



Briefcase

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A Publication of the OKLAHOMA COUNTY BAR ASSOCIATION

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FOURPEAT



BLSA members celebrate award immediately following the National Gala. Pictured: Diamond Mayberry, Candalyn Lyons, LeeAnn Littlejohn, Camri Austin, Elicia Farrar, She'era Brunson, Hillary Givens, Leah Bush, Elise Miller, Rachel Barnes, Jerrod Cooper.

University of Oklahoma Black Law Students Association named National Chapter of the Year for fourth year in a row

The Ada Lois Sipuel (OU) Chapter of the National Black Law Students Association (BLSA) was recently awarded "National Chapter of the Year" for the fourth consecutive year at the annual convention in Houston, Texas.

In accepting the award for the

University of Oklahoma, out-going chapter president Elise Miller stated that, "She was incredibly honored for her organization to be chosen for the 4th time as a national leader." She went on to say that "The focus for this year had been to build bonds with law students from other organizations and from other

schools to provide programs and community services."

The theme for this year was "We've got work to do: No fear! No Limits!" Miller went on to further state that, "This phrase deeply resonates with us at OU as we considered the potential effects of the US Supreme Court's recent affirmative

action decision coupled with the state-wide DEI funding bans in Oklahoma, Texas, and Florida."

The OU BLSA organization traveled across the state with the OCU and Tulsa BLSA chapters to learn more about the

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THE BRIEFCASE

April 2024

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and to promote justice for all.



From the President

DID YOU KNOW 'LAW DAY' WAS
INVENTED IN OKLAHOMA?



Photo/DepositPhotos

By: Hon. Richard Ogden
President, OCBA

Law Day is now so integrated into the fabric of American
jurisprudence. Certainly, lawyers and state and local bar associa-
tions celebrate Law Day throughout North America. Law Day is
broadly celebrated and recognized in grade schools to high schools
throughout the United States. Law Day is generally celebrated on
May 1 to promote, celebrate, and hold in rever-
ence the Rule of Law in free nations.



So, what exactly is the Rule of Law? Very
simply, it is to be governed by laws or a con-
stitution and not by the authority of a monarch
or dictator or a theocracy or an autocracy. To
be governed by the law is juxtaposed to being
ruled over by a person or a government that is
unchecked. Law Day is a day of celebrating
democracy just as much as we do so on July 4,
but more in the form of a civics class or lesson than trip to the lake
or a backyard barbeque with beer and burgers.

On Law Day we focus on the substantive efforts people within
our communities who embody and elevate the Rule of Law.

In Oklahoma County, we have our Law Day Luncheon, we have
honored guests and speakers, and we give awards to citizens who
work to strengthen the rule of law within our society. Law Day
is a day of comradery as well. We as attorneys and judges look
forward to seeing each other, breaking bread together, sharing war

stories, and sharing life's happiness and life's challenges with one
another. The shared time of Law Day strengthens us as attorneys
and judges to have friends and colleagues to lean on when we are
in need.

So now back to the headline, did you know Law Day was
invented in Oklahoma? As many years as I have celebrated Law
Day, I did not know that in fact it was Hicks Epton of Wewoka,
who was the inventor of Law Day. I have of course heard of
Hicks Epton in terms of the Hicks Epton Award, but never knew
that indeed, an Oklahoman in the early 1950's started it all. Hicks
Epton launched a "Know Your Liberties-Know your Court Week"
through the Oklahoma Bar Association. Then, in 1957, the
President of the American Bar Association suggested to President
Dwight D. Eisenhower that Law Day should be nationally declared.
Since 1958, the President of the United States and the Governors
of our induvial states issued Law Day Proclamations to formally
give recognition and import of this hallowed day. As it turns out,
the day to celebrate our self-governing experiment by being ruled
by laws and not by men or women caught on splendidly as well it
should have.

So, as is often the case in the columns I write, the particular
day or event about which I write has passed, the same goes for
Law Day 2024. But, just as with other days of great import, the
reflection back in never out-of-date and in fact is a good exercise
for us all so as to let Law Day be not just a single day of America
civics, but a lasting framework that we continually live each day
of our lives.

In Memoriam

Mike Mancillas

By: David Prescott

Mike Mancillas died on
April 23, 2024. Born in Alva,
Oklahoma, Mike was a 1974
graduate of the University of
Oklahoma Law School. As a
young lawyer he worked for

the Oklahoma County Legal
Aid Society. He also worked
for the State Insurance Fund.
He was then appointed by then
Governor George Nigh to be
the first Hispanic judge in the
state of Oklahoma. After serving
as a judge on the Oklahoma
Workers Compensation Court,

Mike spearheaded a private
law firm that employed many
attorneys, and he practiced law
until his recent retirement. He
enjoyed OU Football, traveling,
and his family in the Kansas
City area. This personable
man will be missed by many
in the legal community. Mike

is survived by his wife, Jayne,
and many relatives and friends
throughout the country. I will
greatly miss my friend of 50
years and I know many people
will miss him also.

David L. Prescott (retired)
7283, Member, OBA, OCBA

Quote of the MONTH

"For better than never is late; never to succeed would be too long a
period."

- Geoffrey Chaucer.

Stump Roscoe

By Roscoe X. Pound

Dear Roscoe: Help me in my time of confusion. At what point does mootness come into play when a state agency voluntarily abandons the alleged conduct when litigation is already pending? T.H., OKC.

Dear T.H.: Happy to clear up your confusion. And in doing so I'll share this bit of news: SCOTUS addressed this issue two weeks ago in case called *Fikre v. Fikre*, 601 U.S. ____ (2024). In this case, Mr. Fikre left his native Eritrea and following a short sojourn in Sudan, came to the U.S. He became a U.S. citizen—and apparently, a model one. After a long stint in the employ of the telephone company struck out on his own. In furtherance of his entrepreneurial efforts, he returned to Sudan to establish some business contacts there. Invited to a luncheon at the U.S. Embassy, he found not a buffet but a bastille. FBI agents took him into custody and began grilling him about activities at his Mosque back in Portland, OR. He then learned his name appeared on a no-fly list. The FBI informed him he could get off the list by becoming an informant as to members of the Islamic community. Sounds bad, huh? But there's more. His travels next took him to Saudi Arabia. Authorities there “arrested, imprisoned, and tortured him.” After 106 days, an arrangement allowed him to fly to Sweden from whence he returned home with the assistance of the Swedish government. Total run time for his personal horror show: roughly six years. He filed suit alleging violations of his rights to procedural due process by failing to provide any meaningful notice of his addition to the no-fly list, any information about the factual basis for his listing, and any appropriate way to secure redress. He alleged the government had placed him on the list for constitutionally invalid reasons. In May of 2016, the government removed him from the no-fly list and maintained Mr. Fikre's civil action became moot thereby.

The trial court dismissed on mootness grounds. The Ninth Circuit reversed and remanded for further proceedings. The trial court again found the case moot, relying on a statement of assurance that this would never happen to Mr. Fikre again. The Ninth Circuit again reversed. However, the Fourth Circuit reached a different conclusion in a similar case. SCOTUS granted cert to resolve the conflict.

Following a brief discussion of the “Cases and Controversies” Clause the Court held:

None of this implies that a defendant may “automatically moot a case” by the simple expedient of suspending its challenged conduct after it is sued. Instead, our precedents hold, a defendant's “‘voluntary cessation of a challenged practice’” will moot a case only if the defendant can show that the practice cannot “‘reasonably be expected to recur.’”

Id.

This the Court described as a “formidable” burden. Why? Because:

The Constitution deals with substance,” not strategies. *Cummings v. Missouri*, 4 Wall. 277, 325 (1867). Were the rule more forgiving, a defendant might suspend its challenged conduct after being sued, win dismissal, and later pick up where it left off; it might even repeat “this cycle” as

necessary until it achieves all of its allegedly “unlawful ends.” A live case or controversy cannot be so easily disguised, and a federal court's constitutional authority cannot be so readily manipulated. To show that a case is truly moot, a defendant must prove “‘no reasonable expectation’” remains that it will “return to [its] old ways.”

Id.

I'll commend Mr. Fikre's case to your further study and analysis. Use it wisely.

Dear Roscoe: You've written in the past about cases and controversies involving *Jolly Old St. Nick at Christmastime*. As Easter comes hoppity closer, does the celebrated Bunny draw legal ink of his, her, or its own? Asking for a friend. **B.R., OKC.**

Dear B.R.: This is like locking up the corral after the horse is gone, but I'll put in a good word for the Easter Bunny any way. I believe, as did the author of an item in the ABA Journal near the turn of the current century: “The biggest problem the Easter Bunny faces when he's not gearing up to go hippity-hoppity next month is that he doesn't get any respect.” I agree. I credit him with helping to ignite my imagination and ability to think creatively. I passed on the stories to my own kids hoping to impart to them gifts of creativity and imaginative thinking. Each of these abilities would enhance a lawyer's abilities. I find this true even when I am the hider of the eggs and the source of the stories (they could have happened for real. As Sir Terry Pratchett observed:

“All right,” said Susan. “I'm not stupid. You're saying humans need... fantasies to make life bearable.”

REALLY? AS IF IT WAS SOME KIND OF PINK PILL? NO. HUMANS NEED FANTASY TO BE HUMAN. TO BE THE PLACE WHERE THE FALLING ANGEL MEETS THE RISING APE.

“Tooth fairies? Hogfathers? Little—”

YES. AS PRACTICE. YOU HAVE TO START OUT LEARNING TO BELIEVE THE LITTLE LIES.

“So we can believe the big ones?”

YES. JUSTICE. MERCY. DUTY. THAT SORT OF THING.

“They're not the same at all!”

YOU THINK SO? THEN TAKE THE UNIVERSE AND GRIND IT DOWN TO THE FINEST POWDER AND SIEVE IT THROUGH THE FINEST SIEVE AND THEN SHOW ME ONE ATOM OF JUSTICE, ONE MOLECULE OF MERCY.AND YET YOU ACT AS IF THERE IS SOME IDEAL ORDER IN THE WORLD, AS IF THERE IS SOME... SOME RIGHTNESS IN THE UNIVERSE BY WHICH IT MAY BE JUDGED.

Terry Pratchett. Hogfather (Capitalizations in original). See also: Alexander, Frank S., The Conviction of Things Not Seen: A Tribute to Hal Berman (2008).57 EMORY LAW JOURNAL 1393.

I took in the Monsignor's office in one panoramic sweep. I noted the impressive array of diplomas, awards, and his extensive display of photos with various local and international celebrities both religious and secular. I also felt just a twinge of envy upon the furnishings and appointments of venerable, highly polished mahogany furniture and woodwork, and his voluminous personal library of hoary, leather-covered books titled in English, Latin, and Greek.

They sat upon shelves in floor-to-ceiling bookcases, and I spied nary a single paperback among them.

Across from the Monsignor's spacious desk, on the opposite side of his football field of an office near the windows, sat a glass-covered conference table surrounded by twelve chairs. The men who occupied these seats drew my immediate attention. One could have come up from central casting on a call for a giant in a Jack-in-the-Beanstalk feature. I placed him at about six-foot-seven and roughly two-fifty. He had a large head commensurate with his height, bald but with a fringe of red hair. He wore a clerical outfit with a split collar, often indicative of a brother rather than a priest, as well as a large antique signet of some sort, suitable for pressing its seal into sheet metal. I also noticed he packed a gun in a shoulder holster under his left arm.

The other guy was of average height, and considerably older. I'd wager his suit came from Saville Row and he wore it well. His bearing did not bespeak a military background unlike his companion whose own posture and presentation called to mind a bizarre sort of military experience that never heard or learned the meaning of the words “at ease.” The elder of the pair had thin, iron-grey hair and his face held a certain, hard-to place timelessness. It had more of an openness to it than the big fellows, and some wrinkles and creases which did not detract at all from his looks, like craquelure on the face of an ancient portrait.

Both men rose at our entry, and both seemed a bit non-plussed at the presence of Daddy Mike.

“Gentleman,” the Monsignor said, “may I introduce the Rev. Francis Curley and the Reverend Peter Barnes. Rev. Curley is *legatus missus*, acting for His Holiness Pope Francis I. Brother Barnes serves as Director of Opus Pastori here in the NE sector of the United States.

“Opus Pastori?” I asked.

“Eye of the Shepherd,” said Daddy Mike. “CIA Vatican-style.”

With deepest apologies to Roscoe, this storyline was omitted from the end of his column in the March 2024 Briefcase. We promise this will not happen again as a certain Briefcase Editor and Executive Director wish to continue breathing.

If we hadn't come to discuss matters of crime and violence, we'd have had a nice drive and daytrip. The morning warmed up, the sun shone, and nature provided a welcome distraction from the uncomfortable silence inside the car. Bucks County never disappointed. My dad and I hunted here with rifle and bow from the age of nine up until my sophomore year in high school. We still came down here several times a year, but I preferred to do my hunting with a camera, and Dad became satisfied living off the grid and dunking Oreos in milk. Occasionally, Mom would come along too. She mostly left us alone and, after dropping off us and our gear, would drive back east to New Hope and its artsy environs. Today the landscape cooperated. We passed forests, rolling farmlands, and picturesque family dairy farms, many with red barns bedecked with quaintessential (yeah, I made that up) hex signs. Eventually,

the rolling terrain rolled into a cordon of Emerald Green arborvitae deployed in a closely packed protective circle around the grounds and buildings it sheltered. We had arrived at St. Adrian's.

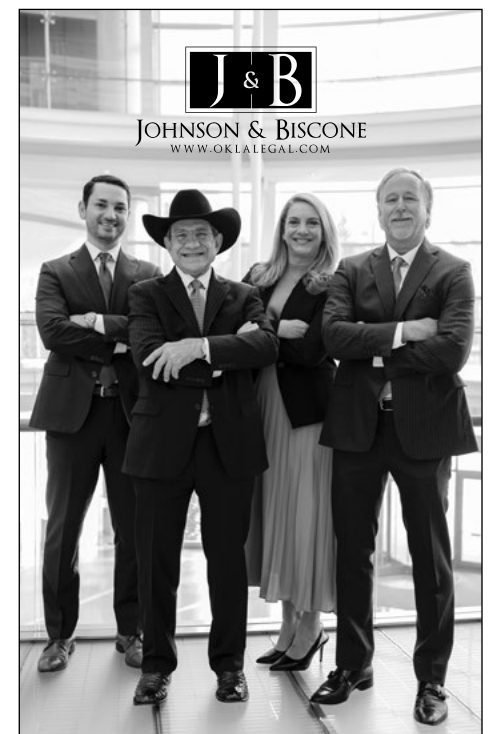
The arborvitae also withheld a chain-link fence, rimmed with razor wire, from view. It seemed to extend around the entire perimeter of the complex, negating the pastoral serenity suggested by the supple yet sturdy conifer screen. An armed guard stood at striped barrier gate. Another one manned a gatehouse. The guard at the gate asked us to state our business. Johnny Sgrorano identified himself and said he had come at the invitation of Monsignor Tuitte. The guard looked dubious.

“You're on the list, Mr. Sgrorano, but no one else.”

“They're my plus four,” said in a voice heavy with faux-joviality.

The guard in the guardhouse stepped out of the guardhouse holding a phone receiver. “It's OK Bob. Let 'em pass.” We drove along a curving drive to the main building. Along the way we passed over several sets of retracted treadles and speed bumps. We also passed several manned security vehicles parked along the verge. The main building, a sprawling concrete and marble structure with walls as white and smooth as alabaster, occupied the top of a landscaped knoll. Smaller structures of blue trimmed stucco, dormitories and meeting halls I guessed, surrounded it on all sides like smaller craft around a flag

See ROSCOE, page 6



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OCBA Board of Directors Hosted a Reception for the OBA Board of Governors on April 19



OCBA Director/OBA Governor Jeff Trevillion, OCBA Director Barbara and Judge Kenneth Stoner



OBA Vice President Amber Peckio with OBA Executive Director Janet Johnson



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Judicial Nominating Commission in the crosshairs

By: Todd Blasdel

Once again, the Oklahoma Senate has advanced proposed legislation to eliminate the Judicial Nominating Commission. Senate Joint Resolution 34, which passed the Senate by a vote of 32 to 14, would place a question on the statewide ballot in November to amend Oklahoma's Constitution to repeal the Judicial Nominating Commission and replace it with a system where the governor would appoint justices, and the Senate would confirm those appointments. 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.

Senator Julie Daniels (R-Bartlesville) was recently quoted as saying, "It's never made sense to me that we have



Photo/DepositPhotos

an appointed and unelected commission tell a governor which three people he or she can choose from to fill a Supreme Court vacancy."

Given Senator Daniel's comments, it seems timely to revisit why the JNC was originally created (again).

Judicial Scandals of the 1960s

The mid-1960s saw a time of repeated 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.

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 parti-

san 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 justice of the peace courts.

The second proposed constitutional amendment established an appointive retentive system for selecting judge 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."

Sources: *Tulsa World*, www.okjnc.com, *Justice for Sale*

Challenge to internet sheriff's sales in Oklahoma County appealed

By: John E. Gatliff II

The Oklahoma County Sheriff's application of a 2022 internet sheriff's sale law through Bid4Assets.com has been appealed to the Oklahoma Supreme Court, in dueling Petitions in Error on March 21, 2024. The key issue concerns whether the third-party vendor selected by the Oklahoma County Sheriff has conducted a public or a private auction. Both intervenor Bid4Assets, Inc. and the Plaintiff in Toorak Capital Partners, LLC v. Austin Family Estates, LLC appealed a February 31, 2024, Order Denying Confirmation of Sale, entered by Oklahoma County District Court Judge Aletia Hayes Timmons. The resulting legal uncertainty surrounding online sheriff's sales in Oklahoma County

beginning in December 2023 may yet prove to be a headache for future title examiners, title insurers and property owners.

The Toorak Capital controversy began when the Oklahoma legislature amended 12 O.S. § 769 to permit sheriff's sales of real property "by public auction through the Internet or other electronic means." The amendment of Section 769 was in line with national trends favoring broader national markets through online sales. Before the 2022 amendment, sheriff's sales were statutorily required to be in-person sales. Such sales have often been criticized for being inconvenient, insufficiently publicized, restrictive of the size and quality of the bidder pool and creating conditions

not favorable to maximum sale prices. Online sales have proven to increase buyer convenience, expand the pool of potential bidders, and to result in more competitive bidding and higher final sale prices.

The 2022 amendment to Section 769 did not, however, provide detailed specifications for Internet and other electronic sheriff's sales. In September 2023, Oklahoma County Sheriff Tommie Johnson III advised that all subsequent sheriff's sales in Oklahoma County would be through Bid4Assets.com – a national "Liquidity Services Marketplace" based in Maryland. Since 1999, Bid4Assets claims it has sold "over 125,000 properties at online auction and generated over \$1 billion in government auction sales." The first Oklahoma

County sheriff's sale slated to be conducted exclusively online was November 14, 2023.

Don Timberlake and the prominent real property law firm of Baer & Timberlake, P.C. sued the Oklahoma County Sheriff on October 5, 2023, in an attempt to stop the Bid4Assets.com Internet sales. Timberlake contended in Oklahoma County Case No. CJ-2023-5721, inter alia, that the Bid4Assets.com Internet sales were not public auction sales because they required bidders to register under the Bid4Assets.com "Terms of Service" contract and required internet access. Timberlake contended that this was "inconsistent with

Remembering Bob Ravitz

Stephen P. Friot

It says a lot about a legal community—and, for that matter, about a legal system—when the legal community turns out en masse for the funeral of a public defender. But there they were at Crossings Community Church on January 30, 2024, prosecutors, defense lawyers, corporate lawyers, judges, and scores of others in county, state and federal officialdom, remembering and honoring a truly one-of-a-kind member of our profession.

There is much to be said and remembered about Bob Ravitz, and I can make only a small contribution here.

Bob readily agreed to meet in his conference room with three of the delegations of Russian lawyers and law professors that I hosted under the Open World program. The main purpose of our meet-

ings with Bob was to drive home to our Russian guests the fact that we are serious about protecting the rights of the accused and, in particular, about providing effective assistance of counsel. No one could have made that point more effectively than Bob. He was so effective in part because he was willing to tell our guests about both the strengths and, in unvarnished terms (those who knew Bob know how unvarnished that could be), the weaknesses of our collective performance in delivering on the promise of the Bill of Rights.

Most memorable was the time Bob used the word “barbaric” in giving our guests his opinion, through an interpreter, of some aspect of our system of criminal justice. (I can’t remember for sure what it was.) Well, it turns out that “barbaric” is

the same word, with the same meaning, in both English and Russian. Without benefit of translation, Maria, a Russian law professor who was sitting next to me, turned to me wide-eyed and whispered: “barbaric?” All I could say to her was “da.” Point made. Maybe I agreed with Bob and maybe I didn’t, but he sure made his point. (And an unspoken point was that I, as the host of our Russian guests, considered it to be well worth their time to sit down with a practitioner who was willing and able to talk plainly about our system, warts and all.)

In one of these meetings, our guests were obviously moved by Bob’s expression of his conviction that it is essential for a criminal defense lawyer to have the ability to see in his client possibilities that the client doesn’t even see in himself. His

point was that, in representing the lowest and least among us, rendering effective assistance of counsel very often includes the challenge of persuading the client that there is more to live for than the next hit of meth or crack. I knew Bob had made his point when one of our guests told me that she would be well-satisfied to be represented in any American court by this advokat who cared so deeply about his work and those he served.

My point here is that it made me proud to present Bob Ravitz to our guests as a living embodiment of our commitment to the rule of law.

Few, if any, of those who read this will have been a client of Bob or of those he hired and mentored as Oklahoma County’s Chief Public Defender. No matter. He served all of us long and faithfully.

FOURPEAT

continued from page 1

Tulsa Race Massacre, and hosted panels exploring the ramifications of the DEI funding ban across public higher-learning institutions. The Ada Lois Sipuel Fisher Chapter also acts as a sponsor to an OU undergraduate pre-law student group and participates in the College of Law’s Pipeline Programs to introduce HS students to the path to becoming a lawyer.

The chapter held over forty impactful singular and joint events throughout the course of the year. This is a continuation of the legacy of leadership and service that was created by former OU Law students such as Senator Opio Toure ’79, Civil Rights Attorney/former

OU Regent Melvin Hall ’81, and Judge Aletia Haynes Timmons ’86 during their time at OU College of Law.

Only 5% of all attorneys in the United States are Black. The University of Oklahoma College of Law, in support its mission, gives opportunities for African Americans and other under-supported minorities. The University and the Law School has created support and an environment which opens doors toward the path to becoming a lawyer. A managing partner of Crowe & Dunlevy, one of the top Oklahoma firms, recently stated that the legal profession should “aspire to look like the communities that we serve.” The law students at OU are clearly taking on the challenge and taking advantage of the opportunities being offered; and have grown into leadership

roles in creating a more positive picture.

Incoming president Leah Bush said that, “She too, was humbled but excited about the legacy of leadership at OU BLSA and has already committed to continuing to help grow the positive themes at OU Law.”

The OU Chapter is named in honor of Ada Lois Sipuel Fisher, who in 1949 became to the first African American to attend and graduate OU or any majority public university in the South. Ms. Fisher rose to prominence as a Civil Rights attorney and a college professor and later became a Regent at the University of Oklahoma. This year, Dean Katheleen Guzman and the students sponsored an Ada Lois Sipuel Fisher statuette at the main law school entrance.



Chapter President Elise Miller alongside chapter Vice President Leah Bush.

ROSCOE

continued from page 3

ship. The eponymous saint himself, fashioned from marble and formidably armed, stood watch at the doorway. Adrian wore many hats, serving as the patron of prison guards and jailers, arms dealers, and plague victims. I wondered which func-

tion he performed here.

A black cassocked priest met us under the front portico, instructing a younger man with him to serve as our parking valet. He ushered us through a cavernous hall, taking us up five floors, the one occupied exclusively by the Director and his immediate staff. Monsignor Louis Titte emerged from his private office. He was

a large, balding man wearing a charcoal Dolce and Gabanna suit over a purple clerical shirt and matching sash. His face had malleable features one might recall from Sidney Greenstreet or ubiquitous character actor Robert Ehmert, capable of going from avuncular to sinister and back in zero seconds flat. He ran his eyes over us, stopping when he came to Daddy Mike.

“You?” said the Monsignor, “You’re still alive?”

Daddy M. grinned. “Course. I’ll be OK if I stay out of thirty-three States, El Salvador, and most of the Mediterranean countries.”

The Monsignor ushered us into his inner office, all the while looking incredulously at the old mercenary.

SHERIFF

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Oklahoma statutes, judicial proceedings, and are likely to cause major disruption in the sale process.”

On October 6, 2023, District Court Judge Don Andrews denied a temporary injunction in the Timberlake matter. This set the stage for the Bid4Assets.com Internet sales to begin as scheduled in mid-November.

The online sheriff’s sale in Toorak Capital occurred November 28, 2023. The three parcels offered were bid to 90%, 95% and 97% of the appraised value, and were purchased by the Plaintiff. Robert Dew, an “interested citizen” represented by Don Timberlake and Baer & Timberlake, P.C., claimed that the “Terms of Service” of Bid4Assets.com prevented him from registering to bid at the sale. Dew objected to confirmation of the sale. Bid4Assets, Inc. notes in its Petition in Error that “this was the third or fourth time either Dew or

his law firm had sought to defeat the new statutory format for foreclosure auctions.”

The Dew objection in Toorak Capital reportedly threw confirmation of Oklahoma County sheriff’s sales into turmoil. While Toorak Capital was pending in the District Court, Judge Timmons began annotating confirmation orders with the handwritten phrase “with reservations regarding the bidding process.”

The Dew objection claimed the Toorak Capital sheriff’s sale was “not conducted by a bonded officer and is void,” “was not a public auction,” was not secured by “a surety bond of any kind,” and that the Bid4Assets.com “Terms of Service” contract and required internet access “are the very essence of chilling, stifling, and suppressing bids.”

Bid4Assets, Inc. intervened to defend its sale procedures. After extensive briefing – including an amicus curiae brief from Gary L. Giessman in support of denying confirmation – and hearings,

Judge Timmons ruled in favor of the Timberlake/Dew position, denying confirmation. The Court rejected, however, Gary L. Giessman’s claim that the chosen Internet sale procedure interfered with the practice of law, or that it purported to regulate the practice of law.

Judge Timmons specifically found that a basis for denial of confirmation in Toorak Capital was that “the subject sale was not a public auction as required by 12 O.S. § 769.” While Toorak Capital is presently limited to that specific case, undoubtedly the real property bar, title insurers, and title examiners may take note of the Court’s findings, which could throw into question all Oklahoma County Sheriff’s sales for the past several months.

Bid4Assets contends on Appeal No. 122049 in Toorak Capital that the District Court improperly granted standing to Dew, erred in ruling the sheriff’s sale was a “private auction,” erred in referencing “other market factors” . . . when the parties were

able to show statutory compliance and active competitive bidding,” and erred in “essentially engaging in improper contract reformation” with a party who “chose not to participate in the sale.”

Plaintiff contends in Appeal 122051 in Toorak Capital that the District Court erred in granting standing to Dew, erred in finding the sale was a “private auction” when the amended statute permits internet sales and “other State governmental entities routinely require the public to utilize third-party vendors’ online platforms to conduct business with those state entities,” and erred in denying Toorak Capital the right to purchase the property “for a price that was not ‘insufficient’”

Toorak Capital is represented by Robert J. Getchell, Amelia A. Fogleman, and Justin A. Lollman of GableGotwals, Tulsa.

Bid4Assets, Inc. is represented by Gregory Pierre Chansolme and Russell C. Lizzuzzo, III, of Chansolme Harroz Hays, PLLC, Oklahoma City.

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