



Briefcase

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A PUBLICATION OF THE OKLAHOMA COUNTY BAR ASSOCIATION

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Welcome New Lawyers! Now Remember to Record Your Time



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The Editorial Team at Briefcase

Congratulations to those of you reading this who experienced a wave of relief on Friday, September 12, 2025, when the results of the July bar exam were published! It is certain that many of you took a deep breath and maybe did a little fist pump when you learned that you would soon be admitted as licensed attorneys!

Passing the bar is a milestone achievement and a reflection of years of hard work and sacrifice. Admission to the practice of law is an honor and a responsibility. The practice of law is really a profession of service that includes not only service to clients, but to the courts and to the broader community.

In order to provide that service and be the best that you can be, there are some practical day-to-day and some would say “mundane” parts of the profession that are simply critical for you, as a new attorney, to understand. One of those “mundane” practices is timekeeping. While not every attorney records

their time and bills their clients, timekeeping is an integral part of the practice of law.

A number of attorneys actually earn their income from billing their clients for the time spent on the matter for the client whether that is transactional or litigation. Even for “flat fee” arrangements, it is necessary to know how long a matter will take so that it can be appropriately staffed and managed. Timekeeping can even be important for those of you who will work on contingency or those of you who will work for government or in-house because the metrics of how an attorney’s time is spent are fundamental to all kinds of decisions including the profitability of the contingency matter, a government agency’s budget, or a legal department’s budget.

Here are some practice pointers about timekeeping that can hopefully aid you in making this mundane task a source of value as you begin to build your practice:

- Time entries provide clients, courts, and others with the opportunity to make

judgments about the matter, your decisions, and your practice.

- Time entry is not a personal diary or journal, rather, you need to use clear, persuasive, and professional language to describe the work that was performed.
- And, while it is neither necessary nor appropriate to identify every single act that occurs, itemized billing needs to tell the whole story in as succinct but comprehensive manner as possible.
- Avoid using terminology, acronyms and abbreviations that the recipient of the invoice may not understand like “rs summ jdg; review mot sum judg; prep resp.” Instead, use a description that accurately and clearly describes the work performed: “Receive and review motion for summary judgment filed by Defendant; begin preparing response to motion for summary judgment.”
- Use present tense and an active voice:

See **NEW LAWYERS**, Page 6

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FROM THE PRESIDENT

A Legacy of Service and a Vision for the Future

By Todd Blasdel
President

It is an honor to serve as the incoming President of the Oklahoma County Bar Association. As I step into this role, I am mindful of both the rich history of our organization and the opportunities that lie ahead.

The OCBA has been a cornerstone of our profession since its founding in 1902. With more than 2,400 members, it has long-served as a voluntary association committed to improving the administration of justice, fostering professional growth, and providing meaningful opportunities for connection and service. From its 16 active committees to its strong Young Lawyers Division and the work of the Oklahoma County Bar Foundation, our association continues to live out its mission to serve both the profession and the community.

For me, the OCBA has always been more than an organization, it has been a family tradition. Both of my parents were attorneys, as was my grandfather, Bill Burkett, who set an early example of service to the bar. As a young lawyer, he encouraged me to attend OCBA functions and to get more involved. That encouragement shaped my own path. Over the years, I have had the privilege of serving on many OCBA committees and on the Board of Directors, experiences that deepened my appreciation for the value this association brings to its members.

My own legal journey began after graduating from the University of Oklahoma College of Law in 2002. I was fortunate to start my career at Short Wiggins Margo & Butts here in Oklahoma City, where I received invaluable training that continues to guide my practice today. I now serve as a sole practitioner in Edmond, representing patients and their families in medical malpractice cases.



Todd Blasdel, right, with his grandfather, Bill Burkett, and his mother, Bana Roberts.

The OCBA's history is filled with inspiring leaders who have paved the way. In 1990, Mona Salyer Lambird became the first woman president of the OCBA, breaking barriers and leaving a legacy that continues to inspire. Our Young Lawyers Division, created in 1983, has helped countless attorneys build lasting connections and grow into leadership roles. These examples remind us that our association is strongest when it brings people together and opens doors of opportunity.

As I look ahead to this year, I am excited about the ways we can continue to grow and adapt while staying true to our mission. Whether through continuing

legal education, mentoring younger lawyers, or strengthening our community service, my goal is to ensure that every member finds value and belonging in the OCBA.

Another important goal during my term is to strengthen the OCBA's relationships with the many stakeholders who make the practice of law in our county possible. Our daily work depends on the professionalism and dedication of those who support the courts, from the courthouse staff and the Court Clerk's office to the Oklahoma County Sheriff's Department that safeguards the courthouse. By building stronger connections with these

partners, we not only enhance the efficiency of our justice system but also foster the mutual respect and collaboration that benefit our members, our clients, and the community as a whole.

On a personal note, I am grateful for the support of my wife, Braden, and our two children, Max (18) and Anna (13), who have been my steady encouragement throughout this journey.

I look forward to serving you this year, and I invite each of you to find ways to get more involved in the work of our bar. Together, we will continue the proud tradition of the OCBA and build an even stronger future for our profession.

As I look ahead to this year, I am excited about the ways we can continue to grow and adapt while staying true to our mission. Whether through continuing legal education, mentoring younger lawyers, or strengthening our community service, my goal is to ensure that every member finds value and belonging in the OCBA.

BRIEFCASE
September 2025

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■ NEW BOARD MEMBERS

New Law Library Board Trustee

On Friday, August 22, Jeff Massey presented Joan Lopez with a plaque in appreciation of her service to the Oklahoma County Law Library. Grady Conrad is welcomed as the new Law Library Board Trustee.



From left, Jeff Massey, Joan Lopez, Robert Gifford and Grady Conrad.

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OTHERS (PLEASE LIST BELOW)

■ STUMP ROSCOE | By Roscoe X. Pound

Dear Roscoe: Can a new trial happen if the court's bailiff explained the verdict forms to the jury as opposed to simply referring the question to the court and delivering the Court's response? This was a civil case.

RK, OKC.

Dear RK: Abundant cases both nationwide and in Oklahoma address possible effects of juror taint by bailiff contract in criminal cases. SCOTUS' observation in *Parker v. Gladden*, 385 U.S. 363, 365 (1966) that we should not "overlook[] the fact that the official character of the bailiff — as an officer of the court as well as the State — beyond question carries great weight with a jury which he had been shepherding for eight days and nights. [W]e believe that the unauthorized conduct of the bailiff 'involves such a probability that prejudice will result that it is deemed inherently lacking in due process,' *Estes v. State of Texas*, 381 U.S. 532, 542—543, 85 S.Ct. 1628, 1633, 14 L.Ed.2d 543 (1965)." This should apply to both civil and criminal jurors' perceptions.

Rogers v. RJ Reynolds Tobacco Co., 731 N.E.2d 36 (Ind. App. 2000) partially vac. on other grounds by *Rogers v. R.J. Reynolds Tobacco Co.*, 745 N.E.2d 793 (Ind.2001)) imported criminal precedent to conclude:

"In circumstances of ex parte communications between the trial judge and the jury, the preferred method of communicating with the jury is on the record in open court. When jurors request additional guidance from the court, the proper procedure is for the judge to notify the parties so that they may be present in court before the judge communicates with the jury. An inference of prejudice arises from an ex parte communication and this inference creates a rebuttable presumption that error has been committed. However, if an explanation for the communication is given, and we are satisfied that no harm resulted, then the judgment will be allowed to stand. Additionally, when the trial judge merely responds to a jury question by denying the request, any inference of prejudice is rebutted and any error is deemed harmless. Further, this Court has held that the harmless error

rule applies to a trial court's ex parte denial of jury requests, regardless of whether counsel is present or not.). Finally, in determining whether the presumption of harm has been rebutted, we evaluate the nature of the communication to the jury and the effect it might have had upon a fair determination."

The Arkansas Supreme Court has noted that "[b]ecause of the close relationship between the bailiff and the court itself[,] any action on the part of the bailiff concerning the jury should be subject to close scrutiny by the court." *Lewis v. Pearson*, 262 Ark. 350, 354, 556 S.W.2d 661, 664 (1977). In *Lewis*, the supreme court held that the bailiff's racist comment to a juror "was such that the possibility of prejudice was so great that the entire deliberations were tainted." *Id.* *Lewis* involved a civil suit for damages stemming from a car accident. See also *Old Dominion Freight Line, Inc. v. McMillion*, 2025 Ark. App. 400 (2025).

Given courts' tendency to graft criminal jurisprudence on to civil cases on this topic, let's go back to Oklahoma and *Hiler v. State*, 1990 OK CR 54, 796 P.2d 346. Defendant challenged the verdict for a bailiff's allegedly inappropriate contact when he brought jurors snacks and took out the trash. The Court of Criminal Appeals stated:

"Title 22 O.S. 1981 § 857 provides, inter alia, that no officer of the court may speak to or communicate with the jury during deliberations, unless it be by order of the court. This Court has stated, 'It is well settled that any unauthorized communication to a juror during deliberations is presumed prejudicial with the burden clearly on the State to prove defendant was not prejudiced by a violation of 21 O.S. 1981 § 857 which forbids illegal communications with jurors during their deliberations.'"

In support of his argument, appellant claims that a presumption of prejudice necessarily resulted from the bailiff's actions and that the record is void of any offer by the State to rebut the same. We note, however, that the record is also silent as to whether the actions of the bailiff were "unauthorized." Furthermore, the record is unclear as to whether the bailiff even "communicated" with the jury within the

meaning of § 857 when he delivered the beverages, notwithstanding this Court's recognition that "communication" encompasses more than spoken or written words. There can be no question that the State bears the burden of rebutting any presumption of prejudice when a violation of § 857 has been shown. However, some threshold showing that an "unauthorized communication" occurred must be established before the State's burden of proof arises."

Citations deleted. It seems that a technical foul won't cut it, absent *prima facie* showing of some prejudice. If that's your case, go for it. Hopefully, it's properly preserved.

Dear Roscoe: My client, along with her late husband, acquired property at a tax sale. The deed reads "Barb Dwyer and/or Guy Dwyer." What, precisely, does this convey?

PD, OKC.

Dear PD: Nothing precise about it, kid. Of all the terms used in law, "and/or" is one of, if not the most, vilified in the legal lexicon. As a brief example, courts have referred to it as courts have been even more critical, referring to "and/or" as a "verbal monstrosity, neither word nor phrase," *Employers' Mut. Liab. Ins. Co. v. Tollefsen*, 263 N.W. 376, 377 (Wis. 1935), an "inexcusable barbarism[]" . . . sired by indolence," *Cochrane v. Florida E. Coast R. Co.*, 145 So. 217, 218 (Fla. 1932), a "mongrel expression . . . an equivocal connective, being neither positively conjunctive nor positively disjunctive," *Holmes v. Gross*, 93 N.W.2d 714, 722 (Iowa 1958), and an "abominable invention," *American Gen. Ins. Co. v. Webster*, 118 S.W.2d 1082, 1084 (Tex. Civ. App. 1941). *Cochrane* contains my personal favorite:

"It is one of those inexcusable barbarisms which was sired by indolence and dammed by indifference and has no more place in legal terminology than the vernacular of Uncle Remus has in Holy Writ. I am unable to divine how such senseless jargon becomes current. The coiner of it certainly had no appreciation for terse and concise law English."

The Oklahoma Supreme Court has yet to

weigh in. At common law, when married couples received a joint interest, tenancy by the entirety (TBE) (statutorily similar to a joint tenancy) was presumed. Oklahoma's statutory recognition of TBE does not specify magic words necessary to create the ownership so the rule of 12 OS. 5 (2021) that the common law remains in full force and effect and may be used in aid of construction may get you over the hurdle. But folks, when you're drafting deeds and other instruments such as the one creating this ambiguity, whether the confusion arises from the Dwyers or the County, don't be that guy/girl.

• • • • •

Well, I have a freezer full of bluegills, you guys got a column by Rae. Gee, who got the best of that deal I wonder. Anyway, to continue my story:

Jimmy did a pretty good patch job on my leg. After cleaning the wound and applying tourniquets, he helped me hop up one flight to the venue of the ongoing action. Bomb detonations, flashbangs, and gunfire filled the atmosphere with a thick, acrid cloud you almost needed to swim through. Walls stitched by automatic weapons and a few actual corpses gave a more in-your-face account of the night's activities. A hulking fellow in a tightly cinched hoodie and a pair of sunglasses gave us a sit-rep.

"About 30 staff and security guards barricaded themselves into an auditorium. We control access, but no telling how well armed they are. I'll tell you this though. What they're shooting ain't no non-lethal force crap either."

"What about patients?" I asked. "We had a certain few —"

"Big scary guy called Junior already evacuated them. I think some probably evacuated themselves when he showed up."

"Then why are we still here?" I said, my teeth now gritted from pain and exasperation.

I could almost hear the final *Jeopardy!* theme playing in the background.

"Wrap it up," I said. "The Staties won't wait forever, and we need to be well gone before the Fourth Estate arrive."

■ OBITUARY

**From the American Association for Justice (AAJ):
John W. Norman (1944 – 2025)**

Born and raised in Oklahoma, John attended the University of Oklahoma, where he received his bachelor's degree (1966) and law degree (1968). His skills as a trial lawyer elevated him to prominence in Oklahoma, where he was regarded as one of the best lawyers in the state.

Ten years into his practice, the Inner Circle of Advocates, a group of the top 100 plaintiff lawyers in the United States, invited John to join. He served as the organization's president from 2003 – 2005.

John was a member of AAJ's Board; served as AAJ (formerly ATLA*) Parliamentarian (1974 – 78), Secretary (1980 – 81), and Treasurer (1981 – 82); and was active in the association's Legal Affairs Committee, Justice List, Stalwarts/Endowment Committee, and Products Liability Section. He was a strong advocate of creating the AAJ PAC.

John served as president of the Oklahoma Trial Lawyers Association (now Oklahoma Association for Justice, OAJ) and was heavily involved in legislative issues in his home state for many years, including several battles over tort "re-



Norman

form." He was instrumental in the formation of OAJ's PAC, as well.

With a practice focused on personal injury, products liability, and wrongful death, John dedicated his work to making the world a better, safer place. Early in his career, he won at trial and on appeal in *Fields v. Volkswagen* (1976 OK 106, 555 P.2d 48), a case that exposed a problem where the ignition locked the steering wheel in operation. This case helped establish new laws to hold manufacturers accountable.

He was deeply involved in the tobacco litigation in Oklahoma, the settlement of which helped form the Oklahoma Tobacco Settlement Endowment Trust (TSET). Voters approved the Trust's creation, and Oklahoma became the first state to protect its Master Settlement Agreement payments in a constitutional trust.

TSET, which provides public health grants and focuses on opportunities to improve the health of Oklahomans, is part of John's legacy. He will be missed by all who knew him.

AAJ extends its deepest condolences to John's family, including his wife Cecilia, sons John B. Norman (Cynthia), Michael Norman, and Bradley Norman (Jada); his brothers Roger and Joe Norman; granddaughters Kayley Saunders (Stephen), Kenzie Norman, and Taylor Norman; and great-granddaughter Gentry Norman.

AAJ will present a resolution honoring John's work and life at our Board meeting on November 7 in Washington, D.C.

Local Court Rules Announcement

The District and Associate District Judges of Oklahoma and Canadian Counties recently adopted numerous changes to our Local Court Rules. Notice will be posted in the Courthouses once those rules are available online and for purchase from the Oklahoma County Law Library.

Quote of the Month

" ... I would encourage people to log off, turn off, touch grass, hug a family member, go out and do good in your community."

Utah Governor Spencer Cox during September 12, 2025, press conference announcing capture of suspected killer of Charlie Kirk.

Wrongful Conviction Day Dinner

Be the light that shines on

Thursday, October 2, 2025

6-9 p.m.

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Featuring:

Jim McCloskey

Author and Founder of Centurion Ministries

Tickets & Sponsorships:



Join the Oklahoma Innocence Project at OCU Law for a powerful evening celebrating justice, freedom, and exonerations of the innocent at the Wrongful Conviction Day Dinner.

Together, we will honor those who were wrongfully convicted and celebrate the work that is bringing them home. This year's keynote speaker is Jim McCloskey, founder of Centurion Ministries and co-author (with John Grisham) of the recently released book "Framed." You will also meet Oklahoma ex-

onerees and hear their courageous stories of injustice, hope, and redemption.

Your support provides legal services, re-entry services, and critical reform efforts to free the innocent. With government funding cutbacks, your sponsorship is urgently needed!

Attire is business casual. There will be a silent auction.

For ticket or sponsorship questions, contact Jennifer Stevenson at jstevenson@okcu.edu.

NEW LAWYERS

Continued from page 1

- "Research the statute of frauds issue to find legal authority to support the motion for summary judgment."
- Avoid past tense and the passive Voice:
- "The statute of frauds issue was researched to find legal authority to support the motion for summary judgment."
- Questions to ask as you draft the time entry: 1) What specifically did I do?; 2) How long did it take?; and 3) If appropriate, why did I do it?

- Record your time as soon as possible after you have completed the task.

Time entry is a foundational part of almost every attorney's practice. Even if it is not a part of your practice, there will likely be a time where you will need to keep your time whether it is for a matter where the cost for that time is recoverable or part of the budgeting process. Ensuring that your time entries are clear, persuasive and professional is simply a part of the attorney's overall job description of ensuring that your written work product informs and persuades your audience, so make it a fundamental part of your practice now as you begin to develop the habits and practices that will be with you throughout your career.

Time entry is a foundational part of almost every attorney's practice. Even if it is not a part of your practice, there will likely be a time where you will need to keep your time whether it is for a matter where the cost for that time is recoverable or part of the budgeting process.

Allow Me to Re-Introduce Myself: Welcome New YLD Chair Genni Ellis



From left, Chelsi Chaffin-Bonano, Nicole Jones, Peyton Howell, Genni Ellis and Braden Hoffmann.

Thank you for allowing me a moment to introduce myself as I step into the role of Chair for the Oklahoma County Bar Association Young Lawyers Division. Over the years, I've had the privilege of taking part in so many fun and worthwhile activities with the YLD, like chili cook-offs and community outreach, all while building lifelong friendships with fellow attorneys. These experiences have not only shaped my career but also reinforced my belief in the importance of service, camaraderie, and giving back to our community.

My path to becoming an attorney has been shaped by a variety of experiences. I grew up between Oklahoma and Alaska, two very different places that taught me to value both rugged landscapes and diverse perspectives. Before heading to law school, I supported my husband, Ross, during his service in the U.S. Coast Guard. Today, he is a pilot and small business owner, and together we are raising our two energetic boys, Cooper and Christian, who keep us busy with their many sports and activities.

Professionally, I focus my practice on intellectual property law, helping innovators and creatives protect their ideas. I earned my J.D. from the University of Oklahoma College of Law and also hold a master's degree in public health, which gives me a unique lens on the ways science, policy,

As I begin this term as Chair, I am excited to continue the YLD's tradition of service, help foster connections among lawyers, and help strengthen the Oklahoma County Bar Association.

and law intersect to serve clients and the greater community.

As I begin this term as Chair, I am excited to continue the YLD's tradition of service, help foster connections among lawyers, and help strengthen the Oklahoma County Bar Association. I look forward to working alongside all of you as we build on the legacy of this division and create opportunities for growth, service, and friendship.

Looking forward to the year ahead,
Genni Ellis

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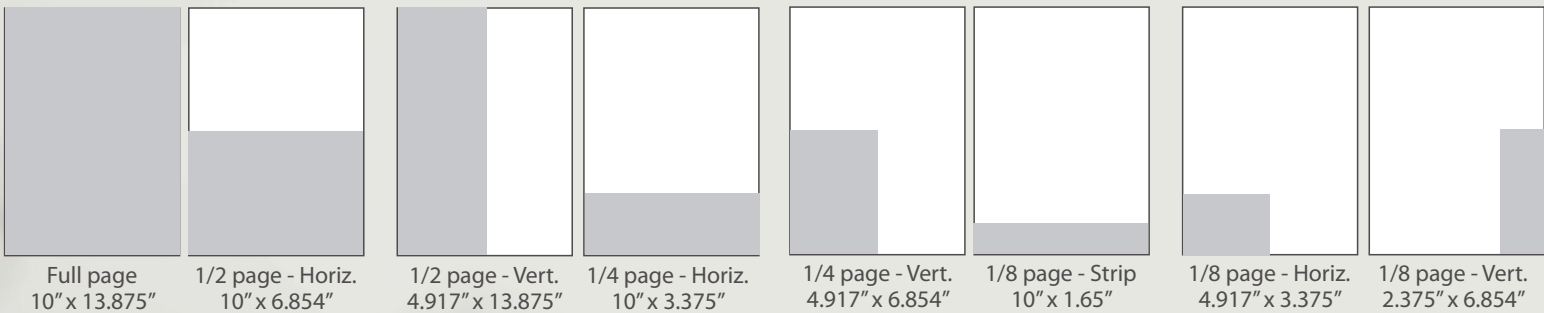
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