



Briefcase

June, 2022 Vol. 55, No. 6

A Publication of the OKLAHOMA COUNTY BAR ASSOCIATION

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OCBA Nominations & Election Committee announces candidates for 2022 – 2023

President-Elect Cody J. Cooper, serving as chair of this year's Nominations & Election Committee, has announced the slate of candidates approved by the Board of Directors.

Ballots will be mailed the first week in July and should be returned no later than July 31, 2022. Election results will be announced in August and elected officials will take office September 1, 2022. The candidates and their qualifications are listed here:

PRESIDENT-ELECT

Richard C. Ogden, District Judge Oklahoma County. **J.D.** – University of Oklahoma 1989. **OCBA Activities include:** Young Lawyers Division, Member, Chair 1993-1994;



Richard C. Ogden

Board of Directors, 2015-2018, Vice President 2021-2022; Outstanding Young Lawyer Award 1994. **OBA Activities include:** OBA Board of Governors, Young Lawyer Chair 1996; MCLE Commissioner 2006-2012; Membership Committee Chair 1996-1998; OBA Outstanding Young Lawyer Award 1997. **ABA Activities include:** House of Delegates Member 1996-1997; Young Lawyers Division Communications Director 1998-1999; Young Lawyers Division Assembly Delegate 1992-1998. **Other Legal/Community Activities include:** OBA Foundation Fellow; Bohanon Inn of Court; Leadership OKC Class XIX; Leadership Oklahoma Class XXVI; Regent for Regional University System of Oklahoma 2010-2015, Chair 2013-2014.

VICE PRESIDENT

Courtney Warmington, Fuller Tubb Bickford Warmington & Panach, PLLC. **J.D.** – Oklahoma City University 1999. **OCBA Activities include:** Young Lawyers Board of Directors, Former Member; Continuing Legal Education Committee, Chair 2021-22; Board of Directors 2021-22.



Courtney Warmington

OBA Activities include: Employment Law Section, Member. **ABA Activities include:** Employment Law Section, Member; Litigation Section, Member. **Other Legal/Community Activities include:** Oklahoma State Regents for Higher Education; Former ALJ for Oklahoma Department of Labor; New Life Ranch, Board of Directors; OCU Alumni Board of Directors.

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Rachel Morris, Stoddard Morris, PLLC. **J.D.** – Louisiana State University Paul M. Hebert School of Law 2006.



Rachel Morris

Justice.

OCBA Activities include: Board of Directors, Former Member; Family Law Section, Former Co-Chair; Pro Bono Award Winner 2018. **OBA Activities include:** OBA Leadership Academy. **Other Legal/Community Activities include:** Ruth Bader Ginsburg Inn of Court, Incoming President; Champion of Justice Award – 2018, Oklahoma Access to

BOARD OF DIRECTORS

Mariano Acuña, Acuña Law Firm. **J.D.** – Southern Methodist University Dedman School of Law 2003. **Other Legal/Community Activities include:** Legal Aid Services of Oklahoma, Pro Bono Panel Attorney; Oklahoma Lawyers for Children, Pro Bono Panel Attorney; Variety Care, Board Member, Board Chair; Oklahoma Foundation for Excellence, Trustee; Acuña Family Scholarship awarding \$10,000 for deserving youth.



Mariaño Acuna



Anthony L. Bonner, Jr.

Anthony L. Bonner, Jr., District Judge, State of Oklahoma. **J.D.** – University of Oklahoma 2006. **OCBA Activities include:** Lawyers for Learning Committee, Member. **Other Legal/Community Activities include:** Association of Black Lawyers; National Bar Association; Guide Right; Kappa League, Mentor.



Kyle Goodwin

Kyle Goodwin, Goodwin/Lewis. **J.D.** – University of Oklahoma 1996. **OBA Activities include:** Alternative Dispute Resolution Section, Member; Business & Corporate Law Section, Member; Financial Institutions and Corporate Law Section, Member; Litigation Section, Member. **Other Legal/Community Activities include:** Oklahoma Association of Defense Counsel; State Bar of Texas; Board of Trustees St. Luke's Methodist Church, Former Member; Many years of Youth Athletic Coach.

See NOMINATIONS, page 11

Retirement Party For Judge Allen Welch

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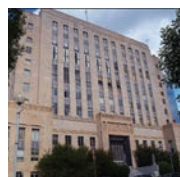
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Lunch & Cake Provided

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STEPS TOWARDS EQUALITY FOR TRANSGENDER AMERICANS

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THE "NOBLE" HISTORY OF THE OKLAHOMA COUNTY COURTHOUSE

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JUNE 2022

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better the quality of life in Oklahoma County,
and to promote justice for all.



From the President



deposit photos

TIME MARCHES ON



By Shanda McKenney
President, OCBA

One of the greatest ensemble casts ever was put together for the movie *Steel Magnolias*. Dolly Parton plays a cosmetologist in that movie and her character has some of the best one-liners in the script. One of my favorites is: “Time marches on. And eventually, you find that it’s marching across your face.” The truth of this sentiment was brought home to me on a personal level when a young cashier at a local department store recently offered me the “Senior Discount.”

I have been practicing law for twenty years. Saying that out loud is disconcerting. Some days it feels as though those years have blown by in an instant, and some days I feel every single one of those years as if they were decades. When I think of all that has happened over the last twenty years, it is a bit mind-boggling. But when I review the list of this year’s 50, 60, and 70 (!!) year bar membership honorees, I imagine what astounding shifts have occurred not only during their lifetimes, but merely during their professional careers.

The Baby Boom generation has fleshed out the ranks of honorees to the extent that it is no longer practical or feasible to provide the individualized recognition at our Awards Luncheon that we have provided in years past. Due honor is still paid, but those formalities are now performed immediately prior to the luncheon. We have more than 40 attorneys in Oklahoma County receiving their 50-year pins this year!

The attorneys being honored for 50 years of practice were admitted to the bar in 1972, before I was even born. When I envision working in an office in the 1970s, I picture something like the set design of the movie *9 To 5*, also a Dolly Parton clas-

sic. Shades of harvest gold and burnt orange are interspersed with sketchy fluorescent lighting, scratchy tweed fabrics, and gigantic typewriters that got covered every evening, with a bluish cloud of cigarette smoke hovering above it all. I thought I would put the passage of time into perspective with a few fun facts:

-Intel invented the first single chip microprocessor (the “personal computer” first became publicly available the year before in the form of a KENBAK-1, which sold for \$750. A decent brand new car cost about \$2,800 at the time).

-George Carlin was arrested in Milwaukee on public obscenity charges after performing his “Seven Dirty Words” bit.

-There was a break-in of the DNC headquarters in the Watergate Office Complex in Washington, D.C.

-Jane Fonda visited North Vietnam, earning the nickname “Hanoi Jane”.

-Nacho Cheese Doritos, Bounce dryer sheets, and the Dallas Cowboys Cheerleaders were all introduced for the first time.

-Number 1 hit songs included “American Pie” by Don McLean, “Let’s Stay Together” by Al Green, “The Candy Man” by Sammy Davis, Jr., and the always popular “My Ding-A-Ling” by Chuck Berry.

These fun factoids will seem either more recent or more distant in time, depending on who is reading the list. But consider this - for those whose 50 year professional anniversaries are being honored, fifty years prior to *their* admission to practice it was 1922. This makes the massiveness of our more recent cultural shifts come into clearer perspective.

In another 30 years, I look forward to receiving my own 50-year pin. In the meantime, let’s all take a moment to reflect on the amount of time, effort, and dedication this year’s recipients have devoted to the practice of law in Oklahoma County while we continue to mentor those who come after us.

Stump Roscoe

By Roscoe X. Pound

Dear Roscoe: My client's son and his girlfriend lived together for a number of years. The boy died. My client filed a probate seeking appointment as Administrator. His girlfriend shows up with a marriage certificate signed by one of the boy's friends from work who received an "ordination" from some internet outfit. The trial court awarded her Letters of Administration and a spousal share of the property. This makes a mockery of both religion and the law. Surely this cannot stand. **A.D., OKC.**

Dear A.D.: Given the court's ruling in your case, apparently it can. Many things in this life provide Ye Olde Reason to Gripe without yielding an actionable claim or objection at law. While direct precedent remains sparse, I think your case falls into that territory. A number of "ministry mills" have sprung over the years many as an apparent tax dodge. In your own 10th Cir., a district court found:

The ULC will ordain anyone free, for life, without questions of faith. Anyone can be ordained a ULC minister in a matter of minutes by clicking onto the ULC's website and by providing a name, address, and e-mail address. Anyone can also be ordained by mailing to the ULC a name and address. There is no oath, ceremony, or particular form required.

The ULC requires virtually nothing from its ministers: they are not required to perform any religious ceremonies, to oversee a congregation, to provide religious guidance or counseling, to report religious ceremonies to headquarters, to keep in contact with the ULC other than routine address changes, or to attend any worship services.

Universal Life Church v. Utah, 189 F. Supp.2d 1302, 1307 (D. Utah 2002).

Yet, the court also found the ordinations valid. Universal Life, centered on whether the Legislature could declare internet ordination invalid when the statute mentioned only telephone ordinations not quite of heart of your case.

In your case, the applicable law, 43 O.S. Sec 7 (2021) provides:

All marriages must be contracted by a formal ceremony performed or solemnized in the presence of at least two adult, competent persons as witnesses, by a judge or retired judge of any court in this state, or an ordained or authorized preacher or minister of the Gospel, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which he or she belongs to preach the Gospel, or a rabbi and who is at least eighteen (18) years of age.

B. 1. The judge shall place his or her order of appointment on file with the office of the court clerk of the county in which he or she resides.

2. The preacher, minister, priest, rabbi, or ecclesiastical dignitary who is a resident of this state shall have filed, in the office of the court clerk of the county in which he or she resides, a copy of the credentials or authority from his or her church or synagogue authorizing him or her to solemnize marriages.

Thus, the statute requires that a minister be "duly ordained" by his church; file proof

of his authority in the county of his residence; and, for out-of-state practitioners, file in the county in which he intends to perform a marriage. That's it. No further definition, no investigation, no requirement to prove validity.

I also note that you say that the couple lived together for a number of years. Without more information, it appears that they at least may have legitimately married for some time and acted the part. Sounds like the seeds of a common law marriage if nothing else.

Across The River, courts of the Empire State have wrestled with this issue as well, one court noting:

Whether the ULC is a church or not, and whatever its belief system may be, compared to other online "religions" that enable people to pay a small fee, obtain a certificate of ordination and then perform religious wedding ceremonies, it seems practically mainstream. There is, for instance, the Church of the Flying Spaghetti Monster, a religious group comprised of atheists, which, upon the payment of a \$20 fee, will make an online applicant a "pastafarian minister." Then there is Dudeism,⁸ also referred to the Church of the Latter Day Dude, which portends to be a religious philosophy based on the protagonist in the Coen Brothers' cult classic *The Big Lebowski*. One can be ordained online for free and be authorized to perform weddings as a Dudeist Priest...

Ponorovskaya v. Stecklow, 987 N.Y.S.2d 543 (N.Y. Sup. Ct. 2014).

I don't know where you are procedurally. But a hill this steep might give even a monkey pause.

Dear Roscoe: Can you state the "Carpenter Test" so good that even a civil lawyer like me can understand it? **L.H., OKC.**

Dear L.H.: Not so good, but perhaps oh so well. I assume you're speaking of the *Carpenter v. United States*, 138 S. Ct. 2206, 2217 n.3 (2018) decision. Police arrested a guy suspected in robberies. He confessed identified a number of accomplices and disclosed their cell phone numbers. Obtaining court orders under the Stored Communications Act (SCA), law enforcement required their cell phone service providers to share historical CLSI records for these cell phones from the period of the robberies. The providers maintain a record of which tower and sensor – or "cell site" – was used whenever a cell phone makes or receives a call or text message. By analyzing those records, police can infer the approximate location of the cell at the time of the call or text message. The historical CLSI records indicated that Carpenter's cell phone was near four of the charged robberies when they were committed. He was later convicted on multiple robbery charges following a trial and then appealed.

SCOTUS (5-4) per Chief Justice Roberts that CLSI records do not "fit neatly under existing precedents" but lie at the "intersection of two lines of cases" the reasonable expectation of privacy protected by the Fourth Amendment. The "third-party doctrine" established in *Smith v. Maryland*, (no reasonable expectation of privacy in records of dialed telephone numbers held by a telephone company). Under that doctrine, "a person has no legitimate expect-



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tation of privacy in information he voluntarily turns over to third parties," and "[t]hat remains true 'even if the information is revealed on the assumption that it will be used only for a limited purpose.'"

However, other extant precedent exists on police use of "sophisticated technology" to track location and movements of a vehicle, *United States v. Knotts* (use of a beeper hidden inside a barrel of chemicals sold to the suspect to help police conduct aerial surveillance of his vehicle) and *United States v. Jones*, covert installation of a GPS tracking device on a suspect's vehicle that enabled police to remotely monitor its movements for 28 days).

Carpenter favors the latter. "Whether the Government employs its own surveillance technology as in *Jones* or leverages the technology of a wireless carrier, we hold that an individual maintains a legitimate expectation of privacy in the record of his physical movements as captured through CSLI." The Court five Justices had "already recognized that individuals have a reasonable expectation of privacy in the whole of their physical movements." *Carpenter* merely adopts their reasoning. Specifically targeted and extensive location monitoring violates society's expectations about the degree of physical surveillance to be expected from law enforcement, and that such comprehensive location records can uncover a person's most private affairs. "As with GPS information," the Court explained, "the time-stamped [CSLI] data provides an intimate window into a person's life, revealing not only his movements, but through them his 'familial, political, professional, religious, and sexual associations.'"

The *Carpenter* Test involves three factors: The revealing nature of the data collected; the amount of data collected; and whether the suspect voluntarily disclosed their information to others.

Under *Carpenter*, the test is not "reasonable expectation of privacy" as such, but instead "reasonable expectation of privacy from the Government." The touchstone is not protecting "what [one] seeks to preserve as private," *Katz*, 389 U.S. at 351, but instead "plac[ing] obstacles in the way of a too permeating police surveillance." *Carpenter* (quoting *United States v. Di Re*, 332 U.S. 581, 595 (1948)).

Longtime faithful readers remember that, what seems like many years ago, Albanian mobster Enver Kaleko tried to establish a foothold here. He instigated murder of several officers at a cop bar in Jersey City; shot but did not kill Ernie Trani; terrorized the Seegar brothers and the Croation mob; and took more than one whack at me as well. An Interpol agent described him as half Hannibal Lecter, half Keyser Söze, and half crazy. Works for me even if the math doesn't. I helped to put together a dream team drawn from both sides of the law. Using a state-of-the-art cell phone tracking device called a Stingray to locate him. He slipped away, killing a SWAT officer and escaping in the officer's uniform and gear.

J & B

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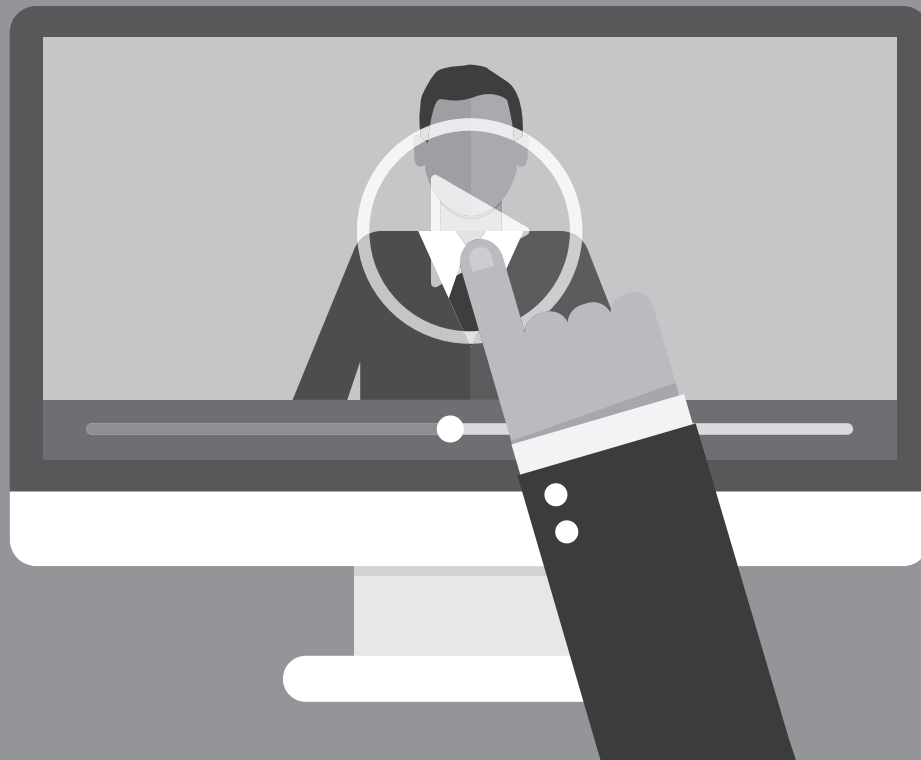
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Bar Observer

RIGGS ABNEY CELEBRATES 50 YEARS OF CLIENT SERVICE

Riggs, Abney, Neal, Turpen, Orbison & Lewis is celebrating its 50th anniversary this month, the firm announced today.

Founded by four University of Tulsa College of Law graduates, the firm opened its doors at 1640 S. Boston in Tulsa in May of 1974. Today, the firm has grown to include offices in Oklahoma City and Englewood, Colorado. The more than 80 attorneys at Riggs Abney provide broad-based legal counsel and representation in all aspects of the law.

Riggs Abney's range of clients include Fortune 500 companies, national association, state agencies, privately-owned companies, and individuals. Its areas of expertise include appellate law, banking & finance, civil litigation, estate planning, government law, healthcare, medical malpractice, energy law, tax law and workers compensation.

Additionally, Riggs Abney is a LegalShield affiliate, representing individuals, families, small businesses and commercial drivers across Oklahoma and Colorado through an on-demand network of established attorneys. More than 80,000 LegalShield members depend on Riggs Abney for representation in all areas of the law.

At the core of the firm's ethos is the call to public service. Through the firm, attorneys and staff are involved in numerous charitable, service and civic organizations.

COLLEGE OF WORKERS' COMPENSATION LAWYERS INDUCTS JOE BISCONI

'Cowboy Lawyer' is one of 29 fellows for 2022

The College of Workers' Compensation Lawyers has inducted Joseph C. Biscone, II as a fellow. Biscone, known as the "Cowboy Lawyer," is one of 29 people honored this year.

The college honors workers' compensation plaintiff's attorneys, defense attorneys, professors and judges nationwide who have served for more than 20 years. Fellows are recognized as distinguished members of the legal community.

For over 40 years, Biscone has served his clients with integrity. He has a caring heart, abiding respect for the legal system and enduring commitment to hard work.

Biscone has a lengthy record of success for his clients and has become one of the most respected workers' compensation lawyers in the state of Oklahoma.

MCAFFEE & TAFT HONORED AS TOP-RANKED FIRM BY CHAMBERS USA 2022; 38 ATTORNEYS SINGLED OUT FOR INDIVIDUAL HONORS

McAfee & Taft received top marks in the 2022 edition of the exclusive *Chambers USA Guide to America's Leading Lawyers for Business* and was the only Oklahoma law firm to receive the top Band 1 ranking in all nine major categories of legal practice — Corporate/Commercial, Energy & Natural Resources, Environment, Healthcare, Intellectual Property, Labor & Employment, Litigation, Real Estate, and Tax.

Additionally, for the fourth consecutive year, McAfee & Taft was the sole Oklahoma firm to earn a Band 1 ranking in the category of Litigation.

In addition to firm honors, 38 McAfee & Taft attorneys — including four first-time honorees — were singled out for individual honors. Those named to the prestigious list for the very first time were **Bonner J. Gonzalez** (Tax), **Zachary A.P. Oubre** (Intellectual property), **Terra Lord Parten** (Healthcare) and **J. Todd Woolery** (Energy & Natural Resources).

Returning honorees in the "Corporate/Commercial" category were **W. Chris Coleman** and **Joshua D. Smith**.

Timothy J. Bomhoff was top-ranked in "Energy & Natural Resources," and **J. Derek Hardberger**, **Robert J. Joyce**

and **Garry L. Keele, II** were honored in "Environment."

Elizabeth Dalton, **Michael E. Joseph**, and **Patricia Rogers** were once again named in the "Healthcare" category.

Returning honorees for "Intellectual Property" were **Rachel Blue**, **Clifford C. Dougherty, III**, **Jessica John Bowman**, **John A. Kenney**, **Michael J. LaBrie** and **Anthony Rahhal**.

Honorees for "Litigation: General Commercial" were **Mary Quinn Cooper**, **William S. Leach** and **Drew Neville**.

Ranked for "Real Estate" were **Frank D. Hill**, **Robert L. Garbrecht**, **Lloyd T. Hardin, Jr.**, **Myrna Latham**, **Joe C. Lewallen, Jr.**, **Cole Marshall** and **Richard A. Riggs**.

T. Michael Blake and **Matthew B. Hickey** returned as top-ranked honorees in the corporate area of "Tax."

Researchers with London-based Chambers & Partners Publishing, publishers of the 2022 guide, conducted in-depth interviews of attorneys and clients throughout the United States to identify and rank the nation's leading business lawyers. The final rankings are based on such factors as technical legal ability, professional conduct, client service, commercial awareness/ astuteness, diligence, commitment, and other qualities most valued by the client.

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Senate Joint Resolution 43 fails to advance

By Todd Blasdel

Senate Joint Resolution 43, which aimed to make sweeping changes to the Oklahoma court system, failed to advance as the current legislative session came to an end. The resolution, led by Senate Pro Tem Greg Treat, passed in the Senate but could not gain approval in the House.

Among other things, SJR 43 sought to eliminate the Judicial Nominating Commission, the system for filling judicial vacancies established in 1967 in response to political scandals involving bribery and tax fraud schemes by several Oklahoma Supreme Court justices. When created, the JNC established rules to limit political influence. For example, members of the JNC may not hold public office or serve in an official capacity with a political party. JNC members are also ineligible to seek nomination as a judge within five years of serving on the commission.

Under the changes proposed by SJR 43, the governor would nominate a judicial candidate to be confirmed by the Senate Pro Tem and members of



A proposal to make sweeping changes to the Oklahoma court system failed to advance as the current Oklahoma State Legislature's session came to an end. *Deposit Photos*

the Joint Select Committee on Judicial Nomination. Among other things, SJR 43 also sought to require trial judges to run on a ballot that identified political

party affiliation and would have given the legislature the authority to license attorneys who do not practice in a courtroom.

Treat said one reason he wants to give the governor more power over appointments is to put more anti-abortion justices on the state Supreme Court, which overturned several anti-abortion laws passed by the Oklahoma legislature last year.

House representative Mark Lepak co-authored the resolution. Mr. Lepak said part of his frustration with the Judicial Nominating Commission stemmed from his daughter's experience.

"My daughter applied for the governor's first appointment and went through the process, it was very clear ... there was a coordinated attack in that interview on her," Lepak said.

Expect a similar bill to be introduced in the near future. At the close of the session, Mr. Treat was quoted as saying, "I'm disappointed it didn't advance, but I'm not going to give up."

Sources: *The Oklahoman*, *OklahomaWatch.org*

Steps towards equality for transgender Americans

By Mary Rahimi-Ahrabi

This year's Transgender Day of Visibility, March 31, 2022, set forth positive change for the LGBTQI+ community.

The Equal Employment Opportunity Commission ("EEOC") announced on March 31, 2022, their plans to add a new gender option for individuals to select on their Charge of Discrimination Forms.¹ This update to the Charge of Discrimination will allow individuals to select a nonbinary "X" gender marker in the intake process.²

EEOC Chair Charlotte A. Burrows announced that to continue serving the EEOC's mission to prevent and remedy employment discrimination, "[EEOC] must serve all workers, including those who do not identify as male or female."³

EEOC's addition of a nonbinary option is a step in the right direction to ensure all gender identities facing discrimination feel acknowledged and embraced.⁴

The EEOC is an independent federal agency responsible for enforcing federal laws making it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex, national origin, age for individuals forty (40) or older, disability, or genetic information.⁵

The EEOC's role is to enforce various Federal Acts prohibiting employment based discrimination. Specifically,



The transgender flag. *Deposit Photos*

EEOC enforces Title VII of the Civil Rights Act of 1964 (hereinafter "Title VII"), The Pregnancy Discrimination Act, The Equal Pay Act of 1963, The Age Discrimination in Employment Act of 1967, Title I of the Americans with Disabilities Act of 1990, The Genetic Information Nondiscrimination Act of 2008, Sections 102 and 103 of the Civil Rights Act of 1991.⁶

The EEOC's enforcement of discrimination based on sex includes gender stereotypes, pregnancy, and most recently - sexual orientation and transgender status. In 2020, the United States Supreme Court made the historic ruling in *Bostock v. Clayton Cty., Georgia*, that Title VII's protection of sex based discrimination extends to sexual orientation and sexual identity.⁷ The EEOC's decision to

add a nonbinary gender marker nearly two years after *Bostock v. Clayton Cty., Georgia* takes steps towards inclusion and visibility for transgender individuals.

The EEOC's announcement comes hand in hand with the Biden Administration's statement in seeking the advancement of equality and visibility for transgender Americans.⁸

The Biden Administration published a Fact Sheet on Transgender Visibility Day setting forth new actions the Administration seeks to take to remove barriers transgender individuals face in accessing government services, and improving transgender visibility.⁹

Included in their numerous initiatives are the following: changes to allow gender neutral markers in passport applications, improvements to Transportation Security Administration (TSA) screening technology to replace current gender-based screening, promoting the use and acceptance of "X" gender marks throughout the Department of Homeland Security for travelers, providing resources for transgender kids and their families, advancing inclusion and visibility in federal data, and combating state legislation on transgender children.¹⁰

The White House's initiatives to seek diversity and inclusion for transgender individuals will continue to be implemented in the upcoming months, and throughout President Biden's remaining term.

¹ James Keane, ALERT: EEOC Announces Plan to Add Nonbinary Gender Language to Charge of Discrimination Forms, *Sandberg Phoenix* (April 4, 2022) <https://www.sandbergphoenix.com/perspectives/blogs/employer-law-blog/alert-eec-announces-plan-to-add-nonbinary-gender-language-to-charge-of-discrimination-forms>

² *Id.*
³ "EEOC to Add Non-Binary Gender Option to Discrimination Charge Intake Process" EEOC, <https://www.eeoc.gov/newsroom/eeoc-add-non-binary-gender-option-discrimination-charge-intake-process>

⁴ *Id.*
⁵ EEOC Overview, EEOC, <https://www.eeoc.gov/overview>.
⁶ "Laws & Guidance" EEOC, <https://www.eeoc.gov/statutes/laws-enforced-eeoc>.

⁷ *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731 (2020).
⁸ "FACT SHEET: Biden-Harris Administration Advances Equality and Visibility for Transgender Americans" The White House, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/31/fact-sheet-biden-harris-administration-advances-equality-and-visibility-for-transgender-americans/>.

⁹ *Id.*
¹⁰ *Id.*



Members of the Community Service Committee sacked and distributed packages for the Hotdogs for the Homeless program on May 22. Pictured above are, from left to right: Debbie Gorden, Judge Patti Parrish, Reign Karpe, Farrah Burgess and Aimee Majoue



Oklahoma County Law Library recognizes Assistant District Attorney Gretchen Crawford for her service to the Oklahoma County Law Library Board. Above are, from left to right: District Attorney David Prater, Judge Heather Coyle, Gretchen and Judge Aletia Timmons.



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The 'Noble' history of the Oklahoma County Courthouse

By: Curtis Thomas

The Civic Center development, and the controversies surrounding the location of the current courthouse spawned a number of legal disputes mainly over the validity of the City's title to the property where the Civic Center development and courthouse were to be sited.

After voters in Oklahoma City approved a bond election in 1927 to finance the City of Oklahoma City's acquisition of title to the east/west railroad tracks then owned by Chicago, Rock Island & Pacific Railway Company, the City paid Chicago/Rock Island an enormous sum of money for the title to the right-of-way where the railroad was located. That transfer from Chicago/Rock Island to Oklahoma City did not occur via warranty deed, but via quit claim deed, and as a result reportedly spawned over 100 lawsuits.

One of the lawsuits actually made it all the way to the U.S. Supreme Court, and resulted in a published decision called *Noble v. Oklahoma City*, 297 U.S. 481 (1936). In that case, the Court considered a consolidated appeal from owners of two different tracts of land that had been transferred to a company called Choctaw Coal & Railway Co., the predecessor to Chicago/Rock Island. The question before the Court surrounded the circumstances governing Choctaw Coal's acquisition of the property and who had priority of title under federal law: the City (though their acquisition of Chicago/Rock Island's interest); or the descendants of the landowners that gave the right-of-way to Chicago/Rock Island.

The federal law under which Choctaw Coal and its successor, Chicago/Rock Island, operated a railroad on the right-of-way over the petitioner's land was The Act of February 18, 1888, and its amendments.

After surveying this law and a number of other treaties and acts of Congress, the Court concluded that this federal law did not grant land to the railroads, but instead granted a franchise, and authorized a taking upon compensation to the landowner. The Court also recognized that the owners' ancestors title was entitled to priority because those ancestors entered upon their property prior to Choctaw Coal filing a map of definite location of its right-of-way with the Secretary of Interior which was necessary to vest any right of title in the land to Choctaw Coal. Finally, the Court noted that it was not deciding the issue



The Oklahoma County Courthouse was born out of controversial beginnings. Photo by Patrick W. Moore via Wikipedia Commons

of whether the habendum clause in the deed which the petitioners contended required the property to revert to them since such was a question of state law.

These title disputes were numerous and continued for some time. Mr. Loudonback's blog notes that the Oklahoman archives reflect that litigation continued as late as 1945, and notably, as in the *Noble* decision, the City of Oklahoma City was often unsuccessful requiring it to pay again for land that it thought it had already purchased.

A humorous anecdote arises with respect to the claims of two prominent OKC businessmen who also brought litigation over the City's title to the Chicago/Rock Island railroad. These businessmen provided financial support for the bond election authorizing the purchase of the railroad property by the City. As a result, the court deciding their lawsuits held that these businessmen were estopped from disputing the City's title demonstrating that often the resolution to a particular dispute is a matter of fair play (and common sense).

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OCBA COMMITTEES/SECTIONS/DIVISION 2022-2023

Awards Committee – This committee is responsible for OCBA Award nominations, the OBA Award nominations and the Leadership in Law Awards.

Chair – Shanda McKenney

Bench & Bar Committee – Working to improve relations between the bench and the bar, this committee has two major projects. During election years, judicial candidate opinion polls are taken with results being released to the public in an effort to provide public information. This committee is also responsible for the bi-yearly Bench & Bar Conference.

Chair – Ron Shinn
Vice Chair – TBD

Briefcase Committee – This committee is responsible for the monthly publication *Briefcase*. They recruit articles, write articles, edit and proof each month.

Chair & Editor – Benjamin Grubb

Continuing Legal Education Committee – Responsible for providing quality CLE programs to OCBA members at discounted

prices, this committee plans sessions each year through the months of October through February.

Chair – Courtney Warmington

Community Services Committee – This committee plans community services projects such as assisting the local youth shelter. This committee works with the Juvenile Justice Center in providing incentives for their teens on probation as well as providing parties for nursing home residents.

Chair – Judge Richard Kirby
Vice Chair – Reign Karpe

Fee Grievance & Ethics Committee – Comprised of lawyer and non-lawyer members, this committee investigates complaints of clients against attorneys who are OCBA members. They are deputized through the OBA to investigate and recommend disposition of such cases.

Chair – Tracey Martinez

Law Day Committee – This committee is responsible for all Law Day activities which include the Law Day Luncheon, Ask A

Lawyer Program, student mentoring program and civic group speakers.

Co-Chair – Todd Blasdel
Co-Chair – Kellie Howell

Lawyers Against Domestic Abuse – This committee works to raise awareness of domestic abuse. Working with the YWCA and Attorney General's Office, the committee provides training of attorneys & judges in dealing with domestic abuse situations and provides resources online and on the 1st floor of the Oklahoma County Courthouse for victims. They also work to provide victim advocates and a Bench Book on Domestic Violence Cases for Oklahoma County judges.

Chair – Anden Bull
Vice Chair – TBD

Lawyers for Learning – This committee is involved as Reading Buddies in the OKC Public School's Community Involvement initiative working with Adams, Buchanan, Lee and Hillcrest Elementary Schools. The Lawyers in the Classroom and Voices for Children are also included under this committee.

Chair – TBD

Corporate Counsel Section – This section involves in-house corporate attorneys and offers a chance for them to network with each other in a social setting. They also provide special CLE pertaining to Corporate Counsel.

Chair – TBD

Family Law Section -- This section works with the judges of the Family Law Division in providing up-to-date information to those attorneys practicing in the family law area.

Co-Chair – Lateesha Hunter
Co-Chair – Courtney Schamel

Young Lawyers Division – This hard-working group of young lawyers takes on many projects each year. Some of these projects include the Harvest Food Drive, Striking Out Hunger Bowling Tournament in the summer and Chili Cook-off in the winter. The Community Service Subcommittee plans 3 community service projects each year.

Chair – Randy Gordon
Vice Chair – Wyatt Swinford

NOMINATIONS

continued from page 11



Holly Hefton

Holly Hefton, Holly Hefton P.C. **J.D.** – University of Oklahoma 1995. **OBA Activities include:** Family Law Section, Member; Juvenile Law Section, Member. **Other Legal/Community Activities include:** Oklahoma Lawyers for Children.



Chad Kelliher

Chad Kelliher, Fulmer Sill. **J.D.** – Oklahoma City University 2011. **OCBA Activities include:** Awards Committee, Member. **OBA Activities include:** Professionalism Committee, Member; Professional Conduct Committee, Member; Recipient of Earl Sneed Award 2021; frequent presenter of CLE programming.



Kayli Maxwell

Kayli Maxwell, Elias Books Brown & Nelson. **J.D.** – University of South Carolina 2011. **OBA Activities include:** Women in Law Section. **Other Legal/Community Activities include:** Mineral Law Society.



Bart Jay Robey

Bart Jay Robey, Chubbuck Duncan & Robey, P.C. **J.D.** – George Washington University Law School 2003. **Other Legal/Community Activities include:** International Association of Defense Counsel; Federal of Defense and Corporate Counsel; Defense Research Institute; Oklahoma Association of Defense Counsel; Federal Bar Association; Choctaw Nation of Oklahoma Bar Association; Oklahoma Chapter of the Claims and Litigation Management Alliance, Co-Founder & Past President; Adjunct Professor, Petree College of Arts & Sciences at OCU.



Curtis J. Thomas

Curtis J. Thomas, McAfee Taft. **J.D.** – University of Oklahoma 2009. **OCBA Activities include:** Briefcase Committee, Member; Lawyers Against Domestic Violence Committee, Member; Awards Committee, Member; Young Lawyers Division, Past Chair & Member. **OBA Activities include:** Oklahoma Bar Foundation Board, application pending. **Other Legal/Community Activities include:** Palomar Legal Network Committee.



Jeff Trevillion

Jeff Trevillion, Crowe & Dunlevy. **J.D.** – University of Oklahoma 2007. **OCBA Activities include:** Oklahoma County Bar Foundation Board; Delegate, OBA House of Delegates. **OBA Activities include:** Oklahoma Bar Foundation; Professional Responsibility Tribunal, Credentials Committee. **ABA Activities include:** Tax Section, Member. **Other Legal/Community Activities include:** Federal Bar Association, Member; University of Oklahoma Law Diversity Committee.



Russ Woody

Russ Woody, Hartzog Conger Cason. **J.D.** – Southern Methodist University Dedman School of Law 2003. **OCBA Activities include:** Young Lawyers Division, Past Member. **OBA Activities include:** Leadership Academy, Graduate 2016. **ABA Activities include:** Member. **Other Legal/Community Activities include:** Legal Aid Services of Oklahoma Board of Directors, Member 2019 - Present; Celebrations PreSchool, President 2011-2015; Oklahoma City Chapter Washington & Lee Alumni Association, Treasurer 2010 – Present; Oklahoma Bar Foundation Fellow; Leadership Oklahoma City, Graduate 2013.

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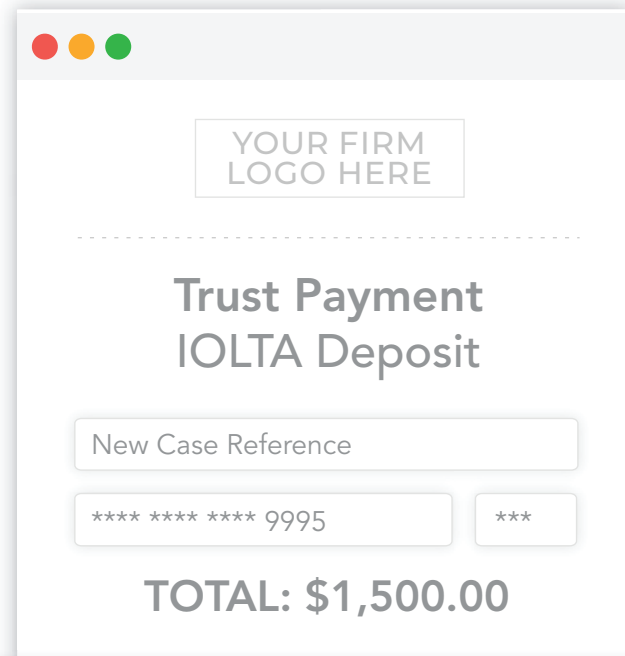
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