OCBA YLD Kicks Off Harvest Food Drive

By: Cami Ruff, YLD Chair & Harvest Food Drive Chair

Each year the Oklahoma County Bar Association’s Young Lawyers Division pledges to raise $20,000 to benefit the Regional Food Bank of Oklahoma. This year, more than ever, we need your help. For many in our state, Covid-19 has had devastating, long-term effects, and unfortunately for many, the move into 2021 has provided little relief. Oklahomans have lost their jobs, been evicted from their homes, and struggled to feed their families. On top of these issues, Oklahoma is one of the hungriest states in the nation. One-in-six Oklahomans struggles with hunger, and one-in-four children in Oklahoma struggle with hunger daily. These recent months have brought change and challenge to almost everyone we know. What can YOU do? A donation of just one dollar provides 5 meals for hungry

See FOOD DRIVE, page 8

OCBA Welcomes New President Shanda McKenney

Shanda & Chad McKenney
Most of us have at least one person who has been a mentor to us personally or professionally. In my own life, before there were coaches and professors and bosses, there was Denise. I think I was about seven years old when we met.

After his Air Force obligation, my father worked his entire adult life for the phone company. The main part of his job was to supervise a crew of repair technicians, including several “pole climbers.” These were technicians who also had responsibility for manually scaling telephone poles to repair problems at the tops of the poles, without any assistance from bucket trucks, scissor lifts, or other mechanical equipment. There were pegs planted in opposing sides of the pole that acted as a ladder, and a safety strap created tension and space when the person leaned against it. This was dangerous work at the best of times, and was sometimes required during nasty weather.

I distinctly recall one evening in about 1982 when it became known to our family that Dad was getting a new employee on his team: the first female pole climber in Oklahoma. This fact came to my attention because my Dad was clearly not happy about the assignment, but that was the last I remember hearing on the subject, other than the fact that her name was Denise.

I had a vivid imagination as a youngster, and created a whole new character in my brain. Denise must be REALLY tall and possibly built like a giant football player. But if that was true, then why was my Dad so anxious about her working for him? My imagination eventually churned up a thousand other questions - How could a smaller person possibly do that job? Why would a girl WANT to do that job? Did they even make work boots that would fit a girl? Did she get all sweaty and dirty like the guys did? Did the guys on the crew give her a hard time? She must not have kids if she was doing a dangerous job like that.

Denise had a child about my age, so eventually I was invited to a birthday party at her house. I was far more excited about meeting Denise than I was about the party. I was about to meet this super-woman in the flesh! I was gob smacked when I discovered that she was as ordinary a woman as I’d ever met. She was almost on the petite side and was dressed in a frilly top and bell bottom jeans. She even had long hair! She was an ordinary mom as she led pin-the-tail-on-the-donkey and then doled out cake and ice cream to the crowd of kids huddled around the table. It was a pretty swell party, as far as I was concerned.

Denise didn’t stick around too long; just a couple of years. But her peripheral presence in my life had a uniquely profound effect on my way of thinking. The stereotypes and preconceived notions I grew up with in small town, rural Oklahoma were substantially altered. Women COULD do hard, dangerous, dirty work, if they wanted to. You can be a mentor to others simply by your mere presence.
I hope all my friends in Oklahoma are OK. Judging by the news reports, you’ve just been dry-roasting for a bit. Here in the Garden State, we’ve got flooding, catastrophic damages to homes and businesses, and, tragically, deaths. It should go without saying but I’m gonna say it anyway. Ida was no lady. It’s about at the point where I think I’ll just cast a line off the front porch and see what I reel in. Looking out at the river flowing through my street I’m thinking “Sharknado 5: Jersey Shark.” Actually, flood waters or not, I’m actually finding myself swimming with sharks more now than ever. More on that in a minute. First, to the questions.

Dear Roscoe: What about pop cultural references in legal briefs? I know you’re not crazy about humor in briefs, but I have a First Amendment case in which I’m really tempted to quote from The Simpsons: “Today we are gathered to put a stop to something that would have been considered innocent 100 years ago, but which in today’s litigious society has been blown completely out of proportion.” MH, OKC

Dear MH: Really? So much greatness to draw from and you want to quote Seymour Skinner? Obviously, you haven’t had enough electric shock therapy in your life to date. OK, so in columns past I have spoken of electric shock therapy in your life to date. As to the former, judges obviously are on the cutting edge of the law (Note to Rex Travis: Surely that’s in the public domain by now). It just so happens that, since that column, the Utah Supreme Court handed down Bagley v. Bagley 2016 UT 48. There, as the court described it:

So here’s what’s going on: Bagley the personal representative of her husband’s estate is suing Bagley the defendant who allegedly caused the accident. Bagley the heir of her husband has also joined as a plaintiff because she has an interest in the proceeds if Bagley the estate representative collects. Because Bagley the defendant has insurance, Bagley’s insurer is interested because it would have to pay the judgment to the husband’s estate if Bagley (again the defendant) is liable.

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Creative! Yes. Unfortunately, the court ruled against his side. The opinion made no reference to his clever submission, but court did cite Emily Dickinson: “There is no frigate like a book! To take us lands away.” My kinda gal.

Dear Roscoe: Are you sure you can’t save yourself? H. K., OKC

Dear H. K.: My tender senses are tingling. I sense a trap. I have previously weighed in on this issue, calling upon the case of Lodi v. Lodi, 173 Cal. App 3d 628 (1985) as authority for the proposition that one may not sue oneself. I, Lodi, as “reversioner” of a charitable trust, sued himself as trustee to terminate the trust and terminate all claims by “persons claiming under the trust” to the trust property. The court dismissed the case because it failed to find a legally sufficient injury caused plaintiff-defendant.

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And the result: This case is about whether a person acting in the capacity of sole heir and personal representative of an estate can sue him or herself as an individual for damages …. The district court dismissed her lawsuit, concluding that the plain language of the statutes and certain public policies precluded a person from simultaneously acting as plaintiff and defendant in a wrongful death or survival action suit, regardless of the capacity in which that person was acting. The court of appeals reversed, concluding that the statutes unambiguously allow Ms. Bagley to maintain this lawsuit. We agree with the court of appeals. I hasten to say that this case turned on specific language in Utah’s wrongful death statute. It should not be taken as a matter of general applicability. Several other cases of “autolitigation” have come down since I first wrote about it in 2012. [and a tip of the hat to Kevin Underhill of Lowering the Bar for coming that term]. This case is not reported in any reported appellate decision but Wells Fargo as primary mortgagee sued itself in Highland County Florida as second mortgagee to determine its own priority of payment. In a display of admirable prudence WF hired two different firms to represent itself as plaintiff and defendant (way to police those potential conflicts). Last I heard, Wells Fargo as defendant filed a general denial answer. You can’t make this stuff up. So, autolitigation occurs more frequently than I once supposed. It makes me think of Ambrose Bierce’s comment that in a lawsuit “both parties go in as pigs and come out as sausage.” It also reminds me of the thing that the good sisters at Our Lady of Petulance taught me … make us go blind if we did it too often.

I returned to work feeling relaxed and refreshed after my vacation. With a freezer full of blues, I thought fondly of Labor Day and my annual cookout. Those thoughts popped and fell away like the mythical Mr. Bubble. I noticed two Cadies in the parking lot, one a golden classic of yesteryear, the other a key lime monstrosity perhaps acquired on the Mount Everest of kitsch. The latter had a “Handicapped” placard dangling from the rearview mirror, a knock off I could tell, but a practically flawless one.

Inside I could hear voices coming from behind my closed office door. About half a dozen silent and sullen would-be customers filled the visitors’ chairs. Rae sat calmly at her desk reading a magazine called Gothic Beauty. As the cover promised a bio-piece on Vincent Price, I might just ask to borrow it. A solidly built older gentleman seemed to preside over the whole lot. He wore a short-sleeve white shirt and a burgundy tie. His nose showed signs of repetitive breaks and his left ear was of the cauliflower type. His posture bespoke military experience and his tattoos – Navy Star on one arm and a Dugger and Rose with the legend “USS Fort Marion 1946-1970” – confirmed it.

“Whaddda say Ic’e?” I said by way of a greeting.

“Non c’e male,” (Not bad) he replied.

Tommy farnacome, a/k/a Tommy-Ice Cream-Cone a/k/a Ice came to Tony Seegar and his brothers via inheritance from their late dad. In his day, he fulfilled many of the same duties as Ernie Trani did today, including grooming Ernie as his successor. Tommy spent way too much time at Aqueduct and Atlantic City thinking himself, and encouraging others to think of him, as a higher roller than his bank balance allowed. As most mobsters lack cafeteria plans or pension benefits, and tend to work off the books, Tommy had virtually nothing put aside for his old age, possibly believing he wouldn’t make it that far. Tony and his brothers found work for Tommy to do which pretty much kept him out of the muscle jobs of his youth. Mostly this consisted of overseeing house and grounds security; occasionally showing up at a construction site to perform “supervisory”; and chauffeuring the brothers to lower or no-risk meetings.

“Driving the Big Boss today?” I asked.

“Nah. He’s givin’ some new kid a try with Old Gold. I got the trailing car.”

“Ernie here too?” Tommy shook his head. “He’s in Vancouver on an assignment.”

“Doing what? Or should I ask?”

“Mostly staying away from you.” “Huh?”

Tommy shrugged. “Look, I’m just working. I don’t really know nothin.”

He opened the door, giving me the go-ahead to enter my own office. As I entered, my first step hadn’t even returned to the floor before red-faced Hughes pater left his seat and rushed me.

“You started this Roscoe,” he thundered.

“Now you gotta finish it.”

“Started what,” I asked with infuriating calm.

“Him,” came the cryptic response.
moved the family a few miles westward and set up his offices there. While young Orban was the fourth child of Dr. Patterson, he was not the last. Four daughters would be born to Dr. and Mrs. Patterson, including Vera Cruz (1891) and Verne (Vernor) in 1895.

Shortly after moving to Maysville, Dr. Price had a business dispute with another local doctor, G.W. Herrod, with whom he had initially partnered. In an early case of restrictive covenants in employment, Dr. Price had sold his practice to Dr. Herrod in the winter of 1905 so that he could attend a medical sympoium in London, England. Herrod bought the Patterson practice in Maysville. After the medical symposium concluded, Patterson moved back to Paul’s Valley, but practiced all over McClain and Garvin County. When Dr. Herrod protest ed, an argument ensued and the two doctors took to arming themselves whenever in town (Maysville). Dr. Herrod had a penchant for hardship and on several occasions boasted that he was going to “kill Patterson.” In August 1906, the contract dispute culminated in the two doctors meeting in Maysville Sample drugstore. Testimony at the subsequent trial revealed that Dr. Patterson came into the store and saw Dr. Herrod present. Dr. Patterson retrieved a shotgun from the back of the store and confronted Herrod. Patterson told Herrod to drop his holster pistol to the floor. Herrod instead (with arms in the air) turned and began feinting downward with his shoulder. This was a classic “turn and draw” maneuver for gunfighters. But Dr. Patterson was the product of hard times and sterner stuff. He unloaded both barrels into Dr. Herrod at point-blank range, practically bisecting the doctor. Dr. Herrod ran to Paul’s Valley where he turned himself into local authorities, who took him to Ardmore to the federal jail. A lawyer tried for manslaughter and convicted in early 1907, receiving a 10-year sentence. However, Patterson posted bond (indebting himself in $40,000) for 4 years maintained appeals to the Territorial Courts and then the newly formed Oklahoma Criminal Court of Appeals. Legal students often do not appreciate the complexity of going from federal jurisdiction to an organic statutory state. While statehood for Oklahoma was achieved in November of 1907, the Patterson Appeal could not be heard until after the jurisdiction of the court Criminal Court of Appeals was established with House Bill 397 on May 18, 1908. Dr. Patterson was an adroit and capable community leader in Garvin and McClain Counties. A staunch Democrat, he eventually prevailed upon friends in the Democratic Party to obtain a gubernatorial pardon. Legal wrangling occurred as to the legality of whether the governor could issue a pardon to the boisterous, flamboyant Patterson just prior to statehood in a federal territory.

Herrod’s slaying had a detrimental impact on Patterson’s practice. He was indicted for his court imprisonment/trial/appeal, and much of the public in the county actually liked Dr. Herrod. At the time of Herrod’s death, Orban was a strapping 16-year old with plans for higher education. Accounts conflict on his latter schooling, but the rough frontier life molded young Orban’s perspectives. He keenly observed the lawyering that was occurring around his father. Observing the motions, pleadings, orations, and appeals, Orban resolved that he would make himself into an American lawyer. Despite Dr. Patterson’s legal woes, it would actually be another member of the family that would be his ultimate undoing from an unlikely source.

Master Wade Hampton Williams was the epitome of the handsome, rich-kid with attitude. Born in 1885, the 24-year old Wade was five years older than Orban Patterson and ten years older than Verne, Orban’s younger sister. In 1910, 15-year-old Verne caught the eye of wild Wade, and they began a whirlwind, star-crossed romance. Initially Wade was welcomed into the Patterson family gatherings, as the Williams family was solid local stock. The Williams family had a bank in Purcell and ran cattle herds from Paul’s Valley to the Red River. The Williams’ family patriarch was 54-year old Samuel (Sam) Lowery Williams. Williams was a self-made man of means with a rich pedigree. His father S.L. Williams was one of the founding fathers of Chattanooga, Tennessee, and held extensive holdings in land, labor and capital. The Wild West was well acclimated for this hardy land and cattle baron. As with most tempestuous romances, (back in the days before pharmaceutical-grade birth control), Verne conceived. She had been employed as a school teacher in Maysville after graduating high school. Few details are known about the conception, abortion, and subsequent bannings of Wade Williams from the Patterson lives. But one thing is certain: Dr. Patterson was excessively disturbed by the shame which had been inflicted upon his family.

The Williams Family understood they had a problem with their “deuce Patterson”. It had been a decade since Patterson had killed Dr. Herrod in the Sample Drug Store in Maysville. Apparently Sam Williams ordered Wade to take care of Patterson. On October 28, 1916, Dr. Patterson emerged from the drug store and was confronted by either wounded or confused Wade Williams. Dr. Patterson pulled his gun and fired once wildly. Young Wade, already poised to fire, walked toward the doctor emp tying his automatic pistol. Three bullets tore into Patterson and he died within 20 feet of the door that Doctor Herrod was hoping to reach 10 years earlier. Allegedly, Sam Williams stood and watched the entire tragedy from the window of the local bank.

Word of the killing rapidly spread, Vera called her brother Orban at the Law Offices of Moman Pruitt in Oklahoma City. Orban had graduated high school and attended law school at the University of Oklahoma, gradu ating in 1914. His father’s political connections (Democrat) had earned him an introduction to Oklahome’s Chief Justice Samuel Harris of Oklahoma City to the boisterous, flamboyant, and egocentric Moman Pruitt, the Washita Stud. Pruitt was a trial lawyer extraordinaire. This was a unique time in Oklahoma’s legal history when the common law, territorial law, federal law, the unwritten law, state law and the earliest forms of an evidentiary code were lighting for meaning and relevance. Moman Pruitt was a hard-charging, rule-bending operator of extraordinary ability. He could recall facts and quotes with breathtaking ease, and possessed a photographic memory. The fact that Orban Patterson was working with Moman Pruitt on the 5th Floor of the Lee Building in Oklahoma City spoke volumes. Back in those days, special prosecutors could be brought from out-of-county when a case was deemed conflicted, overly complex, or excessive in scope of work. Of Dr. Patterson, by the local magnate’s son created such a conflict. The Williams family hired Judge Samuel Harris of Oklahoma City to defend against the murder charge. The State was represented by an out of county prosecutor and special counsel Moman Pruitt. The trial concluded with a not-guilty verdict in January 1917. Moman went back to the law office and practically begged his young protégé to let the dead die. Orban may have actually thought about the senior lawyer’s words. But they came to naught when the rains of March brought more bad news.

Verne Patterson had become increasingly distraught since murder of her father. The 21-year school teacher had become hopeless and distant from her family. Her failed love affair with Wade and the acquisition of Wade by the Paul’s Valley jury compounded her depression. Verne came to Oklahoma City to meet with Orban in early March 1917. She stayed at the Temple Hotel near downtown. On the night of March 6, Vera asked the Temple hotel operator several times to call to “Mr. Wallace” in Paul’s Valley, without success. Later that evening, Verne penned two notes: one to Orban and another to Wade Williams. Verne put on her finest clothes, sat on the edge of the rickety bed and drank a poison cocktail, probably using chemicals procured from her deceased father’s medical bag.

The next day, Orban Patterson, promising young attorney, came to identify the body, and pocketed both of Verne’s final notes. To Be Continued . . .
Reid Robison, a past president of the Oklahoma County Bar Association and a highly accomplished trial lawyer known for his successful representation of clients in courtrooms across the nation handling high-stakes litigation, passed away on August 4, 2021.

Reid graduated from the University of Oklahoma College of Law in 1968 and fell in love with the practice of law and the challenge and excitement of the courtroom while serving as a captain in the U.S. Air Force JAG Corps for 3½ years. Immediately after completing his military service, he joined McAfee & Taft, where he would spend the next 48 years until his retirement in February 2020.

Within a week of joining McAfee & Taft as a young associate, he tried his very first case, defending a client against environmental contamination charges brought by a sympathetic plaintiff with an uncertain future. His skills as a litigator earned him perennial inclusion in numerous prestigious industry publications, including the Chambers USA Guide to America’s Leading Lawyers for Business, Benchmark Litigation, The Best Lawyers in America, and Oklahoma Super Lawyers. In addition to being selected as a fellow of the Litigation Counsel of America, he was a fellow of the International Academy of Trial Lawyers and previously served as its Oklahoma state chairman. In 2013 he was honored with the Oklahoma Bar Association’s Neil E. Bogan Professionalism Award. Two years later, the Oklahoma County Bar Association honored Reid with its Bobby G. Knapp Leadership Award.

Reid is remembered by his colleagues and friends as a consummate professional, gifted writer, and incredibly rare talent—methodical, meticulous, quick-witted, and always thoroughly prepared. He was a larger-than-life presence with a voice that resonated of class, control, and a command of the courtroom. Reid’s skills as a litigator earned him perennial inclusion in numerous prestigious industry publications, including the Chambers USA Guide to America’s Leading Lawyers for Business, Benchmark Litigation, The Best Lawyers in America, and Oklahoma Super Lawyers. In addition to being selected as a fellow of the Litigation Counsel of America, he was a fellow of the International Academy of Trial Lawyers and previously served as its Oklahoma state chairman. In 2013 he was honored with the Oklahoma Bar Association’s Neil E. Bogan Professionalism Award. Two years later, the Oklahoma County Bar Association honored Reid with its Bobby G. Knapp Leadership Award.

Reid Robison, 12/7/1944 – 8/4/2021

By Jack Dawson

The following factual situation came before the Fee Grievance and Ethics Committee recently.

An attorney is representing a liability insurance carrier on a case-by-case basis—automobile liability cases, for the most part. He has such open files in his office. He expects—and hopes—they will retain him on such cases in the future. He signs a contingency fee contract with a person injured in an automobile accident. He later finds out the negligent driver is insured by the same insurance company. He determines that the driver is judgment proof. He then determines the policy limits on the policy issued by the same insurance company. There is a possible policy defense. He settles the claim for a reduction in the contingency fee. He does not tell the injured client of his relationship with the insurance company.

Canons of Ethics—Canon 5 provides:

“A lawyer should exercise independent professional judgment on behalf of a client.”

Our Committee overwhelmingly, if not unanimously, felt that a technical, but noninjurious, violation of DR 5-105 had occurred.

“In situations covered by DR 5-105 (a) a lawyer may represent multiple clients if it is obvious that he can adequately represent the interests of each and if each consents to the representation after full disclosure of the possible effect of such representation on the exercise of his independent professional judgment on behalf of each.”

The Committee decided to send a private letter of censure to the attorney. Had there been more like-minded members, the well-intentioned attorney would have experienced even more anxiety than he already has.

Moral: TELL IT ALL, BROTHERS AND SISTERS – YES, EVEN THAT PART.
2021 Raising the Bar Highlights

Incoming President Shanda McKenney presented Outgoing President Don Andrews with a plaque commemorating his service.

Outgoing YLD Chair Kristin Meloni, Incoming President Shanda McKenney, Outgoing President Don Andrews and Incoming YLD Chair Cami Ruff

Jessica Dark & Hailey Hopper

Jerry Green with Angela & Mark Bahm

New President Shanda & husband Chad McKenney

Rachel Pappy, Judge Trevor Pemberton & Katherine Mazaheri

Judge Ken & Barbara Stoner

Justice Noma Gurich & John Miley were the first to hit the dance floor!

Bob Nelon & Shanda McKenney
OAMIC provides the assurances and security I need as a solo practitioner. I like having a local company who is invested in our community.

- OAMIC policyholder
Michael D. Carter
To Receive 2021 DRI Kevin Driskill Outstanding State Representative Award

Michael D. Carter of Phillips Murrah P.C. has been selected as the 2021 recipient of the Defense Research Institute (DRI) Kevin Driskill Outstanding State Representative Award. DRI is the leading organization of civil defense attorneys and in-house counsel.

Each year, the award is presented to a current or immediate past DRI state representative who has made significant contributions toward promoting DRI membership within his or her state, has been instrumental in implementing a significant, unique program to foster the relationship between DRI and the State and Local Defense Organization (SLDO) to enhance cooperation between DRI and the State and Local bars, and has enhanced the public’s view of the role of the defense lawyer in the broader society.

Carter has been a DRI State Representative since 2018 and was DRI’s State Membership Chair in 2017-2018. He will be honored with the Kevin Driskill Outstanding State Representative Award during DRI’s annual meeting in October in Chicago.

Carter is an experienced litigator and represents a wide variety of parties in environmental and toxic tort cases in state and federal courts. In addition, he is a long-time policy advisor on workers’ compensation issues in the state of Oklahoma.

Contact Michael D. Carter at 405.606.4715 or mdcarter@phillipsmurrah.com

Allen Brings Strong Litigation Background to Spencer Fane

Spencer Fane LLP is pleased to announce Hilary Allen has joined the Litigation and Dispute Resolution Practice Group as a partner in the firm’s Oklahoma City office.

Allen assists clients in successfully resolving complex litigation, leaning on years of experience in civil litigation, insurance, personal injury, products liability, contracts, bad faith, employment, oil and gas, environmental, construction, constitutional, commercial and medical malpractice matters. Allen understands her clients’ goals and helps them navigate litigation matters by providing efficient and effective strategies that are focused on yielding positive resolutions. She has been a presenter for various NBI seminars on Damages, Insurance Law, Employment, and Litigation and has taught numerous insurance and trial techniques seminars for other attorneys and adjusters.

Allen completed her undergraduate studies at the University of Oklahoma and went on to earn her Juris Doctor from the University of Oklahoma College of Law.

Phillips Murrah Participates In 2021 Mansfield Rule Certification

Phillips Murrah P.C. is pleased to announce our participation in Diversity Lab’s Midsize Mansfield Rule certification process. During the 18-month certification period, more than 70 participating firms across the nation will track activities that demonstrate their commitment to diversity, equity, and inclusion. Phillips Murrah is the only Oklahoma-based firm participating in the 2021 Midsize Mansfield Rule.

Diversity Lab created the Mansfield Rule to increase the representation of historically underrepresented lawyers by broadening the pool of candidates considered for advancement. This includes consideration for entry-level and lateral attorney job openings, leadership opportunities, equity partner promotions, and client presentations and interactions. After successful completion of the Midsize Mansfield Rule criteria, participating firms will be designated as Mansfield Certified.

In 2020, Phillips Murrah ranked 12th in the Law360 “Glass Ceiling Report” for U.S. law firms of 100 or fewer attorneys based on our percentages of female attorneys and equity partners. Additionally, Phillips Murrah was ranked among “The Ceiling Smashers” for “outpacing peers as the legal industry works towards closing the gender gap in its top ranks.”

Food Drive continued from page 1

Oklahomans, and 96 cents out of every dollar donated is attributed directly to hunger relief. Every dollar donated provides five meals to hungry Oklahomans. In addition to collecting donations, the Regional Food Bank also provides several fulfilling volunteer opportunities to assist with tasks such as sorting and storing food. Each year, the Regional Food Bank welcomes more than 44,000 volunteers who contribute more than 137,000 hours of service – saving the Regional Food Bank more than $2.4 million in labor volunteers.

This fall, be on the lookout for a letter from the YLD and expect to be contacted by YLD board members about tax-deductible donations to the Harvest Food Drive. For nearly twenty-five years, the YLD’s partnership with the Regional Food Bank has been made possible by generous donations from local attorneys, businesses, and law firms. If you are able to do so, please consider a donation to aid the YLD in fighting hunger in Oklahoma. The YLD is honored to work with the Regional Food Bank and represent the Oklahoma County Bar Association with good works in our community. If you would like to donate to the YLD’s Harvest Food Drive, please contact the Oklahoma County Bar Association at (405) 236-8421. The YLD is working hard to receive all donations in by early December, but will continue to accept donations through the holidays. To learn more about the Oklahoma Regional Food Bank and volunteering opportunities, please visit their website at www.regionalfoodbank.org.

2021 Golf Tournament

CHAMPIONSHIP FLIGHT

1st Place – Jim & Clay Ferguson, Don Cooke & Larry Spears

2nd Place – Tess Knapp, Morgan Burch, Brett Burch & Zach Lee

1ST FLIGHT

1st Place – Michael McCormick, Russell Lissuzzo, Curtis Thomas & Michael Avery

2nd Place – Eric Long, John Settle, Brad Blystone & Lonnie Brown

2ND FLIGHT

1st Place – Andrew Henry, Garrett Lessman & John Barbush

2nd Place – Will Hoch, Brian Self & Tim Gallegly

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• Mansell Engel & Cole
• The Martino Law Firm, PLLC McAfee & Taft
• Mullinix Eddy Ewert & McKenzie Phillips Munroh
• Amy Pierce, Mediator
• Rimkus Consulting Group, Inc.
• Scott’s Printing & Copying
• Bill Warren Office Products White & Weddle

Golf Tournament Chair Gary Chilton presents prizes.
OCBA Hosted OK County Judges & Legislators – August 29

Chris Deason & Judge Perry Hudson

Cody Cooper & Monica Ybarra

Judge Sheila Stinson & Shanda McKenney

Judge Heather Coyle & Gary Wood

Judge Richard Kirby & Gary Wood

Judges Don Andrews & Susan Stallings

Shanda McKenney, Representative Jose Cruz, Senator Kay Floyd & Representative Preston Stinson

Representatives Max Wolfley & Jose Cruz

Representative Marilyn Stark & Judge April Collins

Judge Anthony Bonner & Shanda McKenney
Let the Punishment Fit the Crime
In Memoriam: Hon. Ron Howland

By: Kent Frates

Many lawyers will remember Ron Howland (1934-2021) as a clerk for a U.S. District Judge, an assistant U.S. District Attorney, or a longtime U.S. Magistrate Judge. Ron fulfilled all of these roles conscientiously and competently. He will also be remembered as a lifelong runner who typically ran with a group of friends from the Downtown YMCA. While I knew Ron in all these capacities—and also as a friend—one memory I will not forget is the sentence he gave my client in a federal criminal case.

There was a time when defendants charged with crimes in the U.S. District Court were represented, pro bono, by lawyers who practiced before the court. This responsibility was taken seriously by both Judges and lawyers and very few excuses were made (and fewer granted). When a Judge or his clerk called, the summoned lawyer almost always undertook the designated defense.

Thus, I was not surprised when Judge Howland appointed me to represent Joe, a young, black man who was charged with petty theft (a federal misdemeanor subject to trial before a Magistrate Judge). The young man, Joe, about eighteen or nineteen years old, had been employed at the Federal Courthouse as a maintenance man and had been fired for tardiness and absenteeism. Angered by his firing, he had gotten drunk and returned to the courthouse. Upon his return, he alleged stole $40.00 from the food and coffee bar in the basement of the courthouse, operated by blind people.

Initially, I told my law partner that surely I could win the case because there would be no “eye witnesses.” Unfortunately for Joe, this bad joke proved false as several customers at the lunch stand had seen Joe steal the money.

As it turned out Joe was actually a decent guy. He had never been in any kind of trouble before. He realized he had done something stupid, admitted his mistake and immediately offered to repay the money. Given those circumstances and the evidence against him, Joe decided to enter a guilty plea and, throw himself at the mercy of the Court.

On the day of sentencing, Magistrate Howland assumed a solemn, stern judicial demeanor. The judge advised Joe of his rights and the maximum extent to which he could be punished. He then imposed the sentence: restitution (a fine of $100), three months’ probation, and 80 hours of community service, to be rendered to the League for the Blind.

Later, when I told Ron it was a most appropriate sentence, he simply smiled. His wisdom—and compassion—will be sorely missed.

Kent F. Frates

New District Judge Sworn In

District Judge Kaitlyn Allen was sworn in on September 3 by District Judge Sheila Stinson.

The Attorneys’ Preferred Insurance Program

Advising and Protecting the Legal Profession

Now available in Oklahoma, The Attorneys’ Preferred Lawyers’ Professional Liability Insurance Program, offers proprietary policy enhancements, designed to mitigate claims before they arise.

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Let the Punishment Fit the Crime
In Memoriam: Hon. Ron Howland

By: Kent Frates

Many lawyers will remember Ron Howland (1934-2021) as a clerk for a U.S. District Judge, an assistant U.S. District Attorney, or a longtime U.S. Magistrate Judge. Ron fulfilled all of these roles conscientiously and competently. He will also be remembered as a lifelong runner who typically ran with a group of friends from the Downtown YMCA. While I knew Ron in all these capacities—and also as a friend—one memory I will not forget is the sentence he gave my client in a federal criminal case.

There was a time when defendants charged with crimes in the U.S. District Court were represented, pro bono, by lawyers who practiced before the court. This responsibility was taken seriously by both Judges and lawyers and very few excuses were made (and fewer granted). When a Judge or his clerk called, the summoned lawyer almost always undertook the designated defense.

Thus, I was not surprised when Judge Howland appointed me to represent Joe, a young, black man who was charged with petty theft (a federal misdemeanor subject to trial before a Magistrate Judge). The young man, Joe, about eighteen or nineteen years old, had been employed at the Federal Courthouse as a maintenance man and had been fired for tardiness and absenteeism. Angered by his firing, he had gotten drunk and returned to the courthouse. Upon his return, he alleged stole $40.00 from the food and coffee bar in the basement of the courthouse, operated by blind people.

Initially, I told my law partner that surely I could win the case because there would be no “eye witnesses.” Unfortunately for Joe, this bad joke proved false as several customers at the lunch stand had seen Joe steal the money.

As it turned out Joe was actually a decent guy. He had never been in any kind of trouble before. He realized he had done something stupid, admitted his mistake and immediately offered to repay the money. Given those circumstances and the evidence against him, Joe decided to enter a guilty plea and, throw himself at the mercy of the Court.

On the day of sentencing, Magistrate Howland assumed a solemn, stern judicial demeanor. The judge advised Joe of his rights and the maximum extent to which he could be punished. He then imposed the sentence: restitution (a fine of $100), three months’ probation, and 80 hours of community service, to be rendered to the League for the Blind.

Later, when I told Ron it was a most appropriate sentence, he simply smiled. His wisdom—and compassion—will be sorely missed.

Kent F. Frates

New District Judge Sworn In

District Judge Kaitlyn Allen was sworn in on September 3 by District Judge Sheila Stinson.

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