OCBA WINTER CONFERENCE
AND CLE, SANTA FE – 2019

By: Justin Meek

The Oklahoma County Bar Association will return to Santa Fe, New Mexico from February 13 to 17, 2020 for its Annual Winter Conference and CLE.

I love the tradition of anecdotes and hearing war stories from older OCBA lawyers about past winter conferences, ski trips, and the professional relationships built during those events. Those stories sparked my interest in the Annual Winter Conference and prompted me to first travel to Santa Fe some years ago. The enjoyment I derived from fellowship with other OCBA members, interesting, informative, and interactive CLEs, and everything Santa Fe has to offer keep me coming back. The Conference is certainly growing and gets better every year. I want you be part of this tradition. This is my recruitment pitch.

This Conference is so much more than a Ski Trip. Everyone should know that many Conference attendees do not ski at the Conference. As a result, the Conference is now officially called the OCBA Winter Conference. I personally enjoy skiing, but have never skied Santa Fe during this Conference, primarily because there is so much more to do. Santa Fe provides something for everyone, including amazing restaurants, shopping, renowned art galleries, museums, and hiking. Of course, the snow was great last year and many will hit the slopes again this year. If you do not want to ski, we will have groups organizing hiking trips, spa trips, art tours, and Santa Fe brewery tours. The Santa Fe cuisine is phenomenal and unlike any other. If you haven’t eaten breakfast at Pasquale’s or dinner at the Shed, you haven’t lived.

See OCBA, PAGE 6
PRESIDENT’S COLUMN

by Michael W. Brewer

Look Out 2020; Here We Come!

I am really excited for 2020 and not just because it means 2019 is finally over. In fact, 2019 ended with an uptick at your OCBA. The OCBA kicked off a successful end of the year CLE series in November and continuing through January 2020. The OCBA Annual Holiday party was another successful gathering of the usual suspects.

On December 3, 2019 Oklahoma Supreme Court Chief Justice Noma Gurich provided a candid discussion of the importance of the Rule of Law and the Independent Judiciary at our OCBA CLE. Chief Justice Gurich is a regular supporter of the OCBA and we really appreciate her contributions. But most importantly, Chief Justice Gurich is a supporter of the legal profession, the Rule of Law, the Independent Judiciary and the State of Oklahoma. This is always demonstrated by her efforts to improve our profession and Oklahoma court system.

Our second presenter was retired District Judge Bryan Dixon, who (as always) brought his own brand of humor to the ever-popular discussion of jury trials in Oklahoma County District Court. Judge Dixon maintained surveys of jurors from trials he conducted over the years. The jurors rated the process, the Court, and the attorneys. There are many humorous anecdotes, and all provide important learning points for trial lawyers as well as trial lawyers in training. I was fortunate enough to complete several jury trials before Judge Dixon and when listening to the jury comments, I kept hoping none of them were about me. But isn’t that just like a trial lawyer—thinking “it’s all about me.” Among the funniest was a comment that an attorney got way too emotional and repetitive in the four-day contract case. A jury trial is one of the greatest examples of the rule of law remains alive and well in the American judicial system.

We ended December 3rd CLE with a presentation from General Counsel to Governor Stitt, Mark Burget, Esq. Many of you knew Mark Burget from his legal practice years at McAfee & Taft or from his adult bible study ministry in Oklahoma City. Mr. Burget shared many interesting tidbits about judicial independence, interactions between the JNC and the Governor’s office. It was an interesting and candid discussion, also showing support for the independent judiciary and rule of law from the Executive Branch.

We are going to continue our great CLE lineups into 2020. I also have some really exciting news for 2020. Your OCBA is going to present a traveling display honoring the 100th Anniversary of the 19th Amendment – 100 Years After the 19th Amendment: Their Legacy and Our Future. All of this will culminate on May 1, 2020 at the annual OCBA Law Day luncheon where we will celebrate the history and anniversary of the ratification of the 19th Amendment with a special speaker. We will continue throughout 2020 to move the traveling exhibit of the 19th Amendment to locations where the highest number of people can view it and teach each other and their children the history of women’s suffrage, how the federal Constitution was last changed and yes, how Oklahoma was a leader in this movement.

The 19th Amendment traveling exhibit project further supports our vision for 2020 at the OCBA that our independent judiciary, courts and legal system were founded on a firm foundation that does not need to be tinkered with, but simply needs to be preserved and revisited by the citizens from time to time. From your volunteer professional association, the OCBA, I personally wish you all a Happy Holiday, Merry Christmas and a Happy and Safe New Year!
STUMP ROSCOE
By
Roscoe X. Pound

Dear Roscoe:

Has anyone ever really been runner by a reindeer at Christmas time? Would Santa be liable? E.D., OKC

Dear E.D.:

Dippin’ into the Christmas cheer a little early this year, aren’t you? Let’s assume the right jolly old elf is, in fact, amenable to suit here in the U.S. To my knowledge, he is not a head of state. As far as I know, the North Pole is run by a council consisting of folks named Mayor Daisby, Merry, and Bright. Of course, as a global ambassador of goodwill, he may be able to claim diplomatic immunity. Also, collection might be problematic in that we all know Santa usually operates in the red. I could go on like this for another page or so, but I end up on Debbie Gordon’s Naughtly List (she actually refers to the list by another name but I won’t go down that path this close to Christmas) if I overrun my word count.

No, E.D., there have been no lawsuits filed against Santa for any reason, including getting run over by a reindeer. Perhaps I should qualify that with “yet.” With the ever-growing litigiousness of our society, coupled with a definite shortage of jobs for law grads, I would never rule it out.

However, the closest case I could find to your question was Wal-Mart Stores Inc. v. Johnson, 39 S.W.3d 729 (Tex. App. 2001). Seems Mr. Johnson claims injury from several reindeer swooping down on him from a top shelf as a result of a Wal-Mart employee’s stocking a shelf on the next axle. The primary fact at issue stemmed from whether the reindeers in question were made of wood or papier Mache. The latter would not have caused the degree of injury the plaintiff claimed. In the time between injury and trial, Wal-Mart sold the offending critters. Wal-Mart could not produce any of the reindeer because they had all been sold or, if broken, thrown away. Only the photograph of the reindeer was introduced in evidence, but its quality was too poor to substantiate or rebut either party’s description. The trial court granted plaintiff’s request for a spoliation instruction. The jury awarded the Johnsons $76,000.00. An intermediate appellate court affirmed. Texas Supreme Court reversed, holding “the evidence is undisputed that neither Wal-Mart nor Johnson knew on the day of the accident that his injury might be serious or that Johnson might pursue legal action. Even after Johnson learned that he had injured his neck, nothing in the record suggests that he informed Wal-Mart of his claim prior to filing suit or that Wal-Mart learned of his claim in any other way.” Wal-Mart Stores, Inc. v. Johnson, 106 S.W.3d 718, 733 (Tex. 2003). Therefore, reasoned the high court, in disposing of the reindeer in question in the ordinary course of business, Wal-Mart did neither violates a legal duty nor acted intentionally to conceal or dispose of evidence months before the plaintiff first advised them of their intent to file a suit.

Dear Roscoe:

A colleague at my firm who practices in the IP area told me that “Merry Christmas” was a registered trademark. I said “prove it”. He said “ask Roscoe,” so I’m asking. J.G., OKC

Dear J.G.:

I’d say that’s a tall order. Not to worry though. Several years ago, an IP firm reported on its Blog:

“MERRY CHRISTMAS for “Fruit wine; grape wine; natural sparkling wines; sparkling fruit wine; sparkling grape wine; sparkling wines; sweet wines; white wine; wine; wines; wines and sparkling wines,” Registration No. 4,077,131.

MERRY CHRISTMAS and Design for “Christmas tree ornaments and decorations,” Registration No. 1,790,526.

MERRY CHRISTMAS and “Cigar and cigarette boxes; cigar and cigarette boxes not of precious metal; cigar bands; cigar boxes; cigar boxes not of precious metal; cigar tubes; cigars,” Registration No. 3,561,707.

MERRY CHRISTMAS and Design for “Bibs not of cloth or paper; caps; children’s and infants’ cloth bibs; children’s cloth eating bibs; clothing, namely, khakis; clothing, namely, wrap-around; hoods; infant and toddler one piece clothing; jerseys; short sets; shoulder straps; swaddling clothes; ties; tops; wearable garments and clothing, namely, shirts; wraps,” Registration No. 3,737,733.

Can I Use MERRY CHRISTMAS?

Does this mean I can’t use “Merry Christmas” on my sweaters? No. It does not. Although the above owners were able to acquire the federal registrations, nothing limits you from using the term on your goods to wish someone a happy holiday. You can use the term because the public associates the phrase with a common sentiment during Christmas, not an individual business."

Hope you all have a great Holiday Season and may the New Year bring you good fortune in all the Fa-La-La-La-Lawsuits you undertake.

The Kearny trial ended in a less than satisfying manner. Given we’re in the Season to Be Jolly I’ll save the gory details for next issue because they were, in fact, rather gory.

Here at Roscoe’s, Christmas proceeded in full swing. As usual, Rae took charge. Decked out in her yule tide finery — a sweater festooned with bats and skulls with the legend “Hail Santa” at center and a black Santa hat. She looked like Mrs. Santa as she decorated the tree with black and silver balls and Jack Skellington-themed ornaments. Well, more accurately, she looked like Ms. Santa assuming Santa married Morticia Adams. Junior’s girlfriend Sylvia looked more like Galadriel. She too participated in the trimming. She wore a satiny white gown with a gold obi and a white hooded cloak. You could really tell the areas each of the girl’s trimmed. Come to think of it, we sort of reminded me of Central Oklahoma where rolling green woodlands gave way to flatter prairie. I think if I ever had little creatures whispering good or evil thoughts like in cartoons, they’d probably look a lot like Rae and Sylvia right now.

Sandy Kearny celebrated with us. Of course, celebrating in her case consisted mostly of putting on a brave face, smiling and radiating a superficial warmth. We all knew the pain she must feel inside having gone through the loss of Katie, the trial, her near murder, and now the first Christmas without that great kid. Penny and Aubrie provided some insulation against well-wishers who might unintentionally drive her over the brink. We also knew that even the brightest of Christmases could not totally eclipse her sorrow. We had all met and discussed ways to subtly ensure she would not spend an excess of time alone.

In closing I wish all the Oklahoma County Bar Association and their loved ones hearty cheer this Christmas, and that the New Year usher in amazing blessings including, by way of example and not by way of limitation: love, joy, peace, prosperity, elation, success, good health, laughter, and friendship. Catch ya next year.
Judge John Amick

By Rex Travis

Longtime Oklahoma County Judge John Morgan Amick died October 6, 2019. He was 96 years-old. Judge Amick (ever since he became a Judge, I have been unable to call him anything other than “Judge Amick”) was almost too good a guy to be a judge. He clearly had a heart rule against anybody and would work very hard to reach a resolution which didn’t give one of the litigants anything. He had that characteristic even before he became a judge.

Before he became a judge he was, among other things, general counsel for the Oklahoma Bar Association so he handled disciplinary matters. One February, I got one of the dreaded registered letters from the Bar Association. With some trepidation, I opened the letter.

Inside was a letter from John Amick. It said I had had a bar complaint filed against me to which I must respond within 10 days. IT WAS DATED DECEMBER 15 OF THE PRECEDING YEAR. I called the bar and got Amick on the phone. “John, I said, what the *#@! is this?” “Oh, Rex,” he said, I had a bunch of those bar complaint letters on my desk. It was so close to Christmas I just couldn’t bring myself to send them out and spoil a bunch of lawyers’ holidays, I said. “But it’s dated December 15 and says I have to respond within 10 days!” He responded “Oh, don’t worry about it; just send me a letter when you get time.”

This tendency not to want to harm any lawyer ultimately cost him his job at the Bar Association. He grew up in the small town of Jefferson, in rural Grant County in northwest Oklahoma. A lawyer from that little county developed a drinking problem and got lots of bar complaints. John kept giving him chances until the Bar Association ultimately fired him. I don’t think I ever had a lawyer (or anyone else) report to me that they didn’t like him.

Judge Amick had a long and productive life. He went from Jefferson to Oklahoma A&M College (now OSU), where he enrolled in Army ROTC. The cadets were Army Reserve and he and his fellow cadets were called to active duty after the Japanese bombed Pearl Harbor. He went through Officer Candidate School and became an Infantry 2nd Lieutenant. His unit, the 65th arrived in France after D-Day during the Battle of the Bulge. He was the leader of the machine gun section of platoon of a heavy weapons platoon in an infantry company fighting its way across Germany and Austria. He was engaged in that action when the war was over.

As a relatively new guy, he didn’t have enough “points” to be rotated back to the states and ended up doing a year in military government in Austria during the occupation. He then went back to the states. There, he took advantage of a program at OU which allowed returning veterans who had at least three years of college (which he had from A&M) to enter law school.

While at OU, he met Jean Ash, a music major, whom he married and took back to Grant County. They were married for 68 years, until her death in 2017. They had five children, including Linda Amick Dodson, who has been a Longtime Deputy Court Clerk in Oklahoma County. He became County Attorney (before we had District Attorneys) for three two-year terms and then unsuccessfully for the Legislature. Then he went back to the states. There, he was engaged in the occupation. He then went back to the states. There, he was engaged in the occupation. He then went back to the states. There, he was engaged in the occupation. He then went back to the states. There, he was engaged in the occupation.

In this one, Campbell and the wife had the goods on Jack Herndon and the “husband.” In those “pre-discovery” days, you often learned what evidence your opponent had in the middle of the trial. This proved to be one of those instances.

The big issue in common law marriage cases was whether the couple had held themselves out to the public as husband and wife. Campbell put into evidence a copy of a joint tax return showing the now-not-so-happy couple as husband and wife. He produced numerous credit applications, signed by the husband showing much the same. He produced a lot of mail addressed to the couple’s former address which was addressed to “Mr. and Mrs.” He then concluded his examination of the witness, not with the customary statement to opposing counsel: “Your witness!” but with a grinning aside to Herndon: “You may kiss the bride!”

Judge Amick once tried a personal injury case which went on forever. The plaintiff was represented by a Creek County lawyer named Jack Sellers. Jack seemed to take forever to put on his case. Finally, during a long direct examination, a juror raised his hand to get Judge Amick’s attention. “Judge,” the juror said “Do we have to listen to any more from this charlatan?” waving his hand toward Jack Sellers.

Of course, Jack moved for a mistrial. Judge Amick sent the jury on a break and heard argument on the motion for mistrial. After hearing a lengthy argument, Judge Amick said to Sellers: “You know, Mr. Sellers, I watch a lot of football. Sometimes someone drops the ball. And, sometimes it bounces up the field and sometimes the ball bounces down the field. I believe the ball just bounced into your opponent’s end zone! Your motion is overruled.” (In the interest of full disclosure, Jack Sellers’ opponent in that case was Dave Edmonds, who has a somewhat different recollection of the story. However, Edmonds’ has a lot of years on him and Amick’s version is funnier, so I am going with Amick’s version.)

Amick once tried a divorce case in which the husband had done something really stupid. He had set up a camera on a tripod at the end of a motel room bed with a timer on the camera and took photos of the husband and his girlfriend in very compromising positions. He then left the film where it could be found by his wife.

The wife was represented by an attorney named George Miskovsky. George was the lawyer you hired if you were really mad at your spouse and wanted that spouse punished. George was cross-examining the errant husband. He would brandish a photograph and the transcript would go something like:

Q. I hand you what has been marked Plaintiff’s exhibit 42. What is that? A. It’s a picture. Mr. Miskovsky. Q. Who is shown in that picture? A. My girl friend and I.

This went on for a lot of pictures. Finally, there was a picture which appeared to show a large, nude, male posterior.

Q. I hand you what has been marked Plaintiff’s exhibit 56. What is that? A. It’s a picture. Mr. Miskovsky. Q. Who is that in the picture? A. (After a long pause) I don’t know, Mr. Miskovsky. It looks kind of like you.

It took awhile for the courtroom to settle down from the laughter before the trial could proceed.

We shall miss Judge Amick, more than I can say!
By Bill Gorden

**Homo Deus**
Yuval Noah Harari, Harper Collins, 2017, Hardback, 449 pages, $35.00

This has been out for a while, but is getting buzz in literary circles. It purports to be “A Brief History of Tomorrow”, meaning a look toward the impact of data, analytic, and “The Algorithm”. It was actually first released in 2015, in Hebrew, which the author translated himself into English.

The work is very strident. Whereas Bregman’s Utopia for Realists (reviewed here previously), was intellectual but laid back, Harari feels the need to unravel every shred of (primarily) Western Culture and Science to get to his beginning. The soul, God, free will, existence as understood pre-Harari are all gone. What is left is the new religion, data-ism. If you just cringed, physically heavy. The pages themselves are glossy, and on heavy stock. No idea why.

One final thing. This is a heavy book. Physically heavy. The pages themselves are glossy, and on heavy stock. No idea why.

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**Letter to the Editor**

By Mr. Castleberry’s secretary

Dear Editor:

Mr. Castleberry has directed me to advise you that what he prepares for the Oklahoma County Bar Association’s Briefcase are columns, not suggestions for columns.

He has directed me to advise you that you are authorized to either print his columns or not print his columns but that you are not authorized to butcher his columns under the guise of editing. He has directed me to advise you that if, in the future, you have space limitations which require a condensation of his columns, you are to notify him and he will perform the necessary cision, whether circum- or ex-.

Mr. Castleberry has directed me to advise you further that he did not agree to this undertaking with the expectation that you would have the educational background to comprehend the nuance and continuity which makes his gem-like prose unique and, so, did not anticipate that you would feel free to slash, distort, and mutilate his Work but, rather, expected that you would be sufficiently cognizant of your limitations not to try to interpose yourself between Mr. Castleberry and his public. (Mr. Castleberry has also directed me to advise you that artists always refer to their work as their Work.)

He has also directed me to advise you that he is confident that it will not be necessary to bring this sort of thing to your attention again.

Mr. Castleberry has directed me to communicate with you about these matters because, as he has directed me to advise you, he is not speaking to you.

– Mr. Castleberry’s secretary

**Editor’s Note:** For all of you who be future Editors of the Briefcase who dream of the glory and prestige which accompany the job, read on... As you may remember, Columnist Castleberry exposed the Department of Transportation’s diabolical plans in last month’s issue wherein his Work received one full page of coverage. What you didn’t read were the other 600 words of his story, painstakingly deleted. If Mr. Castleberry had his way, we’d have to rename the publication... maybe “the Longcase?”
OBA President Chuck Chestnut presented awards to the following Oklahoma County Members

Outstanding Service to the Public
OCBA Young Lawyers Division, Benjamin Grubb, Chair

Award of Judicial Excellence
Judge Patricia Parrish

Golden Gavel Award
OBA Legislative Monitoring Committee, Angela Ailles Bahm, Chair

Alma Wilson Award
Eugenia "Genie" Bauman

Joe Stamper Distinguished Service Award
Will Hoch

John E. Shipp Award for Ethics
Ed Abel

OCBA Continued from PAGE 1

Oklahoma Supreme Court Chief Justice Noma Gurich headlines this year’s CLE speakers and will provide Ethics instruction. In addition, Judge Ken Stoner will provide what promises to be a very impactful presentation on attorney wellness. Michael Laird will present a compelling presentation on the Medical Marijuana industry in Oklahoma. Kim Tran and Lauren Oldham will present an Employment Law Session and Cody Cooper and Monica Ybarra will present the topic of Corporate Counsel and outside counsel relationships. In all, there will be six hours of approved CLE credits with fun, thought-provoking discussion. All CLEs are scheduled during the three-day Conference to allow for as much free time as possible to network and socialize with members of the OCBA.

Last year, OCBA attorneys hosted parties in Santa Fe for the Conference attendees. These parties were well-received and will continue this year. These parties provide an opportunity to network and fellowship in a relaxed Southwest setting far away from the Courtrooms and Conference Rooms.

This year, the Conference will move to the Drury Hotel. Located in the Plaza district, the Drury provides a central location to explore Santa Fe; including restaurants, art galleries, and shops all within walking distance of the Inn. The Winter Conference is a great place to network with fellow attorneys and judges in a beautiful relaxed atmosphere. The OCBA obtained a steal of a deal on the room rate. At only $189.00 per night, the rate also includes breakfast daily and an evening reception every evening with food and 3 free cocktails per hotel guest.

Questions? Contact John Healty (jhealthy@fellerssnider.com), Justin Meek (jmeek@46legal.com), or Kelli Stump (kelli.stump@stumpimmigration.com) – 2020 CLE Co-Captains

Reserve now at:
Group Number 2396101 or by calling 1-800-325-0720 with the Group Number. The hotel guarantees the rate, so if you find it cheaper for the same dates, the hotel will match the price!

Register for the CLE – only $250 for all 6 hours – online under the Events tab at www.okcbar.org.

December 2019 Podcast Recommendation

Crimetown – Season 1, Episode 1 – Divine Providence

The first season of Crimetown provides an in-depth look at the city of Providence, Rhode Island at a time when organized crime corrupted every aspect of public life. Crimetown’s episodes alternate to feature individuals and stories from both sides of the law. While each episode is worth a listen, Crimetown really shines when it covers the decades-long career of Mayor Buddy Cianci, from his earnest start as an honest prosecutor to his gradual descent into corruption. Far from being a typical ‘rise-and-fall’ story, Buddy’s strangely endearing personality and love for his city will make it easy to understand how even a prison sentence didn’t stop him from being elected Providence’s mayor several times over.

— Kyle R. Prince

Revisionist History

“Revisionist History is Malcolm Gladwell’s journey through the overlooked and the misunderstood. Every episode re-examines something from the past—an event, a person, an idea, even a song—and asks whether we got it right the first time. From Pushkin Industries. Because sometimes the past deserves a second chance.”

— Recommended by Shanda McKenzie
DIVORCING THE HOME

QUALIFIED INCOME AND 6/36 RULE

In terms of divorce, receipt of maintenance, child support, and property settlement note can be sources of income. But for the purpose of getting a mortgage, each source must meet requirements to be considered as “qualified income.”

Here’s where the 6/36 rule comes into play. Your client must provide documentation to prove:

- They have received this income for the past 6 consecutive months
- They have 36 months of future payments due to them at the time of mortgage application
- They have 12 months in addition to the 36 months of future payments if their income comes from a property settlement note

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Tracey Mullins, Aaron Amell, Rachel Morris & Kelli Stump

Judge Don Andrews & David Cheek

Judges Ken Stoner & Barbara Swinton

SEE PAGE 12 FOR MORE PHOTOS
Impeachment Part 3: The One about the Senate

After the House has voted to pass articles of impeachment, then the Senate convenes as a tribunal. If the President is the officer accused, the Chief Justice of the Supreme Court of the United States presides. Before the proceedings begin, the participating members of the Senate are sworn in with an oath that extends beyond the oath of office for this special role as the court of impeachment. That oath is:

“I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ———, now pending, I will do impartial justice according to the Constitution and laws: So help me God.”

It is important to remember the Constitution mandates the Senate “try” all cases of impeachment, not simply vote on them. This trial then is quasi-judicial, with the House managers serving the role or prosecutor. The ultimate goal—as evidenced by the role of the Chief Justice, the special oath, and the requirement to try—is not to capture a political result, but to reach an impartial resolution.

Once the oaths are taken, the presiding officer is in place and the Senate is organized, the trial begins, and the Senate starts to hear evidence on each of the Articles of Impeachment. As the House managers prosecute the Articles, the accused may appear in person or through counsel. Each side will call witnesses and introduce evidence. This may be done, according to the Standing Rules of the Senate, by a “Committee of Twelve” which reports to the full Senate. The Senate has the power to compel the attendance of any witnesses and has the authority to punish the failure to obey such orders.

If there are any procedural issues raised by either side, the presiding officer will make a ruling, but that ruling may be reversed by a majority vote of the Senators present. Once all the evidence has been entered, the argument begins. The arguments are conducted by the House managers and the counsel for the accused. Senators may ask questions of witnesses, the managers or counsel for the accused by reducing those questions to writing and submitting them to the presiding officer. Further, Senators may be sworn in and called as witnesses at the trial.

At the conclusion of the evidence and argument portions of the trial, the Senate must deliberate and vote. The Senate may close the deliberation portion of the trial with a motion. Each Article must receive its own individual vote and no article is divisible. There must be a two-thirds vote for conviction, otherwise, a judgment of acquittal is entered. If one or more Articles receive a two-thirds or more vote, the accused is convicted, and removal is announced by the presiding officer. Once an accused is removed, any immunity previously enjoyed would cease and other judicial proceedings could advance.

Traditionally, the vote to remove and disqualify have been treated as separate votes. For instance, Representative Alcee Hastings was a federal judge until removed from office by the impeachment process. He now serves Florida’s 20th congressional district. If the Senate would have voted to disqualify him from holding any public office, he would not hold that position today.

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2019 OCBA HOLIDAY RECEPTION
Continued

Hailey Hopper & Shanda McKenney

John Heatly, Amy Pierce & John Barbush

Bob Nelon & Peter Scimeca

Judge Richard Ogden & Nathan Good

Joe Crosthwait and Lauren Barghols Hanna
The Center for Criminal Justice at Oklahoma City University School of Law

By Loretta Radford

The Center for Criminal Justice has officially been launched at the Oklahoma City University School of Law. This September I was hired as Legal Director for the newly created Center for Criminal Justice. The Center for Criminal Justice represents a unique partnership among the Oklahoma City University Law School, the Oklahoma County Public Defender’s Office, and the Oklahoma County Criminal Justice Advisory Council. The Center for Criminal Justice is more than just a vision, it represents a commitment to advancing criminal justice reform in the State of Oklahoma and offers support to all community advocates for criminal justice reform.

The Center for Criminal Justice provides an institutional home for comprehensive criminal justice reform at Oklahoma City University School of Law and will create a permanent and lasting environment to promote criminal justice reform in Oklahoma County, the State of Oklahoma, and nationally.

The Center for Criminal Justice also provides an experiential learning opportunity for law students who participate in its Bail and Bond Reform Clinic. As an initial start-up for the clinic, students will visit the jail, interview detainees, and identify candidates for pre-trial release. Students will also participate in the arraignment process where bail is determined, assess the service needs of clients, file motions for clients to receive bail hearings, and advocate for those clients in the district court and through appeal, if necessary. Eventually, students in the Bail and Bond Reform Clinic will assist individuals facing criminal misdemeanor charges and those at risk as a result of probation compliance issues by connecting them to services, working with prosecutors to develop plans for probation success, filing the appropriate motions with the court, and appearing in court to advocate for the reduction of fees and costs. This type of experiential learning forever changes the course of a defendant’s life and also provides students with practical lawyering experience.

Sadly, Oklahoma leads the world in the incarceration of its citizens, with a rate of incarceration that surpasses the incarceration rate for other countries. Oklahoma’s rate of incarceration in State prisons and local jails is even higher than the United States’ rate of incarceration. Oklahoma is number one in the United States for incarcerating women and disproportionately incarcerates people of color when compared to the general population. By way of statistical sample, at the 2010 census Oklahoma had a population of approximately 3.9 million people and for every 100,000 people in the population, Oklahoma locks up 1,079 people. For every 100,000 African-Americans, Oklahoma locks up 3,796 of those individuals. Other people of color have similar startling rates of lockup. The Center for Criminal Justice hopes to change the pretrial detention and incarceration statistics in the State of Oklahoma by hosting an annual event targeting needed criminal justice reform in Oklahoma and providing support to community advocates.

The Center for Criminal Justice at OCU School of Law will be hosting its inaugural seminar for criminal justice reform on January 24, 2020. The first of many to come. The 2020 conference is titled “Oklahoma Forward: Rethinking Criminal Justice in Oklahoma and Beyond.” The event is centered around breakout sessions that will both teach and result in proposals for solutions in various areas of criminal justice reform. The goal of this event is to bring light to the serious issue of criminal justice reform, examine the high rate of incarceration throughout Oklahoma and review all possible alternatives to pretrial detention and incarceration for future proposals to local, county and state government officials. This one-day conference to advance criminal justice reform in the State of Oklahoma will showcase the work of those who’ve spent the past decade on the front lines pursuing criminal justice reform in Oklahoma and around the country.

This event will bring the advocates for reform under one roof to discuss specific areas for reform. Our keynote speaker for the conference will be Robin Steinberg, Co-Founder and Executive Director of The Bail Project and Still She Rises. You will not want to miss the presentation of her efforts to address criminal justice reform on a national level.

By hosting this event, the Center for Criminal Justice hopes to create support for the need for criminal justice reform among Oklahomans and its community leaders. This event will not only set the stage for the Center for Criminal Justice to assist in changing the future of criminal justice in Oklahoma, it will identify and research policy proposals that address solutions for the alarming statistics of detention and incarceration that make Oklahoma the leader. Through a close examination of the reasons for the extreme incarceration rates in Oklahoma, we can isolate alternatives to detention and incarceration for future proposals to local, county and state government. This event will bring the advocates for criminal justice reform under one roof to discuss specific areas for reform, with the hopes of putting one more hole in the pipeline to prison.

As Legal Director for the Center for Criminal Justice, my vision is that the Center will provide on-going support for criminal justice education, advocacy, and action. As students explore alternatives to pre-trial detention, they will learn to proactively reinforce the preservation of innocence as a fundamental cornerstone of the criminal justice system. The Oklahoma City University School of Law and the Center for Criminal Justice remain thankful to its many generous donors, including the E.L. and Thelma Gaylord Foundation.
by Jim Croy

Mark leaned back in his rocking chair with his eyes closed and listened to the scooting and rearranging of chairs for just a moment before he stood up and approached the small lectern. Christmas services. But this wasn’t a church. It wasn’t even a chapel. No; it was an atrium with a high glass ceiling, located at the intersection of six hallways. It was a meeting place known as the Common. Probably named that because the complex itself was the extremely exclusive and expensive Harvard Residence, and he thought that Harvard University might have had a common of its own.

At any rate, here he was, presiding over Christmas services for the residents of the Harvard Residence senior living center who were destined to spend today with neither their own families nor other families. They were destined to spend today with twelve of them; again. Not twelve for Christmas a thousand miles away, at West Point, with lads and lasses who, like you, are not with their own families.

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