Giving Thanks: 2018 OCBA YLD Harvest Food Drive

By Benjamin Grubb, YLD Chair-Elect

It’s time, once again, to kick off the Oklahoma County Bar Association Young Lawyers Division’s annual Harvest Food Drive. The effort, which benefits the Oklahoma Regional Food Bank, is the YLD’s primary philanthropic endeavor. Each year, the YLD meets its commitment to donating at least $20,000.00 to the Regional Food Bank to help feed Oklahomans in need. This fall, YLD Directors will be contacting you or your firm requesting tax-deductible donations to the Harvest Food Drive. For nearly a quarter century, the YLD’s partnership with the Regional Food Bank has been made possible by generous donations from local attorneys, businesses, and law firms.

One in six Oklahomans struggles with hunger and one in four children in Oklahoma struggles with hunger every day. Each week, the Regional Food Bank provides enough food to feed 110,000 hungry Oklahomans. A donation of just one dollar provides 5 meals for those in need and 96 cents out of every $1 donated goes directly to Oklahomans in need.

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You are cordially invited to
THE 2017 OCBA HOLIDAY RECEPTION
THURSDAY, DECEMBER 7, 2017
4:30 - 6:30 P.M.
Oklahoma County Bar Offices
119 North Robinson, Food Court Basement Level
Hosted by the Oklahoma County Bar Association

THE OCBA VOICES FOR CHILDREN COMMITTEE WILL BE COLLECTING STOCKING CAPS, MITTENS & GLOVES FOR THE CARVER MARK TWAIN HEADSTART PROGRAM.

Please be generous!
OCBA Takes Pride in its Community Service

by David Cheek

Community service is one of the lynchpins of our organization. Many of the committees of the OCBA are designed to provide some sort of community service. I have always thought the services provided often go unrecognized and therefore undervalued. Because this is such an important part of who we are and why we join OCBA, as I noted in my last column, I want to showcase some of the many committees that are working hard at community service activities. This month, there is no better place to start than the Community Service Committee. The chairperson, Monica Ybarra, and her co-chair, Beth Muckala, have a host of activities planned throughout the year.

Family Junction is a big focus of the Committee. Family Junction is a part of Youth Services of Oklahoma City which serves older homeless children who, for whatever reason, are without parental support. Family Junction provides shelter and helps with the transition into legal independence. Our Committee provides some sort of activity at least once a month. At Christmas time, it hosts a holiday party with some gifts for each child. For many, it is the only holiday they will have. In July, the Committee puts on a back to school “bash” and assists with back to school supplies. When you understand that back to school supplies can become needs can become.

Another project of the Committee is to assist at Edwards Redeemer Nursing Home. The facility provides skilled nursing services for lower income residents. At Halloween, the Committee hosts an event which is always well received and appreciated. The residents are provided costumes and some OCBA members bring their children. Three times a year, the Committee members bring snacks and soft drinks. I am told it is a welcome treat. In addition, at various times, the Elderly Brothers perform. For those that are not aware, Judge Parrish’s husband plays for that band. They are always a big hit.

The Committee also has an annual clothing drive to support and promote the Oklahoma County Drug Court. In the summer, Committee members help at Children’s Hospital with the enrollment and admission needs for Camp Cavett check-in. Camp Cavett provides a summer camp experience for children 10-18 years old who are experiencing life threatening or chronic illnesses. It is well attended and the check-in process to get everyone enrolled and onto the buses is a busy time because of the variety of health issues that need special attention. The OCBA members’ time is much needed and I am told the experience is very rewarding.

In juvenile court, Committee members provide gift cards to children who are deserving. Small gifts go a long way. In addition, each child is given a stuffed animal to ease their experience. There is also a clothes closet for those that need something to wear. Our Committee members maintain both throughout the year. As you can see, this is a committee committed to action. It has a huge membership list, but when I attended their meeting, there is obviously a dedicated nucleus of organizers. The meeting time was kept to a minimum.

The real work is done in the field, in a true “hands-on” fashion. Mike Brewer wrote last month about “why not” join. This Committee is an excellent example of interaction, community service and general good will for the profession. The Community Service Committee, while well organized, can always use help. It is a place to make a difference in a meaningful way.

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On a slightly different note, I want to encourage members, and to the extent you can, non-members, to look closely at the Seminar in Santa Fe, New Mexico in February. Justin Meek has put together an interesting program for the CLE. The venue is one that has something for everyone and there are organized trips to exploit the venue, in addition to the CLE and skiing. This is an excellent opportunity to network in a fun environment with fun people. It is an easy drive and the food is always plentiful. I hope you will give it serious consideration.
Volunteer Opportunities

The OCBA has many opportunities to volunteer with their Community Service Committee, Law Related Education Committee, Lawyers For Learning Committee and Voices for Children Committee. However, this new monthly column will list other opportunities for our members to help the community. If you know of something that should be listed here, please contact the Bar Office at 236-8421 and we will add it to this new monthly Briefcase column.

VOICES FOR CHILDREN

This committee has begun reading to Pre-K students at Lee Elementary, 424 SW 29, once a month at 8:30 a.m. This program takes place on the first Tuesday of every month. If you are interested in participating, contact Pam Bennett at pam@okcbar.org.

COAT A KID

Last year community partners made sure that no child in Oklahoma City Public Schools went without a warm winter coat. They are asking for your help again this year. When temperatures drop, thousands of Oklahoma City Public Schools students will not have a coat to keep them warm. It’s a shocking statistic but is a reality for these children. Another fact: Oklahoma City Public Schools is the state’s largest school district with 46,000 students and 90 percent living at or below the poverty line.

If you can help, please go to okckids.com/coatakid and help keep a child warm this winter.

#GIVINGTUESDAY

This year, the Oklahoma Innocence Project at Oklahoma City University School of Law celebrated its 6th anniversary since opening. The Project is the only organization in Oklahoma dedicated to identifying and remedying cases of wrongful conviction in the state. The Oklahoma Innocence Project operates on private donations and provides pro bono legal services to its clients.

Giving Tuesday, falls on November 28th the Tuesday after Thanksgiving, and is a global day dedicated to giving back. Kick off the giving season by supporting the Oklahoma Innocence Project. For more information, visit okinnocence.com.

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No Plea Bargains!

By Mack Martin

It was May of 1978, while still in law school, I received what was referred to as a limited license to practice law from the Oklahoma Supreme Court. This license was valid so long as I worked for the District Attorney’s Office. Being from Southwest Oklahoma, I had accepted a job in the Comanche County District Attorney’s Office in Lawton, Oklahoma. My boss was the District Attorney, Don Beauchamp; he had been the District Attorney for many years and the office had a reputation that there was no case that could not get worked out with some form of a plea bargain. Jury trials were few and far between.

Unknown to me was the fact that there was a political feud going on between my boss and an attorney, Dick Tannery, who was running against him for District Attorney. Mr. Tannery’s platform for election was to completely eliminate plea bargaining in all criminal cases. As it turned out, there was quite a bit of support for such a position.

Less than two weeks on the job, I was specially assigned to handle a driving under the influence (DUI) case which Mr. Tannery was defending. I was advised that I would be trying the case to a jury, as there would be no plea bargaining with Mr. Tannery, given his stance against plea bargaining. This was back in the days when if any discovery exchange in criminal cases other than police reports.

Of course I was up for the task, as I had just completed Trial Practice at Oklahoma City University School of Law. I had received an “A” in the class. As it turns out, so did every other student that was enrolled in the class. Part of the trial practice class required that you actually watch a jury trial. I had completed that task earlier in the year watching Ted Richardson, an Assistant District Attorney in the Oklahoma County District Attorney’s Office try a DUI case to a jury. With this extensive background, I was set for my case.

We were scheduled to try the case before Special District Judge, Jack Atkinson. I had prepared a voir dire examination and prepped my witnesses in anticipation of trial. I was nervous, anxious and excited for this my first venture into the courtroom with a jury. Perry Mason had nothing on me.

The day came, I was wearing my best looking “Saturday Night Fever vested suit” and had just got a haircut so that you could barely see the lower part of my ears. We picked a jury and I put on my witnesses to prove that Mr. Tannery’s client was driving under the influence. Mr. Tannery cross examined the witnesses and when I rested he started to call his witnesses. The final witness was the defendant himself.

In my case, the officer had testified that the Defendant had (1) blood shot eyes, (2) slurred speech and (3) difficulty standing and swayed when he walked. There was no blood alcohol test and the law at the time was that you could not admit in evidence the fact that the Defendant had refused to take the alcohol test.

To rebut the officer’s testimony the Defendant testified that his eyes were blood shot because he wore contacts; that his speech was slurred because of his dentures; and that he had difficulty standing and swayed when he walked because his physician had told him years earlier that if he did not quit riding bulls that he would never walk normal again.

Throughout the trial, I had been setting on the edge of my seat at counsel table carefully listening to every question and answer to avoid

See NO PLEA BARGAINS, PAGE 13
And the court said:

**A N O L I O O F C O U R T T H I N K I N G**

by Jim Croy

November 6, 1917

One Hundred Years Ago


This is an action for alimony and divorce brought by plaintiff in error in the district court of Oklahoma County. Plaintiff filed her petition charging the defendant with adultery. Defendant answered by general denial and cross-petition charging plaintiff with adultery, and praying for divorce. The trial court found both parties to be at fault and denied the prayer of both petitions. From that order the defendant did not prosecute an appeal, and the case is in the court reporter's office. The trial court found the defendant was not entitled to divorce, and the defendant not having appealed, we are not concerned with that branch of the case. The cross-petition filed by defendant charging plaintiff with adultery was not sustained. The cross-petition was stricken out. The trial court made no findings of fact.

The evidence offered by the defendant in support of his charge of adultery was his own testimony that plaintiff admitted to having had improper relations with Dr. Seiffert, and a purported leaf of the register of the Atlas Hotel, Milwaukee, on which appeared the name of an individual woman, “E. E. M. Seiffert.” Plaintiff answered with evidence; that the same was genuine; that the signature was written in her handwriting; that Dr. Seiffert made a report that the leaf was not written by plaintiff; and that the leaf was not written by the defendant. The cross-petition filed by plaintiff stated that the leaf was written by plaintiff, and the cross-petition filed by defendant stated that the leaf was written by defendant. The cross-petition filed by defendant charging plaintiff with adultery was not sustained.

The evidence offered by the defendant did not identify a bank check as the handwriting of Dr. Seiffert was the testimony of a witness, as the register kept of the Atlas Hotel on the date mentioned, and that it was in the same condition when offered that it was on the date of registration. But, had the register been properly identified, that alone would not be sufficient to prove the plaintiff guilty of adultery. There was no evidence offered to prove that she was the person referred to as his wife, and occupying the room with Dr. Seiffert. On the contrary, the plaintiff testified positively that she was not there. The only evidence offered by the plaintiff to identify the leaf from the hotel register without its having been properly identified, by competent evidence makes it unnecessary for us to render such relation impossible. The general rule is that it is not necessary to prove the direct fact of adultery; this fact may be proven by circumstances. But the circumstances must be such as would lead the guarded discretion of a reasonable and just man to the conclusion of the defendant’s guilt.

The judgment of the trial court, in so far as it denied the prayer of the defendant in his petition, and in so far as it denied the prayer of the plaintiff for divorce and alimony. The cause is remanded with directions to enter a decree granting plaintiff’s prayer for absolute divorce, and to award her as permanent alimony the sum of $8,500, and to render judgment against the defendant, Eugene Hartshorn, for said sum of $8,500 and the cost of the action.

**November 10, 1942**

Seventy-Five Years Ago


The controversy arose out of the following facts: On October 29, 1939, five small boys, ages 7 to 12, were killed by a dynamite explosion at Rock Springs, Wyoming. On July 25, 1941, their parents filed suit against the general manager of the company, the president and treasurer of the company, and one of the dockers. The defendant was then an incorporated corporation. On May 19, 1942, the trial court, in its judgment, granted the prayer of the plaintiff, John Day, for absolute divorce. The trial court should have awarded her a reasonable sum as permanent alimony. The court, in the case of Pauly v. Pauly, 14 Okla. 1, 76 P. 148, sustained an allowance of permanent alimony, when the husband, without fault, was granted an absolute divorce for the wife’s adultery. According to the testimony of the defendant he owns a valuable farm in the State of Illinois, the value of $32,000 with a mortgage indebtedness of $6,500. The trial court should have granted to the plaintiff permanent alimony for at least a third of the net value of the defendant’s farm.

The judgment of the trial court, in so far as it denied the prayer of the defendant in his petition, and in so far as it denied the prayer of the plaintiff for divorce and alimony. The cause is remanded with directions to enter a decree granting plaintiff’s prayer for absolute divorce, and to award her as permanent alimony the sum of $8,500, and to render judgment against the defendant, Eugene Hartshorn, for said sum of $8,500 and the cost of the action.

The controversy arose out of the following facts. On October 29, 1939, five small boys, ages 7 to 12, were killed by a dynamite explosion at Rock Springs, Wyoming. On July 25, 1941, their parents, the plaintiffs in error, John Day and his wife, filed suit against the defendants, Eugene Hartshorn, president, and Omie C. Troupe, manager, of the defendant company, and Williams Brothers Corp., a corporation, for damages, alleging that their deaths resulted from the actionable negligence or wrongful conduct of said defendants. On July 29, 1941, Williams Brothers Corp. filed in the district court of Okfuskee county five suits against Williams Brothers, Inc., a corporation, and Williams Brothers Corp., a corporation, to recover damages for the wrongful death of said children, alleging that their deaths resulted from the actionable negligence or wrongful conduct of said defendants. On July 29, 1941, Williams Brothers Corp. filed in each of said five probate causes against Williams Brothers, Inc., a corporation, and Williams Brothers Corp., a corporation, to recover damages for the wrongful death of said children, alleging that their deaths resulted from the actionable negligence or wrongful conduct of said defendants.

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November 8, 1967
Fifty Years Ago


This is an appeal from the district court of Cleveland County, where the plaintiff’s appeal herein referred to as “defendant”, was tried and convicted of the crime of receiving stolen property. Judgment and sentence was entered November 6, 1966, and defendant was sentenced to serve one year and one day in the state penitentiary. Thereafter he perfected his appeal to this Court.

Defendant was prosecuted under the provisions of Title 21 O.S.Supp. 1961 § 1713 [21-1713], which defines the crime of “receiving stolen property”, and also provides a “presumption”, as follows:

“(1) Every person who buys or receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner, is punishable by imprisonment in the penitentiary not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00) or by both such fine and imprisonment.

“(2) Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained.

This presumption may, however, be rebutted by proof.”

Defendant argues his appeal under five propositions in his brief. It will not be necessary to discuss the first four of those propositions in order to resolve this motion, as they might relate to his fifth one. The fifth proposition is stated as follows: “The presumption of defendant’s innocence was effectively ignored thereby depriving him of due process of law.”

However, before entering into a discussion of his proposition, a brief resume of the facts should be provided.

In effecting this conviction, the State offered the testimony of only two witnesses. The first witness was Mr. Alfred B. Weirich, who testified in substance: that at the conclusion of a rather large party had in his apartment—at which approximately one hundred people attended and which lasted over a period of about forty-eight hours—he discovered, on May 1st, that his “Dorsett stereo, with a Gerard changer”, several record albums and other items, were missing. He valued the stereo at $300, so he immediately reported the alleged theft to the Norman City Police. He testified that he did not give or sell the instrument to anyone. He also stated that the defendant attended the party, as an uninvited guest, and was among the last to leave early Sunday morning, May 1st.

The second witness, offered by the State, was Norman City detective James L. McBride. Detective McBride testified, in substance, that at approximately 9:30 on May 20, 1966, he and Sergeant Argo, of the Norman Police Department, went to the defendant’s home to search for the property alleged to have been stolen, and that the stereo and records were found there. In response to the question asked on direct examination by the prosecutor, “Why, what authority did you go to Mr. Payne’s residence?”, the witness answered, “We had a search warrant issued by the County Attorney’s Office of Cleveland County.”

Detective McBride identified the instrument and records which he and Sergeant Argo obtained at the defendant’s home. However, Mr. Weirich’s identification of the instrument, as being the one he had in his apartment, was not satisfactory. Of course, if that stereo is the only instrument of that type manufactured by Dorsett, a point on which the record is not entirely clear, then his identification might be acceptable. His identification was as follows: “I know the machine and I remember the part of the reject arm being a little loose, and it had a tendency to mal-function, sometimes it would play all right and feed records in properly, and sometimes it would not. And also, it had a tendency to blank out on one channel and play intermittently on one side or the other, it didn’t play very well.”

However, the identification is not necessarily pertinent to the determination of this matter.

We would observe also, and we presume the search warrant referred to by Detective McBride was one issued by a proper magistrate, and that the witness was in error when he stated it had been issued by the County Attorney’s office.

The defendant testified in his own behalf and admitted that he attended the Weirich party, but stated that he had earlier met Dwight Greenwood, and David and Jerry Owens at Jack’s Bar in Norman. The four left Jack’s Bar, and David and Jerry were in the same car, and David suggested that since he had been invited to the Weirich party they stop there, which they did. He denied any knowledge of the Weirich stereo, or that he had even seen it in the apartment. He stated that he and David Owens left the party about 3 a.m. and went to the Soonerland Grill in Norman, where they rejoined the other two men. About 4 a.m. he and Dwight Greenwood departed the Soonerland Grill and went to the “Copper Top” in Oklahoma City. Since it was then

See OLIO, PAGE 14
The scene is becoming more and more familiar to us all. Everywhere and every time you look you see them. They are multiplying geometrically. They come in all sizes, shapes, colors, ages, and sex. They are runners.

They are a national trend and the focus of much folderoil. They have even reached backlash status – some call themselves absorbed body fascists. They seem a proud and righteous lot, runners. Many lawyers are running, many more are thinking about it. This article is aimed at the novice runner and those thinking about running.

Having learned the hard way (I am currently on an injury sabbatical from a three mile a day habit), I would have appreciated a few tips before I methodically shredded my knees and heels. I also consulted with a running lawyer, Harry Woods, who does some 60 miles a week in preparation for running the big one – a twenty-six mile marathon.

First, you should read a good book on the subject – the best being *The Complete Book of Running*, by James Fixx, and Dr. Kenneth H. Cooper’s *Aerobics*. Second, invest in good running shoes. They do make running easier and help prevent injuries. Harry Woods suggests that you purchase shoes ffrom a running shoe specialty store because of the brands carried and the expertise of the staff. Basically, the shoes should be flexible, well cushioned, have a staff heel counter to stabilize the foot, and above all, be flexible, well cushioned, have a staff heel and “listening” to what your body tells you. The most common ailments are shin splints, heel pain, toenail problems, and chondromalacia – knee pains caused by stress transmitted from structurally imbalanced feet. Others chronicled that their sex lives have improved, their mental processes have sharpened, and that running seems to provide an antidote to depression.

The hazards are injuries, but most can be avoided by: education, using a gradual program of training; wearing proper foot gear, avoiding concrete surfaces to run on, and “listening” to what your body tells you. The most common ailments are shin splints, heel pain, toenail problems, and chondromalacia – knee pains caused by stress transmitted from structurally imbalanced feet. Others chronicled that their sex lives have improved, their mental processes have sharpened, and that running seems to provide an antidote to depression.

The first three injuries will most likely be avoided by: education, using a gradual program of training; wearing proper foot gear, avoiding concrete surfaces to run on, and “listening” to what your body tells you. The most common ailments are shin splints, heel pain, toenail problems, and chondromalacia – knee pains caused by stress transmitted from structurally imbalanced feet. Others chronicled that their sex lives have improved, their mental processes have sharpened, and that running seems to provide an antidote to depression.

The book assails all political sides as complicit in using the governmental power to continue segregation. From the FHA loan, the VA loan, to labor unions winking at segregated housing during WWII, it is all here. After the war, the formerly black areas built up around defense plants were simply torn down. They were styled as “temporary” Meanwhile, even though restrictive covenants were beginning to see their end, by that time the housing market was such, and the hiring of minorities was such, that it did not matter. The segregation was welded in.

The argument that suppressed incomes for minorities is *de jure* is somewhat harder to achieve, and warrants more work to be decisive. However, the distancing of local government from enforcing laws against persons destroying and endangering property and people who were de-segregating areas, given the wide range of examples, begins to make hard sense.

This book will do what all publishers want, the roiling of waters as to sell copies. There is something deeper here, however, as the conclusions, or most of them, might point a court somewhere in the future towards agreeing with the idea that systemic and even partially governmentally aided segregation is still actionable.
SPECIAL JUDGE HOWARD HARALSON ASSUMES DISTRICT BENCH

By: Shanda McKenney

Judge Haralson has been a judge since 2010, but only this summer was appointed as District Judge by Governor Fallin. He was almost immediately there-after appointed to the position of Chief Judge of the Juvenile Court Docket for Oklahoma County. He has been assigned to Juvenile since February, 2017 in an interim sort of position, and already acquainted with the processes, personnel and procedures of that Court, which is quite different from the downtown Courthouse. He currently handles a docket of about 200 deprived cases and 300 delinquent matters.

Judge Haralson was born in Los Angeles and moved with his family to Logan, Utah during his 8th grade year, where he also completed an Associate Degree in Auto Mechanics. He is the eldest of 7 children and when his Mother passed away, when he was 19 years old, he and his next younger sister assumed a lot of the household responsibilities. After deciding that he was not really cut out for a career in auto mechanics, he accepted a mission for his church in Germany. Although he fell in love with Hamburg and Berlin and many other towns and cities in the area, he did not love Germany as much as he did his family, so he returned to the U.S. after two years and decided to go to college.

Judge Haralson completed a Bachelor’s Degree in Sociology and a Master’s Degree in Public Administration at BYU and decided to apply to law school on a whim. He applied to only one school – Oklahoma City University – and was thankfully accepted. He and his wife, Cheri (a mechanical engineer he married in 1981) moved to Oklahoma City in 1982 so he could attend law school, and they have lived here ever since.

Judge Haralson started his career with the City of Oklahoma City, but after just a few years, he decided to strike out on his own. For more than 20 years, he had a truly general practice, serving as a lawyer on the Criminal Justice Panel for the Western District of Oklahoma, which resulted in at least 10 federal criminal jury trials. He simultaneously took on civil cases ranging from breach of contract to family law, collections to bankruptcy, and just about everything in between.

All current and former trial lawyers are filled with anecdotes, and Judge Haralson is no exception. He tells one story of a couple who had worked out all of the difficult issues in their divorce by agreement, including custody of the children, what to do with the home, and child support and visitation schedule. However, the divorce was litigated because the couple could not agree on who would get to keep 3 items: a jar of pennies, a PS3 and a sand-filled punching bag. Another client of his was fighting tooth and toenail in his divorce for possession of a single, 1954 quarter that his wife refused to hand over. Judge Haralson recalls finding the exact quarter elsewhere, which he purchased for just over a dollar and gave to his client and they were then able to finalize the divorce.

Judge Haralson and his wife have three children. Their son, Curt, is an FBI Agent and lives with his wife and their 4 children in Aurora, IL. Their daughter, Jessika, is 26 and came to their family at age 13 - they adopted her when she turned 21 and she lives in Oklahoma City. David is their youngest son at 25 and he is currently working on a Master’s Degree in electrical engineering at the University of Utah. When not on the job, Judge Haralson enjoys traveling to spend time with his kids and grandkids, as well as his numerous siblings, who now live all over the country.
Judge Richard Ogden has been a Special Judge since 2015, but was appointed by Governor Fallin on May 10th, 2017 and sworn in as a District Judge in June. His first five months on the bench have been busy, but he has settled into his new role and has already presided over several jury trials. His office is on the Third Floor of the Oklahoma County Courthouse.

Judge Ogden hails from a family of legal eagles in the Oklahoma Panhandle, as his Father and Uncle were both attorneys. Judge Ogden’s Father served as Majority Floor Leader in the Oklahoma House of Representatives, and upon retiring from that post in the late 1960s, he practiced law in Guymon. Eventually, he became the District Judge over four counties and was so popular that he was reelected to his position as District Judge, in a contested election, by a 91% margin, even after his death in 1990. His son, the current Judge Ogden, was present at the watch party for that campaign and was honored to give the acceptance speech in his father’s stead.

Judge Richard C. Ogden obtained his undergraduate degree in Political Science from Oklahoma State University in 1986 and completed his law degree at O.U. in 1989. During his schooling, he was very active in politics and served as an intern and on the campaign of then-Senator, David Boren, among others. He was Chair of the OBA Young Lawyers Division in 1996 and was lucky enough to be involved in two reported Oklahoma Supreme Court cases very early on in his career.

After working for a few years with Joel Carson and his firm, he briefly struck out on his own. After only a few years as a solo, he joined forces with friends and colleagues to form the 20-lawyer firm which eventually became known as Mulinix, Ogden, Hall, Andrews & Ludlam. Judge Ogden had sustained a successful corporate law practice for more than 25 years when he felt called to apply for the Special Judge position that became available when his former partner, Judge Don Andrews, was elected to the District bench. Judge Ogden believes his 25 years as a practicing litigation attorney helps him be the best judge he can be in terms of understanding both sides of the bench.

Judge Ogden is the youngest sibling in his family by a good bit, so his sister’s sons are more like younger brothers to him than nephews. He spends as much time as he can with sister, his nephews, and their families, when he is not dedicating himself to community service work. Judge Ogden is active in St. Paul’s Episcopal Cathedral and has been involved with The Guild of St. George food pantry downtown, as well as various campaigns and charitable causes over the years. He has also maintained an ongoing relationship with Leadership Oklahoma and Leadership Oklahoma City following his own graduation from those programs, and he is a current and active member of both Rotary and the Exchange Club.

Judge Ogden was also particularly fond of and fulfilled by his 2010 appointment by Governor Henry as a Regent for Regional University System of Oklahoma, even though he was required to resign that position upon becoming a judge. Judge Ogden enjoyed working within our State’s largest university system of more than 50,000 students to help support and work toward the opportunities higher education provides our citizens. He is a member of two American Inns of Court and has long been actively involved with both the OBA and the ABA. Judge Ogden’s current service efforts are focused on being the best judge he can be, to the benefit of Oklahoma County, and we wish him well in that endeavor.
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Ah! Thanksgiving dinner! The feast of November! When we were young, the time between Thanksgiving and Christmas became into us a year. Now, it seems we don’t even get up from one holiday table before settling into the next. But what a table it is, with turkey, mashed potatoes and gravy, corn, green bean casserole, sweet potatoes or yams, cranberry sauce, dressing, dinner rolls and cornbread. And the pies! Pumpkin pies, apple pies, and pecan pies?

No other meal in the entire year wraps itself in as much tradition as the Thanksgiving feast. Its roots go back to the Plymouth Colony and the three days of feasting in 1621, when the pilgrims and the Wampanoags celebrated the bounty which would feed them through their second winter in the New World. In all candor, the Wampanoag tribe was probably unaware that it was a new world, since they had been here for about ten thousand years. But, as we all know, history begins when a European bumps into the past.

Leaving aside for the moment that the tradition of an annual Thanksgiving dinner didn’t really start until more than two centuries after the original feast, it might be interesting to see how much of our traditional Thanksgiving dinner might have been found on the Plymouth colony table. How about mashed potatoes and gravy? Alas, while Peruvians have been noshing on the potato for a few thousand years, the spud did not sprout from the ground in North America until 1719, almost a century after the Plymouth feast. As for the gravy, disregarding why one would be interested in it without potatoes on which to put it, it probably would not have graced a Plymouth table. Gravy is made from the juices of cooked meat, and whether the meats at that first Thanksgiving were roasted on a spit or in a casserole or stew, the juices would not have been collected to be mixed with the as-yet unavailable flour.

What about the sweet potatoes? Like the potato itself, the sweet potato had been cultivated in South America for millennia, but did not find their way to North America until at least the second half of the eighteenth century. And, candied sweet potatoes were not topped with marshmallows until the twentieth century! While the terms yam and sweet potato are often used interchangeably in today’s parlance, yams have their origin in Africa and are starchy and drier than the sweet potato. In any event, neither of them was served at the Plymouth Thanksgiving.

So far, this author is struggling to match our traditional Thanksgiving meal with the one served in 1621. Luckily, we have corn and corn, or maize, must have been on the menu at the first Thanksgiving. However, it was almost assuredly not served in kernel form and it definitely was not served on the cob. Instead, it would have been removed from the cob and ground into cornmeal to be used for a type of bread or it was made into porridge.

While beans were grown by the Native Americans at the time of the first Thanksgiving, green beans would not have been available in the fall. The beans would have been not the same plant. Yams have their origin in Africa and are starchy and drier than the sweet potato. In any event, neither of them was served at the Plymouth Thanksgiving.

So, of our traditional Thanksgiving dinner, all that remains for consideration is the venerable turkey. And, good news! Wild turkeys were, indeed, available for the feast. What is uncertain is whether any were actually consumed. Venison was served and eaten, as were lobsters and other seafood. And, if the thought comforts us about our traditional dinner, we can assume that some of the wild turkeys made their way either onto the spit or into the casserole or stew.

Much of what was cooked and eaten at the feast in the fall of 1621 is speculation. However, three documents relating to that fall have survived. Edward Winslow wrote the following: “our harvest being gotten in, our Governor sent four score men on fowling, that so we might after a special manner rejoiceth together, after we had gathered the fruits of our labours, they fowre in one day killed as much fowle, as with a little helpes beside, served the Company almost a weke, at which time amongst other recreations, we exercised our Armes, many of the Indians coming amongst us, and amongst the rest their greatest King Massasoit, with some ninetie men, whom for three dayes we entertained and feasted, and they went out and killed five Deere, which they brought to the Plantation and bestowed on our Governor, and upon the Captain and others. And although it be not always so plentiful, as it was at this time with us, yet by the goodness of God, we are so farre from want, that we often wish you partakers of our plente.”

William Bradford described, “They began to grow to gather in ye small harvest they had, and to fitte up their houses and dwellings against winter, being all well recovered in health & strength, and had all things in good plenty; (For as some were thus employed in affairs abroad, others were excersised in fishing, aboute codd, & bass, & other fish, of which yee tooke good store, of which every family had their portion. All ye somer ther was no want. And now began to come in store of foule, as winter approched, of which this place did abound when they came first (but afterward decreased by degrees). And besides water foule, ther was great store of wild Turkes, of which they tooke many, besides venision, &c. Besides, they had a good pcke a meale a weke to a person, or now since harvest, Indean corn to yt proportion. Which made many afterwards write so largely of their plenty hear to their freinds in England, which were not fained, but true reports."

And finally, William Hilton wrote of a country “yielding naturally, of itself, great store of fruits, as vines of divers sorts in great abundance. There is likewise walnuts, chestnuts, small nuts and plums, with much variety of flowers, roots and herbs, no less pleasant than..."
wholesome and profitable. No place hath more gooseberries and strawberries, nor better. Timber of all sorts you have in England doth cover the land, that affords beasts of divers sorts, and great flocks of turkey, quails, pigeons and partridges; many great lakes abounding with fish, fowl, beavers, and otters. The sea affords us great plenty of all excellent sorts of sea-fish, as the rivers and isles doth variety of wild fowl of most useful sorts. Mines we find, to our thinking; but neither the goodness nor quality we know. Better grain cannot be than the Indian corn."

It might be noted that many scholars of the feast assert that the meal in large part was provided by the Wampanoags. Also, had it not been for the care and assistance of the tribe, the half of the pilgrims and ship’s crew who did survive the previous winter would have perished.

That said, one might reasonably inquire as to the genesis of our traditional Thanksgiving dinner. The driving force behind the establishment of an official Thanksgiving holiday was Sarah Josepha Hale, best known today as the author of “Mary Had a Little Lamb,” which is not a reference to Thanksgiving dinner at all. Her campaign to establish a uniform celebration of the holiday spanned years and would make an interesting study, though it is outside the scope of this article. However, in addition to being a poet and activist, Ms. Hale was also a writer of cookbooks and novels. In her novel, “Norwood,” she described a Thanksgiving feast of turkey, duck, goose, roasted sirloin, pork, mutton, gravy, pickled condiments, vegetables, puddings and pies. Among the indispensable desserts, according to Sarah Hale, was the pumpkin pie. This helps explain why Sarah Hale has been described as the Godmother of Thanksgiving.

So, as we overeat at the Thanksgiving table on our way to the television to watch the Lions battle the Vikings, we should be thankful for our bounty and also thankful that we are not eating that first Thanksgiving dinner from 1621.

The Oklahoma City University School of Law recently began a partnership with Palomar, Oklahoma City’s Family Justice Center. Palomar provides free and confidential assistance to survivors of domestic violence, sexual assault, stalking, trafficking, and elder abuse. Palomar addresses the serious problem of domestic violence in Oklahoma City by bringing together into a single location representatives from state agencies, nonprofit civic groups, the domestic violence unit of the Oklahoma City Police Department, legal aid attorneys, and other resources for victims. Before the creation of Palomar, victims spent many hours visiting various service providers scattered around town.

OCU law students began working with Palomar in the summer of 2017. The partnership began by training students in the basics of interacting with victims of domestic violence, interviewing and counseling clients, and Oklahoma laws relevant to victim protective orders. Law students supervised by attorneys from Legal Aid Services of Western Oklahoma learn to take narrative statements from Palomar clients and help the clients prepare the documents necessary to seek a victim protective order.

Several exciting new developments are on the horizon for OCU law’s partnership with Palomar. Beginning in 2018, OCU law students who are licensed legal interns will work under the guidance of a faculty member and Legal Aid Services of Western Oklahoma to represent Palomar clients in court. Students will attend the VPO docket with Palomar clients who are seeking to obtain a protective order. Another initiative could bring additional civil legal services to Palomar. Attorneys from various law firms, Oklahoma County Judges, and representatives from OCU Law are currently exploring the possibility of expanding the civil legal services at Palomar.

These initiatives by OCU law students represent a small portion of the more than 10,000 hours of pro-bono and volunteer hours that OCU law students complete each year. Students active in these areas recently formed organizations to further pro-bono and public interest work. These organizations include the Public Interest Law Group and Poverty Law Group. OCU Law’s partnership with Palomar gives students an opportunity to give back to the community while simultaneously learning essential legal skills including client interviewing, counseling, drafting, motion docket practice, and appellate practice.
McAfee & Taft has announced the addition of 2017 law school graduates Emma L. Land, Russell C. Lissuzzo III, Mackenzie L. Smith and Stanton Yeakley as associates.

Land is a transactional attorney who works primarily in the areas of complex business and commercial disputes, mass torts litigation, insurance litigation, and product liability defense in both state and federal courts and in arbitration proceedings. She also represents management exclusively in the contexts of employee-employee relationship, wage and hour violations, breach of contract claims, leases, commercial payments, environmental and property damage, bodily injury, negligence, and products liability. A portion of his practice is devoted to representing management exclusively in labor and employment matters, including claims of harassment and discrimination, wrongful and retaliatory discharge, wage and hour violations, breach of employment agreements, and other disputes arising from the employer-employee relationship.

Lissuzzo graduated cum laude from the Oklahoma City University School of Law, where he was named to the Phi Delta Phi honor society and earned a CALI Award in Legal Research and Writing II. While in law school, he served as a judicial extern to the Honorable Barbara Swinton in the Oklahoma County District Court.

Mackenzie Smith is a trial lawyer whose civil litigation practice encompasses the areas of complex business and commercial disputes before state and federal courts and in arbitration proceedings. Smith graduated summa cum laude from the Oklahoma City University School of Law, where she was a member of the Oklahoma City Law Review and international law moot court team and was the recipient of 12 CALI Awards.

While pursuing her Juris Doctor, Smith served as a judicial extern for The Honorable Timothy D. DeGusti of the U.S. District Court for the Western District of Oklahoma, a reference for the Oklahoma City University School of Law, and a social media intern for Oklahoma City University Center for Service Learning. Prior to attending law school, she served as an intern for the Office of Oklahoma Attorney General Scott Pruitt and a public affairs intern for the Office of Oklahoma Governor Mary Fallin.

Yeakley is a trial lawyer whose civil litigation practice involves the resolution of a broad range of complex commercial and business disputes in both state and federal courts and in arbitration proceedings.

Yeakley graduated with highest honors from the University of Tulsa College of Law, where he served as an editor on the Tulsa Law Review, was a member of the Phi Delta Phi legal honor fraternity and the Phi Delta Phi honor society, and was a member of the Phi Alpha Delta legal fraternity. He also earned three CALI Awards. At graduation, he was named to the Order of the Curule Chair.

GableGotwals welcomes a new shareholder and two new associates

Steve Lake has over 26 years of legal experience in the energy industry in both law firm and corporate settings. Steve started his career at GableGotwals where he practiced for 17 years in the areas of mergers and acquisitions, corporate and securities matters, and corporate finance. He then served as Executive Vice President and General Counsel for McJunkin Red Man Corporation for about four years before joining ONEOK, Inc. and ONEOK Partners in 2011. During his tenure with ONEOK, Steve led the in-house legal team as Senior Vice President and General Counsel. Steve joins the Tulsa office as a Shareholder where he will focus his practice on mergers and acquisitions, corporate and securities law, and corporate finance.

Ashley E. Quinn joins GableGotwals as an associate attorney in the firm’s Oklahoma City office. Quinn primary practice will focus on state and federal litigation. Quinn graduated from the University of Oklahoma College of Law and was named Order of the Coif. She also earned her bachelor’s degree from the University of Oklahoma, where she graduated summa cum laude. She also attended the Oxford Summer Program at Oxford University and traveled to Guatemala to research and draft a shadow report on International Human Rights conditions in Guatemala.

Andrew R. Polly joins GableGotwals as an associate attorney in the firm’s Tulsa office. Andrew’s primary practice will focus on Commercial Law. Andrew obtained his Juris Doctorate with highest honors from the University of Tulsa College of Law and earned his bachelor’s degree magna cum laude from Emporia State University. While in law school, Andrew served as Judicial Extern for the Honorable Gregory K. Fizzell, Chief Judge in the United States District Court for the Northern District of Oklahoma. He also worked as a Summer Associate for Jones, Gotcher & Bogan.

Former federal judicial clerks Coffey, Isaacs join McAfee & Taft

The law firm of McAfee & Taft has made the transition of its Litigation Group with the addition of former federal judicial clerks Nick Coffey and Elizabeth T. Isaacs.

Nick Coffey, a former judicial clerk to The Honorable David Russell of the U.S. District Court for the Western District of Oklahoma, focuses his civil litigation practice primarily on complex business litigation, with specific emphasis on matters affecting the energy industry, including disputes involving breach of contract claims, leases, eminent domain, torts, and property damage, bodily injury, negligence, and products liability. A portion of his practice is devoted to representing management exclusively in labor and employment disputes.

Coffey graduated with highest honors from the University of Oklahoma College of Law in 2016. While in law school, he served as executive note and comment editor for the Oklahoma Law Review, was a member of the Phi Delta Phi legal honor fraternity, and was a member of the Phi Alpha Delta legal fraternity. She also earned her bachelors degree magna cum laude. She also attended the Oxford Summer Program at Oxford University and traveled to Guatemala to research and draft a shadow report on International Human Rights conditions in Guatemala.

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Mike McBride III elected first vice president of International Masters of Gaming Law

Crowe & Dunlevy attorney Mike McBride III was recently elected as first vice president of International Masters of Gaming Law (IMGIL). McBride is one of only two Oklahoma general members of IMGIL, previously served as second vice president and treasurer, director of membership and has received the IMGIL President’s Cup Award for his outstanding accomplishments.

Mike McBride serves as chair of the firm’s Indian Law & Gaming Practice Group and is also a member of the Banking & Financial Institutions, International and Litigation & Trial Practice Groups.

He has more than two decades of experience in gaming, federal Indian law, litigation and complex transactions as a trial, appellate and business lawyer. McBride has tried more than 50 cases to conclusion in federal, tribal and state courts, and as a judge and justice, has adjudicated numerous published and unpublished decisions. He excels in gaming regulatory matters, bet-the-tribe litigation, tribal government matters, economic development and regulatory matters. Chambers and Partners has recognized McBride with its Star Individual designation in Native American law for several years in a row, its highest individual ranking.*

McBride currently serves as attorney general of the Seminole Nation, has served as justice of the Pawnee Nation Supreme Court from 2003 to 2014, and is a former judicial clerk to the U.S. Attorney for the Western District of Oklahoma, as a clerk in the Office of the Oklahoma Solicitor General.

Elizabeth Isaacs, a former judicial clerk to The Honorable Joe L. Bigby of the U.S. District Court for the Western District of Oklahoma, focuses her state and federal trial practice on civil litigation, including insurance and ERISA litigation.

Isaacs graduated with highest honors from the University of Oklahoma College of Law in 2016, where she served as note and comment editor for the Oklahoma Law Review and as auction chair for the Organization for Advancement of Women in Law. She represented the University of Oklahoma in three moot court competitions and was named to the Order of the Coif, Order of Barristers, and National Order of Scribes.

During law school, Isaacs also served as a judicial intern to the Honorable Susan H. Cantrell of the Fourteenth Judicial District for the State of Oklahoma and as an extern for the Office of the U.S. Attorney for the Western District of Oklahoma.

Steve Lake has over 26 years of legal experience in the energy industry in both law firm and corporate settings. Steve started his career at GableGotwals where he practiced for 17 years in the areas of mergers and acquisitions, corporate and securities matters, and corporate finance. He then served as Executive Vice President and General Counsel for McJunkin Red Man Corporation for about four years before joining ONEOK, Inc. and ONEOK Partners in 2011. During his tenure with ONEOK, Steve led the in-house legal team as Senior Vice President and General Counsel. Steve joins the Tulsa office as a Shareholder where he will focus his practice on mergers and acquisitions, corporate and securities law, and corporate finance.

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NLLG grew from an initial team developed in 2014 which provided legal services on a subscription basis and grew to more than 44,000 volunteers who contributed more than 137,000 hours of service – saving the Regional Food Bank more than $2.4 million in labor costs. OCBA YLD Directors spent several collective hours at the Regional Food Bank volunteering in 2016. The YLD is proud of its commitment to the Regional Food Bank. If you would like to donate to the YLD’s Harvest Food Drive, please contact the Oklahoma County Bar Association at (405) 236-8421. The YLD is working hard to receive all donations by early December, but will continue to accept donations through the holidays. To learn more about the Oklahoma Regional Food Bank and volunteering opportunities, please visit their website at www.regionalfoodbank.org.

**FOOD DRIVE from PAGE**

The jury ultimately returned a verdict of guilty regardless of my lack of talent and knowledge of the rules of evidence.

**NO PLEA BARGAINS from PAGE 3**

allowing improper evidence to be admitted. Not being quite sure, I jumped to my feet and objected to the Defendant’s answer relating to what his Doctor had told him some years earlier. Judge Atkinson called Mr. Tannery and me to the bench. Never having been called to the bench, I imagined that Judge Atkinson was going to pay me a complement on the incredible job I was doing and then sustain my objection. At the bench, Judge Atkinson asked me why I objected and I told him that I thought that the statement by the Defendant about what his physician had told him “might” be hearsay. In response Judge Atkinson said: “Congratulations Mack, it is 4:00 p.m. and this is the first time you have objected in this trial, I was beginning to wonder if you had taken evidence while in law school. About 10 a.m. this morning, I started keeping count and this was about the thirtieth objection that I would have sustained had you objected.”

As it turned out Mr. Tannery’s no plea bargaining policy turned out to be a bonus for me as a defense attorney, as I got to try countless jury trials and learned the rules of evidence while practicing in Lawton.
Sunday morning, they couldn’t buy beer, so they drank coffee and played pool. He stated that he and Greenwood were playing pool, when a man known only as “Frank” challenged the winner at the game.

The defendant continued that since he was the winner, he accepted “Frank’s” challenge, and they commenced to play and included the element of betting. After some time, the defendant, that he gave the total sum of about $120. When “Frank” was called on to “pay-off,” he admitted that the defendant had already won all the cash he had, and offered to trade the stereo and some records, to cover his loss to defendant. The defendant agreed, and in addition he gave “Frank” $30 cash, so “Frank” wouldn’t be broke. He said the three of them loaded the stereo and records into Greenwood’s car. Greenwood drove the defendant home. Defendant said the stereo was placed in his living room where it remained until taken by the police.

Dwight Greenwood testified as a defense witness and substantially corroborated the defendant’s story, especially as to the place and the manner in which the defendant came into possession of the stereo and records, at the “Topper” store in Oklahoma City. He stated further, that the three of them loaded the stereo and records into Greenwood’s car. Greenwood drove the defendant to his home in Norman.

Defendant’s former wife also testified in defendant’s behalf. At the time of the trial, defendant and his wife had been divorced. In her testimony she corroborated defendant’s story as to the time he returned home, that he gave her the stereo and records, and that they were placed in the living room of their home.

The State offered no rebuttal testimony whatsoever. This conviction was accomplished on the facts: (1) That a stereo and some record albums were placed in the living room of their home.

We observe also that the trial court’s instruction number 4, and completely disregarded the testimony offered by the defendant.

Defendant’s fifth proposition, “that he was denied due process of law by virtue of the statutory presumption” has merit.

Notwithstanding the fact that this Court in Davie v. State, Okl.Cr. (1966), 421 P.2d 1001, 1006, held that only those provisions of Article 21, O.S.A. § 1713, which the defendant was `convicted of his possession, and that he gave her the stereo and records, and that they were placed in the living room of their home.

The express language of 12 O.S. 1981 §1280 prohibits only those marriages contracted in Oklahoma within six months of a divorce. The marriage is void. She finds support in our prior jurisprudence.

The defendant now argues that legislative intent controls statutory interpretation. However, it is unnecessary to apply rules of statutory construction if the legislative will is clearly expressed.8 Title 12 O.S. 1981 §1280 provides that it is unlawful for either party to a divorce whose spouse has remarried to marry in this state in less than six months from the date of decree of divorce, unless it is shown that the marriage is valid. This provision was enacted to prevent marriages contracted outside Oklahoma and that it was the intent of the Legislature to make the marriage invalid. This finding is in accord with the majority of jurisdictions which have analyzed statutes similar to §1280 or decrees containing the statutory language and have determined that the statutes have no extra-territorial effect.

We recognize that our holding today, rests upon the proposition that the six-month prohibitory period contained in §1280 to marriages contracted within Oklahoma, conflicts with prior case law.

It is clear that under §1280 only those marriages contracted in Oklahoma during the six months following a divorce are prohibited. However, an apparent conflict exists between the language of §1280 and 12 O.S.Supp. 1981 §1282. Section 1282 addresses the time when divorce decrees become final and the effect of an appeal. It provides that neither party to a divorce may marry another person within six months of a divorce. Section 1282 does not, as does §1280, differentiate between marriages conducted with and outside Oklahoma. Section 1282 was amended contemporaneously with the 1969 amendment to §1280. The 1969 version of §1282A did not contain an express prohibition against remarriage during a specified period. However, it did provide that a divorce decree did not become absolute and effective until six months after the date it was rendered. Two years after first inserting language in §1280 providing that only those marriages contracted outside Oklahoma were unlawful, the Legislature again amended the statute. The only change made to §1280 by this amendment deleted language providing that divorce cases were to have priority before this Court. Title 12 §1280 prohibits only those marriages contracted within §1280, its meaning had been judicially determined [to mean that] marriages contracted outside of Oklahoma and occurring within the prohibitory period had to continue beyond the six-month period to ripen into valid common law marriages. The express language of §1280 prohibits only those marriages contracted outside Oklahoma within six months following a divorce. Additionally, the statute addresses the situation presented here - marriage outside Oklahoma. It provides that it is unlawful for the couple to reside together during the six-month prohibitory period. However, it does not restrict an out-of-state marriage entering into such marriages are subject to a charge of adultery if they return to Oklahoma to reside during the six-month period following a divorce. This Court may not, through the use of statutory construction, change the express language of Title 12 O.S. 1981 §1280. The Oklahoma Legislature has restricted remarriage within the six-month prohibitory period to those marriages contracted within Oklahoma. We may not extend that prohibition to marriages conducted outside the state. Because 12 O.S. 1981 §1280 prohibits only those marriages celebrated within Oklahoma during the six-month period following a divorce, we find that a marriage conducted in another state during the statute’s six-month prohibition against remarriage is invalid. This finding’s in accord with the majority of jurisdictions which have analyzed statutes similar to §1280 or decrees containing the statutory language and have determined that the statutes have no extra-territorial effect.

The appellant, Ettzell H. Copeland (Copeland/husband), obtained a divorce from his first wife on December 10, 1986. On January 5, 1987, Copeland and the appellee, Dora “Dot” Stone (Stone/wife), were married in Nevada. The couple stayed three days in Nevada before returning to live together in Oklahoma for approximately three weeks. Copeland and Stone did not live together at any time after January, 1987; and no children were born of the marriage. On June 10, 1987, the six-month prohibition against remarriage imposed by 12 O.S. 1981 §1280 expired. Copeland married a third woman on July 22, 1987.

On March 28, 1988, Copeland filed for divorce naming Stone as defendant. The trial court conducted a hearing on August 18, 1989, to determine the validity of the Nevada marriage in Oklahoma. Finding that the couple did not cohabit beyond the six-month prohibitory period imposed by 12 O.S. 1981 §1280, the trial court found that the union had not ripened into a common law marriage and that it was void. The Court of Appeals affirmed.

We find that the couple did not cohabit beyond the six-month prohibitory period imposed by 12 O.S. 1981 §1280, a marriage contracted in another state in violation of the statute’s six-month prohibition against remarriage is valid in Oklahoma.

Copeland asserts that his Nevada marriage is valid. He insists that the limitation provided in 12 O.S. 1969 §1280 prohibits only those marriages contracted in Oklahoma within six months of a divorce. Stone argues that because she and Copeland did not cohabit beyond the period of impediment imposed by §1280, the marriage is void. She finds support in our prior jurisprudence.

Title 12 O.S. 1981 §1280, prohibits only those marriages contracted outside Oklahoma within six months following a divorce. The express language of 12 O.S. 1981 §1280 prohibits only those marriages contracted outside Oklahoma. If §1280, its meaning had been judicially determined [to mean that] marriages contracted outside of Oklahoma, occurring within the prohibitory period had to continue beyond the six-month period to ripen into valid common law marriages. The express language of §1280 prohibits only those marriages contracted outside of Oklahoma. If §1280, its meaning had been judicially determined [to mean that] marriages contracted outside of Oklahoma, occurring within the prohibitory period had to continue beyond the six-month period to ripen into valid common law marriages.

The issue presented is whether, pursuant to 12 O.S. 1981 §1280, a marriage contracted in another state in violation of the statute’s six-month prohibition against remarriage is valid in Oklahoma. Because 12 O.S. 1981 §1280 prohibits only those marriages celebrated within Oklahoma during the six-month period following a divorce, we find that a marriage contracted in another state during the statute’s six-month prohibition against remarriage is valid.
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