MARK YOUR CALENDARS FOR THESE UP COMING EVENTS!

LAW DAY LUNCHEON 2023
MAY 1 – 12 NOON
OKC CONVENTION CENTER

2023 OCBA AWARDS LUNCHEON
JUNE 16 – 12 NOON
PETROLEUM CLUB EVENTS CENTER
LINCOLN BLVD.

MORE INFORMATION IS FORTHCOMING!

Special Judge Jennifer Montagna was sworn-in on March 6.

The Oklahoma County Bar Association recently hosted its annual winter seminar in Santa Fe, New Mexico and, as always, the trip was a fantastic experience. The Ski Seminar chairs – Justin Meek and Michelle Edstrom – did a wonderful job coordinating the hotel and seminar space along with the numerous activities that took place.

For those that have not yet been, this is an annual OCBA event that takes place in Santa Fe and includes three days of CLE along with social events that allow OCBA members – and members of the judiciary – to get a chance to meet each other and socialize outside of the normal OCBA settings.

This year, the CLE topics ranged from review of the Oklahoma County local rules and trial practice by Judge Richard Ogden to the NextGen Bar Exam by Monica Weedn to Immigration law and trial practice by David Van Meter and an legal ethics presentation by the Honorable Justice Gurich. Overall, these were informative and engaging; the presenters did a great job with their programs.

Moreover, the CLEs during the ski seminar were limited to two hours a day (for a total of six hours of three days), which meant that all of the attendees had plenty of time to have lunch at the Shed or Tesuque Village Market. The evenings were filled with social mixers and a happy hour hosted by Travis and Monica Weedn along with dinners of the attendees choosing, which frequently turn into large group affairs.

Many attendees took advantage of the free time to hit the slopes, peruse the art galleries, purchase local wares and furniture, or visit famous landmarks in the area. The group also went on its annual tour of Santa Fe Brewing Company where there was live music and a private tour of the brewery (where samples of the brewery’s many, many offerings may, or may not, have been enjoyed). This year there were approximately 30 attendees (along with spouses, significant others, and the occasional children) and we hope, if you are reading this, you will consider joining us for the annual event next year!
Dear D.H.: Well, it is true that Oklahoma does have precedent suggesting an innocent party may avoid vicarious liability for the intentional fraud of another. Your question doesn’t state whether you raised this in State court, but I suspect this explains why your client wasn’t tagged with punies.

As far as avoiding an adverse judgment in the probably inevitable adverse proceeding, I wouldn’t count on it. In Bartenwerfer v. Buckley, handled down by a unanimous Court in February of this year, the Bartenwerfers sold a house to Buckley but failed to disclose defects as required by state law. The bankruptcy court rejected Kate’s “innocent partner” defense. The Bankruptcy Appellate Panel held that Kate could defend on that theory provided she neither knew nor had reason to know of her husband’s fraud. The Ninth Circuit reversed the BAP holding that a debtor who is liable for her partner’s fraud cannot discharge that debt in bankruptcy, regardless of her own culpability.

Writing for a unanimous Court, Justice Barrett noted: “We are sensitive to the hardship she faces. But Congress has ‘evidently concluded that the creditors’ interest in recovering full payment of debts obtained by fraud ‘outweigh[s] the debtors’ interest in a complete fresh start.’” Ms. Bartenwerfer argued the “fresh start” policy of modern bankruptcy law. Precluding faultless debtors from discharging liabilities run up by their associates, she says, is inconsistent with that policy, so §523(a)(2) (A) cannot apply to her. The Court replied: “[I] characterizes the Bankruptcy Code as focused on the unadulterated pursuit of the debtor’s interest. But the Code, like all statutes, balances multiple, often competing interests. Section 523 is a case in point: Bargaining certain debts from discharge necessarily reflects aims distinct from wiping the bankrupt’s slate clean. Perhaps Congress concluded that these debts involved particularly deserving creditors, particularly undeserving debtors, or both. Regardless, if a fresh start were all that mattered, §523 would not exist. No statute pursues a single policy at all costs, and we are not free to rewrite this statute (or any other) as if it did.” In other words, it paints a picture of the bankruptcy courts as true courts of equity, balancing the competing interests.

Dear D.H.: A young lawyer to whom I rent office space finds herself in the following predicament. A new client purportedly from Dallas contacted her via email addressed to her personally to do some research work on the property. Stating he’d pay the amount owed without litigation, needed to attend to some business out of state, and would call to make payment arrangements. My officemate subsequently received a cashier’s check from the debtor drawn on British bank. The cashier’s check was dated prior to Debtor’s earlier conversation with Lawyer, and not otherwise mentioned. Debtor’s note stated that he would pay the remainder of debt owed to Client within weeks. Lawyer did no further investigation of Debtor’s veracity or authenticity of the cashier’s check. Debtor is now in the proverbial wind. At first blush I assume she’s in a bit of a pickle in terms of professional discipline. B.D., OK.

Dear B.D.: “In a pickle” puts it mildly. Trust account scam. In Trust account scam, a lawyer is subject to liability for her partner’s fraud cannot discharge that debt in bankruptcy, regardless of her own culpability.

The duty of competency requires the lawyer to have the necessary “legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation and the receipt and disbursement of funds. Rules 1.1 and 1.3.

To maintain requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with the technology relevant to the lawyer’s practice, engage in continuing study, the education, and comply with all continuing legal education requirements to which the lawyer is subject.

I think her mistaken reliance on the counterfeit check is unexcused. Given the breadth of notice provided to the legal profession on this common scam, she should have realized that the circumstances required additional investigation. As noted above, Lawyer has a duty to represent his clients with competency and diligence. The duty of competency includes the need to “keep abreast of changes in the law and its practice.” Comment 8 to Rule 1.1 further states, “To maintain requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with the technology relevant to the lawyer’s practice.”

The scenario you’ve described above raises red flags that should alert a lawyer to the potential for fraud in both the representation and the receipt and disbursement of funds. Rules 1.1 and 1.3.

So it’s a tradition here at Roscoe’s that we gather for a St. Valentine’s Day brunch at the shop. I came to the office straight after my Tuesday morning run, eager to undo the benefits thereof. The table did not disappoint. We had Taylor Ham and hard rolls, plus all the fixins for egg sandwiches; Portuguese custard cakes, pierogies, Neapolitan-style pizzas, Puerto Rican empanadas, and cannoli, to name but a few items of the Garden State cornucopia. We had Taylor Ham and hard rolls, plus all the fixins for egg sandwiches; Portuguese custard cakes, pierogies, Neapolitan-style pizzas, Puerto Rican empanadas, and cannoli, to name but a few items of the Garden State cornucopia. Everyone pretty much knows about this annual event so we always have plenty to spare. It did not surprise me when Johnny Sgrorano came in.

“Fill up a plate,” I invited.

“In your office,” he rasped.

He also piled a plate high with pierogies, a Neapolitan and, of course, cannoli.

I have often described Johnny as the closest to an old school gangster as between himself and his brothers. I never saw it so clearly as today. His gray-fringed head, set upon the pedestal of solid muscle, poked out from a long blue coat which probably cost more than my remaining mortgage. The three rings he wore could make a substantial dent in my kids’ student loans. When he removed the coat, his meticulously tailored suit all but completely concealed the bulge of his Beretta Centurion. He sat down behind my desk. His dark look made me pity anyone called upon the carpet this day.

“You heard the news?”

“ Haven’t heard any yet today.”

“What the hell you listen to inna morning when you go to work?”

“Today it was Bob Seger.”

He picked up my TV remote and surfed until he found a news report. I understood what made him so grim. In an obviously coordinated operation, eleven strip mall pawn shops and discount jewelry stores (seven in Jersey, the others in The City) were robbed almost simultaneously. The thieves struck in teams of three, having burrowed in the drywall separating the businesses from their neighbors. This allowed the robbers the shock value of crashing through the walls and, in one instance, dropping through the skylight. At about the same time, another set of bandits hit the Imperium Bank of Staten Island. With obvious inside assistance, they overrode the computerized security locks and helped themselves to targeted boxes. Total take in money and merchandise: about $1.6 million. Total value of purloined documents: inestimable. Each of the businesses hit, including the Bank, had ties to, or were owned by, some one or more higher-ups in local mobdom.

I turned to Johnny and asked what this had to do with me.

He tossed a Valentine card across my desk. He said anyone who was anyone in Greater New York gangland received one. The cover of the card showed the New York Skyline. Two figures appeared to loom behind and above the cityscape. One was Cupid, the other Envar Kaleko. The inside read: New York/New Jersey Underworld Under New Management.

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OKLAHOMA ROCKS!

By: The Hon. James B. Cray (Ret.)

Yes. Oklahoma rocks. To which you might reply, “You’ve got that right.” But that is not the meaning of the title. Rather, it might be clearer if I were to say, “Oklahoma’s official rocks.” For indeed, Oklahoma has official state rocks. And not just rocks. Oklahoma has official state animals, plants, songs, poems, dances, food, and even an astronomical body. As for the rocks, the official state rock is the rose rock, and the official crystal is the hourglass selenite. The acrocanthosaurus atokensis is the state dinosaur, while the saurophaganax maximus is the state fos-sil. Saurophaganax maximus means lord of lizard-eaters, which unfortunately does not roll off of the tongue with the ease of “T-Rex.”

Oklahoma has its own official song, as we all know. But “Oklahoma!” was not our first state song. That honor went to “Oklahoma – A Toast.” In 1953 the legisla-ture changed the state song to “Oklahoma!”; therefore, why it is included among the Oklahoma symbols. It is not as if the thing is locat-ed somewhere around Tulsa. In fact, it is about 29,393,127,000,000,000 miles out in the Milky Way. It doesn’t appear to have any particular ties or importance to Oklahoma. In fact, because of the way time and space interact, for all we know it isn’t even there anymore. After all, the light we are seeing now from the nebula left there about 50,000 years ago.

Back here on earth, there are a few other state symbols we should mention. First, while you might think the bat-tle for state colors centers on crimson and cream versus orange and black, in fact, since 1915 the official colors of Oklahoma are red and white. Possibly someone was a graduate of Michigan State University. Incidentally, both of our major universities predate statehood by almost two decades.

We are all familiar with the Oklahoma state flag. We have seen it many, many times. The basic design of the flag has been in use since 1925, but throughout the years, intentional and unintentional modifications have cropped up, causing the legislature to define the flag anew in 1986. For most of us, the new statutory guidelines have gone unnoticed. However, the flag we know now was not the first state flag. In fact, the first flag was a red background with a white star in the middle, outlined in blue and containing the number 46. Complaints about the colors and appearance, like a Confederate flag or a communist symbol, have been brought before the governor, but are rejected by law, for the flag is submitted to debate on the floor of each chamber, and it is submitted to the Governor for signa-ture. Understanding the process, you might renewal your question of why someone surprisingly enough, this is not a com-plete listing of the symbols of Oklahoma. Almost all of the symbols are the legisla-tive products of either a concurrent resolu-tion or a bill enacted into statute. A concurrent resolution is adopted by both houses but not submitted for the governor’s approval, while a statute has been signed by the governor. You might ask why someone would go to all of that trouble. After all, it is not as if legislatures are sitting in their offices dreaming up symbols for the state. No, it is far more likely that a legislator’s constituents have asked that something important to them become a symbol of Oklahoma. Then, the constituents’ passion has to be converted into legislative enthusiasm for the project, and a bill is born. It goes through com-mittees in both houses, and eventually comes up for debate on the floor of each chamber, and it is submitted to the Governor for signa-ture. Understanding the process, you might renewal your question of why someone would go to that trouble.

I believe the answer is as simple as the process is complex: pride. Not the Pride of Oklahoma, which is a group of musi-cians from Norman. Rather, it is pride in Oklahoma, and the things which make us unique. It is the sight of the hawk indeed making lazy circles in the sky hundreds of feet above, hunting for prey. It is seeing yellow, red and orange Indian Blankets seemingly to set a field afire. It is the fiddle calling out to the past with a mournful lament. It is tracing high-pitched squawks and chirps to a bird on a telephone pole – a bird with a pinkish orange body and almost white head, sporting extremely long tail feathers. The scissor-tailed fly-catcher sails from its perch in search of its insect prey, its tall flaring wide as it twists and turns in the air.

A road trip in early June would take you to another Oklahoma treasure, although it is not an official symbol. To the west of Oklahoma City, you would encounter the waves of wheat turning from green to amber while waiting for harvest. It is Oklahoma’s contribution to the vast sea of grain that stretches out like a wave, miles from Texas up to the northern plains and northwestern states, and on to Canada. In places, the sea of wheat is over five hundred miles wide. As you encountered the wheat fields, if you turned north, you would encounter US 64, and Jet, Oklahoma. Hopefully you packed a buck-et and a small shovel or spade, for just to the north of Jet are the salt plains – home of the hourglass selenite crystal. In fact, it is the only place in the world that you could dig for them.

They are just under the surface of the salt flats. But, if you were looking for water or trees, you would be in the wrong place. They don’t exist on the salt flats. If you find yourself west of Oklahoma City in August, the wheat will be gone. And August is not the optimum time to be on a salt plain. But if it is the second Saturday in August and you turn southwest and drive to Rush Springs, you will find the festival celebrating Oklahoma’s state veg-eetable. The watermelon festival is held in Jeff Davis Park. No, not that Jeff Davis; this one was a state representative from Rush Springs in the middle of the last cen-tury. There you can sample watermelon slices and wedges, or buy whole melons. Or join the seed spitting contests. But if you want to remain neat and tidy, and you don’t want to mess up your shoes, just walk down your chin, then you’re in the wrong place.

You can understand the attraction of dig-ging for the state crystal or celebrating the watermelon, but what about a rock? If you have ever been rose rock hunting, then I don’t need to describe it to you, but if you are venturing on the hunt for the first time, your best bet is to go to eastern Cleveland County, east of Norman. Experienced rose rock hunters will tell you to avoid paved roads. Instead, drive slowly up and down red dirt roads, looking in the ditches along the road. When you get to the right place, you will know it. Sometimes the rose rocks litter the ground as if they were shaken off of a tree, and hundreds rest on the side of the roads, seemingly just waiting for you to find them. You might ask why someone would go to all of that trouble. After all, it is not as if legislators define the flag anew in 1986. For most of us, the new statutory guidelines have gone unnoticed. However, the flag we know now was not the first state flag. In fact, the first flag was a red background with a white star in the middle, outlined in blue and containing the number 46. Complaints about the colors and appearance, like a Confederate flag or a communist symbol, have been brought before the governor, but are rejected by law, for the flag is submitted to debate on the floor of each chamber, and it is submitted to the Governor for signa-ture. Understanding the process, you might renewal your question of why someone

“With the exception of my wife and children, there’s nothing I value more than my Oklahoma heritage.”

James Garner
The fossils of the other state dinosaur – saurophaganax maximus – were found as far away from Idabel as is possible and still be in the same state. They were unearthed in the early 1930’s by John Stovall in Cimarron County, on the western tip of the panhandle. The exhibit of these bones is housed in the Sam Noble Oklahoma Museum of Natural History, at the University of Oklahoma. As you brush up against Oklahoma’s symbols – whether it is the redbud ushering in spring or the mistletoe revealing itself as the autumn leaves fall – you come to realize that the symbols are not just the haphazard thoughts of a bunch of legislators and their constituents. Rather, the symbols exemplify what makes our state unique. And of all of the state symbols, none inspires awe as much as the bison. The majestic ruler of the plains, now recovering slowly from near-extinction. There are two large bison herds in Oklahoma – one at each end of the state. They are in Osage and Comanche counties. Other smaller herds dot the Oklahoma plains. If you cannot take the time to visit the herds in their natural habitat, drop by the Judicial Center in Oklahoma City and ask to see the excellent winter photograph of a snow-covered bison in Chief Justice Kane’s office, taken by his Honorable self. If you do drop in to his office, there is absolutely no need to give me credit for your visit, or to even mention my name, for that matter.

Initially, we may find the list of Oklahoma’s symbols to be amusing, and at time mystifying. Such as the Rosette Nebula. But as we look more closely, we find that many of them describe little parts of what it is to be in Oklahoma – to be an Oklahoman. We find that indeed, we belong to this land, and the land we belong to is grand. All too often our lives are filled with the next thing that has to be done, and we miss out on what makes it worth doing. Our lives are enriched when we can take the time to stop and smell the Oklahoma Rose and remember just why it is that OKLAHOMA ROCKS!
2023 Young Lawyers Chili Cook-Off

Runner Up Most Spirited Team – Team Girl Scouts

1st Place Hottest Chili – Team Maples Nix & Diesselhorst

1st Place Non-Traditional Chili – Team Pierce Couch Hendrickson Baysinger & Green

Most Spirited Team – Team Elias Books Brown & Nelson
Winter Seminar 2023

Erin O’Roke at the Loretto Chapel
Art Work at Canyon Road Art Galleries

Art Work at Canyon Road Art Galleries
Dining at Sazon
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CROWE & DUNLEVY ATTORNEY NAMED TO ORDER OF THE OWL
Crowe & Dunlevy attorney Glen D. Johnson, Jr., has been inducted in the Order of the Owl by the University of Oklahoma College of Law.

Johnson, a director in Crowe & Dunlevy’s Oklahoma City office, is a 1979 graduate of the OU College of Law. With his induction, he joins Crowe & Dunlevy attorneys William G. Paul, the Honorable Thomas R. Brett, Andrew M. Coats, and Judy Hamilton Morse, who were previously honored with this prestigious award in 2011, 2012, 2015, and 2017 respectively. Order of the Owl honorees are recognized for demonstrated leadership and service through outstanding accomplishments in their legal careers. Since its inception in 2011, the Order of the Owl has inducted 33 deserving OU Law alumni. Johnson was inducted alongside three other distinguished OU Law alumni, Dwight Birdwell, Tricia Everette and Prudence Little.

Johnson served as chancellor of the Oklahoma State System of Higher Education from 2007 to 2021 where he led a state system of 25 state colleges and universities and 10 constituent agencies. The State Regents named him Chancellor Emeritus in September 2021. Prior to that, he served as the Dean of the Oklahoma State University in Durant from 1997 to 2006. In 1996-1997, he served as director of public policy at the University of Oklahoma and as an adjunct professor of law at the University of Oklahoma College of Law. From 1982 to 1992, he served in the Oklahoma House of Representatives and was elected speaker of the House in 1990, making him the youngest sitting speaker in the nation at that time.

Johnson graduated with honors from the University of Oklahoma in 1971 and received his law degree with honors from the University of Oklahoma College of Law in 1974. Johnson is a member of the Oklahoma Bar Association, American Bar Association, and Oklahoma State Bar Association.

MICHAEL POWER JR. JOINS MCAFEE & TAFT’S AVIATION GROUP
McAfee & Taft welcomes transactional attorney Michael J. Power Jr. to its firm’s renowned Aviation Group. Power’s practice focuses on the representation of clients, both domestic and international, in matters involving the buying, selling, financing, leasing, operating, and financing 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 his work involves the documentation of aircraft transactions and aircraft title and registration matters, as well as negotiating and drafting contracts.

Prior to joining McAfee & Taft, Power served as the assistant general counsel for the Chickasaw Nation Chamber of Commerce, where he was responsible for researching and advising leadership on a broad range of employment, ERISA/employee benefits, contract, taxation, and tribal matters affecting the Chickasaw Nation.

Power graduated from Oklahoma Baptist University with his bachelor’s degree in religious studies. He then went on to earn his master of divinity degree from Baylor University before completing his Juris Doctor at the Oklahoma City University School of Law. While in law school, he was named an OCU Law Merit Scholar, receiving the vice president of the Native American Law Student Association, and was a member of the Dean’s Diversity Counsel and the Holloway Inn of Court.

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HALL ESSLT WELCOMES BRADEN W. MASON TO ITS OKC OFFICE
Hall Eslin, Oklahoma’s leading law firm with offices in Tulsa, Oklahoma City, Denver and Northwest Arkansas, has announced the addition of Braden W. Mason as the newest lawyer to its Oklahoma City office.

Braden earned his J.D. from the University of Oklahoma College of Law, with honors, in 2021 where he was a member of the Order of the Coif, an honor bestowed on those finishing law school ranked in the top 10% of their class. While pursuing his degree, he received an Oklahoma Bar Association Business Section Award and worked for the Honorable Judge Robert Hudson at the Oklahoma Court of Criminal Appeals where he focused on reviewing post-conviction appeals.

During his time at OU Law, Braden earned the Andrew M. Coats Merit Scholarship, was a member of the Phi Delta Phi Honor Fraternity, and served on the Board of Advocates. He received his B.A. in Philosophy in 2018 from the University of Oklahoma.

JOSHUA W. SOLBERG NAMED PARTNER AT HARTZOG CONGER CASON
Hartzog Conger Cason has announced that Joshua W. Solberg has joined the firm as a partner. Solberg is a trial attorney whose practice encompasses all areas of labor and employment law including discrimination, wrongful discharge, wage and hours and other disputes arising from employer/employee relationships. He represents employers in various litigation matters including claims arising under the Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Family and Medical Leave Act, the Age Discrimination in Employment Act, the Fair Labor Standards Act and other federal and state laws governing employers.

Solberg graduated with a B.A., magna cum laude, from Oklahoma Baptist University before going on to graduate J.D., with highest honors, from University of Tulsa College of Law where he was editor of the Tulsa Law Review and a member of the Order of the Curule Chair. Prior to joining Hartzog Conger Cason, Solberg was a shareholder in a major Oklahoma law firm and previously served as in-house counsel for an independent oil and gas company.

PHILLIPS MURRAH WELCOMES A NEW BANKRUPTCY ATTORNEY
Phillips Murrah is proud to welcome Jason A. Sansom, an experienced litigation attorney whose primary focus is on representing businesses and individuals in financial distress in the law firm’s Oklahoma City offices.

In his practice, Jason has represented clients in matters with the Internal Revenue Service, Oklahoma Tax Commission, Oklahoma Department of Labor, Oklahoma Attorney General, and the Consumer Financial Protection Bureau.

Prior to his private practice, Mr. Sansom served as General Counsel and Corporate Compliance Officer for a local collection agency operating in 46 states.

Jason is admitted to practice in all Oklahoma state, federal, and bankruptcy courts, the United States District Court for the Northern District of Texas, the United States District Court for the Eastern District of Texas, and the Tenth Circuit Court of Appeals.

SUSAN SHIELDS ELECTED TO ACTEC BOARD OF REGENTS
The American College of Trust and Estate Counsel has elected Susan B. Shields, a shareholder and tax and family wealth attorney with the law firm of McAfee & Taft, to its Board of Regents.

The announcement was made during the College’s annual business meeting on March 3, 2023. ACTEC’s Board of Regents is the governing body of the College.

Shields is an ACTEC Fellow who previously served as the Oklahoma State Chair from 2016 to 2021 and is active in the community and professional legal organizations. She has served on the boards for the Oklahoma Bar Association Business Section and the Oklahoma Bar Foundation, Oklahoma City Estate Planning Council, Oklahoma Center for Nonprofits, SpiritBank, and Oklahoma Cleats for Kids. She has also previously served as the president for the Oklahoma Bar Association and as an adjunct professor of law in estate planning and wealth transfer tax at the University of Oklahoma College of Law.

Shields’ achievements have earned her recognition as a top-ranked private-wealth lawyer in Chambers HNW, the guide to the world’s leading high net worth advisers, as well as recognition in The Best Lawyers in America and Oklahoma Super Lawyers, where she has been named to its exclusive “Top 10 Lawyers,” “Top 25 Women Lawyers,” and “Top 50 Oklahoma Lawyers” lists.

Established in 1949, the American College of Trust and Estate Counsel is a national nonprofit association of approximately 2,500 lawyers as law professors who are peer-evaluated on the basis of professional reputation and expertise in the preparation of wills and trusts, estate planning, probate, trust administration, and related practice areas. The College’s mission includes the improvement and reform of probate, trust, and tax laws and procedures and professional practice standards.
The first is that there are over 150 people eligible for Legal Aid’s help under current poverty guidelines who want to file divorce cases but who have been placed on a waiting list for interviews because the current staff cannot competently represent any more clients than they are now. In other words, a person determined today as the Family Division) files some of the information Marilyn gave for talking a lot and not really doing any-

In response to these problems, the County Bar Board of Directors has agreed to administer a one-year experimental project nobody could take issue with. More specifically, the project will reduce the backlog and thereby speed up the delivery of legal services, will help the lawyers at Legal Aid of Western Oklahoma, and will afford some local lawyers the chance to discharge their obligations under Canon 2 of the Code of Professional Responsibility to assist our profession in making counsel available. Marilyn assured me – and I believe her – that this project (which will be reviewed by the OCBA Board of Directors after a year’s operation) is in no way a step toward mandatory pro bono work in Oklahoma County. In fact, she opposes mandatory pro bono because of her confidence in the lawyers of the local bar and she knows of no support in Oklahoma City for such recommendations as made by the ABA’s Kutak Commission. I visited with Marilyn about a couple of other matters that I think are of some interest. For one thing, she notices a decline in opposition to Legal Aid on the part of private attorneys and attributes that to several factors. First, Legal Aid Attorneys are perceived as competent professionals by the practicing bar and the judiciary. This is owing not only to their handling of litigation, but also to their tendency to specialize, which in turn enables them to speak authoritatively on the subject of their specialty both in the courtroom and in the classroom. Secondly, local attorneys see Legal Aid as representing the poor and realize that they themselves have been relieved of the burden of doing a lot of pro bono work. Legal Aid in fact receives a number of referrals each month from the private bar. Third, Legal Aid representation of their clients generates business for the private bar. (It still takes two to tango.)

One last point: from talking to Marilyn I learned of an apparent decline in burnout among her colleagues. Burnout is the emotional frustration suffered by practitioners of the helping professionals who realize that all their clients’ problems will never be completely solved. In this particular program the opportunities to specialize, change specialties, and even to change offices have fostered a sense of satisfaction and accomplishment that seems to be leading some Legal Aid lawyers to consider making a career of poverty law. The resulting stability of personnel is certain to contribute to improved representation.

Marilyn has now been promoted to Managing Attorney of the Oklahoma City office; but she would be happy to answer any questions about the pro bono project and encourages lawyers to join the panel.
OCBA Law Day: Ask a Lawyer

In Partnership with the Oklahoma Bar Association
Volunteer lawyers will answer questions from the community via email and by phone. Remote option for email available.

Date: Monday, May 1, 2023
Place: Oklahoma Bar Association- OKC
Address: 1901 N Lincoln Blvd, Oklahoma City, OK 73105

Breakfast, lunch and dinner available at no cost to volunteers.

The following shifts are available to answer phones or emails (in person) during the OCBA’s Ask-A-Lawyer program. Please email Connie Simmons with your preferred shifts and your preference for phone or email.

8:45 a.m. – 11:00 a.m. ___ 11:00 a.m. – 1:00 p.m. ___ 1:00 p.m. – 3:00 p.m. ___
3:00 p.m. – 5:00 p.m. ___ 5:00 p.m. – 7:00 p.m. ___ 7:00 p.m. – 9:00 p.m. ___

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