



Briefcase

January, 2022 Vol. 55, No. 1

A Publication of the OKLAHOMA COUNTY BAR ASSOCIATION

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Young Lawyers Division Tinsel Time Trivia Night A Holiday Success



1st Place Team, Pierce Couch Hendrickson Baysinger & Green

The OCBA Young Lawyers Division held a last-minute Trivia Night on December 9, 2021, in an effort to raise the final Harvest Food Drive donation to \$20,000. This is the amount the YLD had committed to give to the Regional Food Bank of Oklahoma by the end of December.

A BIG SHOUT-OUT to our sponsors: Cheek & Falcone, Crowe & Dunlevy, DeWitt Paruolo & Meek, Dunlap Coddling, Elias Books Brown & Nelson, Hiltgen & Brewer, Johnson & Biscone, Martin Law Office, Parrish DeVaughn, Phillips Murrah, and Tomlinson McKinstry.

Trivia Night Winners were:

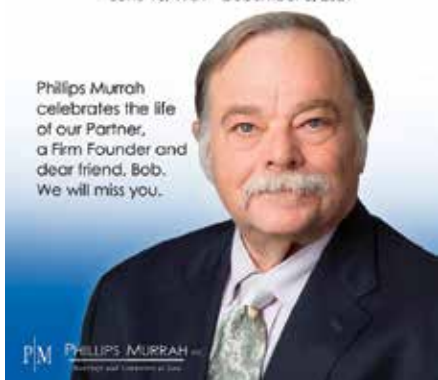
- **1st Place Team** – Pierce Couch Hendrickson Baysinger & Green
- **2nd Place Team** – Phillips Murrah
- **3rd Place Team** – The Old Lawyers Division

See **page 6** for more photos from the trivia night.

In memory of Robert N. Sheets

June 16, 1954 – December 8, 2021

Phillips Murrah celebrates the life of our Partner, a Firm Founder and dear friend, Bob. We will miss you.



Phillips Murrah Announces Passing of Director Robert N. Sheets

It is with deep sadness that we announce the passing of our dear friend and one of Phillips Murrah's founding Partners, Robert N. Sheets.

Bob was a member of the Firm's commercial litigation practice group and received the Outstanding Law Review Alumni Award from Oklahoma City University School of Law in 2007, The Journal Record's Leadership in Law Award in 2008, and The Alma Wilson Award from the Oklahoma Bar Association in 2011. Bob, aka "the Reading Man," was also dedicated to volunteering on

behalf of children and his community.

He will be dearly missed.

Robert Noel Sheets was born June 16, 1954 in St. Louis, MO to Robert Lee Sheets and Betty Sue Read Sheets. He passed into life eternal on December 8, 2021. Bob grew up in Florissant, MO, where he was active in DeMolay. He graduated from McCluer High School, Washington University in St. Louis, and finally Oklahoma City University School of Law in 1979. He married Mary Patricia Flanagan in 1981. His parents preceded him in death. He leaves his wife, daughter Alison,

son John and his wife, Alexis, and two grandchildren, Eli Sheets and Luna Sheets, as well as numerous cousins and friends.

Bob was a founding partner of the original law firm McFall, McVay, Sheets, Lovelace and Juras (interestingly, Kristen Juras is the current lieutenant governor of Montana). The firm is known now as Phillips Murrah. Bob retired from the firm in 2020, and since then was an adjunct professor of law at Oklahoma City University.

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THE BRIEFCASE

January 2022

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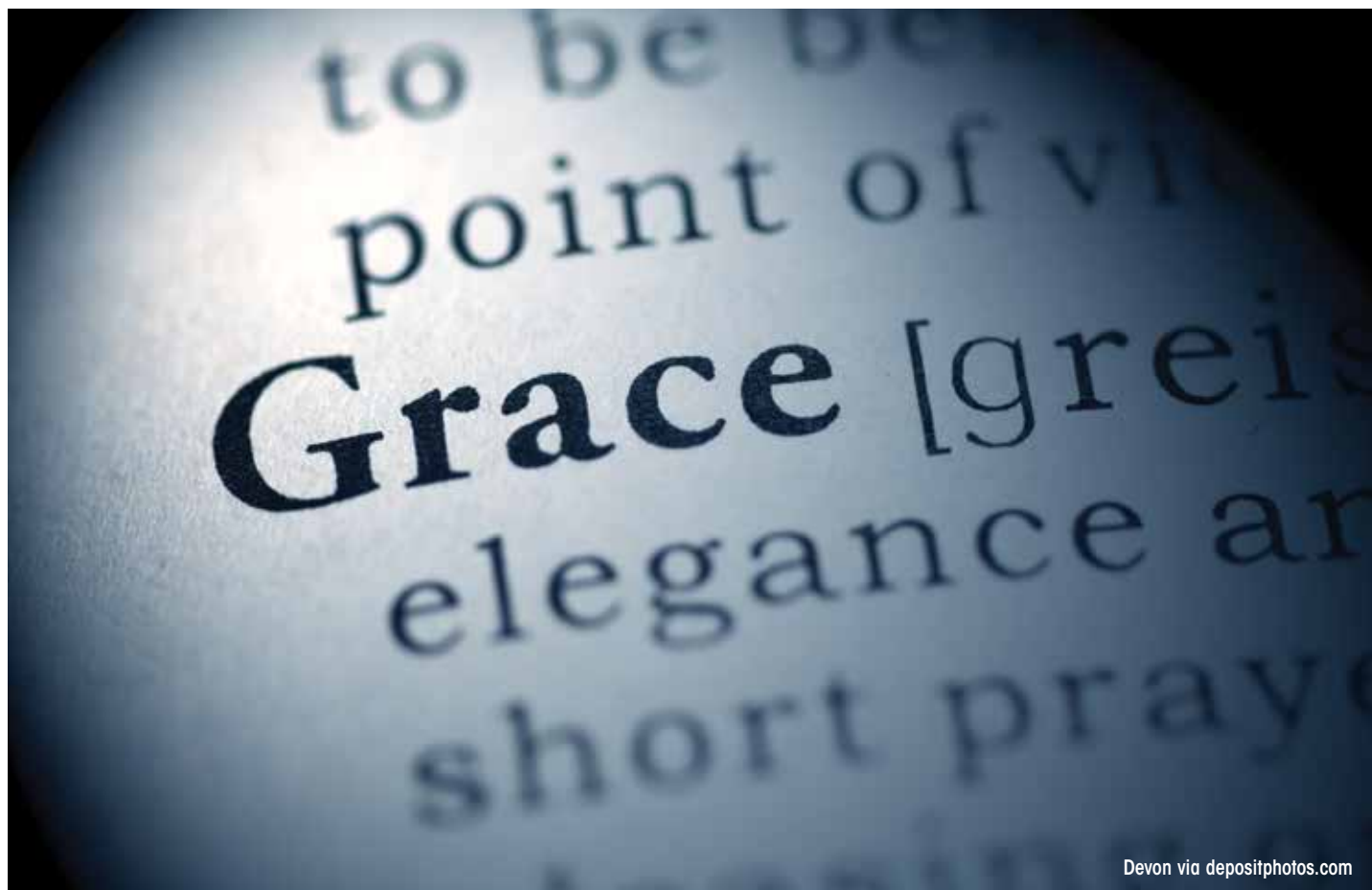
OKLAHOMA COUNTY BAR ASSOCIATION

MISSION STATEMENT

Volunteer lawyers and judges dedicated to serving the judicial system, their profession, and their community in order to foster the highest ideals of the legal profession, to better the quality of life in Oklahoma County, and to promote justice for all.



From the President



Devon via depositphotos.com

GIVE SOME GRACE



By: Shanda McKenney
President, OCBA

grace – **noun:**

1. Simple elegance or refinement of movement
2. courteous goodwill **verb:** do honor or credit to (someone or something) by one’s presence.

I am exhausted. Completely, totally, utterly, exhausted. Life since March, 2020 has felt like little more than a series of hops from one crisis to the next, compounded by unpredictability and punctuated with periodic doses of chaos. Never mind the fact that this is at least the third go-round we’ve had with virus variants, the uncertainty of “what happens next” never gets any easier, and there is no effective way to plan for the curveballs.

As I type this, Edmond schools are closed because they do not have enough staff to properly supervise students in the buildings, much less actually teach them anything. Other school districts are in the same boat. Businesses (the ones that have survived, anyway) are suffering through reduced hours of operation and often function on shoe-string staffing. Many have lost loved ones, or are close to someone who has struggled with illness over the last two years. Hospitals are booked solid, and don’t even try to get a doctor’s appointment for a routine physical exam.

Masks are found in the oddest of places in my house – underneath beds and tucked into couch cushions, in backpacks and purses, floating around in vehicles, and occasionally in even weirder locations. Gone is the usual “small talk” in group settings. Now seemingly all conversations either begin with or somehow involve COVID, vaccines, opinions regarding what should be done about the pandemic and how, or general commiserating on how terrible everything feels right now.

Not only are people exhausted, but they are frustrated. Angry, even. Tempers tend to be short and patience is hard to come by. There are shortages of consumer goods and inflation, both of which turn a basic grocery store trip into something more complicated and annoying than in Before Times. Many people, particularly children, are suffer-

ing from the effects of extended periods of isolation and attempting to maintain social relationships through technology, in lieu of face to face contact and conversation. Then, just when there’s a potential end in sight, BAM! – another variant hits and the cycle repeats.

I’m right there with you. It’s all too overwhelming for any one individual to completely process and cope with. Different people have different reactions to environmental stressors – anger, fear, frustration, optimism, fatalism, resignation, or indifference. While there is nothing you can do about another person’s emotions, there is something you can do for your own: choose to give some grace.

Not only are people exhausted, but they are frustrated. Angry, even. Tempers tend to be short and patience is hard to come by. There are shortages of consumer goods and inflation, both of which turn a basic grocery store trip into something more complicated and annoying than in Before Times.

“Grace” in this context can take a variety of forms. As usually understood, it typically refers to being considerate, compassionate, or at least giving another person some space for their feelings, without piling on. It might be tipping a little extra to the wait staff that showed up for work that shift, or it might be keeping your mouth shut when you *really* want to say something that may be unkind or potentially offensive to your audience. It could be not hitting “send” on that email to your child’s teacher, knowing they are just as exhausted (if not more so) than you are, and the last thing they need is one more email to read and respond to. It might be telling someone “thank you,” or it could be letting someone know they are truly appreciated. It could be playing a board game with your kids or eating dinner as a family more often. There is literally no limit to the amount of grace one person can give, if they really set their mind to it.

I have found it to be incredibly helpful, particularly when I’ve got a lot of stress about the uncertainty of the future, to remind myself how fortunate I am as an

individual, and that not everyone is as fortunate as I am. Whether it is income security, relatively good health, family stability, or something else, I have a lot going for me that not everyone else has, and it is not difficult to find something to be thankful for. Reminding myself of this periodically not only lifts my own spirits, but also prompts me to be more thoughtful and considerate of what others may be experiencing in their own lives.

As yet another year dawns with still no return to “normalcy” in sight, please consider adding a little grace to your day, and even giving some to someone else. Include yourself on that list, as well. We could all do with a little more grace in our lives.

Stump Roscoe

By Roscoe X. Pound

”J” is for “January” and also for “Judges” as several of our inquirers had questions regarding judicial conduct. For example:

Dear Roscoe: *What’s the skinny on judges writing letters of recommendation for employment for friends, staff, and others? B.E., OKC.*

Dear B.E.: The skinny’s actually not so skinny, and often conditional. Oklahoma’s Code of Judicial Conduct, among others, does not prohibit the practice in the regular course of business or social life. Allowing judges to provide recommendations recognizes that “judges are members of society, and of the community at large, and . . . not every action of a judge is intended, or could reasonably be perceived, as an assertion of the prestige of judicial office.” U.S. Advisory Opinion 73 (2009). The practice of providing recommendations within the legal profession is so customary that, when done “by a judge, it is less a function of the judicial position than it is of the judge’s position within the legal community at large.” Indiana Advisory Opinion 3-88. Judges should not be precluded from doing things legitimately done by others in society unless there is an identifiable basis in the language of the Code of Judicial Conduct to do so. Letters of recommendation are routinely asked of people who have attained some level of competence in their field or some level of acquaintance with the applicant. Writing such a letter is often an imposition that many believe that they have a professional or social obligation to perform. Indeed, sometimes judges have special knowledge that makes them uniquely qualified to assess the suitability of an applicant for a position. Massachusetts Advisory Opinion 94-1.

Judicial ethics advisory committees have cited practical considerations supporting that interpretation. A contrary rule “would prevent, for example, a lawyer, or even a housekeeper, who has worked directly for a judge, from obtaining the judge’s recommendation when seeking other employment, or a paralegal who has worked directly for a judge from obtaining the judge’s recommendation when applying to a law school.” New York Advisory Opinion 88-10. The code of judicial conduct was not “intended to penalize those persons who work with a judge by forbidding the judge from commenting on their character or ability to a potential employer.” Arizona Advisory Committee 92-6. Furthermore, “it is a prerequisite to the proper operation of many institutions that recommendations be received from a cross section of the population and there is no reason to exclude judges.” Maryland Advisory Opinion 1977-5. Finally, such recommendations are not considered voluntary testimony as a character witness, which is prohibited by most Codes, including that of Oklahoma.

The act of making a professional rec-

ommendation for employment . . . is not subject to the abuses presumably targeted by the prohibition. A typical recommendation will not involve public testimonials, thus potentially detracting from the dignity of the office, and cannot be exploited to deflect attention from the outcome of a legal proceeding. Indiana Advisory 3-88.

Of course, all of this is premised upon the judge in question having actual personal knowledge of the person being recommended.

Dear Roscoe: *To what extent, if any, to what extent can a judge, in an equity case triable to the court, do independent factual investigation outside of the court proceedings? In particular, a judge in a probate case proposed to enter a probate homestead and determine and seize estate property in the possession of the surviving spouse. S.C., Del City.*

Dear S.C.: This scenario involves a number of ethical considerations including:

(a) Rule 1.1, which states that “[a] judge shall comply with the law, including the Oklahoma Code of Judicial Conduct”;

(b) Rule 1.2, which states that “[a] judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety”;

(c) Rule 1.3, which states that “[a] judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so”;

(d) Rule 2.2, which states that “[a] judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially”;

(e) Rule 2.4(A), which states that “[a] judge shall not be swayed by public clamor or fear of criticism”;

(f) Rule 2.4(B), which states that “[a] judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment”;

(g) Rule 2.5, which states that “[a] judge shall perform judicial and administrative duties, competently and diligently . . . [and] shall cooperate with other judges and court officials in the administration of court business.”

As one court has stated it:

A Judge is not expected to and should not summarily step from his judicial function and become an investigator, prosecutor, arresting officer, or instigator of legal actions, for when he does, he lessens the public confidence in the impartiality of his office. It is important that the Judge not only actually maintain integrity and impartiality, but that he must also give the appearance of such. No Judge should take unto himself activities or functions which are delegated to other branches of the government.



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W. Va. Jud. Inquiry Comm’n v. Dostert, 165 W. Va. 233, 237, 271 S.E.2d 427, 429–30 (W.V. 1980).

As in most States, the Oklahoma’s Constitution not merely contemplates, but requires, separation of powers among the three branches of government. It seems clear that, nationally searches are an activity of the executive department. *State ex rel. Parma Cmty. Gen. Hosp. v. O’Donnell*, 2013-Ohio-2923, ¶ 7 (stating that “searches are executive in nature.”). “Indeed, searches are so quintessentially executive in nature that even a judge who participates in one acts ‘not * * * as a judicial officer, but as an adjunct law enforcement officer.’” *State ex rel. Hensley v. Nowak*, 52 Ohio St. 3d 98, 99, 556 N.E.2d 171, 173 (1990) (*per curiam*) (quoting *Lo-Ji Sales, Inc. v. New York*, 442 U.S. 319, 327 (1979)) (holding that a writ of prohibition would not issue to restrain administrative searches because they are neither judicial nor quasi-judicial acts).

According to SCOTUS in the Lo-JI case above According to the Supreme Court, the town justice in question “allowed himself to become a member, if not the leader, of the search party which was essentially a police operation.” *Lo-Ji Sales, Inc.* at 327 (emphasis added). The Supreme Court found that, in doing so, the town justice “was not acting as a judicial officer but as an adjunct law enforcement officer[.]” *ibid.*, and that “[i]t [wa]s difficult to discern when he was acting as a ‘neutral and detached’ judicial officer and when he was one with the police and prosecutors in the executive seizure.” *Id.* at 328 (emphasis added). Other courts, often following *Lo-Ji Sales*, routinely assume that searching is a law enforcement activity. *United States v. Barnes*, 895 F.3d 1194, 1202 (9th Cir. 2018) (“*Lo-Ji Sales* was an extreme case where the judicial officer allowed himself to become a member, if not the leader, of the search party which was essentially a police operation.”)

A couple of months ago I introduced you to Tommy Iannacone, a/k/a Tommy-Ice-Cream-Cone a/k/a Ice, an old school mobster in Tony Segar’s employ. I didn’t tell you back then that I think I owe him my life. I was 11 years old and walking home one night when I passed an alley. The sounds coming out of it drew me in. I took a peek and saw two guys working over a third. The workers wore ski caps with the face masks down. They saw me and I froze. The biggest one came over to me, got down on one knee, pulled up his mask and looked me in the eye.

“I don’t know what you think you’ve seen, son, but that fella back there is one bad guy. My friend and I are just trying to do the right thing so he won’t be so bad no more. You understand?”

I nodded.

“So just you go home and don’t worry about this anymore and forget what you seen. Go ahead.”

I turned and ran home. I spent most of the night looking out my window for a car full of hitters pulling up, and imagined scenarios in case they did. Never happened. I understood then that I received an ice cream cone of my own. Not everyone in the big guy’s line of work would have let me go, especially after seeing his face. That big guy was Tommy Iannacone. I remembered him from that day on, just as he remembered me. Both of us kept the bargain.

Tommy hung around after everyone else had filed out.

“Heard you have a meet,” he said.

“Yep,” I replied.

“Where?”

“Sweeny’s.”

He nodded. “Want some company?”

“I can’t bring anyone.”

“I ain’t anybody no more,” he said. “Be like the old days.”

We took my car.

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Digital Currencies: A Primer

By: Miles Pringle

You have likely heard a lot about digital currencies, whether it be a cryptocurrency, blockchain or a bitcoin. You may have clients who want you to advise about them or even (gulp) want to pay you with them. So, what do you need to know? This article sets out to give you a basic primer on digital currencies to help you grasp the forest through the trees.

A digital currency is a means of payment that exists only in electronic form. Broadly speaking there are three main types of digital currencies: 1) cryptocurrencies; 2) stablecoins; and 3) central bank digital currencies. Cryptocurrencies are privately issued digital currencies that are not associated with any other form of value (such as a commodity or central bank currency). Stablecoins are privately issued digital currencies that are pegged to another value, typically the U.S. Dollar. Central bank digital currencies (“CBDC”) are digital currencies issued by a central bank and backed by the full faith and credit of that government.

Cryptocurrencies include well-known brands like Bitcoin and Ethereum. These currencies are often highly volatile. For example, in 2021 a Bitcoin was valued anywhere from ~\$29,000 to \$69,000. In January 2020 a Bitcoin was valued at ~\$7,000. While historically cryptocurrencies have been associated with illicit



Many, if not most, digital currencies use blockchain technology to effectuate transactions. A blockchain is a type of electronic ledger that is a continuously updated by permanent real-time entries (using cryptographic algorithms to validate transactions).

transactions, and still are, more and more companies are accepting them as a form of payment.

As opposed to cryptocurrencies, stablecoins should be more, well “stable.” The

most prevalent stablecoins (Tether, USD Coin, Binance USD) are tied to the U.S. Dollar. They should hold as many dollars in a reserve as digital coins that they issue; however, that is not always the case. For example, in July 2020 it was disclosed that cash made up just over 60% of USD Coin’s reserves while 40% was backed by various forms of debt securities and bonds.

Many, if not most, digital currencies use blockchain technology to effectuate transactions. A blockchain is a type of electronic ledger that is a continuously updated by permanent real-time entries (using cryptographic algorithms to validate transactions). The revolutionary attribute of blockchain is that records are distributed on a network of different servers as opposed to a single intermediary (e.g. a bank). This is where the term decentralized finance (or DeFi) comes from, because theoretically this technology can remove traditional institutions (governments and banks) from the payments system. It should be noted that the potential for blockchain goes beyond digital currencies. This technology could be deployed to transform real estate records, traditional payments, or even medical records.

In response to technological developments and issuances by private actors, governments have gotten into the digital currency game with CBDCs. In October of 2020 the Central Bank of the Bahamas was the first central bank to issue its own digital currency, the “Sand Dollar”. China has also been investing heavily into the “digital yuan”, which it is has begun rolling out in a limited fashion (apparently members of the Chinese Communist Party can pay their monthly dues with digital yuan). China has also outlawed the use of any other virtual currency and cracked down on bitcoin miners.

In the U.S., the Federal Reserve Bank of Boston is collaborating with researchers at MIT to investigate how to build a CBDC. In September, Boston Fed senior

vice president Jim Cunha said the project’s initial stages were “basically done”. At this point it appears that the Fed needs direction from policy makers – and possibly Congress – to move forward with any issuance.

So, who regulates virtual currencies? That landscape is evolving. The Securities and Exchange Commission has determined that almost all initial coin offerings (ICOs) are securities offerings and therefore it has regulatory jurisdiction over many cryptocurrencies. Platforms or individuals exchanging cryptocurrency should be aware of any applicable securities laws. With that said, in early November a federal jury in Connecticut found that that certain crypto mining-linked products were not securities.

The Commodity Futures Trading Commission has determined that, regardless of whether digital currencies are securities, they also meet the definition of commodities. While the CFTC does not have authority over “spot transactions” (transactions for instant delivery on a specific date), it does have oversight over futures, options, and derivatives contracts. The CFTC’s jurisdiction is also triggered if there is fraud or manipulation in interstate commerce.

There is also the Financial Crimes Enforcement Network (“FinCEN”), which has authority over financial crimes and the interchange of currency. In 2019, FinCEN published guidance outlining how its regulations apply to certain business models involving virtual currencies and advises financial institutions regarding BSA/AML considerations. In short, crypto exchanges and dealers can meet the definition of money services businesses. FinCEN also issued guidance for financial institutions to help identify and report suspicious activity related to cryptocurrency transactions.

In December of 2020, FinCEN proposed controversial rules which may require significantly increased record-keeping and reporting on cryptocurrency transactions, if enacted. These rules would essentially treat cryptocurrency transactions the same as cash transactions. Whether or not the proposed rules will be finalized is uncertain following strong criticism during the comment period.

States are also weighing whether to regulate virtual currencies. The Uniform Law Commission has created The Uniform Regulation of Virtual-Currency Business Act which could provide a framework for businesses using virtual currencies. The Act has a three-tiered approach distinguishing between businesses that are: i) exempt from the Act; ii) must register; or, iii) must obtain a license. To date, Rhode Island is the only state to adopt the Act, while twenty-five others had proposed legislation. Additionally, some states (e.g. Texas) have been using state securities laws to pursue allegedly fraudulent cryptocurrency investment schemes.

In conclusion, virtual currencies are in a state of flux. Their ultimate use in the marketplace and the laws/regulations that control them have yet to be determined. Attorneys should be mindful of this nebulous state when advising clients regarding virtual currency related matters.

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Clifton, Hilary H.	Eichner, Gregg B.	Jantzen, Paula	Mullins, Richard	Rupert, Kurt	Whitehill, William
Colclazier, Katherine	Eissenstat, Eric S.	Jantzen, Stephen	Munda, Ben	Russell, Tom R.	Whitmire, Lyndon W.
Coldiron, Mark	Elder, David	Johnson, Bill	Munoz, Nicholas	Ryan, Jason	Whitten, Reggie
Cole, Jodi	Elias, William K.	Johnson, Chase	Murphy, Kyle	Ryan, Patrick M.	Wiggins, John
Cole, Steven	Emig, Will	Johnson, Rich	Neal, Kathy	Sawyer, Patricia	Wolfe, Anna
Cook, Lance C.	Farinha, Andre	Jordan, Skeeter	Neal, Lane	Scaperlanda, Christopher	Woody, C. Russell
Cook, Rodney L.	Faulk, Paul	Kallstrom, James D.	Neller, Corey A.	Scott, Elizabeth	Young, Josh
Cooper, MaryQuinn	Ford, Richard C.	Kane, Matt	Nelson, Chad	Self, Brian	Zuckerman, Harold

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Tinsel Time Trivia



2nd Place Team, Phillips Murrah



YLD Chair Cami Ruff presents the Young Lawyers Division Check of \$20,000 to the Regional Food Bank of Oklahoma



3rd Place Team, The Old Lawyers Division



Most Spirited Team, Legal Aid Team #2



Sponsor Sign



Best Dressed Team, Deb's Favorites

The Arm of Liberty

By Todd Blasdel

A small replica of the Statue of Liberty stands just outside of the west entrance to the Oklahoma County Courthouse. The statue was dedicated in 1950, as one of many installed to commemorate the 40th anniversary of the Boy Scouts of America. To help promote the anniversary theme of “Strengthen the Arm of Liberty,” roughly 200 small replicas, known as the “Little Sisters of Liberty,” were placed in communities all across the country.

The initiative to place the statues was led by J.P. Whitaker, the Scout Commissioner of the Kansas City Area Council at that time. Whitaker hoped the statues would serve as a constant reminder of the price of the freedom we enjoy every day. The statues are approximately 8 1/2 feet tall without the base, constructed of sheet copper, weigh 290 pounds, and originally cost \$350 plus freight. They were purchased from Friedley-Voshardt Company in Chicago by local scout troops, who presented them to cities and towns in 39 states, Guam, Puerto Rico, the Canal Zone, and the Philippines. Local communities provided pedestals, which were often quite elaborate and added several feet to the overall height of the statue.

The plaque on the base reads, “With the faith and courage of their forefathers who made possible the freedom of these United States, the Boy Scouts of America dedicate this replica as a pledge of everlasting fidelity and loyalty.”

Today, many of the replicas have been destroyed, as weather and vandalism have taken a toll. However, nearly half still remain. They are often found outside of government buildings, schools, libraries, and parks. Replicas in other Oklahoma locations include Memorial Park in Blackwell, Shannon Springs Park in Chickasha, East 2nd Street and Boulevard in Edmond, Garfield County Courthouse in Enid, West Cherokee Street and South Main Street in Lindsay, Ottawa County Courthouse in Miami, Spaulding Park in Muskogee, Cherokee Nation Courthouse in Tahlequah, Lanier Elementary School in Tulsa, Seminole County Courthouse in Wewoka, and Camp Dierks Boys Scout Camp near Wright City.



DISTRICT JUDGE RAY C. ELLIOTT RETIRES

By: The Hon. Geary Walke

The most senior Oklahoma County District Judge, Ray C. Elliott, will retire January 31, 2022 ending a judicial career that began with his election in 1998. It will mark over four decades of a legal career that began and now ends at the Oklahoma County Courthouse.

He says, "it's been a fun ride."

He and his wife Sandi (who retired a few years back from the District Attorney's Office), have built a home (and a new barn) in Blair, Oklahoma, where Ray graduated from High School. He plans to keep a home in Oklahoma City so he and Sandi can help ride herd on their seven grandchildren. His daughter, Dr. Elizabeth Maier, is mother to two of those grandsons, and serves as director of criminal justice at University of Central Oklahoma.

Judge Elliott graduated from Southwestern Oklahoma State University and then was awarded a master's degree from Southwestern in 1975. In December 1980, Judge Ray Elliott graduated from the Oklahoma City University School of Law.

The legendary Judge Jack R. Parr was served in the late 1970s by two law students from Oklahoma City University School of Law. Ray Elliott was his Court Clerk and Dan Owens, who also became a long-serving District Judge, served as his Bailiff. While Ray envisioned hanging a shingle in Weatherford, Oklahoma, after graduating from OCU School of Law in

First elected in 1998, Judge Elliott has never been opposed for the position, which he takes to be a hopeful sign that he was doing his job right.

1980, he was nudged by Judge Parr to try working for Andy Coats, District Attorney. Out of politeness, Ray interviewed for a position as Assistant District Attorney. Mr. Coats and Arlene Joplin (subsequently a judge on the Court of Criminal Appeals) told him that anyone who worked for Judge Parr could work for them. He served under Bob Macy as Assistant District Attorney of Oklahoma County and served as Director of the Criminal Division during the last thirteen years of his tenure.

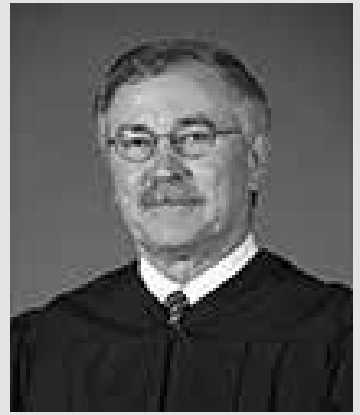
When Judge John Amick retired Ray was visited by attorneys Ron Wallace, Irven Box and Mickey Homsey who convinced him to run for District Judge. First elected in 1998, Judge Elliott has never been opposed for the position, which he takes to be a hopeful sign that he was doing his job right.

During his tenure as a Judge, Ray Elliott

served on the criminal docket. He served on the Law Library Board of Trustees from 1992 until 1998 as the representative of the District Attorney's office and from 1998 until 2010 as a District Judge. He served two two-year terms as a member of the Trial Division of the Court On The Judiciary. He served as Presiding Administrative Judge for the Seventh Judicial District (which includes Canadian County as well as Oklahoma County) in 2005, 2006, 2014, 2015, 2020 and 2021.

Judge Elliott is a former member of the State and National District Attorney's Association, and served as Chairman of the Oklahoma County Community Sentencing Planning Council his entire tenure on the bench, he served on the faculty of the National Judicial College and was a member of the Criminal OUI Jury Instruction Committee, as well as an associate member of the University of Central Oklahoma graduate faculty in criminal justice. Judge Elliott is also a frequent speaker at Victim Impact Panels throughout the state of Oklahoma. In 2014, he was named Judge of the Year by the Oklahoma Gang Investigators Association.

Judge Elliott, a New York Yankees fan, has been to nineteen major league baseball stadiums and plans in retirement to see the remaining fourteen plus many minor league stadiums. He has a sports memorabilia store (his "compound") in Blair, Oklahoma. We offer Judge Elliot our heartfelt thanks for his distinguished service and wish him all the best in retirement.



You are invited to a Reception Celebrating the Retirement of the **Honorable Judge Ray C. Elliott**

Monday, January 31st
from 12:00
to 1:30 with a dedication
at 12:15

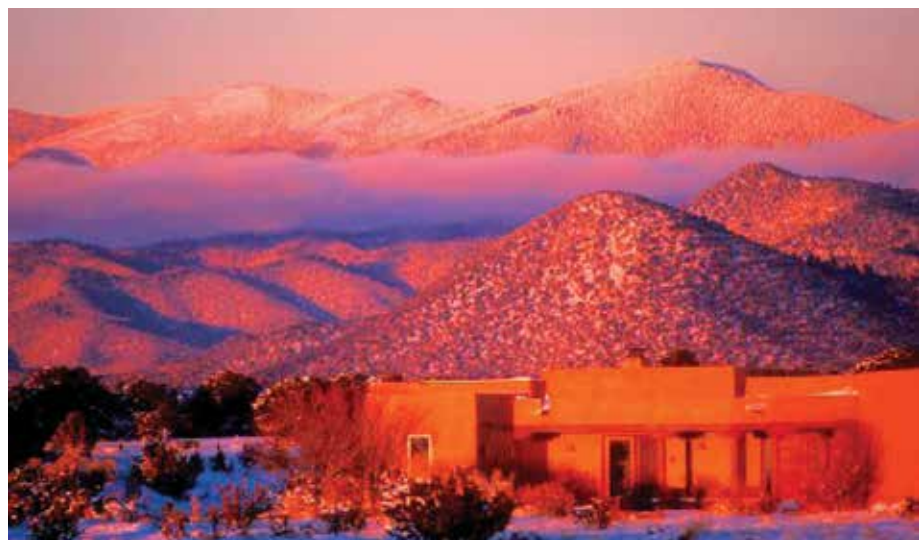
Reception will follow the dedication in the Oklahoma County Jury Room

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Questions? Feel free to contact Seminar Co-Captains:
Justin Meek jmeek@46legal.com
or
Kelli Stump kelli.stump@stumpimmigration.com

Justin Meek jmeek@46legal.com
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Kelli Stump kelli.stump@stumpimmigration.com

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Kelli Stump kelli.stump@stumpimmigration.com

Old News

November 1979 Vol. 12, No. 3

Library Policies Undergo Change

By B.J. Cooper

In order to accommodate expanded use of the County Law Library facilities, Mrs. Betty Skaggs, County Law Librarian, at the request of the Board of Trustees, has adopted a policy to make the dictation rooms in the County Law Library available to attorneys who wish to use them for study. These rooms will no longer be restricted to use for dictation only. But, in the event there is a greater demand than space is available, preference will still be given to attorneys who desire to use these rooms for dictation purposes.

Mrs. Skaggs has also adopted a policy

to make the conference room available for the use by two or more attorneys wishing to confer or use the room for study, as well as making the conference room available for conferences between attorneys and their clients.

Also, the County Law Library has adopted a form of receipt to be issued to attorneys paying for copy work at the Law Library to assist the attorney in maintaining records of these expenses for bookkeeping purposes.

These changes have been instituted to assist the attorneys in taking full advantage of the facilities available at the County Law Library.

SHEETS

continued from page 1

Next to the Lord and his family, Bob's love in life was the St. Louis Cardinals. He was a fan throughout his life. In childhood, he won a game ticket most years for earning straight A's in school. He loved taking his family to games, and was a regular season-long viewer of Cardinal games on TV.

He was also a history buff, especially about the Civil War. Numerous family vacations were trips to Civil War battlefields. He could spend hours strolling in museums and looking at monuments, and he readily

entered discussions with park rangers about history.

Bob was active in the church and community. He held numerous leadership positions at Wesley United Methodist Church, and taught the Inspirers Sunday School class. He was a board member for several years with Heartline, and a longtime volunteer in the Oklahoma Bar Association's education outreach efforts. He taught "The Law and You" short courses for high school students, and read to preschoolers at Head Start locations in Oklahoma City. He recently volunteered for TEEM, The Education and Employment Ministry.



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Bar Observer

HBS Welcomes Associate Michael A. Dial in Oklahoma City

Hall Booth Smith, P.C. (HBS) is pleased to welcome Associate **Michael A. Dial** to its Oklahoma City office as the firm continues to strengthen its presence in the state of Oklahoma.

Mike focuses his practice on medical malpractice defense, health care, aging services and general liability. Prior to joining HBS, Mike was an attorney at other firms in Oklahoma and Texas where he specialized in personal injury, wrongful death and underinsured/uninsured motorist cases. He also has more than a decade of experience working in healthcare as a radiologic technologist and understands the pressures and complexities that healthcare providers face. He brings this knowledge and experience to bear in every client matter.

Mike earned a J.D., *summa cum laude*, from Oklahoma City University School of Law. He also completed a B.S. in organizational leadership at the University of Central Oklahoma and an A.S. in applied science as a radiologic technologist at Oklahoma State University at Oklahoma City.

Crowe & Dunlevy Welcomes Three Attorneys

Rodney L. Cook, John T. Stone and **Randall J. Yates** have joined Crowe & Dunlevy in the firm's Oklahoma City and Tulsa offices.

Experienced in all areas of tort litigation, Cook focuses his practice on product liability, warranty, insurance, and fraternity law. He represents product manufacturers and insurers in personal injury, warranty, and property damage cases. He also is active in the defense of national and local fraternity organizations in personal injury and university matters. Cook is a director in the Oklahoma City office.

Cook is a graduate of the University of Oklahoma College of Law, where he serves as an adjunct professor, and earned his undergraduate degree from the University of Oklahoma.

Stone joins the firm as an associate attorney in the Oklahoma City office. As a member of the Insurance and Litigation & Trial Practice Groups, he represents clients in a wide range of commercial transactions and business litigation matters. He graduated from the University of Oklahoma College of Law and spent the first six years of his legal career practicing in Dallas, Texas. Stone earned his undergraduate degree from the University of Oklahoma.

Yates is a director in the firm's Tulsa office and a member of the Appellate, Litigation & Trial, and Indian Law & Gaming Practice Groups.

A graduate of the University of California, Berkeley, School of Law, Yates clerked for the Solicitor of the U.S. Department of the Interior in Washington, D.C. during law school. He earned his undergraduate degree from Oregon State University and studied abroad at the Aarhus School of Business in Denmark.

Before joining the firm, Yates served as Assistant Solicitor General for the State of Oklahoma where he advised state officials on emerging legal issues and liti-

gated some of the state's most significant legal matters, including at the Oklahoma Supreme Court and U.S. Supreme Court.

Phillips Murrah Law Firm Names Three New Directors

The law firm of Phillips Murrah proudly announces the promotion of **Robert K. Campbell**, **Jessica N. Cory**, and **C. Eric Davis** to Directors for the Firm. These additions bring the Firm's total number of Directors to 38.

Robert's legal practice is focused in the area of family law, specifically concentrated in matters of divorce, legal separation, and custody issues. He represents clients by providing steady, thoughtful, and resourceful counsel to advise them through significant family and life transitions.

Robert graduated *cum laude* from the Oklahoma City University School of Law in May 2007. Prior to law school, he received his BBA in Business Marketing from the University of Oklahoma, Michael F. Price College of Business, graduating with distinction.

While in law school, Robert received several awards including being on the Dean's Honor Roll and Faculty Honor Roll. Additionally, he was the recipient of the CALI Award of Excellence, which is awarded to the student with the highest grade in the courses as determined by the professor for two of his courses (Legal Analysis and Corporations). He was involved in several student organizations in law school including Merit Scholars, Phi Delta Phi, Phi Kappa Phi, The Association of Trial Lawyers of America (ATLA) and the Student Bar Association.

Robert was born in Texas where he resided before moving to Oklahoma in 1997. In his free time, he enjoys spending time with his wife, Emily, who is also a practicing attorney in Oklahoma City. He enjoys golfing and most outdoor activities.

Jessica's practice focuses on Tax Law, and she represents businesses and individuals in a wide range of matters, including general tax planning, business succession planning, and the structuring of complex transactions.

Jessica has advised clients regarding corporate and general business matters, including choice of entity, formation, tax-free reorganizations, acquisitions and dispositions, and tax planning. She has particular experience working with flow-through entities, including disregarded entities, limited liability companies, partnerships, and S corporations. Jessica has also successfully represented clients in disputes with the Internal Revenue Service.

Prior to entering private practice, Jessica gained valuable experience service as a judicial clerk for United States District Court Judge Robin Cauthron in the Western District of Oklahoma. She then received her Masters of Law in Taxation at New York University School of Law and worked for a law firm in Houston, Texas before joining Phillips Murrah. Jessica is licensed in both Oklahoma and Texas.

Jessica has written and presented on a variety of tax topics, including choice-of-entity in light of the 2017 tax reform, the tax implications of foreign ownership of real property, changes to the partnership audit procedures enacted in

2015, and defending against the trust fund recovery penalty.

Jessica grew up in Killeen, Texas but now lives in Oklahoma City, Oklahoma. In her free time, she enjoys spending time with friends and family, traveling, and training for her next race.

Eric is a member of the Firm's Government Relations and Compliance Practice Group, Clean Energy Practice Group, and Healthcare Practice Group. He represents clients in proceedings before a range of governmental agencies. He serves as prosecutor for the Oklahoma Construction Industries Board, and also frequently practices before the Oklahoma Corporation Commission. Eric's utility regulation experience includes representing public utilities and other stakeholders in rate cases, merger/acquisition applications, applications for certificates of authority, and rulemakings.

Prior to joining Phillips Murrah, Eric served as an Assistant Attorney General in the Office of the Oklahoma Attorney General, and as legal counsel at both the Corporation Commission and the Tax Commission. Eric also served low-income Oklahomans at Legal Aid in Lawton, Oklahoma, and spent two years clerking for the state trial courts of Vermont.

Eric received his J.D. from the University of Michigan Law School where he was managing editor of the Michigan Journal of Race & Law. He received his undergraduate degree from Oklahoma State University where he was named the Political Science Department's "Outstanding Senior." Recognized by his peers as a "Best Lawyer in America" for 2021, Eric is an alum of Leadership Oklahoma City and the Oklahoma Bar Association's Leadership Academy. He is also a past board member of the Oklahoma Bar Association's Young Lawyers Division.

Born and raised in Stillwater, Oklahoma, Eric now lives in Oklahoma City with his wife, Nadine, and their sons, Nathan and Zac. He enjoys music, hiking, PBS NewsHour, and OSU football.

McAfee & Taft Elects Seven New Shareholders For 2022

The shareholders of McAfee & Taft have elected attorneys **Melissa J. Cottle**, **Harrison M. Kosmider**, **Allison C. McGrew**, **Andrew J. Morris**, **Micah J. Petersen**, **William T. Silvia** and **Anna E. Wolfe** as fellow shareholders, effective January 1, 2022. The announcement was made by managing director Michael Lauderdale.

Melissa J. Cottle, a 2014 honors graduate of the University of Oklahoma College of Law, is an ERISA attorney whose practice encompasses a broad range of employee benefits matters involving retirement plans, health and welfare plans, and executive compensation. Cottle's achievements have earned her inclusion in The Best Lawyers in America: Ones to Watch/

Harrison M. Kosmider is a trial lawyer who represents management in all aspects of employment law and litigation. A portion of his practice is devoted to general civil and business litigation. Kosmider's achievements have earned him inclusion in The Best Lawyers in America: Ones

to Watch and Oklahoma Super Lawyers' list of "Oklahoma Rising Stars," which recognizes the state's top up-and-coming attorneys. He is a 2014 honors graduate of the University of Oklahoma College of Law.

Allison C. McGrew practice is concentrated on the representation of clients in matters involving the buying, selling, leasing, financing and registration of aircraft, as well as other matters that fall under the purview of the Federal Transportation Code, Federal Aviation Administration Regulations, FAA Aircraft Registry, and Cape Town Convention on International Interests in Mobile Equipment and the Aircraft Protocol. Much of her work involves the documentation of aircraft transactions and aircraft title and registration matters, as well as negotiating and drafting contracts. She is a 2014 honors graduate of the Oklahoma City University School of Law.

Andrew J. Morris is a trial and appellate lawyer and former federal law clerk whose practice is focused on general civil litigation, including complex commercial litigation and appeals at the state and federal levels. Morris served as a law clerk to the Honorable Scott L. Palk, district judge in the U.S. District Court for the Western District of Oklahoma, from 2018 to 2020 and is particularly regarded for his knowledge and ability to navigate the complexities of the Federal Rules of Civil Procedure and the Class Action Fairness Act. He is a 2013 honors graduate of the University of Oklahoma College of Law.

Micah J. Petersen, a 2014 honors graduate of the University of Tulsa College of Law, is a trial lawyer whose state and federal litigation practice encompasses the areas of complex business litigation, employment litigation, products liability, professional liability, personal injury, and insurance defense. Petersen's achievements have earned him inclusion in Oklahoma Super Lawyers' list of "Oklahoma Rising Stars," which recognizes the state's top up-and-coming attorneys.

William T. Silvia is a corporate attorney whose practice encompasses a broad range of business and commercial matters, including contract negotiations, mergers and acquisitions, divestitures, securities, corporate financing, energy industry transactions, and real estate transactions. A portion of his practice on the negotiation of construction, transportation, and manufacturing contracts in various industries, including the energy industry. Silvia's achievements have earned him inclusion in The Best Lawyers in America: Ones to Watch.

Anna E. Wolfe is a trial attorney whose state and federal practice is focused on general civil litigation, including insurance litigation, ERISA litigation, and complex business litigation. She is a member of the firm's Cybersecurity and Data Privacy Group, representing clients facing complex cybersecurity, privacy and data challenges. Wolfe's achievements have earned her inclusion in The Best Lawyers in America: Ones to Watch and Oklahoma Super Lawyers' list of "Oklahoma Rising Stars," which recognizes the state's top up-and-coming attorneys.

Bar Observer

Hall Estill Announces Six New Shareholders

Hall Estill, Oklahoma's leading law firm, with offices in Tulsa, Oklahoma City, Denver and Northwest Arkansas, proudly announces that E. Job Seese, Diane L. Hernandez, Joel P. Johnston, Tami Hines, Jacqueline M. McCormick, and Margo E. Shipley have been elected Shareholders.

Job is a seasoned trial lawyer. He represents clients in all types of commercial disputes – oil and gas, cannabis, trade secret, and general contractual matters. Before entering private practice, Job clerked for The Honorable Stanley F. Birch, Jr., U.S. Court of Appeals for the Eleventh Circuit. Job received his J.D. from the Washington and Lee University School of Law, where he graduated with highest honors, and his undergraduate alma mater is the University of the South.

Diane's practice is concentrated in employment-based immigration, as well as labor and employment law. She received her J.D. from the University of Tulsa College of Law, with highest honors. While in law school, she served as the editor in chief of the Tulsa Law Review and as Vice President of the Latino Law Students Association. She received her Bachelor of Arts in foreign service/political science and master's in environmental studies from Baylor University.

Joel practices environmental, regulatory, and corporate/transactional law across a variety of industries, leveraging his decade of experience working as a technical and

corporate leader in the environmental consulting arena. He earned his J.D. from the University of Tulsa College of Law with a certificate in sustainable energy and resources law and served as a Notes and Comments Editor for the Energy Law Journal while there. He received his Bachelor of Science in geology from Colorado State University, and he holds a Professional Geologist license in Wyoming.

Tami assists her clients primarily in the areas of bankruptcy and complex commercial litigation, as well as litigation involving oil and gas, construction/contract, and general corporate matters. She serves as an adjunct professor of law at Oklahoma City University School of Law. She received her J.D. from the Oklahoma City University School of Law, cum laude, and her Bachelor of Arts from the University of Mary Hardin-Baylor.

Jacqueline is a litigator representing clients in a variety of matters including professional negligence, oil and gas law, banking, construction law, premises liability, commercial disputes, and employment issues. She received her J.D. from the University of Oklahoma College of Law, and her Master of Business Administration and Bachelor of Arts from the University of Central Oklahoma.

Margo concentrates her practice in litigation, assisting her clients in the areas of complex business and general litigation. She earned her J.D. from the University of Tulsa College of Law, summa cum laude, and her bachelor's from John Brown University.



JUSTICE NOMA GURICH INDUCTED AS A FELLOW OF THE COLLEGE OF WORKER'S COMPENSATION LAWYERS

By: Bob Burke

Oklahoma Supreme Court Justice Noma Gurich was inducted as a Fellow of the College of Workers' Compensation Lawyers at the College's annual meeting in Orlando, Florida, on December 12. The College honors judges, attorneys, administrators, and regulators who have made substantial contributions in the nation's workers' compensation system.

Justice Gurich was a workers' compensation defense attorney before she was

appointed as a judge of the Oklahoma Workers' Compensation Court. She served as a district judge in Oklahoma County before being appointed to the Supreme Court.

Justice Gurich is one of only two state Supreme Court justices in the nation who previously served as a workers' compensation judge.

The College of Workers' Compensation Lawyers is led this year by Oklahoma City attorney Jacque Brawner Dean who was elected President last summer.

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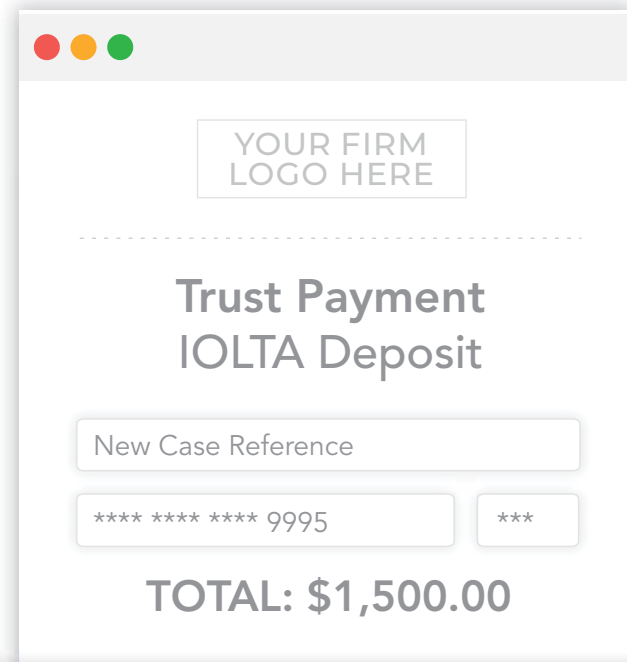
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