ELLIOIT RETIRES FROM BENCH

Oklahoma County District Judge Ray Elliott surrounded by his fellow judges at his retirement celebration on January 31.

GOLDEN MEMORIES OF DEBORAH J. BRUCE

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ORBAN: KILLER, COUNSEL, KINGPIN

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Golf Tournament Donation

OCBA Golf Tournament Captain Gary Chilton presented a check of $4,500 to Oklahoma Lawyers for Children CEO Tsinena Thompson.
**THE BRIEFCASE**

February 2022

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By: Shanda Mckenney
President, OCBA

My great-grandmother was born in Austria-Hungary in 1891. She immigrated to the United States when she was sixteen years old and ended up remaining in the U.S. for the rest of her life. When she passed away in 1975, it was noted that she went from horse and buggy to man on the moon over the course of her lifetime. The older I get, the more I realize how my Great-Grandmother's experience with the pace of change. I keep an informal list in my head of things in life that are significantly different now than they were when I was growing up. Nothing on this mental list has changed more than the way we communicate with one another.

When I started elementary school, a Speak n’ Spell was the closest thing to a computer I had ever seen. By fifth grade, we were allowed to play Oregon Trail and Hangman on the apple Macintosh in the classroom, although it wasn’t used for much else. Our home phone was a rotary dial that was firmly affixed to the wall. A teenager who had their own phone number was considered spoiled. In high school, there was a computer lab with about 25 DOS-based PCs and 3 gigantic dot matrix printers. I only stepped foot in that computer lab a handful of times for various word-processing projects in English class. I saw my first “mobile phone,” which was technically a bag phone, as a Senior in high school and I had a raft of phone numbers memorized (which was necessary in case I needed to use a pay phone).

Communications began moving at warp speed in college. Computers were everywhere on campus, and you were expected to know how to use them, even though no one bothered to teach you exactly how to do that. I received my first email address, and because Microsoft Windows did not require any specialized knowledge like DOS did, you were free to randomly click around until you found what you were looking for. The internet was in its public infancy, but utilizing HTML Editor to build my own (very basic) webpage gave me significantly more confidence around computers.

My laundry list was one of the first to regularly use Westlaw for research and writing projects, although it was only available in the on-campus computer lab. Although I had a PC at home, I rarely used it for much more than word processing and checking emails. I got my first cellular phone as a 1L (yes, it was one of those Nokia bricks, but never tested anyone because who wants to press the 7 button 4 separate times to get an “S”?). The bar exam was still taken with pencils, Scantron sheets, and Blue Books - special permission was needed if you planned on typing your exam answers.

When I started practicing, law firms were beginning to fully adopt computers, and legal secretaries became my go-to resource for learning the ins and outs of WordPerfect and Excel. I learned to use a dictation machine, although I preferred typing things myself. I could never find a blank tape for the machine, anyway. I had a laptop which weighed at least 25 pounds, and got a Blackberry to replace the Nokia. Twenty years later, I am currently sitting at a two-monitor station, where my 10” tablet weighing about 3 pounds is docked and running everything for my paperless office. My phone has multiple times more processing power than my first desktop did, and I am available to my coworkers via IM, email, cell phone, and/or Skype at all hours of the day.

My educational and professional courses, combined with the eras during which those occurred, have demanded that I not only adjust my way of thinking and working “on the fly” as new technology becomes available, but that I also learn to use new equipment and the new jargon that went with it, revise processes for the sake of efficiency, and adjust to increased expectations of work output. I have even stooped to the low of asking my teeenaged kids how to perform certain technological tasks. In short, I have been forced, as a practical matter, to learn to go with the flow of technological change.

At this point, mental agility should be employed almost automatically when it comes to technology. Thanks to a global pandemic, I’ve learned to perform electronic tasks that weren’t even invented when I started practicing law, and the developments in law-related technology continues at light speed. The number of apps, websites, and other tools available to lawyers these days is mind-blowing. However, equally amazing to me are the number of attorneys who proudly eschew all manner of technology, apparently on general principle.

As a lawyer, we are tasked with staying up to date with all changes in the law and the practice of law, “including the benefits and risks associated with relevant technology.” 5 O.S. App.3-A, Rule 1.1 at Comment 6. In our profession’s current iteration, that should include at least basic familiarity with how common video conferencing platforms work, as well as email, social media, and internet searching, in addition to Microsoft Word, Excel, and Adobe.

If you are a proud Luddite, you’ve likely read this article with a hearty “bah humbug!” in the back of your mind. Honestly, I never thought I would be authoring an essay with a “back in my day” tone to it while still in my 40s. But, here we both are. May I respectfully suggest that if you find yourself uncomfortable with today’s technology, that you find someone to assist you? Friends, coworkers, family, and even the OBA staff will be more than happy to provide whatever help and training is needed, if you just ask. You will, in turn, find it to be not as scary as you expect and much easier to go with the flow as we continually move forward with technological change. If I can do it, so can you.

**OCBA ELECTION NOMINATIONS NEEDED**

Election time is coming and nominations for all offices are due by April 15, 2022. Nominations for President-Elect are by signed petition of 20 members. Candidates for Vice President, Law Library Trustee, OCBA Board of Directors and OBA House of Delegates can be nominated by petition with signatures of 10 members. Additionally, the Board of Directors may nominate any candidate until May 1, 2022.

Ballots will be mailed in July and the results will be announced in the August Briefcase. Nomination petitions will be mailed upon request by calling Debbie Gordon at 405/236-8421.
By Roscoe X. Pound

Dear Roscoe: During the holidays, my client attended a party at which the host overserved him, causing him to lose control of his vehicle and veer left of center on a county road in rural Logan County. On coming headlights (too bright) then caused him to overcompensate, hitting a roadside mailbox with serious injury. The mailbox was affixed to the ground by a heavy gauge steel pole, buried deeply and reinforced with concrete, a waiting trap for unfortunate motorists in my client’s position. Should I join the homeowner as a defendant? My investigation has uncovered USP specification for mailboxes, and I also learned that the homeowner is in the construction business. J.S., OKC.

Dear J.S.: I don’t know about your skills as an advocate, but you sound like one hell of an apostrophe. Your question lends itself to more unpacking than I have time or space to do here. Let’s go back to the basics. A tort requires a) duty; b) breach of duty; c) causation; and damages. For starters, as one court has held, “there exists for imposing a duty on public or private landowners to remove an off-road hazard that renders only off-road travel unsafe, unless the off-road travel is shown to be an aspect of the usual and ordinary course of travel on the roadway. Otherwise, every tree and solid fixed object on roadsides and road-shoulders would impose potential liability on public and private landowners for collisions occurring whenever a vehicle was driven off-road and into the hazard.”


But, you say: Restatement of the Law 2d, Torts, Section 368, at 268 (1965), which states: “A possessor of land who creates or permits to remain thereon an excavation or other artificial condition so near an existing highway that he realizes or should realize that it involves an unreasonable risk to others accidentally brought into contact with such condition while traveling with reasonable care upon the highway, is subject to such condition while traveling with reasonable care upon the highway, or...”

I say that’s true. However, many courts that have adopted Section 368 reject the notion that a negligent deviation from the ordinary course traveled portion of a road is a foreseeable normal incident of travel. See, e.g., Vegetable Power Co., 130 S.W.3d 379, 381 (Tex.App.2004) (deviation from the road following a tire blowout was not in the ordinary course of travel); Soares ex rel. Estate of Soares v. George A. Tomasico Constr. Corp., 66 Conn. App. 482, 820 A.2d 680, 683 (2001) (drunk driver’s deviation from the road was not in the ordinary course of travel); McAlpin v. De La Garza, 898 S.W.2d 809, 809-812 (Tex.1995) (intoxicated driver who fell asleep and veered off the road “was not traveling with reasonable care upon the highway nor was his deviation in the ordinary course of travel”); Kavanaugh v. Midwest Club, Inc., 164 Ill.App.3d 213, 517 N.E.2d 656 (1987) (no duty owed to driver who deviated from the highway during an epileptic seizure and drove into a retention pond).

Finally, I’ve searched and made inquiry regarding use, construction, and placement of mailboxes, I’ve yet to find one with mandatory force of law. So if you’re fishing for negligence per se, I’d say you’re in the wrong pond.

Dear Roscoe: Are “rape shield” protections broad enough to protect victims of human trafficking from having acts of compelled prostitution while under the traffickers controlled protection from disclosure? T.B., OKC.

Dear T.B.: Good question, and unfortunately too relevant to today’s world. It’s hard to pin down a blanket answer due to the many forms these statutes take from State to State. However, Federal Rule of Evidence 412, and hopefully those States who have adopted it, the answer appears to be “yes”. No precedent exists for imposing a duty on private or public landowners for collisions occurring whenever a vehicle was driven off-road and into the hazard.

“,...”Sweeny”. Two brothers – third-generation kitchen-keeps hands on the wheel. As the court noted “a plethora of forms these statutes take from State to State. However, Federal Rule of Evidence 412 bars any evidence “offered to prove that a victim engaged in other sex behavior” that is “not relevant to the determination of guilt or innocence.” Fed. R. Evid. 412(b)(1). However, “not all evidence implicating a victim’s past sexual activity falls within Rule 412(a).” United States v. Kettles, 970 F.3d 637, 642 (6th Cir. 2020). Rule 412 does not prohibit “evidence whose exclusion would violate the defendant’s constitutional rights.” Fed. R. Evid. 412(b)(1)(C). B. Bixler seized upon the latter phrase.

To his Sixth Amendment argument that the in limine ruling violated his right to confront witnesses, the Court, citing precedent, held: The Sixth Amendment guaranties criminal defendants the right “to be confronted with the witnesses against...” and “the main and essential purpose of confrontation is to secure for the opp...” How appropriate for the knee-jerk Victorian stigmatization.

I’ve left a lot of the opinion on the cutting room floor. Bixler’s no bombshell of new legal theory. I do hope two things become clear: a) Prostitution is by no means a victimless crime; and b) the prostitutes themselves, often little more than children, need their “victimness” recognized and dealt with. I have kept all the money earned; using the profits to repay their fictitious debt.

Tommy and I arrived at Sweeney’s Pub in Hoboken. There never actually was a “Sweeney”. Two brothers – third-generation Navy flyers – opened it in the early 70’s. The name itself stood for “Soar With Eagles – Eagles Never Yield.” It mostly catered to vets and active-duty servicepersons. We parked in the lot across the street. I went in alone. Business looked good for a Monday. Oldies played over the system and laid down a nice background for the sounds of soft conversations and colliding cue balls. I found an empty corner booth allowing me some room to maneuver and a view of both the main entrance and the kitchen door. Over the course of twenty minutes, people came and went. A man came in wearing jeans and a black ball cap. He also wore a leather jacket with a 60’s era map of Vietnam on the back. He ordered a pitcher of beer and two mugs and headed in my direction. The ball cap carried the legend: USS Herbert J. Thomas 1967-1969. Except for the cap, all his clothes hung a bit loosely on him. As he drew closer, I glimpsed a bearded face with the hard gauntness of Rocky upon facing Drago. It took me a minute to register the face beneath the beard. “Enver Koleko,” I said, reflexively moving for gun. He poured the beer nonchalantly and smiled as he said: “I’m not here for the blood. Just words, This time.”
By: J. Renley Dennis

Oklahoma’s “Chicken Little” Challenges to McGirt Fail to Take Wing

Since then, Oklahoma has applied for cert to SCOTUS numerous times. Finally, on January 24, 2022, SCOTUS granted cert to one of these attempts by Oklahoma. At the same time, SCOTUS denied cert on 31 cases by Oklahoma attempting to overturn McGirt. And, the case SCOTUS is reviewing presented two questions: (1) Whether a State has authority to prosecute non-Indians who commit crimes against Indians in Indian country; and (2) Whether McGirt v. Oklahoma should be overruled. SCOTUS granted Oklahoma’s petition as to the first question only, even though the State made more than 30 attempts to convince the Highest Court that the McGirt effects have been “calamitous and are worsening by the day.”

Unconvinced and channeling their inner Public Enemy,9 the Court did not believe the hype and signaled its unwillingness to overturn itself and McGirt remains the law of the land.

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1. 140 S. Ct. 4252, 2480(2020).
2. SCOTUS granted cert to one of these attempts by Oklahoma.
3. The 10th Circuit also held that the presumption was against disestablishment and that courts “do not lightly infer” that such an elimination has occurred.
4. In response to this, the State engaged in what has been referred to as the “parade of horribles” and the “sky is falling” tactic with its oral arguments and briefing to SCOTUS. Murphy, however, never became the deciding case. Instead, SCOTUS granted cert on a similar case: McGirt v. Oklahoma. This allowed the Court to have a majority vote instead of a 4-4.
5. In what a famously sharp opinion, Gorsuch held that no matter the length of time that has passed, a wrong cannot be validated by SCOTUS, regardless of the “parade” arguments by Oklahoma. “In any event, the magnitude of a legal wrong is no reason to perpetuate it.” The decision recognizes that Oklahoma’s “dire warnings” were nothing more than just that. And, the ruling acknowledged that the State and several nations can and do work well together: “[I]t is unclear why pessimism should rule the day. With the passage of time, Oklahoma and its Tribes have proven they can work successfully together as partners. Already, the State has negotiated hundreds of intergovernmental agreements with tribes, including many with the Creek.” McGirt v. Oklahoma, 140 S. Ct. 2452, 2481, 207 L. Ed. 2d 985 (2020).
6. The Supreme Court of the United States has recognized that the Choctaw Nation, Chickasaw Nation, Cherokee Nation, Seminole Nation, and Quapaw Nation, as well as a number of other nations, had never been disestablished. This allowed the Choctaw Nation, Chickasaw Nation, Cherokee Nation, Seminole Nation, and Quapaw Nation to recognize the existence of five other nations established by treaty, had never been disestablished.4

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1. Oklahoma’s “Chicken Little” Challenges to McGirt Fail to Take Wing

Law Day is not a lawyers’ day, but rather a day for all of us to honor the great body of the law which holds our civilization together. The theme for Law day 1979 is “Our Changing Rights”, an appropriate subject in our time when we perceive rights chiseled in the granite pillar of the law which, in generations past, had not triumphed in the battle of ideas.

While we recognize that our changing rights have produced a more congenial society, we should also be mindful of our changing responsibilities. It was an obscure jurist who proclaimed the truism that, “One person’s rights end where the other person’s rights begin.” We must not allow ourselves to be haled into the complacent belief that all of the ends have been attained in our changing rights. The law will continue to change and there are many stones to be turned and many horizons to be crossed. Nor should we indulge in the smug belief that what we have wrought is an innovation in the course of the law through history.

From the beginning, the law has been ever changing. In the cradle of civilization the law was based upon the harsh rule of an eye for an eye and a tooth for a tooth, but with enlightenment came change, and the highway of history is marked by monuments attesting the attainment of rights guaranteeing more even handed justice. Somewhere along the way divine rights of kings gave way to rights of the masses.

Significant in our heritage is the Magna Carta, by which a reluctant king granted rights to Englishmen which had theretofore been reserved to the crown, and the English Bill of Rights of 1689 which was the culmination of the struggle of Englishmen to be free of tyranny. In the American Declaration of Independence a new dimension was added to the concept of citizen’s rights. The drafters of that immortal document proclaimed the proposition that governments derive their just powers from the consent of the governed, and the framers of our constitution gave fruition to that idea. Ours, then, is a government by consent, and it is support by a citizenry consenting to be governed. Implicit in that consent is the corollary to be obedient to law. Our changing rights may sometimes obscure our vision of justice, but we must tenaciously hold on to the principal that if we consent to be governed, we must be obedient to law. Without it, we shall return to the law of the jungle.

Should this Republic endure for a thousand years, it will be because its citizens will have been constant in their consent to be governed and in their obedience to law.

Honorable Carolyn Harris

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Old News

Volume II, No. 7, May 1979

Law Day Theme Stresses Responsibility

Law Day is not a lawyers’ day, but rather a day for all of us to honor the great body of the law which holds our civilization together. The theme for Law day 1979 is “Our Changing Rights”, an appropriate subject in our time when we perceive rights chiseled in the granite pillar of the law which, in generations past, had not triumphed in the battle of ideas.

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Approved and Paid for by Committee to Re-Elect Judge Richard Kirby 2022
By Daniel J. Gamino

With a heavy heart, I report the passing of Deborah J. Bruce, Oklahoma City Attorney who died on January 21, 2022 after a difficult illness. She was 76.

Deborah’s professional career included the early growth and development of CLE for the Oklahoma Bar Association. Deborah was pivotal in developing CLE programs and materials on a variety of topics for many years. Many Oklahoma attorneys benefited from her pioneering work. Later, Deborah worked with the judicial branch on continuing education. Deborah’s undergraduate education degree and training (and debating skills) served her well in those positions.

Prior to retirement, Deborah served from 2008 to 2019 as Executive Director of the Oklahoma Board of Osteopathic Medical Examiners. From that leadership position she served Oklahoma patients and osteopathic physicians on health care, licensure, disciplinary actions and related matters.

By the luck of the draw, I first met Debbie long before her legal career. She was elected Chapter Sweetheart of the fraternity I joined at Central State College in those days, now known as UCO. And, surprise, surprise, Debbie was also elected president of the Delta Zeta Sorority Chapter as an undergraduate at UCO. Even then her leadership ability was keenly evident.

All who knew her will agree that Debbie never met a stranger. She was a natural-born, walking and talking ambassador for the very best of the Greek system. And for the very best of the human race. Debbie was a regular at our fraternity functions and a participant in several well remembered fraternity adventures and misadventures over those long-gone years. Debbie’s beauty was no merely skin deep. It ran down to her bones. Debbie’s personality sparkled. Her femininity was always properly carried. She was steadfastly a rose even among many of us unshaven, er, sometimes ungallant thorns.

Early in college Debbie dated a bona fide rock star in the person of one of the Five Americans. Their song “Western Union” charted in the mid-1960’s. But thereafter Debbie stepped way up. She married fraternity member Bill Bruce on August 11, 1967. They were blessed with four children, 10 grandchildren and 4 great-grandchildren.

To all her family Debbie was affectionately known as “Bebe.” Characteristically, Debbie engineered and led many trips for the extended family to Colorado in the summer and other enumerable movie nights, holiday traditions and other family events. Hers was a full life lived well. With a good word for everyone.

To all who knew Debbie Bruce our memories of Debbie will remain forever golden. So long Bebe. RIP.
We support the Re-Election of Judge Natalie Mai

We support the Re-Election of Judge Natalie Mai.
ORBAN: Killer, Counsel, Kingpin

[Part 3- Finale]

By Jeffery W. Massey
Asst. District Attorney

Following the not guilty verdict in his murder trial of February 1918, Orban Patterson found himself both pariah and celebrity. The feud with the Williams’ of Purcell did not necessarily abate with the jury’s pronouncement. Following the acquittal, his law partner, Moman Pruitt, had whisked his young protégée off to Kansas City for a week of debauchery and heavy drinking. Upon returning to Oklahoma, Orban learned that his draft number had been drawn, and he reported for military service shortly thereafter.

Senior Attorney Moman Pruitt had encouraged Orban to stay away from Oklahoma and let things settle down. Pruitt correctly deduced that Orban’s protection while in the U.S. Army would serve multiple purposes. Orban reported for training in the spring of 1918, but by the time his unit was declared combat ready, the armistice to end the Great War (World War I) had concluded in November 1918. In early 1919, Orban was mustered out of the army and arrived back into Oklahoma City. He resumed the practice of law with the city’s most prominent (and notorious) lawyer, Moman Pruitt. That fall, August 1919, Orban married Medora Gibbs Sniggs, the sister of his law partner Victor Sniggs. Though she was 5 years older than Orban, they were apparently a good match (at least initially).

Orban and Moman’s friendship would share several more high-profile legal adventures. In 1921, both would be charged with the murder of bootlegger Joe Patterson in Oklahoma City. In reality, there may have been more to the story of Joe Patterson being frisked by Dept. US Marshall Bill Miskell on sentencing day, March 2, 1940.

hand with both Orban and Moman present with pistols of their own. Before he died in the backyard of the residence, he told his wife that Pruitt had shot him. A coroner’s jury would ultimately determine that it was a case of self-defense.

As the Roaring Twenties came to its midlife, the law firm of Moman Pruitt, Victor Sniggs, Lewis R. Morris, and Orban Patterson began to fracture. Murder cases were the firm’s forte, and Moman was the ringmaster/rainmaker. But while Moman relished the thrill of the courtroom, it was Orban who attended to daily grind of the petty offense and rain-making. Moman was increasingly drunk at his desk, and Orban had started a side practice of influence and protection for unlawful vices. Having always been active in Democratic politics, Orban had used his easy-speaking and debonair countenance to associate with Oklahoma City’s elite. He was become increasingly involved with mid-level politicos. Orban felt he was carrying the weight of the firm and soon discovered that he was not wanted back.

All relationships that are grounded upon human vice, cannot, by definition, survive the tumult of normalized conflict. Moman’s insatiable drive for personal adulation became increasingly difficult to handle. The breakup of the law firm occurred over the usual issues, fees, payments and rain-making. Moman was increasingly drunk at his desk, and Orban had started a side practice of ‘fluence’ and protection for unlawful vices. Having always been active in Democratic politics, Orban had used his easy-speaking and debonair counterenance to associate with Oklahoma City’s elite. He was become increasingly involved with mid-level politicos. Orban felt he was carrying the weight of the firm and soon discovered that he was not wanted back.

See ORBAN, page 10

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Bonner Gonzalez    Maria E. Gonzalez
Lloyd Hardin    Stephen Hedrick
Frank D. Hill    Henry D. Hoss
Michael E. Joseph    Robert Joyce
Katelyn King    Michael J. LaBrie
Staci Lee    Michael F. Lauderdale
Bill Leach    Jennifer H."Pete" Covey
Joe Lewallen    Brandon Long
Laura Long    Cole Marshall
Tony Mastin    Michael McClintock
Richard Mullins    Richard Nix
Kathy Neal    Julia Palmer
Charlie Plumb    Tony Puckett
Andrew Richardson    Richard A. Riggs
Ron Shinn    Kristin Simpson
Josh Smith    Mackenzie Smith
Spencer Smith    Mark Spencer
Martin Stringer    Curtis Thomas
Jeff Vogt    Nathan L. Whatley
Anna Wolfe    Harold Zuckerman
Sara Zuhdi    Zach Allen
Elliot P. Anderson    Michael Bowling
LeAnne Burnett    Joshua Burns
Rodney Cook    Bruce W. Day
Andrew E. Henry    Michael S. Laird
James W. Larimore    Aimee Majoue
Paige A. Masters    Lisa Bridges
Mike McBride III    Kent Meyers
Brooke S. Murphy    Timila S. Rother
Evan G. Vincent    Charlie Plumb
Tony Puckett    Andrew Richardson
Richard A. Riggs    Ron Shinn
Kristin Simpson    Josh Smith
Mackenzie Smith    Spencer Smith
Mark Spencer    Martin Stringer
Curtis Thomas    Jeff Vogt
Nathan L. Whatley    Anna Wolfe
Harold Zuckerman    Sara Zuhdi
Zach Allen    Elliot P. Anderson
Michael Bowling    LeAnne Burnett
Joshua Burns    Rodney Cook
Bruce W. Day    Andrew E. Henry
Michael S. Laird    James W. Larimore
Aimee Majoue    Paige A. Masters
Lisa Bridges    Mike McBride III
Kent Meyers    Brooke S. Murphy
Timila S. Rother    Evan G. Vincent
Evan G. Vincent
By: Miles Pringle

On February 7, 2022 the Second Regular Session of the 58th Oklahoma Legislature convened. Legislators will address their normal constitutional and statutory duties such as passing a budget for the next fiscal year. To that end, it is estimated that there will a record $10.3 billion to spend in fiscal year 2023. Some $1.2 billion of that is one-time carry over from prior years and leadership has indicated that one-time funds should fund one-time projects. With that said, a growing budget as opposed to a shrinking one is likely welcome news to schools and state agencies alike.

Other priorities include education, criminal justice reform, cannabis, and tribal relations. For example, regarding criminal justice reform, Senate Bill 1590 proposes to create a felony classification system that can be simplified into a matrix. This bill codifies a proposal from the Attorney General’s Criminal Justice Reclassification Council and would in turn make the process easier for defendants, jurors and others to understand the sentencing laws; however, opponents warn that it could increase prison lengths, particularly for lower-level drug and property crimes.

Another criminal law bill of interest to all lawyers, Senate Bill 1458 that proposes to eliminate some fines and fees associated with certain fines. The Journal Record and the Tulsa World have identified that the Oklahoma judicial system relies heavily on court collections. For example, “from 2007 to 2019, fees and fines accounted for 66-90% of court funding . . . . The burden disproportionately falls on low-income individuals who are often unable to pay and fall into a cycle of debt.” Perhaps some of the additional estimated funds should be used to better fund court operations.

Of significant concern for lawyers, and Oklahomans as a whole, are continued attacks on an independent judiciary. Senate Joint Resolution 43 proposes to rest “judicial power of this state shall be vested in the Senate, sitting as a Court of Impeachment, a Supreme Court, a Court on the Judiciary, a Court of Criminal Appeals, and such inferior courts as the Legislature may from time to time ordain and establish.”

Needless to say, an independent judiciary is a founding principal of this country and state that helps to ensure the protection of citizens’ rights. This resolution seeks to eliminate one of the critical checks on government power.

Also of note is Senate Joint Resolution 28 which is yet another attack on the Judicial Nominating Commission (“JNC”). As you may be aware, the JNC was created following several Oklahoma Supreme Court scandals in the 1960’s where one Justice admitted he could not remember a year he did not accept a bribe in his three-decade tenure on the JNC. The Oklahoman Times article to proclaim that “little in U.S. judicial history comes close to matching the scandal now swirling around the Oklahoma State Supreme Court.”

As a result, the JNC was formed to help in the selection process of certain judges. While not perfect, the JNC does have a very good track record of selecting quality people for the Governor to choose. Some judges, namely district court judges, continue to be elected, and perhaps that is an issue the legislature should consider.

There are several other bills that affect the judicial system. Time will tell whether any have the traction to make it to law. If there are bills that you want to track I highly recommend you use the Legislature’s website which allows you to track individual bills.

ORBAN continued from page 8

grudge. They even sued each other over a fee-case in in Patterson v. Security National Bank, heard in 1928 by the Oklahoma Court of Civil Appeals.

But Orban learned that legal fees were but one method of becoming wealthy. For almost twenty years, the most powerful politician in Oklahoma County was unchallenged. He controlled more votes and ‘fluence’ than any political party (Democrat, Republican, Farmer-Labor, Socialists) Ever since he had been the County Prosecutor, Orban even had his own law office inside the OKC Police Headquarters. He operated and voted his organized vice syndicate without effective interference from any city or county official.

The city and county were “wide open”, officers thinner than half dozen law enforcement officers, either in the County or City, held office during his twenty-year rule, without Orban’s approval. (Except for a two-year period, beginning in the early summer of 1931) he effectively wrote his own law as the police station. Orban even had his own law office inside the OKC Police Headquarters. He operated and voted his organized vice syndicate without effective interference from any city or county official.

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Brandon P. Long, Joshua D. Smith Elected to McAfee & Taft Board of Directors

The shareholders of McAfee & Taft have elected Brandon P. Long and Joshua D. Smith as the newest members of its seven-member board of directors.

Board members re-elected for another one-year term are Jennifer H. Callahan, Stephen M. Hetrick, Henry D. Hoss, and Joe C. Lewallen, Jr. They are joined by the firm’s managing director, Michael Lauderdale.

Long is an employee benefits/ERISA attorney whose expertise in representing regional and national clients in matters involving qualified retirement plans, health and welfare plans, and executive compensation has earned him inclusion the Chambers USA Guide to America’s Leading Lawyers for Business in both the Employee Benefits Law and ERISA Litigation categories. He also serves on the Board of Directors of the Oklahoma Bar Association.

Smith is the Co-Chair of McAfee & Taft’s Employee Benefits Group and serves on the board of directors of the Oklahoma Bar Association’s Employee Benefits Section. He has served as a member of various boards for charitable and educational organizations, and has been named a “40 Under 40” Rising Star by the Oklahoma City Bar Association.

Jennifer L. Wright

and

and

Spencer Fane LLP is pleased to announce John Dorman and Betsy Streuli have joined the firm as attorneys in Oklahoma City. Dorman reenters private practice in the Litigation and Dispute Resolution Group after a distinguished tenure with the firm. Through his academic career, Streuli has provided notable depth to the firm’s Energy and Environmental Practice Group after serving as Senior Water Quality Attorney in the Oklahoma Department of Environmental Quality.

Before joining Spencer Fane, Dorman served as City Attorney for the city of Stillwater, Oklahoma, after previous time spent as Assistant City Attorney for the cities of Edmond and Broken Arrow, Oklahoma, and Litigation Division Manager for the city of Tulsa. In Stillwater, he served as the chief legal officer for a community home to Oklahoma State University and managed a municipal department that rendered all legal services, including litigation, for the city council and its subordinate entities. This also included being directly responsible for handling complex transactional, real estate, and regulatory matters.

Dorman oversaw all federal and state litigation and associated appeals, workers’ compensation claims, processing and disposition of state tort claims, and civil service commission prosecutions as head of a division for the city of Tulsa. For the city of Broken Arrow, he acted as primary legal advisor to the planning and code enforcement departments, defending zoning appeals and prosecuting condemnation actions in state courts.

In addition to his legal work, Dorman maintained active membership with the Oklahoma State Bar Association, Oklahoma Bar Foundation and International Municipal Lawyers Association, which included multiple leadership positions. He completed his undergraduate studies at the University of Central Oklahoma, earned an M.A. in political science and public administration from the University of Oklahoma, and earned his Juris Doctor from the Oklahoma City University School of Law.

Streuli brings almost two decades of environmental regulatory experience to Spencer Fane after most recently serving in the Oklahoma Department of Environmental Quality’s Water Quality Division from 2004 through 2021. While there, she represented the State in highly complex and high-stakes matters, including Clean Water Act and Safe Drinking Water Act. She has worked with the Environmental Protection Agency (EPA), municipalities, corporate entities, individuals, agencies and Native American tribes on a variety of compliance issues involving state and federal environmental statutes and regulations.

Extensive time as an environmental regulatory insider allows Streuli to offer clients firsthand knowledge of permitting and rulemaking processes, enforcement procedures, state and federal environmental regulatory policy, and EPA programs. She has managed municipal, industrial and stormwater NPDES permitting issues, reporting and compliance. She has also handled environmental issues involving public water supplies, wastewater treatment facilities, impoundment facilities and small public and private wastewater programs. She has also addressed other areas of environmental compliance, such as air pollution, solid and hazardous wastes, water reuse, aquifer storage and recovery and produced water.

Streuli completed her undergraduate studies at Dru University in Springfield, Missouri, and earned her Juris Doctor from the University of Tulsa College of Law.

Travis Weedn New Policy Advisor And Legislative Liaison For Oklahoma Corporation Commission

Travis Weedn accepted a position as Policy Advisor and Legislative Liaison for the Oklahoma Corporation Commission. Weedn leaves his previous role as Deputy General Counsel for the Petroleum Storage Tank Division after seven years and will now represent and advise the OCC in Federal and State legislative matters.

McAfee & Taft Names New Practice Leaders For 2022

The Board of Directors of McAfee & Taft has appointed shareholders Matthew K. Brown, Robert L. Garbrecht, Judy Burdg, Michael J. LaBrie, and H. Cole Matalin as new practice leaders for the 2022 term.

Brown is a named leader of the firm’s Banking and Financial Institutions Group. Brown is a corporate, securities and banking attorney whose practice encompasses a broad range of business matters, including corporate governance, securities offerings and regulation, mergers and acquisitions, lending transactions, regulatory compliance, franchising, and contract drafting and negotiation.

As the new leader of the firm’s Employee Benefits & Executive Compensation Group, Judy Burdg oversees one of the largest teams of ERISA attorneys in the region. Her practice encompasses a broad range of employee benefits matters involving retirement plans, health and welfare plans, and executive compensation.

Commercial transactions lawyer, Rob Garbrecht has been appointed leader of the firm’s Business Transactions and Finance Group. Garbrecht’s practice is focused in the areas of real estate, business acquisitions, finance, and state and local taxation law. Garbrecht has previously served as leader of the firm’s Real Estate Group.

Mike LaBrie has been named leader of the firm’s Intellectual Property Group. His practice is concentrated in all aspects of intellectual property law, including patent, trademark and copyright law and related litigation, throughout his entire legal career.

Cole Marshall has been appointed to lead the firm’s Real Estate Group. He is a business lawyer whose practice encompasses a broad range of business transactional matters, including all aspects of real estate, general business, corporate governance, healthcare and agriculture.
DeWitt Paruolo & Meek has relocated to downtown Oklahoma City and is proud to announce Timothy L. Martin has joined the Firm as a Partner. Mr. Martin has over 38 years of experience as a trial lawyer and certified Mediator.

Mr. Martin’s practice will remain focused on mediation and he will continue his extensive litigation practice which includes aviation, construction, automobile, truck, premises, bad faith, insurance coverage, employment law, oil field, and professional liability in the legal, dental and nursing fields. Mr. Martin maintains an AV-Preeminent rating with Martindale-Hubbell and has repeatedly been named a Super Lawyer in Super Lawyers Magazine.

DeWitt Paruolo Meek Names New Partners and Shareholders

J. Derek Cowan and Benjamin R. Grubb were named Partners of the Oklahoma City firm of DeWitt, Paruolo & Meek.

Derek Cowan is a trial lawyer practicing civil litigation. Mr. Cowan’s background in insurance and financial planning serves his clients well. Mr. Cowan focuses his practice on insurance issues, construction defect claims, commercial and contract disputes, wrongful death cases, trucking and transportation liability cases, and employer liability issues. Mr. Cowan was named to Super Lawyer’s list of Rising Stars each year from 2018 to 2021.

Benjamin Grubb is an experienced trial lawyer; his practice is focused on civil litigation, including personal injury, commercial premises liability, contract disputes, construction, insurance bad faith, medical malpractice, and labor and employment issues. Mr. Grubb is an active member of the Oklahoma County Bar Association, serving on its Board of Directors and as Past Chair of the Young Lawyer’s Division, and current Editor in Chief of The Briefcase. Mr. Grubb is also a Barrister Member of the William J. Holloway Jr. American Inn of Court. Mr. Grubb was named to Super Lawyer’s list of Rising Stars for 2016—2017 and 2019-2021.

Lance C. Cook, Ryan L. Dean and Thomas R. Kendrick were named Equity Partners and Shareholders of the Oklahoma City firm of DeWitt, Paruolo & Meek.

Lance Cook practices in various areas including personal injury, railroad law, transportation, construction and general civil litigation, representing large and small business as well as individuals.

Ryan Dean is a trial lawyer with a practice focused on civil litigation including complex commercial litigation, personal injury and legal malpractice. Mr. Dean proudly represents small businesses, as well as individuals. He has previously been named to Super Lawyer’s list of Rising Stars.

Thomas Kendrick practices civil litigation in state and federal courts. Mr. Kendrick represents clients in the areas of aviation, auto/trucking liability, construction, dram shop liability, and insurance bad faith and subrogation as well as premises and products liability. Mr. Kendrick maintains an AV-Preeminent rating with Martindale-Hubbell and has been selected by Oklahoma attorneys as a Super Lawyer since 2017.

LAW DAY AWARDS NOMINATIONS ARE NOW BEING ACCEPTED

Do you know a judge or attorney who should be recognized for their dedication or willingness to go above and beyond their everyday life to better the legal or local community? The Oklahoma County Bar Association is seeking nominations for the following awards to be presented at the Law Day Luncheon on May 1, 2022.

The Journal Record Award is presented to an attorney or judge who has served both the local and legal communities in a professional and outstanding way. Based on lifetime achievements, the award recipient is selected by the Law Day Committee and is one of the OCBA’s most prestigious awards. Letters of nomination for this award should be sent to the OCBA, 119 N. Robinson, Suite 240, Oklahoma City, OK 73102, attn.: Law Day Committee. Nominations should be received in the bar office no later than April 1, 2022.

The Howard K. Berry Sr. Award is given to an individual who resides in Oklahoma County or a charitable organization that is located in Oklahoma County to honor that individual’s or organization’s outstanding achievement or contribution to Justice or the Justice System. The winner of the Award will be honored by the presentation and a cash reward of $25,000 from the Oklahoma County Bar Foundation. The winner of the Howard K. Berry Sr. Award is selected by the Board of the Oklahoma County Bar Foundation from the nominations received without any action on the part of the nominee to seek this award or enter the proceedings. One need not be an attorney or employed in the legal profession or the Justice System, but the winner of the Award will not be required to render any substantive future services as a condition to receiving the prize of the Award. The Award is made possible through a generous gift of Oklahoma County attorney, Howard K. Berry, Jr., to honor his father and long-time Oklahoma County attorney, Howard K. Berry, Sr. Mr. Berry’s gift has been selected to Super Lawyer’s list of Rising Stars each year from 2018 to 2021.

The Liberty Bell Award is presented at the Law Day Luncheon by the Young Lawyers Division. This award is given to a non-lawyer who has given their time to assist the legal community in Oklahoma County. Nominations for this award can be mailed to YLD Chair Cami Ruff, 119 N. Robinson, Suite 240, Oklahoma City, OK 73102, and must be submitted by April 1, 2022. No special form is required to make the nomination, but a form is available on the OCBA website at www.okcbar.org under the OCBF tab. Please keep the following in mind when making the nomination: the entire nomination – letter, supporting materials, clippings, seconding letters and attachments included may be no longer than five single-sided, 8 ½” x 11” pages. No exceptions. The nomination must contain contact information as the qualification of the individual to make the nomination and the nominee’s qualification to receive the award. Deadline for submission is April 1, 2022.

Tim Martin Joins DeWitt Paruolo & Meek

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**REGISTRATION FORM**

Registrant’s Name: ____________________________________  OBA #: __________________
Address: ___________________________________________ City/State/Zip: _________________________
Phone: _____________________________________________ E-Mail: ________________________________
List name as it should appear on badge: ____________________________________________

Registration Fee includes all meals (Friday Night Welcome Buffet, Saturday Morning Farmers Breakfast Buffet, Saturday Lunch Boxed Buffet and Saturday Evening Dinner Buffet) and 4.0 Hours of MCLE Credit. Circle One

Regular Member
Early Bird – Before March 1, 2022 $215
Late Registration – After March 1, 2022 $265

+ Spouse/Guest
Early Bird – Before March 1, 2022 $315
Late Registration – After March 1, 2022 $365

+ Family
Early Bird – Before March 1, 2022 $385
Late Registration – After March 1, 2022 $435

Government Lawyer & Young Lawyer (in practice less than 10 years)
Early Bird – Before March 1, 2022 $175
Late Registration – After March 1, 2022 $225

+ Spouse/Guest
Early Bird – Before March 1, 2022 $275
Late Registration – After March 1, 2022 $325

+ Family
Early Bird – Before March 1, 2022 $300
Late Registration – After March 1, 2022 $350

Judge (Full-Time)
Early Bird – Before March 1, 2022 $115
Late Registration – After March 1, 2022 $150

+ Spouse/Guest
Early Bird – Before March 1, 2022 $215
Late Registration – After March 1, 2022 $250

+ Family
Early Bird – Before March 1, 2022 $275
Late Registration – After March 1, 2022 $310

Break-out Session Selection (Mark using 1 & 2 which sessions you want to attend):
A. Oklahoma County Judges Panel
B. U.S. Federal Judges Panel
C. Best Practices in Mediation
D. Put Some Wellness into Your Life

Extracurricular Activities
Wine Tasting ................................................................. $30
Professional Sommelier Heather Ezell
(Requires Vaccination Card OR Negative COVID Test)
Corn Hole Tournament .............................................. $20
Includes refreshments & prizes.

Other activities available on your own – horseback riding, bike trails, fishing, disc golf & near-by Fort Gibson.

Spouse/Guest/Family Attendee Names:
Spouse/Guest: ______________________  Family: ______________________
Family: ______________________  Family: ______________________

TOTAL ENCLOSED: $_______

[ ] Check    [ ] VISA    [ ] Mastercard
Check should be made payable to OCBA.
CARD #:_________________  CCV#:_________________  EXPIRATION DATE: _____________

Mail Registration Form to: OCBA, 119 N. Robinson, Ste. 240, Oklahoma City, OK 73102
OR Fax to 405/232-2210.

Cancellations will be accepted at anytime on or before March 15, 2022 for a full refund; a $50 fee will be charged for cancellations on or after March 15, 2022.

Register here: bit.ly/3v7cKeA

Tune in to hear Joe Dowd discuss timely topics with a panel of experts

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