Over 250 lawyers, judges and their family members celebrated those members of the legal community who have been attorneys for 50, 60 and 70 years. Chief Justice Noma Gurich and OBA Vice President Neal Lane assisted in presenting the OBA Service Awards. The Honorable Bill Burkett was posthumously honored for his 70 years of legal work with his certificate and pin being accepted by his daughter, the Honorable Bana Burkett Roberts. Those receiving recognition for 60 years were Frederick Page Dobson, Theodore M. Elam, Barry D. Mock and Homer Paul. Twenty of the forty-one attorneys being recognized for 50 years of membership were in attendance: The Honorable Fred Austin, Jack G. “Chip” Clark, Francis Courbois, Charles Foster Cox, Don C. Davis, Donald W. Davis, Patricia Baily Dennis, Stan L. Foster, Herbert M. Graves, James H. Holloman, Lynn O. Holloman, The Honorable Frank Keating, William C. McAlister, Michael Minnis, Sidney A. Musser Jr., Gary C. Rhodes, Patrick C. Ryan, Patrick M. Ryan, John W. Swinford and Loyde H. Warren.

President Sheila Stinson, with the assistance of Awards Committee Chair David Cheek, presented this year’s OCBA Awards. The Honorable Cindy Truong was presented with the Professional Service Award for her work with the Oklahoma County Jail. The Community Service Award was given to Jeff Rust in recognition of his years of service to the YWCA. Gail Stricklin was the recipient of this year’s Pro Bono Award for her dedication to the pro se clinic at the Oklahoma County Courthouse. The Outstanding Committee was presented to the Community Service Committee for all their efforts with Pivot, the Juvenile Bureau and many other community services. Kendall Sykes was presented with the Gary L. Walk Briefcase Award for her willingness to author various articles. The Bobby G. Knapp Leadership Award was given to The Honorable Don Andrews for his leadership and dedication to the OCBA. President Stinson presented two special President’s Awards. The first was presented posthumously to The Honorable Lisa Davis for her work at the Juvenile Court. This award was accepted by her mother, Pat Tippens, and daughters, Melissa and Rebekah Davis. The second President’s Award was given to Virginia Hollerman for going above the duty of being a Reading Buddy and assisting a student who had special needs that were going unrecognized. Young Lawyers Division Chair Benjamin Grubb presented the YLD Awards: Outstanding Director went to Kristin Meloni; the Friends of the Young Lawyers Division was presented to the law firm of Phillips Murrah; and President Sheila Stinson was the recipient of the Beacon Award for her leadership and guidance to the YLD.

This event was a true celebration of the Oklahoma County Bar Association and highlights can be viewed on pages 6 and 7.

Community Service and Self Care

By Harmonnie Kinchion

“Most of us got into this thing to help people,” said Jim Callaway at the 2019 OBA Solo & Small Firm Conference in Tulsa. The “thing” he referred to is our beloved legal profession. Although Callaway was speaking in terms of how lawyers can provide limited legal representation and access to justice, his comment unintentionally resonated with me in a different way. Callaway got me thinking about the reason I became a lawyer in the first place, and how I show up for it. For me, community service is integrated into my love of practicing law, and it can be for you too.

Our lives are consumed by our professions. After spending countless hours drafting and preparing for hearings and meetings, we tend to only have a few precious hours for self care. It can feel as though there is just not enough time for feel good activities. But make no mistake, there is. We all could benefit from a feel good activity, and community service can be just the one you need.

Non-profit and charitable organizations alike request the same thing- more volunteers! As lawyers, we all have talents and skills that can be used to provide a tangible and significant benefit. From our advocacy and negotiation talents, to our ability to give stellar legal advice and sound organizational skills, we are positioned to help the lives of others. Each of us could benefit from a mental break from the profession during the week, and community service is a great way to relieve stress while providing impactful and feel good work.

Ask yourself, “What would I be doing if I were not practicing law?” Find an organization that caters to your interests and passion outside of the law, and partner with them.

Start by spending at least one hour a week doing something you love on a volunteer basis with the community service organization of your choice. A deserving organization will gain an awesome volunteer, and you will get a much needed break- a win-win! If you need some suggestions, you can always join the OCBA Community Service Committee for any of their projects too. The reward is incomparable, and that feel-good feeling is undeniable!
Giving Credit Where Credit is Due

By Sheila Stinson

I’d like to begin by congratulating all the award recipients at the Annual Awards Luncheon in June. Thank you to each of the recipients for all you have contributed to the Oklahoma County Bar Association, to the practice of law, and to our communities. Also congratulations to all the people recognized for their 50 years and 60 years of service to the legal profession. It was a great group of recipients this year and I thank you for your dedication to the legal field. Thank you to Debbie, Pam, and Connie for all their work in planning and carrying out the Awards Luncheon. And lastly, thank you to the Young Lawyers Division for the Beacon Award. I’m humbled and constantly in awe of the energy, commitment, and zeal of our YLD Board and everything they do individually and collectively to improve the OCBA and our community.

Next I’d like to discuss show tunes. Recently my husband and I took our boys to see Lyric Theater’s production of Singin’ in the Rain. My husband has passed on his love of old movies to our children and that includes the 1952 movie Singin’ in the Rain. As we watched the live musical, which included some spectacular singing and tap-dancing, I took away three lessons that I think can carry over to the practice of law.

First, be adaptable and able to change course when things don’t go as planned. When the popularity of the “talkies” made spectacular singing and tap-dancing a thing of the past, Don change course, he adjusted, he adapted and he was open to modifying his plans. Just as my own tap-dancing instructor told me when I was 11, I may need to adapt and change course (away from tap-dancing), we as attorneys must adjust to change. To modify his plans. Just as my own tap-dancing instructor told me when I was 11, I may need to adapt and change course (away from tap-dancing), we as attorneys must adjust to change. In addition to changes in our cases and in our practice, we must also adjust beyond our practice. Technology, communication methods, generational differences, client expectations, changes in the judiciary and dockets, amendments to the law or the creation of an entire new area of law, and the changes that happen within a law firm - we all must adjust, both willingly and unwillingly at times. We have to modify plans and be open to change and course adjustment.

Next, you have to have friends that you can lean on when necessary. Don relied on Kathy and Cosmo to give him ideas to succeed and the encouragement to implement those new ideas. As professionals who have stressful careers, I implore you to lean on those friends who support you and encourage you. You also need to find the friends that will let you know when your choices aren’t great. I have been very fortunate to have friends, both in the legal profession and outside of it, that support and encourage me, but also let me know when I’ve messed up. Find your Kathy and Cosmo, but more importantly be someone else’s Kathy and Cosmo.

The last lesson from the musical is giving people credit for the work they do. Lina tried to take credit for Kathy’s voice and it didn’t go well, at least for Lina. The same is usually true in law. We must give credit to the people who lend us their skills, talents, energy, encouragement, or time. Whether it is the young associate in your firm helping with cases and preparation, the more mature attorney you ask for advice and mentoring, the legal assistants and paralegals, the court reporters, bailiffs and court clerks, receptionists, deputies and interns and all the other support staff who do all they do to help us do our jobs, we need to say thank you. We owe them credit for what they contribute to our careers and our professions and the entire legal field.

As we head into the end of summer, may we all greet each other with “Good Morning”, may we “Make em’ Laugh” when we can, may we learn to adapt to change, keep our friends close, and give credit where credit is due.
Dear Roscoe: My client’s kid got a citation for disorderly conduct when he tried to pay at a fast food place, in part, with a roll of coins. The counter help refused to take them. The manager backed his employees. Since American currency is legal tender for all debts public and private, wasn’t the restaurant obligated to accept them? P.S., Edmond OK.

Dear P.S.: In an impressive display of creativity and intellect, I thought of five separate jokes for the fracas at the fast food, beginning with “a Big Mac attack” and going down from there. I’ll spare you. You are technically correct. 31 U.S.C. 5103, does provide: “United States coins and currency [including Federal reserve notes and circulating notes of Federal reserve banks and national banks] are legal tender for all debts, public charges, taxes, and dues.” However, no law requires a merchant to accept them. If you come into my shop for a ‘65 Belair bumper and I, rejecting them, you would be in your tender of cash demand you cross my check. I once saw a guy come into my shop with a ragged assortment of bills, and a jar containing rolls of coins his mother had saved, to purge him of contempt. Counsel for his ex said she would not accept it. The Judge her mother would. When the count came up a few bucks short, counsel insisted he be paid, or at least asserted a more active role. The post-World War world, he may not have wanted to. Then we have the Ronald Reagan model of “forgot-to-duck” rapid recovery from a life threatening even. Bush had no time to go rogue. Ultimately, disability becomes an issue of fact.

Carl Coleman continued his direct examination of Dr. Reising. The jury sat in rapt attention, as if concentrating on a thrilling espionage novel. Dr. Reising knew how to tell a story. Carl, whose avocation was local theater, knew how to stage and present it. The elder Kearny listened impassively, his face a mask of lantern-jawed stoicism. His brother looked like a guy taking a beating and just wishing it would stop. The three Norns in the front row continued to look on everyone with silent disapprobation. Occasionally Peter Kearny made eye contact with his mother. Each and every time, he flinched.

Mr. Coleman: Now Doctor, you formally testified that Zersetzung targeted both groups and individuals?

Witness: Yes, sir.

Mr. Coleman: I can see why they would target opposition groups, but why individuals?

Witness: There’d be many reasons. Destroy their credibility, sap their confidence and zeal, send a message to others.

Mr. Coleman: Can you give us an example of how this would work?

Witness: In one case we reviewed a journalist continually received calls from the police regarding break-ins at her home. She would go to her home and uniformed police would meet her. They’d find no signs of a burglary or even an attempt. The policemen at the scene denied any one from the police had contacted them, and that they came out because of a call originating from her work phone. Police then began appearing at her job, causing an upheaval as they pretended to try to find the persons responsible for the false reports. They’d take in those at work closest to her and hold them for days. One day she came home to an infestation of rats. She had to pay for pest control. It happened a second time, and her municipal authority landlord evicted her when the vermin had spread to neighbors. Finding another home or apartment was quite difficult. When she finally did find new lodging, things became a bit stranger. She woke up one morning to the smell of coffee. She found breakfast waiting for her, no sign of break-in. Another time the furniture had been rearranged. On another occasion, trash and dishes had been returned to where they had been before she cleaned up that morning. The newspapers ran stories about her “crank” complaints and the resources it ate up each time police responded to her false reports. She became a pariah to her neighbors, lost her job, and eventually found herself summoned to what we would call a commitment proceeding.

Mr. Coleman: And did this harassment ever let up?

Witness: Eventually, yes.

Mr. Coleman: What brought that about, if you know?

Witness: Her suicide.

Carl ran Dr. Reising through a couple of other case studies. He then switched over to the harassment of Sandy Kearny. He had some really good video exhibits and charts. Reising had no problem declaring them all consistent with Zersetzung mind games. Carl then passed the doctor for cross-examination.

STUMP ROSCOE

By ROSCOE X. POUND

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— Niccolo Machiavelli, political philosopher and author (1469-1527)
Book Notes

By Bill Gorden


There is still time for a “Beach Read” in this Summer. This beach read is a little long, almost five hundred pages. One reason is it is what is called “Literary Fiction”. Read that as a serious fiction work. The second reason is that it is multi-generational, leaving the reader sometimes to figure out which generation is playing any given chapter. Lastly, it is because an Island and a house are characters in all the intertwined stories.

The island is in Maine, bought by a patriarch for his family and their families, shortly after a personal tragedy. It is to be a summer home for generations. The various characters flow down timelines from the 30’s to the present. In the present, the heirs cannot decide what to do with an increasingly expensive asset.

But that is only scraping the surface. This is a story about race, and guilt, and ethnicity, and always plausible but ever present discrimination. The Island is a player, in that the decision to get rid of it would call into question the rightness or wrongness of all the other stuff. The subtext questions whether privilege can be wrong if the owners of the privilege are “good people”, and if the privilege is always sugar coated with a sense of “class”. It is a tougher question than it sounds, especially for the owners of the privilege, and the island.

Summer read? The descriptions of the sea, the land, the accoutrements, the clothes, the birds of the air, make you want to be there, they are all full-throated and accurate. People from the interior of the country long for such vistas, colors, and sounds. But, you may have to ask the above question, and answer it.

Midnight at Chernobyl Simon & Schuster, 2019, Hardcover, 538 pages, $29.95

Don’t get history from a mini-series, as long as books like this are available. This is how history should be written, as a riveting story. You should be warned that it may take only three days to finish this work. One can simply not just look away. The victims, whether they are the workers in the bowels of the reactor or people higher up in the bureaucracy who bear some responsibility, are all pitiable. Radiation poisoning, in all its immediacy and its prolonged nature provide something scarier than zombies. The total inability to contain the nightmare, coupled with denial at the highest levels, is fascinatingly enrapturing.

This is well written, thorough, and documented. Each time one questions whether all of this could have really occurred, The names, places, and dates drive home the narrative. Many tragedies in history are not caused by one or two, or just a few people. They may be because of inertia, a “can’t happen here, an even if it does they can’t pin it on me” attitude. Often, these are the worst, most prolonged tragedies, as no one steps forward to stop the madness. The incredible thing is, the “almost” nuclear melt-down in Russia three decades ago could have been worse. If you are young enough to have not heard of Chernobyl, be sure to read it. If you know the word, read it to fully understand how bad it could have been.

Old News

Excerpt from OCBA News
February, 1980
Vol. 12, No. 6

Our County Bar Legislative Committee has introduced two bills for the consideration of the 1980 Legislature. As far as I can ascertain, this is another “first” for the Oklahoma County Bar Association.

One of the bills requires that all jurors concurring in a civil or criminal verdict must sign the verdict; the other bill requires endorsement of names and addresses of all known witnesses to a criminal Preliminary Information if the prosecution intends to use their testimony at preliminary hearing or trial.1 This second bill also provides for witness protection and preservation of evidence.

These two bills were first discussed by our Criminal Law Committee, who thereafter asked the Legislative Committee to draft the bills for approval of our Board of Directors and filing with the Legislature.

Both of these bills deserve our support. As your President, I encourage any Bar member or Bar committee to bring to my attention any new or corrective legislation which deserves the support of our County Bar Association.

1 Subsequently codified at Title 22 O.S. §303

Another First

By D.C. Thomas

Oklahoma County Bar Association

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OBA SERVICE AWARDS

60-Year Award Barry Mock
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2019 AWARDS LUNCHEON
OCBA Awards

Virginia Holleman, President's Award

Gail Stricklin, Pro Bono Award

Jefferson Rust, Community Service Award

Chance Pearson, Community Services, Outstanding Committee

The Honorable Don Andrews, Bobby G. Knapp Leadership Award

Briefcase Editor Shanda McKenney, Kendall Sykes, Gary L. Walke Briefcase Award & Awards Committee Chair David Cheek

Invest in Your Firm.
Invest in a CPA.
The Honorable Sheila Stinson, YLD Beacon Award

Hilary Clifton representing Phillips Murrah, Friends of the YLD Award

President Sheila Stinson presents the President’s Award to Judge Lisa Tipping Davis via her mother and daughters

Kristin Meloni, Outstanding YLD Director

The Honorable Sheila Stinson, YLD Beacon Award

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50 YEAR SERVICE AWARDS

Top to bottom: Jack G. "Chip" Clark, Jr., John W. Swinford, Jr., William C. McAlister, Patrick M. Ryan, Judge Fred M. Austin, and The Honorable Francis A. "Frank" Keating.

James & Lynn Holloman

Gary C. Rhodes

Don C. Davis

Donald W. Davis

Stahl L. Foster

Loyde H. Warren

Patrick C. Ryan

Michael Minnis

Patrick C. Ryan

Sidney A. Musser, Jr.

Charles Foster Cox

Francis Courbois

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OU Law Ranked Among The Nation’s Top 50 Law Schools By Above The Law

The University of Oklahoma College of Law has been ranked 44th out of more than 200 law schools nationwide in Above The Law’s 2019 Top 50 Law School Rankings. The rankings are based on outcomes from the Class of 2018, including employment and cost of attendance. OU Law is the only Oklahoma law school to be ranked in the top 50 schools.

OU Law’s emphasis on providing a quality, affordable education is further demonstrated in that for two consecutive years, National Jurist magazine has named OU Law a Top 10 Best Value Law School out of more than 200 law schools nationwide. The magazine has placed the college in its Best Value Law School rankings for the last 10 years.

Brandon Long elected chair of OCU Law Executive Board

The Executive Board of the Oklahoma City University School of Law has elected Brandon P. Long, a shareholder and employee benefits attorney with the law firm of McAfee & Taft, as its new chair. He succeeds Emmanuel Edem, who served in the role for more than 10 years, on July 1.

Long graduated summa cum laude from OCU Law in 2004 and was honored with the school’s Outstanding Young Alumnus Award in 2010. He has served on the school’s Executive Board for approximately five years.

Active in both the community and professional legal organizations, Long serves on the board of directors of the Regional Food Bank of Oklahoma, the Employee Benefits Institute in Kansas City, and the SouthWest Benefits Association in Dallas. His achievements have earned him inclusion in the Chambers USA Guide to America’s Leading Lawyers for Business, The Best Lawyers in America (employee benefits/ERISA law), and Oklahoma Super Lawyers.

University of Oklahoma paralegal student named Crowe & Dunley scholarship winner

Crystal Robertson, a student in the University of Oklahoma Law Center’s Legal Assistant Education Program, was recently named the 2019 recipient of the Crowe & Dunley B. Jo Balding Scholarship. Awarded annually, the $1,000 scholarship is named for longtime Crowe & Dunley paralegal B. Jo Balding, who retired in 2016 after more than 50 years with the firm. Robertson earned her undergraduate degree from the University of Central Oklahoma, where she was a member of Sigma Tau Delta Honor Society. She serves as a parish council member and choir director at St. George Greek Orthodox Church.

The Crowe & Dunley Foundation established the scholarship in 2013. Scholarship applicants must be enrolled in the Legal Assistant Education Program at the University of Oklahoma College of Law and be in good academic standing with at least an 8.1 grade point average in legal specialty courses.

Doerner Welcomes Attorney Bradley E. Davenport

Doerner, Saunders, Daniel & Anderson, LLP welcomes Bradley E. Davenport to our Oklahoma City office and Litigation Practice Group.

A native of Oklahoma, Brad brings extensive experience in business litigation, real estate, and title examination. He provides counsel and representation to individuals, small businesses and public entities in quiet title, oil and gas, and commercial matters.

Prior to joining Doerner, Brad has worked as an attorney for law firms in Oklahoma City and Enid. Brad earned his Juris Doctor from Vanderbilt University Law School and his Bachelor’s degree in Letters from the University of Oklahoma with special distinction.

Impersonating a Barrister

By Miles Pringle

In April of this year a London man, Scott Willey, was sentenced to more than two years in jail for impersonating a barrister. Apparently, Willey accepted a pupillage position even though he had not passed the required exams to do so. In order to perpetrate his deception, Willey “hacked into a colleague’s email account and stole a copy of a certifying practice certificate, which he edited to pass off as his own.”2 His arrest was widely publicized in the England.

To become a barrister in England or Wales one must: i) obtain an appropriate undergraduate degree (or graduate diploma in law); ii) pass the Bar Course Aptitude Test; iii) join an Inn of Court; iv) complete a Bar Professional Training Course; v) be called to the Bar by an Inn of Court; vi) complete a one year pupillage; vii) meet the requirements in the Professional Statement for Barristers; and, viii) qualify for a Practice Certificate.3 As opposed to becoming a barrister, a person can also become a solicitor in England. The general difference between the two is that barristers advocate in the court, while solicitors typically practice in a law firm or office setting. Both positions entail rigorous academic and training requirements. It appears that Mr. Willey never graduated law school and was never called to the bar.

Willey is not the first person to be jailed for impersonating a barrister. In 2012, David Evans was sentenced to 18-months for “carrying out a reserved practice of submitting work to clients while not entitled and willfully pretending to be a person with a right of audience.”3 Evans was quickly unmasked by the judge due to his clothing (barristers still often wear robes and wigs in England) and “a series of ‘hopelessly wrong’ legal submissions.”4 In 2008, the first person to be jailed for impersonating a barrister was Ian Clegg. According to a contemporaneous news article, “While impersonating a solicitor he has been a long standing criminal offence, there was no such law in place for barristers until last year.”5

The law cited above is entitled the “United Kingdom Legal Services Act 2007.” The Act did not exclusively focus on the unauthorized practice of law. It addressed the legal industry as a whole.6 Interestingly, the Act created a new regulatory body for the legal industry, the Legal Services Board (“LSB”).

The LSB oversees approved legal regulators and licensing authorities (e.g. the Bar Council for barristers and Law Society for solicitors) and complaints against lawyers. There has been some discussion in the U.S. about the Legal Services Act allowing certain non-lawyers professionals to provide legal services. It is important to remember that LSB has not changed the requirement to become, or the governing bodies of, Barristers or Solicitors. If person holds out to the public that he or she is a barrister (or solicitor), then he or she must have fulfilled the necessary requirements and joined an ascribed association. If not, there will be heavy penalties, even jail time as set out above.

Prior to the enactment of the Legal Services Act, a review was commissioned in 2003 to review the regulatory framework of legal services in England and Wales (often referred to as the “Clements Report”).7 The Clements Report identified several principles which should apply to the legal profession: a) Independence; b) Integrity; c) duty to act in best interests of the client; and d) confidentiality. Additionally, the report identified five “core functions” of regulation:

1. entry standards and training; ii) rule making; iii) monitoring and enforcement; iv) complaints; and v) discipline.

The Clements Report analyzed various theoretical regulatory regimes with or without professional bodies – i.e. the Bar Council or the Law Society. While there may be some hypothetical advantages, the report noted that “[d]ividing the regulatory functions from the professions might lessen the feeling of responsibility professionals have for the high standard of their profession and their willingness to give time freely to support the system.” Moreover, creating a different regulatory model may create “an overly bureaucratic and inefficient organisation, with consequent issues of costs and unwieldy procedure.” Thus, after years of review the enacted legislation left the framework for solicitors and barristers more or less unchanged.

Here, we can take the lesson that it is important that individuals holding themselves out as lawyers have sufficient competency and qualifications and are held accountable in an appropriate manner. Perhaps we should also consider more severe repercussions for those who fraudulently provide legal services as well.

2 “Becoming a barrister”, Bar Standards Board (available at https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/becoming-a-barrister/).
4 Id.
A TIME AND PROCESS FOR EVERYTHING

Setting realistic timelines and expectations is vital when divorcing a house and mortgage. Our team can guide divorcing clients through each step. Here’s a quick look at how we take care of our customers’ needs and make sure all requirements are met.

FILING THE DIVORCE PETITION:
Most lenders require a settlement agreement ordered by the court before they can close on a new mortgage loan. So, it’s crucial to plan when the divorce petition is filed with the court.

Big financial changes like maintenance and/or child support in the settlement, along with any marital debt, directly affect how much debt or income is disclosed on the mortgage application. Dominic can help determine the right time to file so divorcing clients are in a better position to qualify for a new home loan.

LISTING THE MARITAL HOME FOR SALE:
Troy and Denise have a process in place to get the most money with the least amount of hassle.

- Cater separate appointments for each party, if needed
- Communicate with all parties and their counsel
- Secure court orders and a personalized intake
- Keep detailed documentation of all events
- Testify and supply court-ready reports, if needed
- Monitor all court and real estate contract deadlines
- Resolve any issues due to an uncooperative spouse

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