



Briefcase

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Judge Sharon Wigdor Byers is all about the kids

By Shanda McKenney

I recently had the opportunity to sit down with newly-appointed Special Judge, Sharon Wigdor Byers, to discuss her route to the bench and what has motivated her career. In the interests of full disclosure, I have known Judge Byers for more than 20 years, when she was still a brand-new lawyer in the Oklahoma County D.A.'s Office under Bob Macy. That is where her legal career began, as an intern in 1996. With a heart for service, she believed she was doing good for all of the citizens of Oklahoma County by prosecuting violent crimes.

After only 4 years with the D.A.'s Office, but with dozens of jury trials under her belt, she was looking for a change of scenery. Part of that change was necessitated by conflicts of interest arising from her relationship with Jeff Byers, her future

husband, who was serving as an Assistant Public Defender at the time (he is now an Assistant Federal Public Defender for the Western District). After a heartfelt discussion with Judge Charles Black and given her continued desire to feel like she was truly "helping" people, she landed at the Law Office of William Liebel, where she first encountered the practice of Family Law.

After learning the nuts and bolts of a family law practice, Judge Byers struck out as a solo practitioner in that field while sharing office space with Michelle Roper (who went on to become a judge in her own right) for a year before joining the office which also housed her husband Jeff's private criminal defense practice. After Jeff

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President Richard Ogden presented this year's donation to Legal Aid Services of Oklahoma to Rebecca Wurth.

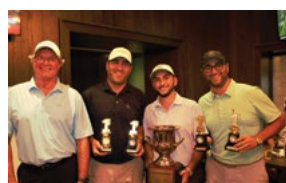


Oklahoma County Bar Auxiliary President Ceci Noble accepted the annual OCBA donation from President Richard Ogden.

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October 2023

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



From the President

Next Gen Task Force



By Hon. Richard Ogden
President, Oklahoma County Bar Association

Last month, I let you know I would be sharing with you some specific plans to continue the success of our very unique Oklahoma County Bar Association. When Barrett Fuller, our new YLD Chairperson, Debbie Gorden, our Executive Director, and I attended the American Bar Associations Bar Leadership Institute in March so many bar leaders wanted to know several things about us. Several hundred bar associations from across the Nation attended; most of the bar associations were voluntary bar associations like ours.

The questions largely were along these lines: 1) What are you doing to keep your bar membership growing because we have lost so many members over the past decade? 2) What are you doing to get so many young lawyers to not just join but be actively engaged in your bar association? 3) I can't believe you still have a print version of your bar news; how can you afford that and do your members really read it? What's your secret to getting your members to attend your CLEs in such high numbers? Barrett and I were a bit perplexed because we frankly just thought things were obvious in the answers. Debbie wasn't surprised as she attends the Bar Leadership Institute every year and gets the same questions year after year.

It is true that most voluntary bar associations like ours are really struggling to grow or even survive. It is true that most voluntary bar associations like ours have an extremely hard time getting their young/new lawyers to join or be engaged. It is true that most bar associations, voluntary or mandatory, have abandoned a print version of their bar news. And it is also true that most bar associations, voluntary or mandatory, can't seem to put together CLEs that their membership would like to attend.

The answers to these questions and our success rest on decades of good judgment, good decision, good leadership, and consistency of our OCBA staff. It has been years of hard work. So, what are the answers? Some answers seemed obvious to us. Our young lawyers are engaged because over the years the OCBA has given more just give lip service to having a YLD; our OCBA has involved our young and new lawyers in real and meaningful leadership positions and decisions of the OCBA for decades. Our members enjoy the Briefcase because we have had such great editors and interesting submissions from our membership: and we have found just as other bar associations, that people don't click on the emailed link to read an electronic version, we just get too many emails already. But members do actually read the Briefcase because it's right in front of them in print form. As far as our CLE, well who doesn't like an affordable getaway to Santa Fe or to Quart Mountain and obtain MCLE at the same time. And, the Oklahoma County Judiciary have always been involved and excited to participate in OCBA activities and leadership. The ultimate question is why are we growing and thriving when other voluntary bar associations are not?

This last month, I asked your OCBA Board of Directors to approve a task force, not a standing committee, to give color and details to what is making the OCBA so successful and answer the question: what's in our "secret sauce"? I feel and your Board of Directors feel that we need to analyze and memorialize these answers for the next generation of lawyers in Oklahoma County. Thus, the creation of the "Next Generation Task Force: (What's in our Secret Sauce)". I look forward to their report and that being shared with all of you in the months ahead. Thank you for making the OCBA so unique and so welcoming. I look forward to sharing with you next month some thoughts on our welcoming strengths and taking intention steps to let all attorneys in Oklahoma County that "All are Welcome".

2024 District Court Leadership Announced

The District and Associate District Judges of Oklahoma and Canadian Counties met recently and unanimously selected Judge Richard C. Ogden as the Presiding Judge for calendar year 2024. They also unanimously selected Judge Sheila D. Stinson had the Vice-Presiding Judge. They will take office on January 1, 2024. Presiding Judge Don Andrews will continue in that roll until the end of this year.

Quote of the MONTH

Thinking will not overcome fear but action will.

- W. Clement Stone

WIGDOR BYERS
continued from page 1

became a Federal Public Defender, Judge Byers continued her private family law practice until 2016 when a different opportunity came calling.

During her practice in the family courts, Judge Byers noticed a significant gap in services available to litigants who had resources versus those who did not with respect to the availability of guardian ad litem (GAL) services. For the uninitiated, a guardian ad litem serves as an advocate and voice for the children involved in family law proceedings when the parents' relationship has become so strained they are no longer able to effectively communicate. People with means often hired GALs to help navigate issues of custody and visitation, while people without means largely lacked access to that resource, particularly in more rural parts of Oklahoma.

In 2016 Judge Byers founded the Oklahoma Guardian Ad Litem Institute with the goal of providing GAL services to all pro se and indigent litigants who needed a GAL involved in their case. She admittedly had no knowledge, experience, or understanding regarding the creation or operation of a non-profit organization, but she knew there was a need and she knew she could help fill it. Through trial and error, thousands of hours of unpaid labor, and a lot of help from her friends and family. Judge Byers was able to obtain grant money and other sources of funding to make the Institute a reality.

Judge Byers believes it is important to understand one's own limitations, and over the last couple of years she came to realize that she had taken the GAL Institute about as far as she could. With the assistance and oversight of her Board of Directors, she convinced them to hire a "proper" executive director. Having founded the GAL

Institute, it was time for her to ease her way toward the door, graciously leaving the opportunity for expansion to future leaders.

Judge Byers took the bench on August 14, 2023 and has assumed responsibility for guardianship and adoption dockets that were previously handled by Judge Welch. She also occupies his former office and courtroom. Since beginning her judicial duties, she has been most surprised with the number of administrative orders and duties which need to be reviewed and internalized, in addition to her regular docket. She has also been incredibly pleased and thankful for the extremely warm welcome she has received from the other judges in Oklahoma County, who have welcomed her with open arms. The people of Oklahoma County are fortunate to have such a generous and service-minded judge on the bench, and even if you do not practice in the family courts, she would love to make your acquaintance.

Stump Roscoe

By Roscoe X. Pound

*The steeples are white in the wild moon-light,
And the trees have a silver glare;
Past the chimneys high see the vampires fly,
And the harpies of upper air,
That flutter and laugh and stare.*

H.P. Lovecraft Hallowe'en in a Suburb (1926)
Dear Roscoe: Suppose a guy is being tried for murder. To break the monotony of sequestration, a couple of jurors decide to fiddle around with a homemade Ouija board. They happen to contact the victim who tells them the defendant in their case is guilty. Based upon this, they resolve their doubts in favor of "Guilty." What happens next? **B.H., Moore, OK.**

Dear BH: Depending when and whether the court gets wind of this stunt, the first thing they'll have to do is explain themselves to an extremely pissed-off judge who now has to decide upon a new trial or a motion for post-conviction relief. Nothing against voices from the Great Beyond personally, but jurors must remain free of outside influences. For a recent example, in *Boes v. State*, (Tex APP August 15, 2023) a juror admitted: "The defendant did not testify. I believed Mr. Boes was guilty because he did not testify. I based that belief on the television show Law and Order because on that show, the defendant is guilty when he does not testify." Although the appellate court affirmed the trial court's denial of relief based on the totality of the circumstances, it did observe in a footnote "At the hearing, defense counsel referred to Juror Rodgers's conduct as "egregious" "on its face." The court responded, "[o]n its face, it probably is. And I can make that comment as far as his Constitutional rights are concerned. The question is procedural issues as to whether or not this evidence is admissible or not." As arguments continued, the court added, "[b]ut I also can't ignore the fact that this is a very serious matter."

In *Remmer v. United States*, 47 U.S. 227 (1954). SCOTUS held: [A]ny private communication, contact, or tampering directly or indi-

rectly, with a juror during a trial about the matter pending before the jury is . . . deemed presumptively prejudicial, if not made in pursuance of known rules of the court and the instructions and directions of the court made during the trial, with full knowledge of the parties." As the law evolved from *Remmer*, an additional burden of proving actual prejudice has emerged. On its face, *Remmer* appears to contemplate a more direct communication that we find in *Boes*. Under the Sixth and Fourteenth Amendments to the U.S. Constitution, every defendant in a criminal action who is entitled to a jury trial is entitled to a trial before a neutral and impartial jury. See *Morgan v. Illinois*, 504 U.S. 719 (1992); *Duncan v. Louisiana*, 391 U.S. 145 (1968). Bottom line: It is misconduct for a juror during the trial to discuss the matter outside the court or to receive any information related to the case except in open court and in the manner provided by law. Thus, any pertinent communication between jurors and third parties including victims, defendants, counsel, courtroom personnel, witnesses, relatives, friends, etc., is prohibited. If allegedly improper contact with a juror is discovered, or if a prejudicial statement is inadvertently overheard by a juror, the trial judge must determine whether such contact resulted in substantial and irreparable prejudice to the defendant. It is within the discretion of the trial judge as to what inquiry to make. *State v. Burke*, 343N.C. 129, 149 (1996) (citing *Remmer v. United States*, 347 U.S. 227 (1954)).

Herein lies another problem with spectral revelation. An accused has the right to confront and examine witnesses. The Dead, apparently a fickle lot, can neither be subpoenaed nor relied upon to even appear as a witness when needed. Your scenario raises questions about the potential fairness of a system permitting guilt to rest on untested hearsay from a potential hostile witness. And the Dead seem to require testing in the crucible of cross-examination more than most other classes of witness. At a site called Paranormal Authority I found the following admonition:

Ouija boards act as a way to open up a door between this world and the next. What lies

beyond is not always a loved one, nor is it always a positive entity. Here's what you need to know about this particular warning.

You cannot see who or what you're "speaking to" via the ouija board, and even if you could, looks can be deceiving. Entities, just like people, have the ability to lie about who they are and what their intentions may be.

In a case called *Regina v. Young* (Stephen) [1995] QB 32, which involved four jurors, a Ouija board and copious amounts of whiskey, the four jurors, after consuming a good deal of whiskey, did in fact make contact with one of the victims in the case on which they sat. The victim rattled out the accused. The jurors then shared this information with the other jurors and, ultimately, a unanimous guilty verdict followed. The appellate court reversed and remanded for new trial. While the court did not expressly resolve the issue of whether the jurors did or did not actually speak with the victim, it nonetheless overturned the guilty verdict, observing in dicta:

Although many, perhaps most, people would regard attempts to communicate with the dead as futile, there can be no doubt that these four jurors were going through the motions of asking questions to that end and apparently receiving answers. It seems to us that what matters is not whether the answers truly were from the deceased, but whether the jurors believed them to be so, or whether they had been influenced by the answers received during this experience or experiment.

Alas for Mr. Young, he fared no better in the new trial.

Dear Mr. P: Which, in your opinion, is more powerful: a witch or a warlock? **Aubrie, Comtesse d'Glanfield, the Twilight.**

Your Comtesseship: Who gave you this email address? Frequent readers will recall that the Comtesse happens to be my Goth assistant Rae's "Mentor in Darkness." She often hangs out around here and sometimes does some work to earn her keep. She's a bit of a daywalker and can pretty much pass as one of us normies if necessary. Now that she's gained access, I fear we can no longer exclude her presence, much like the famous Count of film, book and comic fame.

Aubrie being Aubrie, I expect she already has, or knows, the answer. My first instinct, as a rock-ribbed and die-hard skeptic, impels me to ask "who cares?" They don't exist. But in honor of the holiday season, I'll play along. I would also note that, between all the various movies, books, RPG's, etc., attempts to arrive at precise uniformity of definition amounts to something of a fool's errand. The following list is created via cross-referencing apparently legit websites and authoritative etiological sources.

Witches practice witchcraft. This can be anyone and doesn't call for any natural or inborn ability. This title is for both male and female practitioners, as illustrated by the 1692 Salem trials.

Wizards may also apply to either male or female practitioners of magic, thus making the title of Hogwarts School of Witchcraft and Wizardry a bit redundant. Wizards combine elements of science with their magical abilities as well as an encyclopedic view of arcane facets of history, science, and medicine.

Warlocks are not just male witches. The origin of the term stems from a word meaning "oathbreaker." A warlock, in particular practices the dark arts. He is a traitor, a scoundrel, and liar. From antiquity they seem to be manipulative and narcissistic.

Now, just to give is a legal tie-in, Lori Bruno-Sforza owns a witchcraft store in Salem and claims to be descended from a long line of witches. She also claims that Christian Day, who also owns occult stores in Salem and New Orleans and self-describes as "the world's best-known warlock," has been harassing her for the last three years, over the phone and on social media. Ms. Bruno-Sforza not only obtained her Protective Order but actually predicted her victory. Make what you want out of that.

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2023 OCBA Golf Tournament

By Todd Blasdel

The annual OCBA Golf Tournament was played on September 18, 2023, at Twin Hills Golf Course. 96 county bar members participated in the tournament that benefited Oklahoma Lawyers for Families and Children. Special thanks to Gary Chilton for once again heading up a great event.

Championship Flight winners were Jake Kouri, John Ditmars, Zoe Farris and Brett Burch.

Second place went to Jerod Geiger, Kim Stevens, J.D. Weiss and Robby McIntire.

Third place went to Leo Portman, Nick Merkley, Lincoln McElroy and Robert McCampbell.

First Flight winners were Jacob Fanning, Jay Griffin, Russ Woody and Michael Whaley.

Second place went to Greg Castro, Michael Fagan, Terry Tippens and Mark Stonecipher.

Third place went to Ed Blau, Nick Woodward, Judge Brent Dishman and Cesar Armenta.

Second Flight winners were Nelson Anaback, Any Gunn, Bryan Goodpasture and David Lauderdale.

Second place went to Theresa Bullard, Don Bullard, Sarah Green and Carrie Williams.

Third Place went to Patrick Lane, Adam Christensen, Judge Gregory Blackwell and Bow Bottomley.



Tournament Director Gary Chilton with the Championship Team



2nd Place Championship Flight Team



3rd Place Championship Flight Team



First Flight 1st Place Team



2nd Place First Flight Team



3rd Place First Flight Team



Second Flight 1st Place Team



2nd Place Second Flight Team



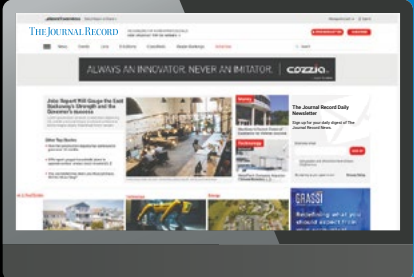
3rd Place Second Flight Team



YLD Board Members Chelsi Bonano & Gennis Ellis at the Rainbow Fleet Carnival, the YLD community service project in October.

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THE JOURNAL RECORD

OCBA Delegates to OBA House of Delegates Hold Caucus on October 26

OCBA Delegates were able to hear from candidates running for the OBA House of Delegate At Large position on October 26. While the delegates do not vote as a block but rather individually, this gave each candidate an opportunity to be heard.



John Cannon



Jeffrey Trevillion

Bar Observer

Hall Estill welcomes attorneys Daniel Couch and Arthur Hoge

Hall Estill, Oklahoma's leading law firm, with offices in Oklahoma City, Tulsa, Denver and Northwest Arkansas, has announced the addition of two attorneys, **Daniel G. Couch** and **Arthur F. Hoge**, to its Oklahoma City office in Of Counsel positions.

Couch focuses his practice on assisting businesses and families with a variety of legal needs, including litigation, construction, real estate, business services, probate and trusts, as well as homeowners' association matters. While his home base is in the Oklahoma City office, Couch also frequently works from the Denver office.

Hoge focuses primarily on litigation, estate and charitable planning, trust and estate administration, and he has a

national practice representing national and international fraternity and sorority organizations, as well as local fraternity and sorority housing corporations.

Phillips Murrah welcomes two new attorneys

Phillips Murrah is proud to welcome **Hilda Loury** and **Colby D. Karcher**, both are litigation attorneys who represent individuals and both privately-held and public companies in a wide range of civil litigation matters in the law firm's Oklahoma City offices.

Hilda attended the University of Oklahoma College of Law, where she was appointed to the Order of the Barristers, Dean's Leadership Fellows, and the Phi Delta Phi International Legal Honor Society. She served as Judicial Clerk for the Honorable Judge

C. Brent Dishman of the Oklahoma County District Court; as Advisor to the Chairperson of the United Nations Committee on the Elimination of Racial Discrimination in Geneva, Switzerland; as Head Mentor to incoming law students; and as Class Vice President. She competed in the Jessup International Law Moot Court and the National Moot Court competition teams; her Comment on environmental law was published in the American Indian Law Review; and she earned an American Jurisprudence Award in Oral Advocacy.

Prior to law school, Hilda was a Lecturer in the Department of Philosophy at two California colleges and the Associate Director of an interdisciplinary summer institute in St Andrews, Scotland. She presented her academic research in five countries and

earned several awards and scholarships for her work and teaching, including the 2019 Woman of Promise Award from the Comerica Bank and Los Angeles Lakers' Women's Business Awards.

Hilda was born in Oklahoma City, Oklahoma, and raised in Orange County, California. For leisure, she enjoys exploring music, reading, yoga, and being outdoors with her two dogs.

Colby attended Oklahoma City University, where he graduated summa cum laude. He was awarded Merit Scholar, Faculty Honor Roll, Dean's Honor Roll, Five CALI Awards, Recipient of Association of Corporate Counsel Scholarship. He was a member of Law Review and a member of Phi Delta Phi Honor Society.

Prior to law school, Colby attended Southwestern Oklahoma State University, where he graduated summa

cum laude with a B.S. Political Science degree. He was also a member of the Men's Golf Team, President's Leadership Class, and Pi Sigma Alpha Honor Society.

Colby was raised in Midland, Texas and moved to Oklahoma to attend Southwestern Oklahoma State University, where he played golf. He currently resides with his wife, Rebecca, in Edmond, Oklahoma. In his free time, Colby enjoys golfing, working on his family's farm near Stillwater, Oklahoma, and spending time with his wife and their dog, Ted.

Trial lawyer Sharolyn Whiting Ralston welcomes McAfee & Taft

Sharolyn Whiting-Ralston, an accomplished attorney and former corporate executive, has rejoined McAfee & Taft. Drawing upon her unique experience and insights working in both private practice and private industry, Whiting-Ralston now focuses her general litigation practice on the resolution of complex business and commercial disputes.

Earlier in her private practice career, five years of which were with McAfee & Taft, Whiting-Ralston devoted a significant portion of her practice to representing employers and management exclusively in all phases of labor and employment law and litigation for more than eight years. She rejoins the firm after working more than nine years at an Oklahoma-based independent oil and natural gas

exploration and production company, serving most recently as general counsel, vice president of human resources, and corporate secretary. As a member of the company's executive management team, she managed all aspects of the legal and human resources functions of the organization.

Whiting-Ralston is a member of the Tulsa County Bar Association and Oklahoma Bar Association. Active in her community, she serves as chair of the board of directors for the Tulsa Day Center, a nonprofit whose mission is to serve Tulsans who are experiencing or at risk for homelessness.

Pray Walker welcomes Grace A. DeJohn as new associate

Pray Walker, a full-service law firm located in Tulsa, Oklahoma, announced that **Grace A. DeJohn** has joined the firm as an associate attorney.

Grace will be concentrating her practice in complex commercial litigation, including insurance-related disputes, environmental claims, and personal injury defense, among others.

Originally from Scottsdale, Arizona, Grace earned her Bachelor of Science in Business Tourism and Management from Arizona State University in 2016. Before moving to Tulsa, she gained commercial law experience working for the in-house legal department of a Fortune 500 company in the Phoenix area.

Grace graduated with Honors from The University of Tulsa College of

Law in 2023. In law school, she served as Justice for the Phi Alpha Delta legal fraternity and was an active member of the Public Interest Board, having completed over sixty hours of community outreach and pro bono work.

Congrats to Michael S. 'Mickey' Homsey — practicing law in Oklahoma for 47 years, and counting

Mickey Homsey received his Juris Doctorate from Oklahoma City University in 1976. In 1977, he started his legal career in the Oklahoma County District Attorneys Office, and in 1979, he opened his own law firm, where he is still representing clients to this day!

Mickey has worn many hats throughout his career, and to just name a few, he was Municipal Judge for Harrah, from 1979 to 1983; and a Municipal Judge for Choctaw, from 1981 to 1985. He has served as a member for the Oklahoma County Bar Association's Fee Grievance and Bar Committee, and the Bench and Bar Committee. He continues to be a large part of Oklahoma City University, and is a former member of the Executive Advisory Council to the Dean of the Law School. Serving his community, Mickey also served as a member of the City of Oklahoma City's, Board of Adjustments, and was voted Chairman, from 1995 to 1999.

As many of you know, Mickey is a devout religious man, being a long time

member of St. Elijah Orthodox Church.

Mickey shares this wonderful life, with his Beautiful wife, Sydney, and their three children, Valerie, Sam, and Meagan. Mickey and Sydney also have four awesome grandchildren, Michael, Christina, Sami, and Zeina.

Throughout his legal career, Mickey has represented people from every walk of life. If you ask him why he became a lawyer, and has kept practicing for so long, you will get the same answer he has given for a long time, "If someone has legal issues, they deserve to be represented by a lawyer who will fight for them."

If you know Mickey, then you know, that he still has that fight!

Kraettli Q. Epperson joins Nash Cohenour & Geissmann

Kraettli Q. Epperson has joined the Oklahoma City law firm of Nash Cohenour & Geissmann, PC as Of Counsel. Mr. Epperson focuses on helping corporations, oil companies and individuals to resolve title issues concerning both surface and mineral interests. He serves as an expert for consultation and testifying purposes on title matters. In addition, he advises homeowners' associations and landowners on restrictive covenants interpretation and assists with their enforcement. He also provides arbitration and mediations services. He taught Oklahoma Land Titles for over 30 years on OCU Law School, and served as the Chair for the Oklahoma Title Examination Standards Committee for over 30 years.

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