Anonymous Thankful

By: Monica Y. Ybarra, Chair, OCBA Community Service Committee

Recently, the OCBA Community Service Committee’s ongoing service projects at Family Junction Shelter were greatly enhanced by the efforts and generosity of two anonymous donors and volunteers. When Anonymous heard about the need for Halloween pumpkins, they immediately provided the needed funds and manpower to deliver all 20 pumpkins to the residents of Family Junction. The children enjoyed decorating the pumpkins and displaying them at the entryway of the shelter.

Then, Anonymous made another huge gesture of generosity and service.

See THANKFUL, PAGE 4
Holidays – A Time to Take Care of Others and Yourself

By President Sheila Stinson

December is full of holiday activities, time with family, religious celebrations and gift giving. But for lawyers, it can also be a time for end-of-year settlement negotiations, attempting to reach the yearly billing goal, meeting clients’ requests, dealing with taxes, payroll reporting, personnel requests, and everything in between. It can be a stressful time for our profession.

A 2018 study conducted by the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs found 21 percent of licensed, employed attorneys qualify as problem drinkers, 28 percent struggle with some level of depression, and 19 percent demonstrate symptoms of anxiety. The study also found that the highest incidence of these problems occur in attorneys in their first 10 years of practice. I suspect the holidays and the end of the year stresses could even increase these percentages.

So what can we do? My informal request on social media for tips to deal with holiday stress included the following:

- Scheduling time alone, scheduling time with friends, spending time with family, not spending time with family, exercising and staying physically active, lying on the couch and watching holiday movies, eating pie and looking at Christmas lights, eating healthy, finding things to be thankful for and reasons to laugh daily, not saying yes to every obligation, taking a break from social media, and giving to others, especially through acts of service. So the result of my poll—do something for yourself and something for others. And aim for peaceful and joyous memories, not perfection. (I know, I know- don’t check-in at my house on Christmas Eve at 11pm to see how our peaceful and joyous memories are working out as Santa is getting paper cuts from wrapping paper, and my husband and I are “debating” how toy assembly instructions are so poorly written.)

- As 2018 ends and the holidays conclude, let’s focus on the purpose of the Oklahoma County Bar Association, which I have roughly summarized as helping our members to serve their clients, to serve the community, and to serve each other. As far as serving the clients, our CLE Committee is hard at work with a great assortment of legal subjects. Sign up for one. On serving our community, there are so many amazing ways to serve the community this month. The Community Service Committee has several events and opportunities to give and serve. This month I challenge anyone reading this to help at least one group or non-profit that is making our community a better place. Lastly on serving each other, check in on each other this month. Check in with the colleague that is new in his substance abuse recovery, a friend facing her first Christmas after the loss of a loved one or a divorce, an opposing counsel that is caring for an ill child or an aging parent, or a client contemplating closing his business. We all have struggles and some among us need a little more compassion and grace with those struggles right now.

With closing out the holiday season and 2018, I am grateful for our profession and all that participate in it, as well as our Association. And to you and your family Merry Christmas, Happy Hanukkah, Happy Kwanzaa, Happy Holidays, Happy Festivus, and to all a Happy New Year! We’ll see you in 2019.
Holmes’ views of the law and logic, forward.”

As regards the phrase, one notes that the Government is endorsing religion. For, the religious tenet that end, he issued a memo, the result of the query, I have tried, and failed, along with other officers, Ms. Child’s violated the “public obscenity” ordinances. U.S. District Judge James Brady granted a temporary restraining order allowing the lights to remain up until the holiday season, saying defendants had violated her Due Process and First Amendment rights. The case subsequently settled for undisclosed damages and an attorney’s fee to ACLU. Take from this what you will back to your client. You might also tell her that in her place, but Sandy thought that she or anyone else wouldn’t be able to put it delicately, flip the bird to the HOA using her Christmas light displays. Personally, I’m all in favor. But I’d like to have a more neutral take on it. D.J., OKC.

Dear Roscoe: I recently successfully defended a homeowner and her tenant in a dispute with an HOA regarding whether she could set that tenant up in a rent house which was paid for, in part, by Section 8 funds. Client has now asked me if she could, to put it delicately, flip the bird to the HOA using her Christmas light displays. Personally, I’m all in favor. But I’d like to have a more neutral take on it. D.J., OKC.

Dear Roscoe: My kid came home the other day and said that the mailman told him he couldn’t say “Merry Christmas” back to him because federal employees can’t say the words “Merry Christmas.” According to him, Tip O’Neill passed this law when he was Speaker of the House and Newt Gingrich tried to, but failed, to get it repealed. Is the story? J.V., OKC.

But you have to be a Swiss citizen by birth or naturalization to be eligible to vote in a Swiss federal election. If, somewhat contrary to Mr. Justice Holmes’ views of the law and logic, we merely read that passage and apply simple common sense, it comes nowhere near a ban on federal employees wishing members of the public, or each other, a Merry Christmas.

Professor Douglas Laycock, a law professor at the University of Virginia specializing in church-state issues, observed at the time of Gingrich’s statement that “there is no such law anywhere in the United States Code. There is no such regulation of sufficient status to appear in the Code of Federal Regulations. I am certain of these two facts, because they are both computer-searchable. ....

It is hard to imagine a rule that applies to every ‘federal official at any level’ not appearing in the Code of Federal Regulations.” Professor Richard W. Garnett, a University of Notre Dame law professor and another specialist in church-state issues, agreed. “I’m not aware of any general prohibition on federal workers, in private or on the job, saying the words, ‘Merry Christmas’.” So, to the extent that this myth stalks among members of the legal (or postal) profession, consider it BUSTED.

Dear Roscoe: As I mentioned in the previous letter, I have one other story to tell. Three years ago, Sandy and I were driving back to the city in a dispute with an HOA regarding whether she could set that tenant up in a rent house which was paid for, in part, by Section 8 funds. Client has now asked me if she could, to put it delicately, flip the bird to the HOA using her Christmas light displays. Personally, I’m all in favor. But I’d like to have a more neutral take on it. D.J., OKC.

Dear J.V.: I’m not 100% sure what the story is, mainly because either you, your child, or your mailman hasn’t got it straight. As a lawyer, you probably know that the Speaker of the House neither makes law nor passes them unilaterally. Separation of powers plus our federal system much negates the idea of some whimsical Speaker making rules for the Executive or Judicial Branches’ employees. What I’m pretty sure we have here is another volley in the long raging (and totally fictitious) War on Christmas.

As I mentioned in the previous letter, I have one other story to tell. Three years ago, Sandy and I were driving back to the city in a dispute with an HOA regarding whether she could set that tenant up in a rent house which was paid for, in part, by Section 8 funds. Client has now asked me if she could, to put it delicately, flip the bird to the HOA using her Christmas light displays. Personally, I’m all in favor. But I’d like to have a more neutral take on it. D.J., OKC.

Dear Roscoe: After all, ‘tis the Season when Santa takes special notice of the naughty and the nice. I assume that by “birds” we’re not talking about French hens, turtle doves, and partridges in a pear tree! We’ve tried to explain this to our kid, but we may have failed. Sandy definitely saw more ruthlessness and blood lust in her former-in-laws than they ever displayed in public or in my experience. However, she lived with it on a daily basis for almost twelve years. Aubrie, a/k/a the Comtesse d’Glanville, invited her to stay at her place, but Sandy thought that she or even her young child might come into the cross-hairs. Ultimately, Father Thad – now running Our Lady’s solo with Father Auggie still on the mend – suggested a Catholic Retreat Center over in Southeast Pennsylvania. Thad gave me assurances that she’d be safe and secure there. Surprisingly, Daddy Mike volunteered to go along with her. “I’ll be on my best behavior Roscoe,” he told me. “It’ll be like bodyguardin’ again for JP2”

“You were bodyguard for the Pope?” Chips asked.

“Back in the late ’70s and early ’80s when he first landed the gig,” Mike answered.

“But you have to be a Swiss citizen and go through Swiss Army training,” Chips protested.

“Wanna see my passport? Well, that’s been revoked but I still got it. As for the training, I was on the givin’ end.”

“Even so, you can’t be over 30. Back in the ’70s you were probably about—”

“Lied about my age,” Mike replied.

“And you have to be at least 5’ 8””

“Lied about my height too. And once they seen me in action, they didn’t seem to notice.”

That settled, I turned my attention to getting the office Christmas party started. Rae, dressed in her best Yule attire, consisting this year of black boots, black jeans, and a festive red sweater adorned with a picture of Krampus (a definite improvement over last year’s Slayer pen-tagram) put the finishing touches on the tree. I must say she outdid herself. From the ground up it looked totally normal until you came to the reindeer skull on top. “I can live with this,” I said. “But no Goth carols.”

“I got some killer Victorian parlor games lined up,” she offered.

“We’ll see,” I told her.

“Aw, you’re the Bomb Mr. P.,” she said with a smile. Then she called out: “Party’s on! Happy Christmas Normgies!” And a Happy and Safe Holiday to all of you and yours. I hope the New Year’s a great one. I’m talking to you, OCBA.
Old News

**Excerpts from OCBA News:**

**FEBRUARY 1979, PART 1**

**Judicial Duties to Challenge Howard**

By Arthur S. Bay

Would you like to know what kind of judiciary Oklahoma County will have at the District Judge or Associate District Judge level ten years from now? Then I would suggest you take a good look at our Special District Judges.

If the past is indeed a window to the future, the odds are about two to one the next Oklahoma County District or Associate District Judge will come from the ranks of our present Special Judges. Since Court Reform created the present judicial system in 1969, no less than six Special District Judges have moved up to the Associate or District Judge level; Judges William Kessler, Robert Berry (now a Federal Bankruptcy Judge), Stewart Hunter, Joe Cannon, Arthur Lory Rakestraw and Charlie Y. Wier.

It follows that each new Special Judge appointee warrants the considered attention and evaluation of each of us in our county bar. The very fabric, tone and quality of our future judiciary at the trial level rests upon the caliber of Special Judge appointments now being made. The mistakes of today will return to haunt us tomorrow, just as we will reap the benefit of a discriminating choice.

We who are practicing attorneys will be comforted by the background and experience of Special Judge Don Howard. A native of Stillwater, he holds an undergraduate degree in Political Science from OSU. After serving two years in the military he then attended law school at OU for one year after which he completed his legal education at OCU, graduating in 1963. From that day to his recent appointment he has been engaged in the general practice of law.

Judge Howard knows what it is to meet the rent. He knows what it is to deal with clients, to take on their problems and to fight the good fight for their causes. And, yes, after some fifteen years trial experience he well appreciates the role of the trial judge and the importance of that intangible attribute we euphemistically call judicial temperament. Moreover, ascending the bench will not be precisely new to Judge Howard. He has acted as Municipal Judge for Midwest City since 1970. Rounding out his background, I found that Judge Howard has actively engaged in various civic and social activities. He has served as President of the Midwest City Junior Chamber of Commerce. To improve his forensic abilities he entered a Junior Chamber “speak contest” only to win the Oklahoma state title before finally meeting defeat at the national level in Buffalo, NY.

When asked why he wanted to enter the judiciary his answers were simple and straight forward. He rather enjoys the intellectual side and challenge of the law. And, he states, in fifteen years of private practice and at age 42 he could never find the time to take a vacation.

To my mind, this latter confession says two things: (1) That he is devoted to duty and therefore should prove to be a working judge, and (2.) he has enough intelligence about him to recognize the rat-race for what it is and to do something about it. Many of us in the private practice can feel both empathy and envy for him in this regard.

Judge Howard is being assigned to the Trial Division. This means he will be handling CSC cases and misdemeanors. He will also be the “roving Judge.” This is, on Fridays he will hold Small Claims dockets in Edmond and Midwest City.

The selection of Judge Howard was screened and highly recommended by the Bench and Bar Selection Committee. We, therefore, congratulate both Judge Howard and ourselves at his appointment and wish him well.

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**Courthouse Briefs**

- Special Judge-select Elizabeth Kerr will be sworn in on Wednesday, January 2, 2019, at 9:00 a.m. in the Ceremonial Courtroom. The public is invited to attend.
- District Judges-elect Kendra Coleman, Heather Coyle, Natalie Mai, Amy Palumbo and Susan Stallings will take office on Monday, January 14, 2019. The Ceremonial Swearing In for these District Judges-elect will take place on Tuesday, January 22, 2019, at 9:00 a.m. in the Jury Assembly Room. The public is invited to attend the Ceremonial Swearing In.
- Courthouse is closed for the Christmas Holiday Monday and Tuesday, December 24th and 25th.
- Courthouse is closed for the New Year’s Holiday Tuesday January 1st.
- Courthouse is closed for the Martin Luther King Jr.’s Day Monday January 21st.
By Kendall A. Sykes

Attorneys who primarily practice on the first floor of the Oklahoma County Courthouse have become accustomed to newly appointed judges presiding over the family court dockets. The addition of Special Judge Thomas C. Riesen was a welcome event, not only because the position remained vacant for several months of uncertainty following his predecessor’s move to the civil docket, but also because Judge Riesen is a familiar face on the first floor, having spent many years of his legal career in private practice as a well-respected family law attorney.

Judge Riesen is the proud son of Bud and Marian Riesen. He grew up in Ardmore, Oklahoma and attended Ardmore High School. In high school and later as a student at Oklahoma University, Judge Riesen worked for the local paper, the Daily Ardmoreite, writing obituaries and taking photographs. After graduating from OU with a bachelor’s degree in journalism, he took his mother’s advice and enrolled at Oklahoma City University School of Law where he received his J.D. in 1985. Judge Riesen recalls with a chuckle his mother nudging him in the direction of law school once it became apparent by his chemistry grades he was not a doctor in the making.

Judge Riesen first became interested in criminal law during high school while observing a criminal trial. After law school, Judge Riesen worked for Bob Macy as an assistant district attorney serving as head of misdemeanors, the white-collar crime division, and eventually on the late Honorable Don Deason’s felony trial team, which he recalls fondly.

Upon his departure from the Oklahoma County District Attorney’s Office, Judge Riesen worked for the Oklahoma Bar Association for 2 years and the Attorney General’s Office for 3 years before entering private practice where his focus was on family law, non-violent criminal defense work, and civil litigation. Of all the areas of law he practiced, Judge Riesen held an affinity for working as a Guardian ad Litem due to his desire to help kids and families resolve issues without the anxiety of litigation.

Judge Riesen places a “heavy emphasis on professionalism and civility [in the courtroom].” “You don’t have to agree, but you don’t have to be disagreeable,” he explains in his affable and matter-of-fact manner. When asked what advice he would give to young lawyers starting their legal careers, he states without hesitation, “preparation will win the day.” Perhaps that best explains how, on July 2, 2018, Thomas “Tom” Riesen found himself sworn in as the Honorable Municipal Judge in Edmond. He describes as a particularly proud moment in his life, because his mother was able to attend the ceremony.

Judge Riesen has been married to his wife, Cindy, for 33 years. They have 2 adult children, Will and Matthew, whom he speaks of with great pride. He and Cindy have been faithful members of the All Souls Episcopal Church where he has served in a Junior and Senior Warden and has taught Sunday School.

When asked what he likes best about his new role, Judge Riesen says it’s all about helping people solve issues and getting lives back on track. He emphasizes that family courts are uniquely courts of equity. The most surprising thing about being a judge? The voluminous amount of reading every week. Without missing a beat he declares, “I read everything.”

Get to Know Judge Riesen . . .

Favorite Movie: Master & Commander
Favorite Bands: U2 and The Who
Hobbies: Reading (currently political spy thrillers by author Brad Thor), bass fishing, and hunting.

If he weren’t a judge he would be a bass fisherman.

Introducing The Honorable Thomas C. Riesen

By Venita Hoover

In all the years I have known Commissioner Vaughn he has always put “getting it done” before any personal interests. Upon contacting Commissioner Vaughn regarding an article for The Briefcase concerning his retirement, he asked me to wait a couple of weeks due to things “out at the yard” that needed his attention; that is his character. Now, if I was contacting him for an interview about someone else’s retirement, he would have scheduled something the day I emailed him and made it a priority. Doing an article about his own departure from the County was just not as important to him as doing what needed to be done before he retired from his office. On his way to my office following a Wednesday morning meeting, Mr. Vaughn stopped to greet many people in the Law Library. Everyone knows him around here, and he always stops by to say hello and catch up for a moment. Upon reaching my office, we both laughed realizing a man of his physical stature would never fit on my little couch, and I have no chairs in my office for guests. For those who have never met the Commissioner he is really, really tall.

In my years at the Courthouse, I have met a lot of people, but not many are comparable to Commissioner Vaughn. Some people just know how to bring out the best in others and Mr. Vaughn does this with those around him. As I begin to ask the questions I prepared for him, I felt immediately at ease talking with him. Mr. Vaughn has 3 children and 9 grandchil-

dren, and has been married to his beautiful wife Suzanne for 50 years. Following his retirement, he will be moving to the Tulsa area to be closer to his kids and grandkids.

Commissioner Vaughn will be turning in his gavel on January 2, 2019. Mr. Vaughn received his B.A. degree from Oklahoma Christian University in 1970 and his Juris Doctorate degree from Oklahoma City University School of Law in 1976. He is one of the founding members of the Edmond law firm Vaughn, Winton and Clark, and practiced law in Oklahoma County for over thirty years. We discussed his time at the Capitol and being a member of the Oklahoma House of Representatives from 1988 through 2004. He talked about being elected in 2006, 2010, and again in 2014 to serve as County Commissioner for District 3, and how he has served as Chairman of the Board of Oklahoma County Commissioners, as well as the Oklahoma County Budget Board, for the last seven years.

As Commissioner, Mr. Vaughn led the acquisition of the closed General Motors Plant and the leasing of that facility to the Air Force, thus creating Tinker Aerospace Complex which has created more than 2,000 new Public and Private sector jobs on and around the base. There are many other awards and recognitions listed in his extensive biography. Though he quite humbly did not mention any of these in our interview, I will take it upon myself to mention several of his accomplishments here.

Commissioner Vaughn has received the Oklahoma Bar Association Liberty Bell Award, was named Edmond Citizen of the Year, received numerous Legislator of the Year awards as well as The Oklahoma Christian University Outstanding Alums Award for Public Service; was given the UCO President’s Medal of Honor and the Oklahoma Department of Health “Health Hero” award, inducted in to the Edmond Hall of Fame and in 2011, and received the National Association of County Commissioners County Courthouse Award for Innovation in Government. Prior to entering politics, Mr. Vaughn was a television anchor and reporter for various stations in Oklahoma, Texas, and Arizona. He authored a biography about his father in 2016, “More Than a Coach, Remembering the Life of Ray Vaughn.” His book can be found at local libraries, in book stores, and on Amazon.com.

Mr. Vaughn’s favorite job titles included serving as an Edmond Assistant City Attorney, as well as an Associate Municipal Judge in Edmond. He smiled in telling me about doing traffic court at night and says there are some interesting stories to tell there. When asked what he would most like to be remembered for, he stated, “just being someone who is honest, with integrity, someone who looked at both sides and treated all sides with respect.” I thought about his answer in writing this piece and of all the awards on his biography, and all he has accomplished for Oklahoma County, can say without hesitation that he will be remembered for his honesty and Integrity. I greatly appreciate the honor of knowing and working with Commissioner Vaughn, as he has always brought out the good qualities in those he worked with, myself included.

Commissioner Vaughn will be missed as part of the Oklahoma County Family. Here’s wishing you and your family only the best in your retirement!
Algernon Sidney was beheaded in 1683 after being convicted of treason. He was accused of plotting against King Charles II in the Rye House Plot. Historians all agree the evidence was shaky at best, and Sidney delivered a final written speech and proclamation to the sheriff on the scaffold wherein he condemned the proceedings against him. Sidney decried the Bench as being filled with corrupt lawyers who advised the King to take Sidney’s life. He condemned the way the jury was allowed to be selected (hand-picked by the King’s Solicitor), and allowed jurors to serve who were not freeholders, to receive questionable evidence, to refuse a reading of the indictment against him, and to overrule important points of law summarily without hearing. Lastly, Sidney criticized the interpretations of the law that were contradictory to the law, reason and common sense that led to his conviction.

The English Civil War in the 17th century was really a series of events over the course of decades and not a singular war. Indeed, the parties are difficult to identify at any given stage. It was more a struggle between the power of the crown and the power of parliament, and consisted of struggles over sovereignty and religion between England, Wales, Ireland and Scotland.

A half century after Sidney’s execution, Cato declared that Sidney was a martyr for liberty who asserted the republican ideal, or closer to the corrupted monarchies Algernon Sidney decried?

Cato uses the words of Algernon Sidney to show that good values lead to good government. “Liberty cannot be preserved if the manners of the people are corrupted, nor absolute monarchy introduced where they are sincere. Which is sufficient to show that those who manage free governments ought always to the utmost of their power, to oppose corruption, because otherwise both they and their government must inevitably perish, and on the other hand the absolute monarch must endeavor to introduce it (corruption) because he cannot subsist without it.”

“…In well-governed states, where a value is put upon virtue, and no one honored unless for such qualities as are beneficial to the public, men are from the tenderest years brought up in a belief that nothing in this world deserves to be sought after but such honors as are acquired by virtuous actions. By this means virtue itself becomes popular, as in Sparta, Rome, and other places where riches were either totally banished or little regarded.”

“He that could rise from the plough to the triumphal chariot and contentedly return thither again could not be corrupted. He that left the sense of his poverty to his executors who found not wherewith to bury him, might leave Macedon and Greece to the pillage of his soldiers, without taking to himself any part of the booty. But when luxury was brought into fashion and they came to be honored who lived magnificently though they had in themselves no qualities to distinguish them from the basest slaves, the most virtuous men were exposed to scorn if they were poor, and that poverty, which had been the mother and nurse of their virtue, grew insupportable. “When riches grew to be necessary, the desire of them which is the spring of all mischief, followed.”

“When valor, industry and wisdom advanced men to offices it was no easy matter for a man to persuade the Senate he had such qualities as were required if he had them not. But when princes seek only such as love them and will do what they command, ‘tis easy to impose upon them and because none that are good will obey them when they command that which is not so, they are always encompassed by the worst.”

“And when the power is in the hands of base mercenary persons they will always make as much profit of their places as they can. Not only matters of favor, but of justice too, will be exposed to sale and no way will be open to honors or magistracies but by paying largely for them. He that gets an office by these means will not execute it gratis. He thinks he may sell what he has bought and would not have entered by corrupt ways if he had not intended to deal corruptly.”

Author’s Query: Is contemporary American life closer to the republican ideal, or closer to the corrupted monarchies Algernon Sidney decried?
2018 OCBA Holiday Party

Camnt Pennington, Ben Grubb, Randy Gordon & Wyatt Swinford

Joe Hampton, Amy Pierce & Steve Barghols

Judges Tom Prince, Chuck Black & Jerry Bass

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John Hermes & David Cheek

Judge Mark McCormick & Alana House

Tim Kline, Bill McAulster & Joe Crosthwait

Representative Collin Walke & Ed Blau

Vicky & Mack Martin
2018 OCBA Holiday Party

Judges Richard Ogden & Barbara Swinton

John Miley & Vice Chief Justice Noma Gurich

Angela Allles Bahn & Judge Allen Welch

Judge Sheila & Preston Stinson

Richard Morrissette, Judge-Elect Linda Thomas & Judge Thad Balkman

Cheryl & Attorney General Mike Hunter

Judge-Elect Natalie Mai & Michelle Evans

Jeff Massie & Judge Geary Walke
OAMIC Introduces Employed Lawyer Policy

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We now have a policy for you!

Coverage includes pro bono legal services with employer’s written permission

Exposure to regulatory compliance issues, HIPPA, & other areas makes this well worth the expense.
Happy New Year?

Wishes from Jim Croy

“Happy new year.” That salutation will ring out for the next few weeks, but for most of us around here—here being the western world—the celebration of the new year is really Christmas’s plus one. About the only time it stands on its own is the week after Christmas, for in our mid-winter celebration Christmas is really the star of the season.

However, it was not always so, and it is not so in much of the world today. The coming of the new year has been celebrated for thousands of years, while by definition Christmas did not exist before around the BC/AD divide. But although new year’s day has been observed for millennia, the day on which the new year begins has changed throughout history, depending on religion, politics and science. When the year was based on the movement of the moon, in Babylon the new year would begin in March, at the beginning of the growing season. Julius Caesar developed a calendar based on the sun, declaring one of the months to be named after the god Janus, who looked both to the future and to the past. Caesar determined this would be an appropriate beginning point for a new year, and January 1 became the first day of the new year.

As Christianity spread, the Council of Tours abolished January 1 as New Year’s Day because of its pagan origin, and the beginning of the new year was moved to Annunciation Day—March 25th. Over the next centuries, the celebration of the new year was repeatedly moved, depending on the science, politics and religion in sway at the time. Then, in 1582, the calendar was again reformed, and the result was the Gregorian calendar, establishing once and for all that the new year would begin on January 1. Well, it did establish the date once, but certainly not for all. It was almost two hundred years before Great Britain and her colonies would adopt the British empire continued to celebrate new year’s day as March 25.

With the passage of time, as variously defined, and the adjustment of leap years, the date of January 1 as the beginning of the new year has become accepted by many cultures. But, of course, not all. As we know, Rosh Hashanah is the celebration of the Jewish new year, as is Awal Muharram the beginning of the Islamic new year. Both of these are months before (or after)

See NEW YEAR, PAGE XX

Many teams expected to compete for this year’s best chili awards

Food Bank and the Oklahomans who rely on its services.

Many teams are expected to compete in 2019 and Oklahoma County Judges will renew their roles as the final adjudicators of the County’s best chili. Awards are at stake for best traditional, non-traditional, and hottest chili, as well as the coveted best overall award. The event is open to the public. Due to the sweeping changes to alcoholic beverage regulation in Oklahoma in 2018, the event is now open to all ages. Teams of 4 or 5 are encouraged to pre-register; they entry fee is a $15 donation per person. Attendees can sample as much chili as they would like and enjoy complimentary coffee, tea, soft drinks, and sides. Cold libations will also be available for cash purchase courtesy of Twisted Spike Brewing Company. For more information, please visit www.okcbar.org or call (405) 236-8421.

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Joshua Young joins Durbin, Larimore & Bialick, P.C.

Durbin, Larimore & Bialick, P.C. welcomes Joshua L. Young as the newest member of the legal team.

Young specializes primarily in insurance defense and civil litigation matters involving automobile, trucking and premises liability, and he is a member of the Oklahoma County Bar Association and Oklahoma Bar Association.

Young earned his Juris Doctorate from the University of Oklahoma College of Law in 2012. During law school, he was a member of Phi Delta Phi, a legal honor fraternity, and listed on the Dean’s Honor Roll. He also earned his B.A. in philosophy from OU in 2003.

After graduating from law school, Young immediately began working at the Oklahoma County District Attorney’s office as an assistant district attorney where he gained extensive trial experience, including vehicular homicide and wiretap prosecution. Young thereafter worked as in-house counsel for a national insurance company, handling insurance defense and civil litigation matters.

He is currently recognized by AM Best and American Insns of Court.

Since 1983, Durbin, Larimore & Bialick, P.C. has provided robust legal services to businesses and individuals in Oklahoma and across the nation. Our attorneys focus on insurance law, business law, employment law, oil and gas, real estate and personal injury, among others. For more information, please visit www.dlb.net.

Ferate Brings Unique Experience to Litigation Practice Group of Spencer Fane in Oklahoma City

Spencer Fane LLP is pleased to announce the addition of A.J. Ferate to the firm’s Oklahoma City office as Of Counsel. He joins Spencer Fane after a recent stint as Vice President of Regulatory Affairs for the Oklahoma Independent Petroleum Association.

Ferate’s responsibilities with the Oklahoma Independent Petroleum Association included outreach to the Oklahoma Corporation Commission and other state and federal regulatory agencies. The majority of his career has been spent working in various capacities related to the energy industry, including a previous tenure as Public Policy Coordinator for Devon Energy.

Additionally, Ferate spent three years as a partner and manager of a Houston-based energy law firm.

Ferate served nearly a decade as an intelligence analyst for the U.S. Naval Reserve, including time at the Office of Naval Intelligence in greater Washington, D.C. He completed his undergraduate education at the University of Nebraska-Lincoln before obtaining his Juris Doctor from the Oklahoma City University School of Law.

GableGotwals welcomes Kyle Evans

Kyle Evans joins GableGotwals in the Oklahoma City office as of counsel and will focus his practice on a diverse range of commercial matters with a special emphasis on insurance law. He also has extensive experience in the areas of healthcare, bad faith, fraud, employment discrimination, breach of contract, class actions, negligence, and business torts.

Kyle received his law degree from the University of Oklahoma College of Law and his bachelor’s degree from Oklahoma State University.

Crowe & Dunlevy adds four associates in Oklahoma City

Crowe & Dunlevy recently added Lauren K. Clifton, Kelly S. Kinser, Almee Majoue and William O. Moon as new associates in its Oklahoma City office.

Clifton supports firm clients with general litigation matters serving on the Litigation & Trial Practice Group. She received her Juris Doctor from the University of Oklahoma College of Law where she served on the Oklahoma Law Review as assistant managing editor and was inducted into the Order of the Coif. A member of the firm’s Banking & Financial Institutions, Bankruptcy & Creditor’s Rights, Real Estate and Wind & Renewable Energy Practice Groups, Kinser is a Hatton W. Summers Scholar and graduate of the Oklahoma City University School of Law where she received 12 CALI awards for top performance, the Award for Outstanding Academic Performance, the Dean’s Legal Ethics Award and the Judge Tom Brett Award for excellence in criminal law.

Majoue supports firm clients with commercial litigation and complex litigation matters in the Administrative & Regulatory, Criminal Defense, Compliance & Investigations, Energy, Environment & Natural Resources and Litigation & Trial Practice Groups. She is an Oklahoma City University School of Law graduate where she was named the OCU Law Outstanding Graduate of 2018.

Moon, a member of the Cannabis Industry and Intellectual Property Practice Groups, focuses his practice on patent prosecution, trademark clearance, registration and transactional matters. He is a graduate of the University of Oklahoma College of Law and currently a member of the Ruth Bader Ginsburg Inn of Court and the American Intellectual Property Law Association.
For the last several months, I’ve been traveling outside the State of Oklahoma for work. It seems like just yesterday I was sitting in a recliner with a sling on my arm from a recent shoulder repair with time to observe both social media and television activity. Then what do you know? I’m billing time like a first-year associate at a big-time law firm in a big city with no time for anything except checking Twitter while on the go. The perspectives gained are unique, and can be useful.

Coming on the heels of our recent national mid-term elections, the political advertising that preceded those elections, the subsequent claims of victory, concessions of defeat, or name-calling to those who voted in opposition to your beliefs, can provide attorneys with focus beyond their daily representation of clients. I’m pleased to note that the overwhelming majority of my social media friends posted “I voted.” However, I also believe that puts us in the minority. That same energy and focus can be harnessed toward educating the general public on the Federal and State Constitutions and also support for educating our youth. As attorneys and “enlightened” voters, I can think of no one better suited by education and everyday practice to work as a positive force in letting the public know, correctly and accurately, about both our Federal and State Constitutions, the independent judiciary, and the American jury trial system. This is significant given the quantity of misinformation now being communicated about these uniquely American pillars of government.

If you think Oklahoma political ads are rough and tumbly, you should have visited southern California, northern California, Florida, and Arizona during this last election cycle. The one common denominator for a majority of ads and social media postings seemed to be fear. Fear of the unknown, fear of those who believe differently than you, and fear of institutions, big corporations, and The Government. Regardless of what side you are on, these attempts to motivate action through fear are not from Russian hackers, but from people like you, and sometimes even you. The best weapon against fear is knowledge, which comes through education.

The fact that people disagree with your views or positions should not be a surprise to you if you are married, in a relationship, raising or have raised children, have aging parents who need more care than they want, are trying to housetrain a pet, have business partners, shareholders, employees, or a boss. This is especially true for attorneys who advocate for clients on a daily basis. The difference now seems to be that you can instantly express your unhappiness with differing viewpoints on the internet. Although I agree that free speech and the First Amendment are extremely important building blocks of American democracy and government, I also believe that other portions of the U.S. Constitution, including the 27 Amendments thereto, civil and criminal laws, and judicial processes should be held in higher regard by the non-lawyer public. But they first have to know this information and apparently civics and history classes aren’t what they once were. The importance of three branches of government and the checks and balances included with our form of democratic government should be celebrated and widely known. Most concerning may be the concept that the judicial branch is not independent but should be beholden to a political party or be staffed through political patronage. All of these things can be addressed by each of us in our daily relationships and in volunteering and financially supporting many of the programs available to OCBA members.

The Lawyers for Learning Committee includes opportunities for reading to children at Oklahoma City partner schools. The Law Related Education Committee provides attorneys to speak on numerous topics at the request of the local civic groups and metro-area schools. The Community Service Committee does just that—serve the Oklahoma City metropolitan community. Many OCBA community service and social justice opportunities exist for you to engage.

Musings from the Road

by Michael W. Brewer
Despite our differences in opinion, election process proven to work

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Jump in as a volunteer speaker or reader and go see what the children in our schools are doing for education. In the course of volunteering during previous years, I’ve been to elementary schools, middle schools, and high schools across the metro area from Moore to Edmond. You really need to see the learning environment that some of our children have available before you can appreciate the need for funding education. As crazy as it may seem, many of our children simply don’t have anyone to read to them. The OCBA school reading program provides you an opportunity to be that person.

Next, but certainly not any less important, use your knowledge, education, and experience to accurately present facts about an independent judiciary, checks and balances, and the need for three separate branches of government. Even though you may not agree with the recent election results, some incredible changes took place across the nation and the American system of government proved one more time that there’s a reason it’s likely to survive for many years to come. The next election cycle is always the most important and this has been true since the days of George Washington. The back and forth between parties in control and out of control is a continuous cycle that will never change. The fact that the American system of government has survived shows us that it works. The fact that people differ with your view or mine is simply that—a difference of opinion or interpretation.

On a more serious note, it’s that time of year again, when I start taking note of monthly happenings during 2018 for my year in review Briefcase article and am immediately confronted with two groups that are completely flawed but continue to exist, year after year. Since watching the first game of the 2018 NCAA season and other games through today, I see a mountain of proof that NCAA referees are the worst on the planet. Next, of course, Big XII football referees run a close, but pathetic, second. These groups remain as flawed as in previous years and they are continuously proving just how awful they are. Now and most importantly, I’m searching for a response to a serious question: Who has the right-of-way, and can you pass, when you have a pedestrian, electric scooter, bicyclist, car and trolley in the same lane or on an intersecting path? Asking for a friend. Eat lots of pie, have a safe and Happy Holiday Season and Merry Christmas! #WhyNot?

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January 1. And many of us have reason to remember that the Vietnamese new year is known at Tet, which occurs about a month after our new year. The Hindu celebration of Diwali occurs in the fall, while the Chinese new year occurs between the middle of January and the middle of February. And it goes on, with different calendars and different traditions.

But what is surely universal is that the celebration of the new year centered around excessive drinking, fireworks, confetti, streamers, whistles and parties which span the old and new years, right? Well, not exactly. Different cultures have different celebrations, and the popping of champagne corks is not universal, though it is observed in France and Spain. But feasting is universal. In China and Japan the celebration might continue for two weeks. Several cultures hide coins in food and believe that good luck for the next year will go to whoever finds the coin.

Other traditions add color to the holiday. In Spain and the Philippines, eating twelve grapes at midnight will bring good luck for the new year. First-footing, celebrated on the British Isles, involves entering someone’s house through the front door with coal, bread and whisky. The invader puts the coal in the fire and serves the food and drink, exiting through the back door. A Danish tradition involves throwing plates at the door of friends and neighbors, with the number of friends in the ensuing years being directly proportional to the amount of broken plates on one’s doorstep.

Also in Denmark it is considered good luck to stand on a chair and jump from it at midnight of the new year. Germans drop molten lead in cold water and predict the future from the ensuing shapes in a tradition known as Bleigießen. The Swiss drop dollops of ice cream on the floor for good luck.

And, of course, in parts of the United States, including Oklahoma, the eating of black-eyed peas on New Year’s Day is said to bring good luck. While there are several origins attributed to this tradition, one might well think it came from The Black-Eyed Pea Marketing Association. Unfortunately, I cannot find that this association exists, so maybe it really did originate with the northern troops not eating the black-eyed peas when they raided the South.

All said, when we look at the traditions revolving around the coming of the new year, we cannot help but be struck by the universal importance attached to the passage of time. Unlike other holidays and celebrations around the world, which usually center on either religious or nationally historic observances, the observation of the New Year celebrates the passage of time. It celebrates the concept of a new beginning. It celebrates the hope that the future will be better than the past. And it is in that spirit of hope that the future will be more bountiful, more free, more fair, and more peaceful that I wish you, “Happy New Year.”
The OCBA has many opportunities to volunteer with their Community Service Committee, Law Related Education Committee, Lawyers For Learning Committee and Voices for Children Committee. However, this new monthly column will list other opportunities for our members to help the community. If you know of something that should be listed here, please contact the Bar Office at 236-8421 and we will add it to this new monthly Briefcase column.

For more than 30 years, Citizens Caring for Children has provided for children living in foster care by meeting their material, emotional, and intellectual needs.

After bringing many abused and neglected children into their hearts and home, an Edmond foster family knew first-hand the unaddressed need of clothing and resources children in foster care face after leaving all of their personal belongings behind. They knew more could be done to meet the basic needs of these children and founded Citizens Caring for Children in 1984.

Today, Citizens Caring for Children is still committed to the agency’s original vision of providing hope, changing lives and creating healthy futures for children in foster care. Citizens Caring for Children meets the needs of more than 1,600 Oklahoma children in foster care each year through services and programs like the Resource Center, Back2School and Joy4Kids.

Volunteering Opportunities

Volunteers are crucial to accomplishing our important mission every day. Without our dedicated volunteers, we would not be able to provide resources and impact children living in foster care more than 4,000 times each year.

Volunteer opportunities at Citizens Caring for Children vary but may include sorting and hanging clothes in our Resource Center, working with children at events, organizing inventory, stuffing and sorting mail, helping children shop during Back-to-School, serving on a committee, or other administrative tasks.

Group Volunteers

Group volunteers are always needed at the Resource Center to sort clothes, stock the Resource Center and help foster families and children shop. You can also get your group involved by hosting a drive or by making a donation. To schedule a time to volunteer please call 405.753.4099 or email Toni Lee to learn more about volunteer opportunities.
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