The Oklahoma County Bar Association celebrates Law Day 2022 with the American Bar Association’s “Toward a More Perfect Union – The Constitution in Times of Change.” The Constitution is a dynamic document; it not only outlines a blueprint for government, but also delegates power, articulates rights, and offers mechanisms for change. It is neither perfect nor exhaustive, as our nation’s history makes clear. Legislation, court rulings, amendments, lawyers, and “we the people” have built upon those original words across generations to attempt to make the “more perfect Union” more real. That effort continues today, as contemporary leaders and everyday citizens raise their voices as loud as ever to fulfill the promise of the Constitution. Defining and refining those words of the Constitution might be our oldest national tradition, and how each of us works—together—toward a more perfect Union.

This year’s celebration includes the Annual Law Day Luncheon with keynote speaker, The Honorable Noma D. Gurich, Chief Justice of the Oklahoma Supreme Court. The luncheon takes place on Monday, May 2, 2022, 12 Noon, at the Skirvin Hotel Grand Ballroom in downtown Oklahoma City. Presentation of the Journal Record Award, the Liberty Bell Award, and Howard K. Berry, Sr. Award will take place along with the recognition of the Journal Record’s “Leadership in Law” Awards. Tickets are available on the bar’s website, www.okcbar.org and clicking on the Events Tab. You may also call the Bar Office at 405/236-8421 to purchase tickets.

The Annual Law Day Ask A Lawyer Program will take place on April 28 at the Oklahoma Bar Center, Emerson Hall. To volunteer, please call Connie Resar at 405/236-8421.
I had a conversation recently with a new (ish) attorney; and what started as a discussion regarding pragmatic advice on the practice of law somehow evolved into a discussion of stress levels and how we tend to deal with them. Oftentimes the stress associated with being an attorney leads to unhealthy coping mechanisms, which can be exacerbated by underlying and untreated mental health issues such as depression and anxiety.

I was clinically diagnosed with anxiety several years ago and made the choice to start taking medication for it, which has dramatically improved the quality of not only my own life, but also the lives of those around me. Affirmatively caring for one’s mental health is often stigmatized in the legal profession, usually more prominently than substance abuse disorders. Even with recent societal advances leading to more frequent and open discussions regarding mental health issues, and even given the raft of mental health crises which have resulted from pandemic precautions, there still seems to be a general view that actively caring for your mental health means that you are “weak,” “less than,” or inherently professionally unreliable. I aim to dispel that profound myth, or at least make a significant dent in it.

In my opinion, it takes a significant amount of strength and self-awareness to come to the realization that you are struggling and need the assistance of a professional. Knowing that your internal thoughts and/or objective responses to others are outside the realm of what you believe to be acceptable should be a driving force for seeking treatment. Being open with a relative stranger about the happenings inside your brain is a terrifying proposition for most people, but we are often forced to experience a certain amount of discomfort in order to make progress in our lives. This is true for attaining personal and professional goals, raising children, undertaking a mortgage, or any number of other “socially acceptable” activities.

It also makes no sense to stigmatize certain medications which are beneficial to our health, just because the part of the body they happen to work on is the brain. We are generally willing to undergo rather invasive procedures in an effort to prevent illness and keep ourselves healthy. From cholesterol tests to colonoscopies, we think nothing of mentioning to others that we have had these tests done and also readily recommend to our friends, family, and coworkers that they also take similar preventive measures. But I don’t know that I’ve ever heard an acquaintance mention in conversation that they recently saw a therapist or that they are trying a new mental health medication. At what point did we become so concerned about what other people think of us that we are willing to jeopardize our own personal health and happiness in the process?

It is widely accepted that practicing law is one of the most stressful professions a person can choose. When this is coupled with the fact that the law tends to draw Type-A personalities who naturally obsess over the details and processes they are tasked with handling, it is a recipe for mental disaster that simply needs time to bake. And although mental health issues vary widely between individuals, it can safely be said that leaving the oven on, unchecked, will almost always result in a fire.

I am certainly no wellness guru and have no professional experience with mental health treatment. I am also aware that there is no one solution that will provide positive results for every single person. My goal is to initiate a conversation and help eliminate the continued stigma associated with paying as much attention to your mental well-being as to your physical health. May I humbly suggest that every person reading this article take some time to perform a self-assessment to see if there are, or could be, some underlying mental issues which might be preventing you from leading your best life. Even if you do not identify any specific issues which might create obstacles to your happy existence, it is a recipe for mental disaster that simply needs time to bake. And although mental health issues vary widely between individuals, it can safely be said that leaving the oven on, unchecked, will almost always result in a fire.

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For more information on obtaining affordable assistance with mental health issues, including referrals to providers in your area, please visit www.nami.org or www.rtor.org/directory/mental-health-oklahoma.

From the President

By: Shanda McKenney
President, OCBA
Dear Roscoe:

I know you’ve addressed this issue before, but when can one resort to more colorful language stopping short of ad hominem to spruce up one’s argument or respond to the slings and arrows of the opposition. CB, Moore, OK.

Dear B.R.,

B.R., Bethany, OK.

B.R., I was deeply saddened to hear of the tragic event. Please know that my thoughts and prayers are with you and your loved ones.

Sincerely,

By Roscoe X. Pound

Dear Roscoe:

What’s the scoop on the “shadow docket?”

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Dear Roscoe:
Judicial Nominating Commission in the Crosshairs

By: Todd Blasdel

Last month, the Oklahoma Senate advanced Senate Joint Resolution 43, by Senator Pro Temp Greg Treat. SJR 43 proposes to let voters decide whether to amend the Oklahoma Constitution to enact numerous judicial reforms, including abolishing the 15-member Judicial Nominating Commission, and requiring trial judges to run on a ballot that identifies political party affiliation. The measure is now in the House for consideration.

As a reminder, the Judicial Nominating Commission nominates three (3) qualified candidates for appointment by the Governor to fill vacancies on the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, District and Associate District Judgeships (when vacancies occur outside the normal election process), and the Workers’ Compensation Court of Existing Claims.

The JNC has fifteen commissioners who serve without compensation. Nine of the fifteen commissioners are non-lawyers. The Governor appoints six of the non-lawyer commissioners to serve staggered six-year terms. Of the six non-lawyer commissioners named by the Governor, no more than three can belong to any one political party. The three remaining non-lawyer commissioners serve two-year terms as Members at Large. One is appointed by the Senate President Pro Tempore, one is appointed by the Speaker of the House of Representatives, and one is selected by the other members of the JNC. Of the three Members at Large, no more than two can be from the same political party.

With the JNC in the crosshairs of the current legislature, it seems timely to revisit why the JNC was originally created.

Judicial Scandals of the 1960s

The mid-1960s saw a time of great scandal in the Oklahoma judiciary. Over a span of just a few short months, two Oklahoma Supreme Court justices were convicted of tax evasion, and another was impeached for involvement in a bribery conspiracy. Additionally, two noted and powerful Oklahoma City attorneys were convicted and imprisoned for bribery scandals as well.

Calls for Judicial Reform

With confidence lacking in the court system, many were calling for judiciary reform. At the crux of the reform debate was whether judges should run for election on a partisan basis. At that time, Oklahoma was one of only fifteen states that allowed partisan judicial elections. Proponents of reform believed that politics needed to be removed from the court system, and that partisan political elections only heightened the potential for continued corruption and bribery.

In the wake of the scandals, Governor Henry Bellmon forced the issue during the 1965 legislative session by declaring: “As governor, I now call on all citizens and responsible organizations to join in cooperative action to bring about the future selection of judges on a non-partisan and non-political basis, in order that we may have the best informed, experienced and dedicated persons on our courts of justice and that these courts be completely free of political and partisan influence.”

Opposition to Reform

State House Speaker J.D. McCarty was a staunch opponent of any system but popular vote. Several reform measures came through the legislature advocating hybrid systems. Each time, McCarty had the votes to kill the measures.

Finally, before the 1967 legislative session began, the three-term speaker was defeated in his bid for re-election. (McCarty was later found guilty on two of six charges of federal income tax evasion, in which he received a three-year prison sentence.) New House speaker Rex Privett made the issue of judicial reform an immediate priority.

Approval of the Reforms

On May 8, 1967, a legislative committee approved a court reform package that gave the public the opportunity to vote on an appointive-retention hybrid process for judges on the supreme court and court of criminal appeals. The first proposed constitutional amendment streamlined the courts by setting up a two-level system, with trial work being handled by district courts and appeals by the supreme court and the court of criminal appeals. The plan also eliminated judicial review of the peace courts.

The second proposed constitutional amendment established an appointive retention system for selecting judges for the state’s two highest courts. A vacancy would be filled by the governor from names submitted by a judicial nominating commission; and every six years the judge would run on a separate ballot, without party designation, with the following question: “Shall [judge’s name] of the [designated court] be retained in office.”

On July 11, 1967, both measures amending the Oklahoma Constitution passed. Then governor, Dewey Bartlett, was quoted as saying, “I am very pleased that the Oklahoma voters have voted progressive changes in our court structure.”

A Brief History of the Oklahoma County Courthouse

By: Curtis Thomas

Following my colleague Todd Blasdel’s excellent article about the quotes at the Oklahoma County Courthouse (see the December 2021 Edition of The Briefcase), I wanted to explore the historical details of the current Oklahoma County current courthouse. As a lifelong resident of Oklahoma City (and Oklahoma County), I am always amazed at how much there is to learn about the development of Oklahoma City. As a practicing attorney and litigator in Oklahoma County for twelve years, I am ashamed to admit that prior to writing this article I did not know much, if anything, about when the current Oklahoma County courthouse was built, why it is located where it is, whether it is the only courthouse Oklahoma County has ever had, or a number of other details about the place where many of us spend a significant amount of our time.

In this article, and at least one article to follow, I will explore how Oklahoma County’s current courthouse came to be in the location where it is presently, with a detailed look at some of the legal disputes that arose as part of that process.

This article (and any subsequent article) is inspired by an article on the weblog of Douglas Carrol Loudenback, who sadly passed away on September 12, 2021. Mr. Loudenback was a distinguished family law attorney who maintained a weblog about Oklahoma City history and Oklahoma City’s NBA teams (see http://dougdawg.blogspot.com). If you want to “read ahead,” Mr. Loudenback’s blog covers the disputes concerning the location of the current courthouse in fantastic detail (see http://dougdawg.blogspot.com/2009/01/civic-center.html), but my aim is to provide a review of the specifics of the legal disputes that Mr. Loudenback’s weblog, aimed at a general audience, understandably does not cover in depth.

The first stop in this historical journey is Oklahoma County’s “original” courthouse. Many readers may be aware that the current Oklahoma County Courthouse is not the original courthouse for Oklahoma County. That “original” courthouse was constructed in 1906, and was located at 520 W. Main Street (between Main and Grand Streets). A compromise was reached and the courthouse to face their street. Each street that wanted the courthouse to face it was to be built about where the original courthouse was to be built about where the original courthouse was to face. Each street that wanted the courthouse to face their street. A compromise was reached and the courthouse building was placed so that it faced west on Dewey between Grand and Main which resulted in few people actually using the front entrance, and instead using the side and back entrances.

The original courthouse was designed by architect William A. Wells and his partner George Burlinghof in a style designated as Massive Romanesque. The exterior walls were constructed of Indiana limestone with the interior floors of granite and the walls and stairways of Vermont marble. Oklahoma City and Oklahoma County outgrew the original courthouse building very quickly. Indeed, very soon after it was completed, governing agencies had to rent office space in buildings outside of the original courthouse. Despite quickly outgrowing the space in the original courthouse, it remained in use until 1938, when it was replaced by the current courthouse that was built as part of the “Civic Center” complex in the 1930’s.

The next article in this series will explore the Civic Center development, and the controversies surrounding the location of the current courthouse including a deep dive into some of the legal disputes surrounding it. To be continued . . .

3 Id.
4 At the risk of demonstrating too much ignorance, I always thought “Civic Center” referred to a discrete building (the Civic Center Music Hall located at 201 N. Walker). As many readers are probably aware, Civic Center actually refers to several discrete buildings constructed between 1915 and 1917 in the area bounded by Harvey and Shartel (on the east and west respectively) and Couch Drive and Park Avenue & Colcord Drive (on the north and South).
Judge Bill Hetherington and Robert Gum spoke on “The Best Practices in Mediation.”

Chief Justice Darby’s presentation was informative and entertaining for all attendees.

Bench & Bar Chair Dan Couch introduced keynote speaker, Oklahoma Supreme Court Chief Justice Richard Darby.

The first State Court Panelists – Judges Natalie Mai, Sheila Stinson & Richard Ogden

The second State Court Panelists – Judges Anthony Bonner, James Siderias & Kenneth Stoner

OCBA President Shanda McKenney welcomed everyone to the conference on Saturday morning.
Judge Anthony Bonner and Tom Cummings at the Corn Hole Tournament

Judge Barbara Swinton and Tracey Mullins put the finishing touches on their charcuterie boards as contest Judge Sheila Stinson watches.

Tom Cummings presented "Put Some Wellness in Your Life."

Judge Stoner and President Shanda McKenney used real strategy in their game of lawn checkers.

David Cheek & Ron Stakem used Saturday afternoon for some exercise.

Tess Emerson & Charlie Swinton were fierce competitors.

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The Young Lawyers Troupe gave a spectacular Ethics Seminar – Chelsi Chaffin Bonano, Nicole Jones, Maggie Lanier, Victoria Wilson, Wyatt Swinford & Randy Gordon

Don Couch presented President McKenney with the Conference Leadership Wand.

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Joel Stafford Returns to McAfee & Taft’s Tax & Family Wealth Group

Joel D. Stafford has rejoined the Tax & Family Wealth Group at McAfee & Taft. Leveraging his decades of experience working with entrepreneurs and energy-sector companies, he will continue focusing his practice primarily on corporate and transactional planning, as well as tax audit and controversy matters.

Stafford began his career as an accountant in private practice and later worked as a controller for an Oklahoma-based oil and gas company. After earning his law degree from the University of Oklahoma and his master of law’s degree in taxation from New York University, he worked as a tax attorney at McAfee & Taft from 1985 to 2000. Prior to rejoining the firm in 2022, he served for eight years as senior tax counsel at Devon Energy Corporation, where he was responsible for overseeing and managing all of the public company’s income tax planning, strategy, and transactional matters.

Stafford is a member of the Oklahoma County Bar Association, Oklahoma Bar Association, Tax Section of the American Bar Association, Oklahoma Society of Certified Public Accountants, American Institute of CPAs, and Mineral Lawyers Society of Oklahoma City.

Throughout his career, Stafford has served as an adjunct professor at the University of Oklahoma College of Law, the Oklahoma City University School of Law, and the East Central University Department of Accounting. He most recently taught Individual Income Tax at OU Law and is currently helping coach the National Tax Moot Court team at OU Law for the Spring 2022 semester.

Hartzog Conger Cason Names New Tax Attorney

Hartzog Conger Cason recently announced that Taylor Kaye Weder has joined the Firm. Weder graduated with honors from Oklahoma City University School of Law in May 2019. While in law school, Weder was a member of the Oklahoma City Law Review and Phi Delta Phi International Legal Honor Society. Weder concentrates her practice in the areas of complex litigation, energy and environmental law, and appellate matters.

Evan D. Chambers And Naomi D. Smith Named Partners At Hartzog Conger Cason

Hartzog Conger Cason recently named Evan D. Chambers and Naomi D. Smith as partners in the Firm. Evan D. Chambers graduated from the University of Oklahoma School of Law in 2015 and joined Hartzog Conger Cason the same year. While in law school Chambers was a member of Order of the Coif, a member of Oklahoma Law Review, and four-time American Jurisprudence award winner. Chambers’ practice is concentrated in the areas of corporate law, mergers and acquisitions, and real estate.

Naomi D. Smith returned to Hartzog Conger Cason as a partner in the Firm. Smith graduated magna cum laude from Oklahoma City University School of Law in 2011 and practiced with Hartzog Conger Cason from 2011 to 2018. Prior to her return, Smith was a shareholder in the Iowa-based firm of Nyemaster Goode, P.C. Smith’s practice is focused on business entity formation and governance, business and commercial transactions, mergers and acquisitions, private equity transactions, and lending and financing transactions.

OCU Law’s Animal Law Program Expansion

Oklahoma City University School of Law is proud to announce receipt of a $120,000 grant from the Kirkpatrick Foundation to grow the law school’s Animal Law Program. The Program was launched in 2019 through the generous support of the Foundation with the goal of OCU Law becoming a top school for Animal Law in the US.

This grant marks a significant expansion in OCU Law’s Animal Law Program, as the school seeks to hire a visiting law professor to teach Animal Law courses during the 2022-23 school year. OCU Law students’ interest in the field has been strong for years and has only grown since the Foundation’s initial investment. OCU Law’s Animal Law Group counts 100 student members.

In addition to developing student interest in Animal Law and specific topics like Companion Animal Law, Farmed Animal Law, Wildlife Law, and Equine Law, OCU Law’s visiting professor will provide a public lecture on Animal Law.

Jeffery D. Trevillion Jr. Joins Crowe & Dunlevy

Crowe & Dunlevy is pleased to announce that Jeffery D. Trevillion Jr. has joined the Taxation Practice Group as a director in the firm’s Oklahoma City office.

Prior to joining the firm, Trevillion worked in private practice in Oklahoma City where he gained in-depth experience in tax controversies and litigation, and defended federal criminal investigations conducted by the IRS Criminal Investigation Division (CID), civil tax suits by the DOJ Tax Division, and criminal prosecutions by U.S. Attorney’s Offices. He also advises clients on sensitive “eggshell” audits that could potentially result in criminal referrals to the DOJ.

Trevillion is an experienced trial lawyer and certified public accountant with extensive knowledge of U.S. tax law and civil tax procedure. His practice also focuses on highly regulated industries and routinely represents clients before law enforcement and regulatory agencies.

Trevillion earned his J.D. from the University of Oklahoma College of Law, and his MBA from the Price College of Business at the University of Oklahoma. Prior to law school, he had a career in public accounting. Trevillion attended Langston University where he graduated cum laude with a Bachelor of Business Administration degree in accounting.

Admitted to practice law in Oklahoma and Texas, Trevillion may practice before the Supreme Court of Oklahoma, Supreme Court of Texas; and regularly appears before U.S. District Courts for the Western and Northern Districts of Oklahoma, U.S. Court of Appeals Tenth Circuit, and the United States Tax Court.

Trevillion is a member of the American Bar Association, National Bar Association, Oklahoma Bar Association, Oklahoma County Bar Association, Texas Bar Association, American Institute of Certified Public Accountants, and the Oklahoma Society of Certified Public Accountants. Active in civic and professional organizations, Trevillion serves as the past board president of the Oklahoma Bar Foundation and has served as a board member or trustee for the Oklahoma County Bar Foundation, the Oklahoma City Association of Black Lawyers and the OBA Young Lawyers Division.
already cheese biz taps into local dairies

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