until much later that as the State, he probably should have won all of his trials. From the Oklahoma County DA’s office, he moved on to a short stint as in-house counsel at Kerr-McGee, then landed at the U.S. Attorney’s Office under David Russell. From there, he was wooed to the Department of Human Services, where he practiced medical malpractice defense until 1995. In 1995, Judge Stuart was hired as a Special Judge and assigned to the Juvenile Docket. He had never set foot in juvenile court until the day he was sworn in, when he presided over a docket that same afternoon. He credits his ability to handle this steep learning curve to dedicated prosecutors and public defenders who showed him the ropes and taught him the law. Judge Stuart handled both deprived and delinquent cases and appreciated the opportunity to hopefully be a blessing to that person before him, on that particular day. When Justice Gurich was appointed to the Oklahoma Supreme Court, Judge Stuart applied for her vacated District Court seat. He was Governor Fallin’s very first judicial appointment in January, 2011 and has handled a general civil docket since that time.

Judge Stuart did not understand or appreciate the work of judges until he became one. He claims that being a judge is the “best job ever” for a lawyer and he continues to be amazed that he was given the opportunity to serve in that capacity. This position also gave him the credentials to teach Juvenile Law as an adjunct professor at OCU. He is forever grateful for his time on the bench in Oklahoma County, but there is a time for everything, and he believes it is his time to step aside.

Given the significant number of judicial retirements that have recently been announced, Judge Stuart offered some advice for the new crop of justices. First, don’t take yourself too seriously. Second, don’t get over-confident or start to think that you know everything about a given subject – chances are, the lawyers presenting their arguments likely know more about the topic they’re arguing than you do. Finally, don’t be afraid to hold the parties accountable on discovery disputes, as most of the time they will voluntarily iron out their disagreements if the Court forces them to discuss their differences.

Judge Stuart and his wife, Jan, have been married for 37 years, have two daughters and a son, and 5 grandkids, ages 1-9. He and his wife have lived in the same house for 33 years, so he will spend the initial few weeks or months removing and replacing the back deck he originally installed three decades ago, then doing some general updating. Once the “honey-do” list is caught up, he foresees many epic road trips with his grandkids, hopefully not of the Clark Griswold variety. Good luck, Judge Stuart – the lawyers of Oklahoma County wish you well.
Dear Oklahoma County Bar Association

I’m going to do something now that I’ve never really done before. I’m going to dispense with this column’s usual format of responding to questions sent by you gentle readers, and you’ll have to wait a bit to learn more about our current story arc, which is one involving some hard topics of bullying, privacy, stalking, and domestic abuse.

It was a Sunday. Father’s Day in fact. As per my custom, I attended early service which let us just in time to catch my favorite bakery as it opened. I picked up some hot rolls and Danishes and brought them home, relishing “first pick” and some quiet time before the rest of the family got up and around. A story on page one of the paper jumped out and hit me like a slug in the gut. Seriously. I ended up in a sort of half-stand-up from my chair, involuntarily lurching forward.

Nabra Hassanen, a 17-year-old Virginia girl had come to town with some friends, apparently a matter of custom among Muslim kids ending their fasting for Ramadan. According to the news, they had just come from an early morning service at their mosque. On the way back, they were accosted by a guy with a baseball bat. The kids wisely ran. Nabra, however, tripped and was accosted by an action or event. Sometimes it’s rage at a remote object, such as that inspired by, say, a remote job, on the other hand, it's a choice, often

To me, this was a very profound statement. It is further noted: “When the average man loses his money he feels he has been robbed of something his benefic one feels should be theirs. Teddy Roosevelt captured this feeling quite well in the Twentieth Century when he observed: ‘[W]hen the average man loses his money he is something like a wounded snake and strikes right and left at anything, innocent or the reverse. That presents itself conspicuously in his mind.’ Rage has both biological and social components. Hate, on the other hand, is a choice, often learned and nearly always contagious. No less a team of renowned psychologists than Rodgers and Hammerstein had the right “You’ve got to be taught before it’s too late...to hate all the people your relatives hate.” Sometimes, the learning process insofar as acting upon one’s hate is accelerated or accentuated by examples or social cues.

As someone in the trenches day after day, To me, it doesn’t matter whether we label this act as “rage” or “hate.” The fact that the victim and other young ladies in the group wore distinctive cultural garb makes a decent case for the latter, as does the vandalism of her memorial a few days later. One may quibble over the semantics, but we cannot deny the likely effect upon communities of youth, women, or Muslims. In the broader sense, though, the choice of noun does make a difference. True rage, like anger, is an often extreme feeling triggered by an action or event. Sometimes it’s rage at a remote object, such as that inspired by, say, the frustration of employment prospects or income prospects. Especially we see what seems to be some amorphous other reaping a benefit one feels should be theirs. Teddy Roosevelt captured this feeling quite well in the Twentieth Century when he observed: “When the average man loses his money he feels he is something like a wounded snake and strikes right and left at anything, innocent or the reverse. That presents itself conspicuously in his mind.” Rage has both biological and social components. Hate, on the other hand, is a choice, often learned and nearly always contagious. No less a team of renowned psychologists than Rodgers and Hammerstein had the right “You’ve got to be taught before it’s too late...to hate all the people your relatives hate.” Sometimes, the learning process insofar as acting upon one’s hate is accelerated or accentuated by examples or social cues.

So why bring this up here in the pages of a legal publication? The legal profession embodies the rule of law and civility stands as a bedrock principle of the profession. Many today lament the decline of civility in our society as a whole. As one reporter put it: “the ugly political discourse of the U.S. election that did not end on Election Day — and in many ways it has gotten worse, turning into a social crisis.” Amy La Porte, Spike in hate crimes prompts special NY police unit, CNN, November 21, 2016. The legal profession cannot allow itself to become a microcosm of the decline of civility, but must lead in its re-ascension. As Mr. Justice Berger once observed: “The necessity for civility is relevant to lawyers because they are the living exemplars — and thus teachers — everyday, in every case, and in every court, and their worst conduct will be emulated more readily than their best. It is further noted: “Lawyers are particularly well suited to help address this problem. We are leaders throughout our society, and as such have a unique capacity to influence the character of public discourse. We set the tone for the debate with the advice that we give to clients, friends, and others who seek it. We have the gravitas, and often the platform, to be heard. Just as we have a voice, lawyers also have a choice: We can encourage a destructive tone that results in rancor, divisiveness, and public decision-making by power rather than reason. Or we can encourage the use of language and tone that is less divisive and more conducive to substantive discussion and rational decision-making. By encouraging more constructive civil discourse, we honor the profession’s most noble call, to statesmanship.

R. Wayne Thorpe (Chair, Section of Dispute Resolution), Report to the House of Delegates: Resolution 108, American Bar Association, August 2011.

Do I believe that increased civility in the legal profession will prevent further rage and hate based conduct in the greater society? Debatable. But it’s a great start and a professional duty. Better to light a candle where you are than curse the darkness in the world at large. The last time I felt this dark was in 2007. While the world at large, myself included, enjoyed the spectacle of the Super Bowl and those whacky commercials, security footage showed 11 year old Carlie Brucia overpowered and abducted, later to be found murdered. Within 24 hours or less, her story was largely eclipsed, and relegated to the Gehenna of “yesterday’s news,” by an entertainer’s “wardrobe malfunction.”

We can’t do a thing for Nabra Hassanen or her grieving family. But we can, at least honor her memory as we honor the legal profession’s unique position and mandate to serve as a shining exemplar for good.
July 14, 1917
One Hundred Years Ago
[Excerpted from: Estes v State, 1917 OK CR 139, 166 P 77.]

The plaintiff in error, T.J. Estes, was convicted in the county court of Bryan county on a charge of selling intoxicating liquor, and appealed to this court for a reversal of the judgment.

The information first filed charged the plaintiff in error with the sale of a certain liquor or compound known as Vina Vita to one Dave Le Flore, and that the liquor or compound was capable of being used as a beverage, and contained more than one-half of 1 per cent. of alcohol.

An amended information was filed which charged the sale of five quarts of intoxicating liquor or compound commonly known as Vina Vita to Dave Le Flore.

It will be noted that in the former information the charge was based upon the liquor held to be intoxicating liquor by the accused, and upon it containing more than one-half of 1 per cent. of alcohol. In the latter the information simply charges the sale of intoxicating liquor.

The testimony offered by the state was from one witness, Dave Le Flore, the party to whom the sale was made. He testified that he lived in Oklahoma City, and had known B. Harrington, in which city he had lived, and upon it containing more than one-half of 1 per cent. of alcohol. In the latter the information simply charges the sale of intoxicating liquor.

The testimony offered by the state was from one witness, Dave Le Flore, the party to whom the sale was made. He testified that he lived in Oklahoma City, and had known B. Harrington, in which city he had lived, and upon it containing more than one-half of 1 per cent. of alcohol.

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No municipality and no court of this state has the right to place itself between the individual and Almighty God when such individual is engaged in a conscientious act of worship, unless such individual, by such act of worship, violates the laws of morality or proper or personal rights of another; and before the court should interfere it should be plain that the form of worship carried on by the accused is such as to bring it within the prohibition.

We think the ordinance in question as applied to the defendant prohibits his religious worship. The ordinance in question, as we construe it, prohibited all worship in the following words: "It subjects his work to the approval of the city officer. A rabid, intolerant clerk could make it impossible for any minister or priest or religious worker to pass out prayer books, Bibles, or other literature of his denomination, unless such applicants for permits believed as the clerk believed. If such ordnance were valid as the law of the land, then any municipal council could pass ordinances which would throttle, thwart, and stifle acts of worship and religious teaching.

The city has not appeared before this court, and, as far as the record disclosed, no proof was offered in the county court to show that the religious acts of the defendant, as he professed them, were contrary to the public peace, order or safety.

Defendant was tried by a jury of eleven men of the Common Pleas of Tulsa County, Oklahoma. This is an appeal from the Court of C.C.P. of the Okmulgee County, Oklahoma, where the defendant was convicted of violating the ordinance. The trial was before Judge Black, and is reversed.

The ordinance defined "obscene" and "depraved" and "prurient interest" as follows: "`Obscene' shall mean any literature or any material, as that term is defined by United States Supreme Court in Roth v. State, 354 U.S. 476, 480, 77 S.Ct. 1304, 1308, 1 L.Ed.2d 1430 [350 F.2d 155]: `Due process of law' would be required to show that the motion picture appealed to the `prurient interests'; nor did he attempt to show that it appealed to the `prurient interests' of any of the spectators who were present in the theatre when he viewed it. In fact, the State did not introduce any testimony whatsoever, or make any effort to show that the film appealed to anyone's prurient interests. Instead, his testimony was that the film was shown to the jury, then, based upon the trial court's instructions, the jury was left to speculate. In this case, therefore, the main question is one of proof sufficient to sustain the conviction.

Some proof should have been offered to demonstrate prurient appeal, thereby supplying the fact-finder with knowledge of what appealed to prurient interest so that they have some basis for their conclusion, when applying the provisions of the Statute. Juries should not be left to `pure speculation', or `guess work', in order to decide a verdict. This is especially true when a man's freedom is involved, even for ten days. In the present case, there was no basis whatsoever upon which the jury could recognize any appeal to the prurient interests of any class of people. They had no opportunity to judge the film shown to them other than on their own speculation, as to what they thought might consist of `prurient interests'.

As Justice Moore stated in the Klaw case, [350 F.2d 155]: `Due process of law' would be a meaningless cliche if the nonsensical trash that is the subject of this prosecution were allowed to be the basis of a conviction by jury or jury without any proof demonstrating that it has the proscribed effect on any of our citizenry.

We accept the rule set out in Cook v. State, 346 U.S. 184, 202, 84 S.Ct. 1676, 1685, 12 L.Ed.2d 793, 806, wherein Mr. Chief Justice Warren said:

"As a result, courts are often presented with procedurally bad cases and, in dealing with them, appear to be acquiescing in the dissemination of obscenity. But if the cases were well pressed and were brought with appropriate concern for constitutional safeguards, courts would not hesitate to enforce the laws against obscenity. Thus, enforcement agencies must realize there is no royal road to enforcement; hard and conscientious work is required.

For the reasons stated herein, this case must be, and is reversed.

July 14, 1992

[Twenty-Five Years Ago]

Plaintiff sued for extortion, loss of corporate opportunity and fraud. The trial court sustained Defendant Reherman’s motion to dismiss and summary judgment was granted to Defendant Higgins. Because we find that the plaintiff’s petition establishes the illegality of the transaction sued upon, we affirm the trial court.

The statement of facts is taken from plaintiff’s petition. Reherman and Higgins vigorously deny the allegations set out in plaintiff’s petition. An-Cor, Inc. is an Oklahoma corporation formed for the purpose of developing and constructing a full-service marina on Arcadia Lake, in Oklahoma County, Oklahoma. The defendant Carl Reherman, at all material times the mayor of Edmond, Oklahoma. The City of Edmond through its Public Works Authority, sought proposals for the design, construction, operation and maintenance of a marina on Arcadia Lake. An-Cor constructed a scale model of the proposed marina and met with appropriate city officials, including Reherman. An-Cor alleges that in the course of those dealings, An-Cor became acquainted with Jerry Higgins, who represented himself as an individual particularly influential with the City of Edmond, particularly influential with the Mayor Reherman. Then, and able to secure the lease on the marina for An-Cor. An-Cor states that Higgins represented that he and Reherman had been involved in many other deals that required Higgins to take care of Reherman by paying Reherman in cash out of Higgins’ money and that by doing this Higgins could secure the marina for An-Cor’s bid proposal. Reherman and Higgins deny this.

Higgins suggested that the matter be handled by An-Cor’s contracting with Higgins to consult with An-Cor and represent An-Cor before the city. As a result of these representations, a written contract was entered into between An-Cor and Higgins whereby An-Cor paid the sum of $5,000.00 (later changed to $7,000.00), to be paid to Higgins after funding of the marina was in place and funds were disbursed.

In October 1987, the Edmond Public Works Authority voted to direct the City to enter negotiations with An-Cor regarding a proposed lease for the marina. Two months later, An-Cor and Mayor Reherman negotiated with city officials and demanded an extra $10,000.00 in cash.

Higgins represented that he would “take care of Mayor Reherman” out of the $10,000.00. An-Cor refused to pay the $10,000.00 and Higgins threatened to “kill the deal” if he did not get $2,500.00 in additional payment. An-Cor refused to pay and Higgins filed suit for the $2,500.00 plus the initial payment for the consulting fee. An-Cor made this agreement in an effort to keep its proposal on the marina alive. Higgins later advised that he had paid approximately one-half of the $2,500.00 payment to Reherman in order for Reherman to have “spending money” on a trip to London. Reherman and Higgins deny these allegations.

During the next six months, An-Cor received various communications from the city that An-Cor’s lease would be chosen, then that An-Cor’s lease would not be chosen, etc. Finally, An-Cor’s proposed lease was submitted and placed on the city council’s agenda for August 11, 1987. Mayor Reherman called Higgins and inquired whether An-Cor had paid the money. When Higgins responded in the negative, Reherman replied “that is all I need to know.” At the August 15 city council meeting Reherman made several statements that the lease should be denied, and the city council denied An-Cor’s lease.

An-Cor, an An-Cor official spoke with Higgins about the city council meeting and Higgins implied that the reason the lease was not approved was because the $10,000.00 had not been paid. Reherman and Higgins deny these allegations.

Defendant Carl Reherman strongly denied

See OLIO, PAGE 14
I was recently reminded of the high level of professionalism and respect with which we should treat the American judicial system and each other, when I was sworn in as a member of the Bar of the Supreme Court of the United States. I highly recommend this endeavor should you have the opportunity. As part of an American Bar Association group, I attended the first Monday in June Supreme Court announcement of decisions and swearing-in. In the group were other members of the Oklahoma Bar including another member of the Oklahoma County Bar, two Tulsa lawyers and two McCurtain county lawyers. Coincidentally, I had met almost all of them previously. Happily, the nominator/sponsor for our group read the names of applicants by state of Bar membership and alphabetically. This seemed to add to the high view of the occasion.

On that Monday, decisions were read by Justice Kagan, Justice Alito and two by Justice Sotomayor. They were all unanimous opinions. No 5-4 splits or polarizing disputes on this Monday. OCBA member Kerry Maye keeps track of these things and tells me that over the years the average is just above 80% of decisions are made with 6-3 or higher affirmative votes. Chief Justice Roberts masterfully supervised the session. Afterwards, our group was fortunate enough to have 15-20 minutes with Justice Ruth Bader Ginsburg who answered questions and to have 15-20 minutes with Justice Ruth Bader Ginsburg who answered questions and to have a deep abiding respect for her position, the person she is and the function she fulfills as a Justice of the United States Supreme Court.

As a litigator and trial lawyer, I see lawyers rush into the name of advancing on a regular basis. Also, attorneys comment on social media about jury verdicts and legal issues when they apparently have no factual bases or legal knowledge to support their opinions. I was recently in court before one of our newer Oklahoma County District Court judges and noted several lawyers who did not stand up when making announcements for a motion docket. That was unheard of when I was a young lawyer. If you were the unlucky one who failed to stand up you were usually called out for it in front of the rest. Many of the old rules have gone away, most for the better. However, respect for the judge and the court is important and should not be trivialized. It is likely that all of this conduct contributes to the loss of civility and respect with which we treat each other.

I have included a photo of the John Marshall monument located in the Supreme Court building on the first floor. On our trip we were able to tour several areas of the building and study its history and architecture. Chief Justice John Marshall, although he was the fourth Chief Justice of the Supreme Court of the United States, is widely known for his impact on the Supreme Court and its role in government. His quotes are inscribed in courtyards across the U.S., his name on high schools, his cases foundational studies at law schools, and many of them are easily recognizable, such as: “As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said.”

Seemingly, plain spoken words of clear intent continue to have value 200 years later. Another take away from the Supreme Court tour was that our actions reflect on our profession. The architecture, history and decisions of our highest court parallel the growth of U.S. culture. If you fail to respect our judicial system including judges, jury verdicts and other attorneys, then regular people without law degrees cannot be expected to respect them either. They will follow your poor example of adding to the noise. Justice does not mean that your side wins or that the jury verdict is always in your favor. Justice means that the American judicial process has concluded with a result. Also, our nation’s capital has an abundance of great restaurants and good eating (in case you were wondering).

I recently read in the Washington Post excerpts from Chief Justice Roberts’ commencement speech at his son’s ninth grade graduation from a private prep school Cardigan Mountain School in New Hampshire. His comments generally focused on young men of privilege to be humble and loyal. He hoped they would have adversity in life so that they would know how to handle success. Objectively speaking, it was a very good speech given the age and the audience. A much broader audience than those ninth grade boys, Justice Roberts is in a position of power but may well be sending a much needed mes sage to others.

Treat others with professional behavior and demeanor. I encourage you all to do a better job commenting and posting social media that displays our profession as honorable and respectful. After all, most of us have taken an oath when sworn into the Oklahoma Bar, the federal district court bars, possibly the Tenth Circuit Bar, other State Court Bars and maybe even the Supreme Court of the United States. Those oaths should mean something. For your consideration is the Oklahoma Lawyer’s Creed:

I revere the Law, the System and the Profession, and I pledge that in my private and professional life, and in my dealings with members of the Bar, I will uphold the dignity and respect of each in my behavior toward others. In my dealings with members of the Bar, I will be guided by a fundamental sense of integrity and fair play. I will not abuse the System or the Profession by pursuing or opposing discovery through arbitrariness or for the purpose of harassment or undue delay. I will not seek accommodation for the rescheduling of any Court setting or discovery unless a legitimate need exists. I will not misrepresent conflicts, nor will I ask for accommodation for the purpose of tactical advantage or undue delay.

If I should fail to conduct myself in a manner consistent with the Standards of Professionalism adopted by the Board of Governors, I will strive to be punctual in communications with others and in honoring scheduled appearances, and I recognize that neglect and tardiness are demeaning to me and to the Profession. If a member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, I will not arbitrarily or unreasonably withhold consent.

I recognize that a desire to prevail must be tempered with civility. Rude behavior hinders effective advocacy, and, as a member of the Bar, I pledge to adhere to a high standard of conduct which clients, attorneys, the judiciary and the public will admire and respect.

Michael W. Brewer is an attorney, founder, and partner of Hiltgen & Brewer, PC in Oklahoma City, Oklahoma. To contact Mike, email mbrewer@hbokc.law, call (405) 605-9900 or tweet him at @attymikeb. For more information, please visit www.hbokc.com.

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YOU ARE A PROFESSIONAL, ACT LIKE IT
by Michael W. Brewer

We may have all come on different ships, but we’re in the same boat now.” — Martin Luther King, Jr., civil-rights leader (1929-1968)
The following attorneys were honored at the OCBA Annual Awards Luncheon held on June 16 at the Oklahoma Sports Museum.

60-YEAR MEMBERSHIP AWARDS

James F. (Jim) Davis

Mr. Davis was born in Muskogee, Oklahoma. He received his BA majoring in accounting from the University of Oklahoma in 1955 and his LLB Law Degree from the University of Oklahoma in 1957. Mr. Davis served as Active Duty with the 45th Division from 1957 to 1958. He served again in 1961-62 when the 4002 Headquarters Company activated during the Berlin Crisis, serving as Trial Counsel in the JAGC Section, United States Army. Mr. Davis clerked for the firm of Mosteller Fellers Andrews & Loving prior to graduating from law school. He then joined that firm in 1957. The firm split into Fellers and Snider for one firm and Mosteller and Andrews for the other. He remained with Mosteller and Andrews through many name changes, the longest being Andrews Davis Elam Legg Bixler Misten Murrah and Price. Andrews Davis is the current name and Mr. Davis remained a member of the firm until 2010. Today, he works for only a few clients and for his family members and their entities. His life highlights include practicing for 52 years in the firm and 7 additional years after leaving the law firm. He still practices and enjoys legal work. “Family is the best part of my story.” Mr. Davis has been married to his wife, Kathryn Elliot since 1961 and they have three daughters, Kimberly, Susan and Nancy. He has nine grandchildren and says it gets active and exciting when everyone comes home at the same time. All of his daughters are college graduates, one with an engineering degree, one with a law degree and one with a business degree, majoring in accounting.

Matthew (Matt) M. Dowling

Mr. Dowling was born in Oklahoma City. He graduated from Putnam City High School and then received his undergraduate business degree combined with a JD from the University of Oklahoma. Mr. Dowling served with the United States Marine Corps. Mr. Dowling is from a family of lawyers. His great uncle was Noel T. Dowling, Constitution law scholar and Professor at Columbia University and the original author of Cases on Constitutional Law. His father went to law school but never practiced, and currently he has a daughter (Elaine Dowling), nephew (Tom Beadles) and great nephew (Travis W. Brown) who are all members of the Oklahoma Bar. Mr. Dowling was one of the last of the true general practitioners, but he was probably best at Pardon and Parole work and best known for his criminal defense work. Certainly many of his best war stories involve his work on criminal cases with co-counsel like Oscar Goodman of Las Vegas. In addition to practicing law, Mr. Dowling founded and ran an educational electronics company named Educational Electronics, Inc. Golf and OU athletics can’t really be called his interests -- more like passions. He spent lots of time with his daughters when they were growing up and has thoroughly enjoyed his grandsons. Mr. Dowling is married to Linda Dowling and has been since 1978. He has two daughters Laura Feix and Elaine Dowling, and three Grandsons, Cole, Carson and Tucker Feix.

The Honorable Paul B. Lindsey

Judge Paul Lindsey was born in Oklahoma City and attended Oklahoma City Public Schools. He received his undergraduate and law degree from the University of Oklahoma. Judge Lindsey served active duty with the United States Navy from 1953 to 1955 and remained in active reserve from 1955 to 1961. He began his legal career practicing tax law in Tulsa and in 1958, he became Assistant Insurance Commissioner. Judge Lindsey worked as Counsel to the Commissioner of the Oklahoma Securities Commission and U.S. Securities & Exchange Commission from 1959 to 1967. He became a U.S. Magistrate in 1979 and was appointed United State Bankruptcy Judge in 1986. Quoting Judge Lindsey, “The federal service

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On June 16, the Oklahoma County Bar Association held its Annual Awards Luncheon at the Oklahoma Sports Museum. The crowd of over 250 lawyers, judges and their friends and families gathered to celebrate those of the legal community receiving their 50- and 60-year OBA Service Awards. President Barbara Swinton presided over the celebration. Assisting in the presentation of the awards were Chief Justice Douglas Combs and OBA President Linda Thomas. Past-President Angela Ailles Bahm presented the OCBA awards.

Bobby G. Knapp Leadership Award
- Carolyn Thompson (Jim Moore)

President’s Professional Attorney Award – Tricia L. Everest

Geary L. Walke Briefcase Award – Michael W. Brewer

Professional Service Award – Representative Collin Walke
Outstanding Young Lawyer Director
   – Amber Martin

Pro Bono Award
   – Alisa Shaddix-White

Beacon Award
   – Judge Barbara Swinton

Community Service Award
   – Celeste England

Friends of the Young Lawyers
   – Jennifer Crofford, Robert & Katherine Black
OCBA from PAGE 7

was by far the most meaningful and enjoyable.” He and his wife, Midge (Wasson) have been married since 1962 and they have one son, Paul Mark, a registered nurse, and one daughter, Leslie Ann, a television producer. Judge Lindsey said of today’s luncheon, “I will be there – with or without bells on!”

James N. Posey

Mr. Posey was born in Wellington, Texas. He received his AB from Southern Nazarene University and his JD from the University of Oklahoma. Mr. Posey began his legal career as a solo practitioner in Bethany in August, 1957. On January 16, 2017, he formed a Professional Association with April Collins under the name of Posey & Collins, P.A. He is licensed to practice before the United States Supreme Court and has been a member of the American Bar Association and past member of the Oklahoma County Bar Association, President of the Oklahoma City Title Lawyers Association; President of the ABA; President of the Oklahoma Solo Practice and Small Firm Committee and has been a member of the American Bar Foundation. His career include: Vice-Chairman of the Board of Directors of Lamb’s Theater in New York City and Bethany First Church of the Nazarene. Mr. Posey has been an adjunct professor at Bethany Nazarene University, has co-authored a college textbook on business law, served as State President of Sooner Alcohol Narcotic Education, Inc. and taught a course in probate in the OU Legal Assistant Program. Mr. Posey’s first wife Shirley passed away after 55 years of marriage. He married Donetta Brown in 2012 and he has four step-children, seven step-grandchildren and three step-great-grandchildren.

ADDITIONAL 60-YEAR AWARD RECIPIENTS

James Wyle George
Albert F. Schrempp

50-YEAR MEMBERSHIP AWARDS

Barry Weldon Benefield

Mr. Benefield was born in Oklahoma City. He began his college education at the University of Pennsylvania in 1964 and finished with one last semester at the University of Oklahoma. He received his Juris Doctor degree from the University of Oklahoma in 1967, attending one year at the University of Denver during that time. Mr. Benefield spent the majority of his legal career working with Legal Service programs both in Oklahoma City and New Jersey. His practice included criminal law and Native American law. Mr. Benefield has six children and eight great grandchildren with a number of grandchild somewhere between the two.

Rex D. Brooks

Mr. Brooks was born in Blanchard, Oklahoma. He received his BBA in Finance from the University of Oklahoma in 1965 and his LLB from the University of Oklahoma in 1967. This was succeeded by his Juris Doctor awarded on April 21, 1970. Mr. Brooks served in the United States Army from 1960 to 1962. He began his legal career as an associate attorney with the firm of Elliott Woodard & Ralston. In 1968, he became a staff attorney for Maryland Casualty Company handling defense of worker’s compensation cases before the State Industrial Court and the Oklahoma Workers’ Compensation Court. Mr. Brooks turned to private practice in 1974 and continues to do so. He is a past member of the Association of Trial Lawyers, a member of the Oklahoma County Bar Association, American Bar Association and past member of the Chickasaw Bar Association. Mr. Brooks is admitted to practice in the Eastern and Western United States District Courts, the 10th Circuit Court of Appeals and the United States Supreme Court. He is also admitted to the Chickasaw Tribal Courts. Mr. Brooks and his wife Norma have a son Jonathan and a daughter Elizabeth.

Charles Colwell Chastain

Mr. Chastain was born in Chickasha, Oklahoma. He received his BS in Geology from the University of Oklahoma in 1957 and his JD from Oklahoma City University in 1967. Mr. Chastain served in the United States Army Reserve from 1957 to 1960. He worked in the Production Department of Skelly Oil Company from 1959 to 1963. In 1964, he began at Kerr-McGee Corporation in Oil & Gas Production. Mr. Chastain served as Administrative Law Hearing Examiner with the Oklahoma Corporation Commission from 1968 to 1970. He moved to private practice in 1970 and retired in 1976. Mr. Chastain and his wife Carolyn have been married for 52 years. They have a son Charlton Colwell Chastain who has given them four grandchildren and three great-grandchildren. The Chastains also have a daughter, Susan Jeanine Hulbert and a son, Stephen Daniel.
Frederick W. Dunlevy, Jr.

Mr. Dunlevy was born on December 1, 1941. He received his undergraduate degree in Letters in 1964 and his JD in 1967 from the University of Oklahoma. Mr. Dunlevy has practiced oil & gas law his entire legal career. His first wife, Janet Dunlevy, is deceased and they had two children, Pat Dunlevy and Kate Tellers. He married Gene Dunlevy in October 2008. Mr. Dunlevy has four grandchildren.

Ronald R. Hudson –

Mr. Hudson was born in Oklahoma City and graduated from Northwest Classen High School in 1960. He received his BA in Secondary Education from Central State College in 1964 and his JD from the University of Oklahoma in 1967. Mr. Hudson began his legal career as Assistant District Attorney in Pottawatomi County in 1967. He served as First Assistant, 23rd Judicial District in 1968. Mr. Hudson joined the firm of Rhodes Hieronymus Holloway & Wilson in 1969. He became Partner in the firm of Holloway Dobson Hudson & Bachman in 1974. In 1999, he helped found the firm of Hudson & Alden and in 2005, Mr. Hudson began private practice as Ronald R. Hudson, P.C. During 2002 to 2011, he held the position Of Counsel to the firm of Johnson & Hanam. Mr. Hudson also served as Oklahoma Counsel to the Sisters of Mercy, Mercy Hospital, Mercy Health System Oklahoma for thirty-three years from 1969 to 2002. He has been “semi-retired” since 2013. Mr. Hudson and his wife Joyce have been married for 53 years. They have one son, Robert A. Hudson II, MBA & JD from the University of Oklahoma, who is in middle management for American Airlines in Tulsa.

Robert M. Johnson –

Mr. Johnson was born in Thomas, Oklahoma. He earned his BS in 1964 from Oklahoma State University, a JD with Honors from the University of Oklahoma in 1967 and received an Honorary Doctor of Laws from Oklahoma City University in 2001. Mr. Johnson served as Captain in the United States Army from 1968 to 1970. He began his legal career in 1967 at the firm of Crowe & Dunlevy with his practice focused on general business, commercial real estate and financial transactions. Mr. Johnson held the positions of Shareholder/Director from 1974 to 2002, Past President and Past Chair of Finance and Real Property Sections. He retired in 2002 and has been Of Counsel since that time. Mr. Johnson has served as Adjunct Professor at Law at Oklahoma University, is a past member of the Oklahoma City Commercial Real Estate Council and has been honored by the Oklahoma Bar Association with the Outstanding Achievement Award, Outstanding Service to the Public Award and Community Service Award. His many civic activities include Chairman of the Allied Arts Drive Divisions, Chair of Phaythopen Charity Auction to benefit the Allied Arts Foundation, Chairman of the Oklahoma City Festival of the Arts to name just a few. Mr. Johnson has been married to his wife Jennie for 53 years and they have two children, daughter Brook Johnson, Tulsa, and son Brent, who is on the legal staff with Continental Resources. The Johnsons have two grandchildren.

Dorothy Allene Lawson –

Ms. Lawson was born on the family farm 7 ¾ miles north of Lone Wolf in Kiowa County. She earned her BS in Economics from Oklahoma State University. Ms. Lawson began law school at Oklahoma University and graduated from Oklahoma City University in 1967. She has 40 hours towards her Masters degree in Economics from OCU. Ms. Lawson worked the majority of her law career at the United States Attorneys’ Office totallying 50 years. She was in private practice for five and half years and worked for the Social Security Administration as Supervisor for two years. After retiring, Ms. Lawson volunteered at Legal Aid of Western Oklahoma for four years. She also taught English to adult Hispanics for three years and is currently enrolled at Newman Catholic University pursuing a degree in Theology. Ms. Lawson also continues her wheat farming operation in Kiowa and Washita Counties. Time permitting, she still travels to California and Branson. Past travels include 100 foreign countries. Ms. Lawson has 14 surviving cousins out of the original 28 and they continue to hold together and meet for birthdays and Christmas.

Clyde A. Muchmore

Mr. Muchmore was born in Los Angeles, California. He earned his BA magna cum laude at Rice University and his JD with honors at the University of Oklahoma. Mr. Muchmore began his legal career on September 7, 1967 with the firm of Crowe

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Utopia for Realists
by Bill Gorden

Halfway through the year, this is the most intriguing non-fiction book. That is a lot to say, but it is true. While the early chapters are a bit of a slog, from Chapter Five on the work claims not just relevancy to today, but relevance for the immediate and even distant future. Bregman is more verbally accessible than Thomas Piketty, who covers some of the same ground. Both have approximately the same viewpoint, but Piketty is basically an economist, Bregman a much more readable historian.

In the early chapters Bregman makes his case that traditional relief to the “poor” is inconsequential at best, certainly ineffective. While the newer railroads in his lands, or those who still decreed that there would be no control for us to continue to be human? Does the robot gain ascendance, and above is the same conflict powering seen by the Bregman’s book reviewed (orig.) 225 Pages, $7.99

It is when Bregman gets to analysis of the effect of technology on economics and such not-so-esoteric things as the number of hours in a work week that things get interesting. There are many whose political career depends on what is now an old-fashioned view of economics and work who will close their eyes to what is here. Trade wars and tariffs are elements of the Nineteenth and Twentieth Centuries, at best. The convincing argument made by this Dutchman is the victory of the machine. Specifically, the machine determines most aspects of output and productivity now, and will in the short term have ultimate control of planning as well. If you just flinched, think of the Austrian Emperor who decreed that there would be no railroads in his lands, or those who still do not have E-mail, much less all the other electronic permutations. The last three Presidential elections were largely determined by the ability of computers to generate and get out the vote of certain people. The day is here.

Speaking of politics, Bregman does not, at least not in specific terms. However, he describes the disillusionment of the former middle class, drift-
OCBA Committees Sections/Division

Awards Committee -- This committee is responsible for both the OCBA Award nominations, the OBA Award nominations and the Leadership in Law Awards.

Chair – Judge Barbara Swinton

Bench & Bar Committee -- Working to improve relations between the bench and the bar, this committee has two major projects. One is election years, judicial candidate opinion polls are taken with results being released to the public in an effort to provide public information. This committee is also responsible for the bi-yearly Bench & Bar Conference.

Chair – Luke Abel

Briefcase Committee -- This committee is responsible for the monthly publication Briefcase. They recruit articles, write articles, edit and proof each month.

Co-Chairs & Editors – Joi McClendon & Shanda McKenney

Continuing Legal Education Committee -- Responsible for providing quality CLE programs to OCBA members at discounted prices, this committee plans sessions each year through the months of October through February.

Co-Chairs –Michelle Harrington & Scott Jones

Community Services Committee -- This committee plans community service projects such as assisting the local youth shelter. They also coordinate clothing drives for the drug court participants. This committee works with the Juvenile Justice Center in providing incentives for their teens on probation as well as providing parties for nursing home residents.

Chair – Monica Ybarra; Vice-Chair – Elisabeth Muckala

Fee Grievance & Ethics Committee -- Comprised of both lawyer and non-lawyer members, this committee investigates complaints of clients against attorneys who are OCBA members. They are deputized through the OBA to investigate and recommend disposition of such cases.

Chair – Kieran Maye; Vice Chair – LeAnne Burnett

Law Day Committee -- This committee is responsible for all Law Day activities which include the Law Day Luncheon, Ask A Lawyer Program, student mentoring program and civic group speakers.

Chair- Amber Martin; Vice-Chair – Kellie Howell

Law Related Education Committee -- This committee provides support for the OCBA Law Related Education program. The committee works to update current materials and generate new ideas for classroom presentations.

Chair – Richard Parr; Vice Chair – Donene Jones

Lawyers Against Domestic Abuse – This committee works to raise awareness of domestic abuse. Working with the YWCA and Attorney General’s Office, the committee provides training of attorneys & judges in dealing with domestic abuse situations and provides resources online and on the 1st floor of the Oklahoma County Courthouse for victims. They also working to provide victim advocates and a Bench Book on Domestic Violence Cases for Oklahoma County judges.

Chair – Susan Carns Curtiss; Vice Chair – Timothy Tardibono

Lawyers for Learning -- This committee is involved as mentors/tutors in the OKC Public School’s Community Involvement initiative working with Adams, Buchanan, Lee and Hillcrest Elementary Schools.

Chair – Celeste England; Vice Chair – TBD

Veterans’ Issues Committee -- Works closely with the OBA Oklahoma Lawyers for America’s Heroes Program in providing legal assistance to veterans. This committee is new and is also trying to find ways to assist veterans in other ways.

Chair – Judge Kevin McRary

Voices for Children Committee -- The main project for this committee has been the Carver-Mark Twain Head Start Program. This group plans parties, provides books and readers and helps with a winter clothing drive each year.

Chair -- Robert Sheets

Bankruptcy Section -- This section meets 10 months a year at the U.S. Bankruptcy Court to discuss current issues in the bankruptcy area. There is a membership fee of $120 which provides for lunch at these meetings.

Chair – TBD

Corporate Counsel Section – This section involves in-house corporate attorneys and offers a chance for them to network with each other in a social setting.

Co-Chairs – Jami Fenner & Coree Stevenson

Family Law Section -- This section works with the judges of the Family Law Division in providing up-to-date information to those attorneys practicing in the family law area.

Chair – Kevyn G. Mattax

Young Lawyers Division -- This hard-working group of young lawyers takes on many projects each year. Some of these projects include the Harvest Food Drive, Striking Out Hunger Bowling Tournament in the summer and Chili Cook-off in the winter. The Community Service Subcommittee plans 3 community service projects each year.

Chair – Cody Cooper

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Bar Observer

Paulk Recognized

Dispute Resolution Consultants is honored to announce that Joseph H. Paulk has again been included in the internationally recognized publication Chambers & Partners USA, based in London, UK. The publication consists of a listing of objectively verified and peer-reviewed legal professionals throughout the world. Mr. Paulk has not only been listed again in its Band 1 category, but he additionally holds the distinction of being listed by Chambers & Partners USA more than any other mediator in the history of Chambers reviews in Oklahoma.

Additionally, Mr. Paulk is an active member of the International Association of Mediators based in Toronto, Canada, and the National Association of Distinguished Neutrals, also an international peer-reviewed organization. The memberships of these organizations are also by invitation only after extensive vetting of the candidates. Mr. Paulk is the only mediator in Oklahoma, and only one of a handful of dispute resolvers in the entire United States, who holds such distinguished rankings and memberships. Mr. Paulk has also been peer-reviewed listed as AV Preeminent for over 25 years.

Association of Legal Administrators’ local chapter elects board

The Oklahoma City Chapter of the Association of Legal Administrators has elected its new board for 2017-2018. President is Rebecca Adams, Firm Administrator at Durbin Larimore & Bialick; President-Elect is Lisa Giles-Caison, HR Administrator at Hartzag Conger Cason & Neville; Secretary is Danita Jones, Firm Administrator at Chabuck Duncan & Robey; Treasurer is Suzy Klepac, Firm Administrator at Kirk & Chaney; and Past-President is Denise Abston, Firm Administrator at Fenton Fenton Smith Reneau & Moon.

Jennings Teague PC welcomes Jeff R. Beeler and Todd A. Murray to the Oklahoma City Office

Jeff R. Beeler, a 1975 graduate of OU College of Law, and Todd A. Murray, a 2010 graduate of OCU School of Law have joined the Law Firm of Jennings Teague PC. Jeff joins Of Counsel, and Todd as a new Associate. Both will primarily practice and focus on insurance defense.

Prior to attending law school, Todd spent nearly twenty years coaching high school students, to think critically and argue persuasively, at speech and debate tournaments across the nation.
the truth of plaintiff’s allegations and moved to dismiss plaintiff’s action against him for failure to state a claim upon which relief could be granted because all of plaintiff’s claims for relief arose out of an alleged contract that was against public policy, had an illegal object and was therefore unenforceable. The trial court sustained the motion to dismiss and An-Cor appealed. The Court of Appeals, Division III, reversed and remanded, finding that the action was one in tort rather than one to enforce the contract, and further, that Reherman was not a party to the contract. Reherman sought certiorari to this court and certiorari was granted.

On appeal, An-Cor alleged that the trial court erred in sustaining Reherman’s motion to dismiss because the contract was not void or unenforceable, nor was the contract the basis upon which the causes of action arose. An-Cor alleges that the contract was simply a consulting contract whereby Higgins was to provide services to obtain a lease for the Lake Arcadia marina. An-Cor asserts that it was only after the contract had been entered into that both defendants conceived a plan to extort money from An-Cor. An-Cor argues that because the causes of action in its petition are predicated upon the acts taken by the co-defendants seven months after the contract was executed, they are not contractual in nature. Plaintiff alleges in its first cause of action that defendants induced plaintiff into entering the agreement by representations set out in the petition. Plaintiff’s petition, paragraph 10, states that Higgins represented that he and Reherman had been involved in many other deals that required Higgins to “take care of” Reherman by paying Reherman in cash out of Higgins’s money, and that by doing this, Higgins could secure Reherman’s support of An-Cor’s bid proposal. An-Cor’s own petition sets out that An-Cor knowingly and voluntarily entered into an agreement that contemplated paying the mayor in order to secure his support for its lease, thus establishing that the contract was unlawful. Title 21 O.S. § 381 provides:

“Whoever corruptly gives, offers, or promises to any . . . public officer . . . any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding which may then be pending, or may by law come or be brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine not exceeding Three Thousand Dollars ($3,000.00) and imprisonment in jail not exceeding one (1) year.”

Title 15 O.S. § 211 provides that those contracts are unlawful which are: contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

An-Cor would have us ignore the unlawful purpose for which the contract was originally entered into and would have us instead focus solely on Higgins’s alleged later attempt to secure an additional $10,000.00, which An-Cor refused to pay. An-Cor did, however, pay $2500.00 after Higgins threatened to “kill the deal” if he did not get the payment. An-Cor’s petition further states, in paragraph 15, that Higgins advised An-Cor that he had paid approximately one-half of the payment to Reherman. It is clear that a contract in violation of law, or that aids or assists any party therein, is void and no recovery can be had thereon. Hamilton v. Cash, 185 Okla. 249, 91 P.2d 80 (1939).

An-Cor lastly asserts that the defense of illegality of the contract is not available to Reherman because he was not a party to the contract. An-Cor presumably would have us hold that its claims for extortion, loss of corporate opportunity and fraud are meritorious and the court will not permit a party to recover on the basis of an unlawful contract. . . . In the case at bar, the plaintiff’s petition recites the illegal nature of the contract. . . . Indeed, the question of illegality of a contract on which an action is based is a question that the court itself is bound to raise in the interest of due administration of justice. * * *

In the case at bar, the illegal nature of the contract appears on the face of plaintiff’s petition. Where the pleadings present no issue of fact to be tried, a judgment thereon may properly be rendered since under such circumstances, it is a matter of law as to which party is entitled to prevail. . . . We therefore find, that, based upon the allegations in plaintiff’s petition which establish that the contract was unlawful, the trial court’s grant of summary judgment to Defendant Higgins was proper and should be affirmed.
An attorney is simply not allowed to disconnect the law and to the orderly working of our society. The core of our profession is a strong commitment to defenders, and holders of public office. At the public service as government attorneys, public countless attorneys have given their career to they used their legal skills to champion in the reverberations. John Adams and Cicero both inspired a fight for freedom that had worldwide Mahatma Ghandi's role in his own community became so deeply entrenched in their society as Community Service Committee Needs You!

by Elisabeth Muckala

It is not a coincidence that well-known historical heroes happen also to be attorneys. Mahatma Ghandi’s role in his own community inspired a fight for freedom that had worldwide reverberations. John Adams and Cicero both became so deeply entrenched in their society as to become known as “fathers” of their respective nations, not to mention the unpopularity they used their legal skills to champion in the interest of justice. It is also not a coincidence that countless attorneys have given their career to public service as government attorneys, public defenders, and holders of public office. At the core of our profession is a strong commitment to the law and to the orderly working of our society. An attorney is simply not allowed to disconnect from the community at large, but must give back. The Oklahoma Bar Association Standards of Professionalism place upon attorneys various responsibilities to the public, among those being that:

- **1.3** We will donate legal services to persons unable to afford those services.
- **1.4** We will participate in organized activities designed to improve the courts, the legal system and the practice of law.
- **1.5** We will contribute time on a pro bono basis to community activities.

Our **pro bono** obligations may be met through a variety of well-defined and visible outlets, including Legal Aid or Oklahoma Lawyers for Children. Our participation in improving our legal system easily fulfilled by bar involvement, for Children. Our participation in improving our legal system effortlessly fulfilled by bar involvement, whether on a county, state or national level. But what about those “community activities”? What can we do to fulfill our pledge in that regard? Not every attorney will find an outlet for legal system easily fulfilled by bar involvement, whether on a county, state or national level. But what about those “community activities”? What can we do to fulfill our pledge in that regard? Not every attorney will find an outlet for community service? What can we do to fulfill our pledge in that regard? Not every attorney will find an outlet for legal services to persons unable to afford those services.

Not every attorney will find an outlet for his or her goodwill that will result in achievements on level with Cicero or Ghandi, and thereby not required. Quiet involvement, and smaller acts, will still produce meaning results. As many of you are already aware, the Oklahoma County Bar Association Community Service Committee is one way for you to fulfill your pledge. Among other activities, the members of your Oklahoma County Bar Community Service Committee do the following: ensure that a local shelter for minors has snacks, occasional outings, and resources for the school year; drink punch and dance with residents of a local nursing home around the holidays; or stop at the store on the way home from work to buy a few toys for children who find themselves in juvenile court and desperate in need of a happy distraction.

If involvement in this committee is not how you choose to fulfill your pledge, I urge you to consider new and creative ways to do so, thinking of ways to give back that perhaps others have not considered. No act is too small, and truly “[i]t he best way to find yourself is to lose yourself in service to others.” – Mahatma Ghandi
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