YEAR IN REVIEW 2017

The Year that Keeps on Giving

By Michael W. Brewer

It is hard to believe we are in February 2018 already, but before we completely turn our backs on 2017, we should look at the year in review. You may, in a contemplative moment, consider the new year resolutions that were made, met or left unsatisfied in comparison to past resolutions and current resolutions. Very difficult to not get political, but I try – no really, I try.

I have a faint memory of thinking no year could be as bad as 2016 and I cannot wait for 2017 to get here. On the other hand, 2016 was a great year for the stock market but there are other more important concerns for reviewing a year. Then, there was 2017 and I could not wait for 2018. It might be that for 2017 we should just use one word to describe it – SURVIVAL. Let’s look at why.

January: Presidential Inauguration, Hamilton, Dear Evan Hansen, a Women’s march wearing “indescribable body part hats”, Neil Gorsuch nominated to the Supreme Court, and everything Russian. Not too awful a start?

February: Fake news becomes a thing. Patriots win the Super Bowl. Adele wins the Grammys. Academy Awards goof when a CPA firm gives wrong winner. North Korea launches a missile. Adele wins again with one of her trademark tunes. Some of this entertainment stuff is depressing.

March: More fake news and Russia. For some reason I have no interest in March Madness.

April: The sexual harassment avalanche begins with Bill O’Reilly at Fox News. Note to self – never fly United Airlines unless you have to. Cannot wait for the fall and college football. NBA refs are definitely the worst refs in any sport.

May: FBI Director fired. More Russia. Special counsel hired to investigate Russia or White House, not sure which or in what order. First news reporter body slammed by candidate. Evidence that journalists have same level of...
By David Check

This month I want to comment on another long-standing and hard-working group that does not get a lot of attention, and certainly does not get the attention it deserves. For the past 39 years, I have been a member of the Fee Grievance and Ethics Committee. I was Chairperson from 1984-1986. The Committee was originally formed to receive, investigate and regulate Oklahoma County Bar Association members, both as to any disputes with clients over fees and ethical violations. For many years, the Fee Grievance and Ethics Committee has also received referrals from the Oklahoma Bar Association that were initially evaluated as fee disputes. The OBA has never assumed any jurisdiction over fee disputes unless the fees were “extortionate.” Rather than decline to address the fee issues, the OBA referred those matters to the Fee Grievance and Ethics Committee when a member was from Oklahoma County. Today, the OBA no longer refers cases for review. Instead, the sources of any matters addressed by this Committee are limited to complaints made directly to the OCBA.

I was attracted to the Committee because I believed then, as I do now, that fee disputes between attorneys and their clients were best handled in private, rather than in court. The Committee’s handling of disputes is totally confidential. For that reason, it operates under almost all radar screens. It is a unique alternative to the normal litigation and mediation process. I encourage members to utilize the Committee’s neutral venue. It is a unique alternative to the normal litigation process of its own.

The lay members’ active participation makes the forum a unique makeup. It has always had several lay members. Through the years, many volunteer lay people have served diligently. Their perspective has always been forthcoming, beneficial and insightful.

Initially, a complaint is assigned to an investigator. After completing the investigation, the investigator, if the case is not already resolved, makes a report. If an agreement cannot be negotiated by the investigator, both parties are given an option of either mediation or arbitration. Both services are provided free of charge.

Arbitrations are handled by two lawyer Committee members, neither of whom are the original investigator, and one lay member. A binding award is made by written report. Mediations are handled by a lawyer member of the Committee who is not the original investigator.

Ethics issues are not subject to ADR. To the extent ethical issues are revealed during an investigation or ADR, they can be, have been, and I hope will continue to be, subject to a separate written report made to the OBA.

This Committee has functioned under the radar without notoriety for many years. It has provided a valuable service to both clients and lawyers. The current case load is small, but the results have been generally positive. As a general rule, most disputes are either resolved by the investigator or voted on by the full Committee, based on undisputed facts. The Committee has, on average, one arbitration a year.

Mediations have been unusual because of the way investigations are handled. That is a form of non-binding dispute resolution. Arbitrations are handled by two lawyer Committee members. Arbitrations are handled by two lawyer Committee members, neither of whom are the original investigator, and one lay member. A binding award is made by written report.

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Dear Roscoe:

I represent a college kid.

He was impaired, bone-dry.

One of his frat buddies got the keys to his parents’ summer house on Lake Texoma while they were away on a cruise. My client and his friends had a party down there, which, I guess got kind of wild.

Several neighbors called in complaints. Two Bryan County deputies showed up and supposedly smelled Pot, so they did a walk through, ultimately arresting all they could catch.

More offices arrived and everyone on the premises was detained and charged with a variety of offenses. The owner’s son, who was not present, told a deputy over the phone that he had in fact, given permission. While this was going on, a neighbor came over with the owners on his cell. They stated that they gave no one permission to use the house for a party or anything else. They also said that their son had his own place in Norman and did not live in the house. I plan on using a good defense with the expectation that the charges will stick!

R.L.: Shawnney, OK.

Dear R.L.: It’s the old, “pure heart and empty head defense.” If that theory could fly we’d solve the court backlog in short order because so many out there might credibly claim it. I would say that unless you had a judgment with a phenomenal (and more than a little dangerous) attitude of “boys will be boys” you’re pretty much sunk and need to talk plea.

Your case sounds very much like a decision SCOTUS just handed down in “Distributed Columbia v. Wesby.” There, a lady named Peaches, in the fine tradition of American entrepreneurship, negotiated with property owners to lease a house to establish a venue for ladies of negotiable virtue to ply their trade. With negotiations still on-going, Peaches decided to use the vacant premises perhaps, as a careful consumer, as a test drive. As per the Court: “the vast majority of courts see it as a drastic remedy granted out of demonstrated necessity and not just for the asking. No responsible jurist seems in a rush to turn the protective reach of that rule into a tactical sword to hinder an opponent. They also seem to agree that in making that demonstration, the party seeking disqualification must show that the testimony is 1) material; 2) otherwise unobtainable; and 3) prejudicial to the testifying attorney’s client. This leaves a lot to the discretion of the judge, but I’d be tempted to say that the arc of public policy and sound jurisprudence bends away from disqualification. It also appears we have a question of privilege and work product as well. Good luck.

Well, Faithful Readers, between the tragedy of Katy Kearny’s death; the continued harassment of her mother Sandy; and the beat down given to my pal Father Auggie 2017 ended on a symphony of shit ty notes. As I still had all that on plate and more (Crime knows no season) neither do bondsman “cops” didn’t open any more auspiciously. Snow blanketed the ground and, bereft of kids in my neighborhood of shoveling for money, I spent several hours this past weekend shoveling, of which my aging back still complained. In addition, I ended up shoveling my parents’ as well. That is, I shoveled it after I all but wrestled the snow shovel out of my old man’s hands. Dad enlisted in the Corps at 15 and so it’s natural for me to make a man’s work a woman’s as well. What a job.

Re: my shop. Our maintenance crew did the same against the inner curb of our parking lot. Now exhaust fumes, soot, slash and other quotidian remnants of urban life covered it like impetigo. Rae, looking every bit the professional in expressively tattered jeans and a hoodie bearing the warning: “Don’t Trust the Living,” met me at the door, handing me a hot cup of coffee.

“What’s the occasion?” I asked suspiciously.

“Nutin,” she answered a bit defensively. “Just thought you’d wanna go straight into your office.”

“Why? What’s in there?”

“Not what. Who.”

“The question stands.”

“OMG, Mr. P., can’t I just be nice and efficient.”

“The record to date doesn’t inspire confidence.”

“You would just go in there,” she snapped.

Expecting far worse, I entered to find Chips in one of my visitor’s chairs. For three times.

Criminal behavior.

I’m not that anxious to explain all this.

But I go to gun shows,” I said.

“Keep your seat,” I said. “Where ya been. Haven’t seen ya much since Christmas.”

“I’ve been mostly combing the Dark Web.”

OK. I admit to being the ultimate Luddite of the Garden State. I guess it showed on my face. He sighed.

“The Dark Web is a network of websites, forums, and communication tools like email. Actually the US Government developed it and released it back in the ’90s. It differs from the ordinary Net in that users are required to run a suite of security tools that help anonymize web traffic. Both legal and illegal contacts occur. Criminals exploit it’s anonymity to sell drugs, weapons, even people. On the other hand, charitable NGOs and social media, for example, can use encryption to protect dissidents living under repressive regimes.”

“How so—” I prompted.

“And so, first of all, the average person cannot remain anonymous for all purposes without help. Either they have a friend like me, or they hire someone. This is especially true if you’re embarking on a protracted campaign like the one directed against Ms. Kearney. Revenge sites – and other types of porn purveyors swarm to the dark web like rednecks at a gun show.”

“I go to gun shows,” I said.

Chips cleared his throat nervously and continued. “I really think we ought to contact Lt. Orenstein and Mr. Trani at this point.”

“I’m not that anxious to explain all this three times.”

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SCOTUS reversed, with 7 justices concurring in the majority and 2 separate concurring opinions. Central to your theory: “a reasonable officer, looking at the entire legal landscape at the time of the arrests, could have interpreted the law as permitting the arrests here. There was no controlling case holding that a bona fide belief of a right to enter defeats probable cause, that officers cannot infer a suspect’s guilty state of mind based on his conduct alone; or that officers must accept a suspect’s innocent explanation at face value.”

How this all figures into the prosecutor’s
theory of the case I can’t say. However, it looks like you have your work cut out for you.

Dear Roscoe: I’m defending a long-time client in a breach of contract suit.

Prior to the suit, I engaged some negotiations in an effort to head-off litigation, and offered my opinion to my client’s managers as to whether plaintiff had, in fact, complied with the contract himself. I have now been told by plaintiff’s counsel that I should be disqualified because he plans on calling me as a witness. Really? BB, OK.

Dear LB: Yes, the Rules frown on a lawyer serving as both advocate and witness. But they also frown on those same Rules as a means of gaining a tactical advantage. I’ve seen a number of Rule 5.7 motions in action and my takeaway is that the vast majority of courts see it as a drastic remedy granted out of demonstrated necessity and not just for the asking. No responsible jurist seems in a rush to turn the protective reach of that rule into a tactical sword to hinder an opponent. They also seem to agree that in making that demonstration, the party seeking disqualification must show that the testimony is 1) material; 2) otherwise unobtainable; and 3) prejudicial to the testifying attorney’s client.

This leaves a lot to the discretion of the judge, but I’d be tempted to say that the arc of public policy and sound jurisprudence bends away from disqualification. It also appears we have a question of privilege and work product as well. Good luck.
And The Court Said...

An Olio of Court Thinking
By Jim Croy

February 2, 1918
One Hundred Years Ago
[Excerpted from Roebeck v. State, 1918 OK CR 14, 170 P. 277.]

The plaintiffs in error were jointly tried in the district court of Choctaw county on an information charging that:

In said county on or about the 23d day of September, 1914, "the said Will Brown, D. Graham, and Garnett Roebeck did then and there unlawfully, willfully, wrongfully, feloniously, and by stealth and fraud take, steal, and carry away two certain cows the personal property of Jim Arnett, without the consent and against the will of the said Jim Arnett, and with the felonious intent on the part of the said Will Brown, D. Graham, and Garnett Roebeck to convert and appropriate the said cows to their own use and benefit and deprive the owner, the said Jim Arnett, thereof, contrary to."

The jury by their verdict assessed the punishment of Garnett Roebeck at five years imprisonment, and the punishment of Will Brown and D. Graham at three years' imprisonment in the penitentiary. From the judgments rendered on the verdicts they appeal.

* * *

Jim Arnett testified that he lived southeast of Hugo; that his cattle ranged between his home and Horse Prairie; that he missed one red cow pied on her shoulder, and one red and white spotted cow branded “J. E.” on the hip, from his range, and the next day he found these cows in a pen at Hugo.

Jim Merril testified that he lived southwest of Hugo and saw the defendants driving two cows past his place; one was a red cow pied across the shoulder and the other a red and white speckled cow; it was just before sun-up; that they were going west; that Jim Arnett lived about mile and a half southeast; that Roebeck was riding a bay horse, Brown was riding a sorrel, and Graham was riding a mule.

George Oakes testified that he lived four and one-half miles southeast of Hugo; knew the defendant Roebeck; saw the defendants early in the morning driving two cows; one was red and one was red and white. Roebeck was riding a bay horse, another a sorrel, and the other was riding a mule bareback; that he did not notice any brands; that he telephoned Mr. Collins that he saw these negroes driving the cows.

C. J. Maurer testified that he was in the butchir business at Hugo, and identified the defendant Roebeck as the man who came into his place of business and offered to sell him two cows which he had out in the Musgrove slaughter pen.

Deputy Sheriff Upchurch testified that he was notified that some cattle were being driven by Mr. Oakes’ place, and with Deputy Sheriff Ratcliff went about three miles east of Hugo; that it had rained the day before and they could see where two riding horses and one a mule had driven two cows, and they tracked them to the Musgrove slaughter pen and there found the cows; that they returned to Hugo and arrested Will Brown and Garnett Roebeck; that Brown said he was just helping, and Roebeck said he just happened to be there.

Deputy Sheriff Ratcliff testified that he arrested the defendant Graham and he asked him about driving the cows and he said he was only helping the others and knew nothing about it.

For the defense, Ben Willis testified that he saw Garnett Roebeck and two negroes southeast of town near the brickklin driving two cows; one was a red and white spotted cow and branded with three D’s on hip and side; that Roebeck’s horse was limping and one of the negroes was riding on a sorrel mule; that it was between 8 and 9 o’clock in the morning of September 23d.

J. J. Johnson testified that he knew the cows owned by Garnett Roebeck’s mother; that one was a red and white spotted cow and one was an old speckled cow, and they were branded with three D’s and that he knew Jim Arnett’s cattle and his brand was “J. E.”; that on September 23d, he saw the defendants driving two cows, but did not notice the brands.

Garnett Roebeck’s wife testified that they lived with his mother west of Hugo; that on September 23d Garnett came home just before noon; that these two boys were with him and they were driving two red and white spotted cows that were branded “D” in three places.

The defendant Roebeck testified that on September 22d he was down on Horse Prairie looking for his mother’s cattle; that Will Brown was with him and he asked D. Graham to help drive the range; that he found two of her cows; one was red and white speckled, the other was white spotted branded with three “D’s”; that he started home the next morning after sunup and met George Oakes in the road near his home; that they put the cattle in a little pasture; that he never put a cow in the Musgrove slaughter pen and never told any one that he had two cows in the slaughter pen; that Will Brown and D. Graham were hired and paid by him to help bring these cattle home.

The defendant Graham testified that he helped drive Louisa Roebeck’s cattle to her home; that he does not know where the Musgrove slaughter pen is and did not make any statement to Mr. Ratcliff as to what he was doing.

The defendant Brown testified that Garnett Roebeck hired him to help him with the cattle; that he does not know where the Musgrove slaughter pen is; that he supposed that the cattle belonged to Louisa Roebeck.

When the evidence was all in the defendants moved the court to instruct the jury to return a verdict of not guilty for the following reasons:

“(1) Because the evidence in the cause is insufficient upon which to base a verdict of guilty and any verdict of guilty would be contrary to the law and the evidence.

“(2) Because there is a variance in the evidence adduced and the allegations of the information filed in this cause, and the charge against these defendants in the examining trial, and upon which these defendants were held and there found the defendants with larceny of two cows, the property of Jim Erett, one red dark cow branded J. E. connected, and one red and white spotted cow branded J. E.; that the two cows are branded J. E.; that the description of the two cows is not the same as the two cows with which they stood charged with stealing, and were held upon examination to answer for stealing.”

Which motion was overruled, and which ruling of the court is assigned as error.

The defendants waived preliminary examination and were held to answer to the district court upon a complaint charging the same offense for which the defendants were informed against and tried in the district court upon a complaint charging

The defendants were held to answer to the district court upon a complaint charging

Charges under the various statutes (21 O. S. 1941 § 1263) were instituted against defendant and others. This is one of the so-called “membership” cases, so named to distinguish them from those cases where the accused were charged with selling, circulating and distributing literature advocating criminal syndicalism. The contention of the state here is that membership in an organization [red note: the communist party], where such organization advocates forcible revolution and violent overthrowing of the existing government, is an offense under the criminal syndicalism laws of Oklahoma, regardless of whether any overt acts are actually committed by the accused or any organization itself in promoting these principles.

Membership in any party cannot be prohibited merely because of the name of the party. If a party advocates the violent overthrow of existing government, it would be criminal even though it may be called the Democrat or Republican Party. Likewise, the fact that a party may be called Communist Party may not be condemned because of its name, but whether it is criminal is dependent solely upon the fundamental character of the organization. The word “Communist, because of the widespread unfavorable publicity given to its organization, engenders in the public mind immediately the picture of a revolutionist, one who is against the existing form of our government, one who has such a strong disregard for the existing laws that they would forcibly overthrow them, divide the citizens into warring classes and bring about riots and disorder.

It is fundamental that the question of the guilt of any individual is personal and must be determined by the activities of that individual. An individual ought not to be condemned for mere membership in an organization nor charged in the complaint upon which the defendant was held to answer is unavailing, and was properly overruled.”

In our opinion the court very properly overruled the motions filed by the defendants.

The only other assignment of error argued by counsel for the defendants is that the trial court erred in not changing the jury on the law of circumstantial evidence. It is only necessary to say, in disposing of this assignment, that no objection was made nor exception saved to any of the instructions given, and that no request for such instruction was made. It may be added that had such an instruction been requested, under the evidence in the case it would have been properly refused.

February 17, 1943
Seventy-Five Years Ago
[Excerpted from Shaw v. State, 1943 OK CR 51, 134 P.2d 999.]

This prosecution is an outgrowth of an investigation conducted by the police department of Oklahoma City and culminating in a series of raids conducted in August and September, 1940. Charges under the various statutes (21 O. S. 1941 § 1263) were instituted against defendant and others. This is one of the so-called “membership” cases, so named to distinguish them from those cases where the accused were charged with selling, circulating and distributing literature advocating criminal syndicalism. The contention of the state here is that membership in an organization [red note: the communist party], where such organization advocates forcible revolution and violent overthrowing of the existing government, is an offense under the criminal syndicalism laws of Oklahoma, regardless of whether any overt acts are actually committed by the accused or any organization itself in promoting these principles.

* * *
held to believe in, advocate and work to accomplish every word, sentence, or plank in a party platform, because it is common knowledge that practically all of us belonging to the Democrat or Republican Parties do not read carefully all of the party platform, and that many of those who do read them do not agree with each and every party pronouncement. There must be proof of a conscious guilt by individual action before it can be said that the individual adopts and approves the language of the party platform. . . This proof may be established by showing that the actions of the party as a whole in the organization and advancement of its party and had enlarged and explained the meaning of the party platform and program by speech, writings, or other activities. When such activities of an accused are shown in this manner and that his organization believes in the overthrow of our government by the ballot instead of the ballot, he is then brought within the prohibition of the criminal syndicalism statute.

It should not be assumed, in view of all that has been said, that freedom of speech and of the press secured by the Constitution confers an absolute right to speak or publish without limitation or control by government to the puny few. It would seem that we seen illustrations where the average person, and existing prejudices of the human mind wise, that the way to deal with the thoughts, feelings or acts against our government. The defendant presented several requested instructions which were similarly worded and all directed to this single proposition. The instruction hereinabove quoted is typical. The jury should have been instructed in substance that they must find beyond a reasonable doubt not only that defendant had become a member of an organization which advocated crime, physical violence, sabotage or unlawful acts for the purpose of bringing about political or industrial change or revolution by such means.

This court appreciates the fact that the statute under which these prosecutions have been instituted is general in its nature and there has been no clear pattern fixed in this state which might be followed in the prosecution of these cases. No person more bitterly condemns those who would overthrow our government, or seek to sabotage our war effort than members of this court. Only a short year ago a young lad of the author’s family was killed in the crash of his basic training plane. Many times the thought has occurred that some saboteur may have tampered with his machine causing it to flounder in midair or other unlawful acts against such a member of the military or effecting industrial or political ends, but that such advocacy was reasonably likely to result within the immediate future in the commission of serious violence or other unlawful acts for the purpose of bringing about political or industrial change or revolution by such means.

For lawyers, old and young, the judge closed our interview with the “what-type-of-judge-are-you” question. McCormick leaned back in his chair and pondered. He spoke in a relaxed, practiced style. “I will always be respectful, open-minded, and honest. Every lawyer and judge should vigorously safeguard their integrity. You never have a second chance at a first impression.”

When asked the “what-type-of-judge-are-you” question, McCormick readily concedes that his favorite subject in High School was baseball. “I played all the way through school,” said McCormick. “I have a record for most games pitched while attending OCU.” OCU is a powerhouse in NAIA Baseball, and are regularly in the Final Four championships of that division. McCormick graduated in 2004 and OCU got their National Championship in 2005. “To quote the old TV character Henry Winkler, ‘I’m a bandit. I missed it by that much, Chief.’” Following graduation, Mark played baseball for the Schaumburg Flyers in Illinois. The Flyers were a Class A team in the now defunct “Northern League” baseball organization, where McCormick was a vaunted young player. But his decision to leave baseball was predicated on multiple issues, including his desire to return to school.

Mc Cormick has no lawyers in his family history, nor was he encouraged to become a lawyer. His mother was a public school teacher at West Moore and he was more interested in Computer Science and Criminal Justice. “I thought I was going to go to school and become an engineer,” said McCormick. It was only after graduating from OCU that he decided upon a law school path. McCormick continued his education at OCU, graduating in 2007. After graduation, Mark worked for the Oklahoma County Public Defender’s Office for almost a decade, from 2007-2017.

When you visit his chambers, you will note that the Judge is well read and enjoys a variety of literature. Visitors will note his penchant for nostalgia with the full color Norman Rockwell prints that adorn the walls. McCormick also enjoys building, painting and racing model R/C airplanes. He is a regular member of TORKS [The Oklahoma Radio Kontrol Society]. TORKS members fly their planes around the South end of Lake Hefner and the group has been around since 1979.

For lawyers, old and young, McCormick offers this advice for court: “Always be prepared. It’s a second chance at a first impression.” His advice for young lawyers is more simplistic: “Lawyering is both a job and profession. But to be good at both, you must be able set it down at the end of the day and go home to your family. Don’t let it get personal, and don’t let it consume you emotionally. That takes practice. Good lawyers know how to separate themselves at the end of the day.”

Judge McCormick took the bench as a Special District Judge in August 2017 and was sworn in by Judge Patrick Wyrick of the Oklahoma Supreme Court. Wyrick was also a noted baseball star at OCU and fellow teammate of McCormick. “It was an incredibly special event in my life and my family” said McCormick.

When asked the “what-type-of-judge-are-you” question, McCormick leaned back in his chair and pondered. He spoke in a relaxed, practiced style. “I will always be respectful, open-minded, and honest. Every lawyer and judge should vigorously safeguard their integrity. You never have a second chance at a first impression.”

What should every lawyer know about your courtroom? “Be prepared, be timely and do not fear ignorance. Oklahoma County courtrooms use many more paper forms than other counties, so do not hesitate to ask.”

Judge McCormick is also an active family man. His wife, Ashley, is a professional in her own right in the oil and gas industry. Recently she presented the Judge with a beautiful baby daughter, who joins an active pre-school-aged brother.

The judge closed our interview with this observation: “Good lawyers takes practice. Good lawyers know how to separate themselves at the end of the day.”

When you first meet Mark McCormick, you cannot help but think “sports.” His stature belies that of an athlete; baseball or basketball. Your suspicions are confirmed as he lifts his Chicago Cubs coffee cup and sits confidently in his judicial surrounding. 

Mark Clay McCormick is a native Oklahoman and graduate of West Moore High School. Judge McCormick readily concedes that his favorite subject in High School was baseball. “I played all the way through school” said McCormick. “I have a record for most games pitched while attending OCU.” OCU is a powerhouse in NAIA Baseball, and are regularly in the Final Four championships of that division. McCormick graduated in 2004 and OCU got their National Championship in 2005. [To quote the old TV character Henry Winkler, ‘I’m a bandit. I missed it by that much, Chief.’] Following graduation, Mark played baseball for the Schaumburg Flyers in Illinois. The Flyers were a Class A team in the now defunct independent “Northern League” baseball organization, where McCormick was a vaunted young player. But his decision to leave baseball was predicated on multiple issues, including his desire to return to school.

Mc Cormick has no lawyers in his family history, nor was he encouraged to become a lawyer. His mother was a public school teacher at West Moore and he was more interested in Computer Science and Criminal Justice. “I thought I was going to go to school and become an engineer,” said McCormick. It was only after graduating from OCU that he decided upon a law school path. McCormick continued his education at OCU, graduating in 2007. After graduation, Mark worked for the Oklahoma County Public Defender’s Office for almost a decade, from 2007-2017.

When you visit his chambers, you will note that the Judge is well read and enjoys a variety of literature. Visitors will note his penchant for nostalgia with the full color Norman Rockwell prints that adorn the walls. McCormick also enjoys building, painting and racing model R/C airplanes. He is a regular member of TORKS [The Oklahoma Radio Kontrol Society]. TORKS members fly their planes around the South end of Lake Hefner and the group has been around since 1979.

For lawyers, old and young, McCormick offers this advice for court: “Always be prepared. It’s a second chance at a first impression.” His advice for young lawyers is more simplistic: “Lawyering is both a job and profession. But to be good at both, you must be able set it down at the end of the
Old News

Excerpts from OCBA News: October 1978, Part 5

A Question of Ethics

The Adventures of Bill Blackstone

By John M. Amick
Retyped and Republished By Geary L. Walke

Bill Blackstone had represented the Sixth National Bank and Trust Company for several years, largely because he was a close friend of its President, Joe Jackson.

Joe called one day to say that the Bank had been sued on some kind of a crazy deal, and that Joe was sending the papers over to Bill’s office. Joe said that he was getting ready for an important Board meeting and didn’t have time to talk about the case but that he would get back with Bill later.

Bill received the papers and found that the Bank was being sued for $150,000 and the matter sounded rather serious. Answer day was approaching so Bill filed an Entry of Appearance and asked for thirty days within which to plead.

The Board meeting proved to be a very important one for Joe Jackson, for his services with the Bank were terminated at that meeting. This was sad news indeed for Bill, but the dimensions of the tragedy did not fully appear until Bill learned that Fred Firestone had been named as the new President of Sixth National. Fred had always had a noticeable allergic reaction to Bill’s personality, so it came as no surprise when Bill was notified that his services would no longer be required. After he withdrew from the case he noticed that the firm of Viper and Anaconda, his fiercest competitors, entered their appearance in the case.

Imagine Bill Blackstone’s glee when Lawrence Lightweight, the lawyer for the plaintiff in the same case, called and said that he had heard the news and he would like very much to associate Bill with him on the case. Here was Bill’s chance to show the Bank and those snakes who represented it what a mistake they made in letting Bill go! He could do this, he explained to his secretary, because fortunately he never received any confidential information of any kind about the suit from his former client.

QUESTION: Is Bill Blackstone on solid ground?

ANSWER: The ground is a little sandy. It is true that the danger of using confidentially acquired information against a client is one of the principle reasons for the strict rule against taking cases against a former client. See Ethical Consideration 4-5. Opinion #165 of the American Bar Association (1936) held that “an attorney must not accept professional employment against a client or former client which will or even may require him to use confidential information obtained by the attorney in the course of his professional relations with such client regarding the subject matter of the employment.”

While it is clear that no confidential information was obtained by Bill’s case, the matter would appear to be governed by the Oklahoma case of Northeastern Oklahoma Community Development Corporation v. Adams, 510 P.2d 939, Okl. (1973), in which our Court quoted with approval from a Kansas case, as follows:

“It is the honor of the legal profession that its fidelity to its clients can be depended upon, that a person may safely go to a lawyer and counsel with him upon personal and confidential matters with the absolute assurance that the lawyer’s tongue is tied from ever divulging it, and strict enforcement of this rule requires that an attorney, on terminating his employment, cannot thereafter act as counsel against his client in the same general matter, even though, while acting for his former client, he acquired no knowledge which could operate to the client’s disadvantage in the subsequent adverse employment.”

Book Notes

By Bill Gorden

Dawn Watch: Joseph Conrad in a Global World
Maya Jasanoff, Penguin Press, 2017, Hardback, 375 pages, $30.00

Perhaps if you read Heart of Darkness or Lord Jim in High School, just the name Joseph Conrad is a buzzkill. Like Cormac McCarthy, Conrad’s prominent fiction is about the dark side of human beings, the glass being a little more than half-empty.

This book gives great context to this tendency. The context of the origins and early life of Conrad allows us to contemplate his work not only as to him, but to the world that was around him. Perhaps more helpfully, it is about the world as it was becoming, (our world today), at the end of the Nineteenth century. This was a world changing from sail to steam, Conrad and a short visit to Latin America. His travels in Asia were more than holding the latter. The changes in technology meant that not only such powers as Great Britain were in the hunt for colonies, but so was little Belgium, which was to become the most brutal of colonizers in Africa. In both Asia and Africa Conrad came up close and personal with both the greatness of modern civilization and its gruesome underbelly.

The people promising to be steam power, railroads, and Christianity to the colonized regions sometimes cut one hand from a child because the child was not working fast enough. Conrad writes of baskets of such hands.

Born in Poland, Joseph Korzeniowski, Conrad considered himself English over time. His father unsuccessfully and romantically opposed the Russian empire, which controlled Poland at the time. Conrad left at his parent’s deaths, went to sea, held other odd jobs, and began to write. He was long in deciding that he was a writer. He made only one trip up the Congo and a short visit to Latin America. His travels in Asia were more prolific. His writing blurs this variety of experiences. He, as so many others, still saw the “foreign” peoples as more or less the same. Like others from the time, he decries the inhumanity, but did not reject the life style engendered by the nascent exploitation of other lands.

He is still with us, as attested to the re-write of Darkness in the movie Apocalypse Now. Was his writing essentially accurate? Take a look at King Leopold’s Ghost by Adam Hochschild for a concordance. The reality was perhaps worse than the fiction. Given that the subject of either is scarcely a hundred years ago, this gives us a feel for how the people of those other countries view the colonizers.

SORRY ABOUT THAT!

By Rex Travis

A kind of a strange thing happened last month. In the December Briefcase, David Kisner wrote an article entitled “My First Jury Trial.”

It was a good and an interesting article. But, there was a problem. Dave told us that his opposing counsel in the case was a lawyer named Ben Goff, whom Dave described as “long since deceased.”

Well, it turns out that, to paraphrase Mark Twain, the rumors of Ben Goff’s death were somewhat premature. It turns out Ben did not die but simply moved to Dallas to practice law and has been there 30 years. Ben had told me at the time that he married a woman lawyer from Dallas who was consider- ably younger than he was and they had decided it made sense for him to move to Dallas and get admitted there as she had a lot more years left to practice than did Ben.

In the process of confirming all this, I was made to feel real old. I looked Ben up on the internet (Thank God for Google!), I called the number listed for his office and spoke with a nice lady there. (The number is that of the firm in which Ben’s wife still practices.)

I told the nice lady who answered the phone I was a lawyer in Oklahoma City and needed to talk to Ben Goff. She said “Well, Ben has retired, can someone else help you.” I suggested I was an old friend and my call did not concern a case and asked if she could contact Ben and have him call me.

Sure enough, soon the phone rang and my receptionist announced that Ben Goff was on the line. I said “Well, Ben has retired, can someone else help you.” I suggested I was an old friend and my call did not concern a case and asked if she could contact Ben and have him call me.

When I told him about Dave Kisner’s article, he brightened up and said “Oh, you’re talking about my father!” Knowing the Ben I knew was just a few years older than me, I asked if he could contact Ben and have him call me.

Immediately concluded he was right and I was wrong and Dave and I were both talking about his father. I also concluded that not only was my friend and near-contemporary retired but that his son was also retired. Makes me feel old!
Warren Griffin

By Rex Travis

Warren “Jiggs” Griffin died January 6, 2019 at the age of 76. He was truly a lawyer who had a lot of character and who was a character.

Jiggs was born and grew up in Edmond, where he was a state champion wrestler. He served in the Army after high school and then attended Central State College (now known as the University of Central Oklahoma). He then went to law school at OU, graduating in 1967.

Jiggs went to work just out of law school for Ed Ferrish, a long-time Midwest City lawyer who was City Attorney for Midwest City for many years. Jiggs lived and practiced in Midwest City for the next 30 years, following which he moved back to Edmond and practiced in north Oklahoma City until he had to retire due to Parkinson’s disease.

Jiggs was a great lawyer and very serious about doing a good job representing his clients. It didn’t seem to make any difference to Jiggs whether the client was a bank or an appointed defendant in a criminal case, he gave great representation to both. Jiggs was, however, a practical joker (or maybe “impractical” joker) of epic proportions.

Ed Ferrish had a somewhat twisted sense of humor and having Jiggs practicing with him didn’t do anything to keep that sense of humor under control. For example, Jack Herndon, who practiced for many years in Midwest City, was a serial marrier of women. During one of Jack’s many divorces, Jack’s wife was represented by Rick Morris, who practiced in south Oklahoma City.

The custom in those times (the late 60’s) was that law offices were open a half day on Saturdays. Things were usually pretty slow on Saturday mornings and the idleness got to Jiggs and Ed. Their office was on east Reno Street. Jack’s office was on Air Depot south of Reno.

Jiggs called Jack at his office and asked Jack if he knew where his bird dogs were. Jack said he supposed they were at his house, now in the possession of his son-to-be ex-wife, and inquired why the question came up. “Well,” Jiggs said, “we just saw Rick Morris go by our office headed east on Reno with a dog box in the back of his pickup and it looked kind of like your dogs in the dog box.”

Then Jiggs and Ed went out in front of their office and sat on the curb. There, they watched as Jack drove by very fast, in hot pursuit of Jack’s dogs and Rick, who, of course, was nowhere near the area and no idea of the whereabouts of Jack’s dogs. Rick still says he doesn’t think Jack ever believed he didn’t go hunting with Jack’s dogs that day.

Jiggs never lost his wicked sense of humor. Much later in life, after Ed Ferrish was gone and while Jiggs was City Attorney for the City of Midwest City, Don Howard (who later became a Special District Judge and a Court of Civil Appeals Judge) was judge of the Midwest City Municipal Court. Don was about to get a divorce and one evening while they waited for time for court to convene, talked to Jiggs about the financial arrangements he contemplated.

A few days later, Jiggs was visiting his friend Jerry Crabbe who practiced in Oklahoma City with Doyle Scott. Jiggs and Jerry gave Scott enough information to talk intelligently about the proposed divorce and Scott called Howard. Scott suggested that he felt sure Howard would not mind Scott representing Howard’s wife, as opposed to her hiring some unreasonable lawyer and told Howard about the financial arrangements Scott proposed, which all involved, of course, outrageously high payments by Howard.

Scott then said “Well, Don, how do those numbers sound to you?” Howard said hesitantly “Scotty, I think I’m going to have to call you back; I think I’m going to be sick.” At that point, Howard heard Jiggs and Jerry laughing in the background on the speakerphone and the joke was over. If you knew Jiggs, you just never knew what kind of practical joke would occur to him next.

His memorial service was, as you might imagine, a solemn affair. I kept having the feeling Jiggs would appear and tell us it was all a joke and he would be fine, after all. But it didn’t happen, and we will miss him.

Harley Venters

By Rex Travis

Harley Venters died January 15, at age 95. He was an active lawyer for 64 years. He had, in all respects, a distinguished career.

Harley was born and raised in the small, rural community of Fox in Carter County. Harley always said he was born “in a boxcar in an oil patch.” From that humble beginning, Harley went on to graduate from West Point in 1946. He always marveled that a boy from rural Oklahoma could succeed at West Point, but succeeded he did!

Upon his graduation from West Point, Harley married Anne, a girl from New York. They were married 72 years, until his death. After going through pilot training in the Army Air Corp, he served as a pilot until he left the army in 1950 to go to law school at OU.

Upon graduating from law school, Harley was elected in County Attorney of Carter County in 1953, before we had District Attorneys. He served in that job until 1955 when he was elected to the House of Representatives from Carter County, where he served until 1957.

After a couple of years of private practice, he was appointed in 1960 to the State Industrial Court, the forerunner of the Workers’ Compensation Court and later the Workers’ Compensation Commission. He served on that Court until 1977, following which he engaged in private practice the rest of his life in Oklahoma County.

Harley and Anne had four children, including his son, Chris Venters, who practiced with his Dad. They had seven grandchildren and five great-grandchildren. He remained close to all of them throughout his life. Anne and Chris suggest that, in lieu of flowers, memorials be made to Real Rescue, PO Box 358, Arcadia, OK 73007.

We are all a product of our environment and experiences and Harley was no exception. His Father died when Harley was a young boy. Harley’s Mother raised Harley and his sister with financial assistance from the then-new Social Security system. While Harley was at West Point, Franklin Delano Roosevelt, the founder of Social Security, died. Harley was detailed as one of the soldiers who escorted the President’s body from where he died in Georgia to his funeral in New York.

For the rest of Harley’s life, he had a passion for social service programs and helping people who needed help. He became a life-long liberal Democrat, who acted on his beliefs.

I once saw Harley (then in his 80’s) come very close to coming to blows with an ultraconservative cohort (also in his 80’s). The subject was whether FDR was liberal or conservative and who was the true liberal.

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American revered the play and the subject matter. American legend has it that Washington had the play performed at Valley Forge, despite a Congressional ban on theatrical productions. According to some, lines from the play provided material for such famous Revolutionary War era quotes as Nathan Hale’s: “I only regret that I have but one life to lose for my country.” (From Cato, A Tragedy: “What a pity it is/that we can die but once to serve our country.”) And, Patrick Henry’s: “Give me liberty or death.”

The original Cato, or Cato the Younger, lived in the 1st century B.C.E. and was known to be a strident advocate for republican principles and against Julius Caesar. Cato was a statesman and orator known for his integrity, and he was well accepted in England and the American colonies.

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2018 YLD CHILI COOK-OFF & SILENT AUCTION

"Traditional" Chili Winning Team: Ashley Schovanec, Hilary Clifton, Cody Cooper, Eric Halley, Kyle Barrett & Sam Newton (Phillips Murrah)

"Non-Traditional" Chili Winning Team: Nicole Snapp-Hollway, Shea Bracken & Jacob Diesselhorst (Maples Nix & Diesselhorst)

"Hottest" Chili Winning Team: Travis Weedn, Cody Cooper, Tripp Lopez, Monica Ybarra, Hilary Clifton, Cody Clifton, Eric Halley & Ashley Schovanec (Phillips Murrah)


"Best in Spirit & Show" Winning Team: Evan Way, Ryan Wilson, Eric Sullenger & (not pictured) Zane Anderson (Crowe & Dunlevy)
Chili Judges Barbara Swinton, Richard Kirby and Norma Gueich in action

Chili Judge Cindy Truong starts with the "Hottest" category

Chili Judges Sheila Stinson, Tom Prince, Richard Ogden & Trevor Pemberton getting instructions.
The Lawyers Against Domestic Abuse Committee of the OCBA recently went on the road to 1140 North Hudson, home of Palomar, Oklahoma City’s new Family Justice Center. Members of the committee and many judges from the Oklahoma County Courthouse made the tour on January 19. Committee Chair Susan Carns Curtiss said, “The quality and quantity of services being provided at Palomar is truly impressive. The collaborative work being done for the benefit of some of the most vulnerable in our community is invaluable, inspiring, and is already proving to change lives. I would encourage everyone to find out how they can support the work being done at and through Palomar.”

Tours were guided by Palomar President Trish Everest and Executive Director Kim Garrett. The Justice Center brings together collaborative providers in one building to provide free and confidential assistance to survivors (and their children) of domestic violence, sexual assault, stalking, trafficking and elder abuse. People of all ages, men and women, regardless of sexual orientation, language spoken, immigration status or income are all welcome at Palomar.

Partners who are located within the halls of Palomar include: City of Oklahoma City; OU School of Social Work, YWCA of OKC, Rainbow Fleet, Parent Promise, OKC Police Department, OKC Indian Clinic, OKC County Health Department, OKC Artists 4 Justice, Northcare, Legal Aid Services of OK, Infant Crisis Center, and the Office of OK County DA David Prater.

For more information about the Center, to find out how you can contribute to the work, or to set up a tour for your organization, you can visit their website: www.palomarokc.org or reach out to them by phone at: 405-552-1010, and ask to speak to Ms. Garrett.

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**Volunteer Opportunities**

The OCBA has many opportunities to volunteer with their Community Service Committee, Law Related Education Committee, Lawyers For Learning Committee and Voices for Children Committee. However, this new monthly column will list other opportunities for our members to help the community. If you know of something that should be listed here, please contact the Bar Office at 236-8421 and we will add it to this new monthly Briefcase column.

**Volunteer at Palomar, Oklahoma City’s Justice Center**

Palomar has many volunteer opportunities for either Direct Service or Non-Direct Service. To find more information, go to: https://palomarokc.org/volunteer/

They also have a tab on their website termed “what we need” This includes sponsoring a child to attend Camp Hope; making Emergency Food Kits for a family of 4; putting together Kid’s Snack Packs; along with a wish list of basic needs. The link to this volunteer option is: https://palomarokc.org/what-we-need/.

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**OCU Law's Mock Trial Team Competes at Nationals**

After Regional success in the spring of 2017 Oklahoma City University’s School of Law’s John E. Green Black Law Student Association decided to field a team in the Thurgood Marshall Mock Trial Competition.

In the fall of 2017, 2Ls Brenda Doroteo, Sydney Nelson, and Montrel Preston; and 1L Anissa Paredes were selected from a large and competitive pool of applicants for a spot on the team. The team was coached by Danne Johnson and Laurie Jones. The team traveled to Dallas and competed in the South West Regional Black Law Student Association’s Thurgood Marshall Mock Trial Competition. They survived four rounds of competition and placed second in the region. The team will now move on to the National competition which will be held in March in New York, New York.

In addition, Veronica Forge, the president of the John E. Green Black Law Student Association, won a $1,000 scholarship related to her outstanding leadership.
OU College of Law Named Apple Distinguished School

The University of Oklahoma College of Law has been named an Apple Distinguished School for 2017-2019 in recognition of its groundbreaking Digital Initiative, which prepares OU Law students to become technologically savvy lawyers who understand the tools needed to research, organize, communicate and present evidence; and to integrate technology into the curriculum, many OU Law classes student for the entire student body.

OU Law: A National Leader in Modern Legal Education

In response to the growing demand for technologically proficient law graduates, in 2014 OU Law introduced its Digital Initiative, which is built around three core elements:

- the common platform of iPad Pro with Apple Pencil, given to all students at no cost, for handwriting notes and annotating documents;
- a digital training curriculum that educates OU Law students to use technology for productivity in law school and in practice; and
- the Inasmuch Foundation Collaborative Learning Center, a state-of-the-art space that allows students to become familiar with how technology can be used to collaborate on projects.

Immersive Digital Training

Each year, the college offers more than 70 training sessions that explore applications that aid in legal practice such as Office 365, Adobe Acrobat, cloud storage and practice management systems. Several sessions feature leading experts at tech companies. This year, it is anticipated that more than 3,000 attendees will participate in the training sessions – an average of six hours of technology training per student for the entire body.

In addition to training sessions outside of class, many OU Law classes integrate technology into the curriculum. For example:

- all students in the Moot Court program receive advanced training on Microsoft Word, including styles, tables of authority and cross-references;
- all Trial Techniques courses incorporate TrialPad, an app that organizes, annotates and presents evidence; and in other courses, students are taught how to use the suite of Thomson Reuters’ “Practice Ready” legal research, writing and analytical tools.

Inasmuch Foundation Collaborative Learning Center

Located in the main entrance to the college’s Donald E. Pray Law Library, the Inasmuch Foundation Collaborative Learning Center is dedicated to promoting collaboration. It represents how traditional legal study is enhanced through the adoption of 21st century skills. The space features two reality virtuality rooms; four multimedia study rooms; a flipped seminar classroom; a fully-equipped computer lab with dual-monitor stations; moveable whiteboard desks and stands; Brody WorkLounge; a “genius station” for research support; a café; and cooperative learning spaces for student collaboration.

OU Law Center for Technology and Innovation in Practice

In November, the college announced the launch of the OU Law Center for Technology and Innovation in Practice, which formally brings together and expands the elements of the Digital Initiative. The center offers technology certifications and opportunities to explore new law practice technology.

Student, Industry Feedback

Student adoption of and satisfaction with OU Law’s Digital Initiative is evident. From record-setting training session participation to extensive usage of the Inasmuch Foundation Collaborative Learning Center, students are taking advantage of all OU Law’s Digital Initiative has to offer. More than 97 percent of students rank their satisfaction with the Digital Initiative as satisfied or very satisfied.

Others in the legal industry are increasingly taking note of OU Law’s excellence in the digital sphere. For instance:

- preLaw Magazine recently named OU Law one of the Top 20 Most Innovative Law Schools in the nation;
- AALL Spectrum has focused on OU Law’s innovative programs in both its May/June 2017 issue and its November/December 2017 issue;
- In November, Harroz participated in a panel discussion at Thomson Reuters’ conference in Washington, D.C., on “The Future of Law Schools;”
- Darin Fox, Associate Dean and Director of the Law Library, was interviewed about the Digital Initiative for the American Bar Association’s podcast “The Digital Edge.”

To learn more about OU Law’s Digital Initiative, visit law.ou.edu/digitalinitiative.

Phillips Murrah law firm names new Director and Shareholder

Phillips Murrah proudly announces the promotion of Kayce L. Gisinger to a Director and Shareholder for the firm. Kayce’s selection brings the firm’s total number of Directors to 35.

As a litigation attorney with extensive trial experience with beginnings at the Oklahoma County District Attorney’s Office where she tried over 100 jury trials, Kayce’s practice has grown to include the defense of cases involving product liability, auto and trucking negligence, premises liability, medical malpractice, legal malpractice, employment law and insurance litigation.

A native Oklahoman, Kayce was raised in Lawton and has resided in Oklahoma City for the past 30 years. She is active in her community and volunteers at various animal shelters and local food banks.

She officially assumed her new role on Jan. 1, 2018.

Haupt Law, P.C. Announces New Associates

Haupt Law, P.C. announced the joining of its team by the following attorneys:

- Toni Ellington, Audrey Talley, Kristin Meloni, and Jeffrey Gisinger

Ellington holds advanced degrees from the University of Oklahoma (M.A. and B.F.A.) and the University of Hawaii William S. Richardson School of Law (J.D.). She has served as a law clerk to the Honorable Barry Kurren of the United States District Court, District of Hawaii and the Honorable Robert Bacharach, now judge of the United States Court of Appeal, 10th Circuit. She is licensed to practice in Oklahoma, Hawaii, Texas, Louisiana and the District of Columbia.

Talley is a former partner at Drinker Biddle & Reath and before that at Stradley Ronon Stevens & Young, both in Philadelphia, where she provided ongoing advice to and representation of public and private funds and advisers sharing her extensive experience in securities and corporate law. Following her undergraduate education at Vanderbilt University, she earned an M.A. from the University of Southern California and her law degree from the Boston University School of Law. She is licensed to practice in Massachusetts, Pennsylvania and Georgia.

Meloni is a graduate of Oklahoma City University School of Law. As an undergraduate at Texas Lutheran University, she was a scholarship varsity soccer player. Her competitive nature continues to serve her in representing her litigation clients.

Graham graduated from Oklahoma City University following his undergraduate education at Arizona State University. He is licensed to practice law in Oklahoma, Colorado and New Mexico. He has most recently practiced in the medical collection arena.

Haupt Law has recently introduced its legal service programs, Patient Guard® and Debt Collector Guard®, that provide low-cost legal services to consumers through the United States.

Kathrin Taylor Loy Earns Managing Partner at Durbin, Larimore, & Bialack

Katherine Taylor Loy has been named the new managing director at the Oklahoma City-based law firm Durbin, Larimore, & Bialack. Ms. Loy succeeds David Donchin, who previously served as managing director since 2014. As the managing director, and in addition to her legal practice, Ms. Loy oversees the day-to-day operations and long-term planning of the 19-attorney firm. Ms. Loy practices in the areas of insurance law, litigation, personal injury, and products liability. She is admitted to the U.S. District Court, Western, Northern and Eastern Districts of Oklahoma; U.S. Court of Appeals, Tenth Circuit; U.S. Supreme Court. She is also a member of the Oklahoma County and Oklahoma Bar Associations.

Ms. Loy maintains an AV Preeminent Rating from Martindale-Hubbell. She has also co-authored an Oklahoma City University Law Review article entitled “The Law of Good Faith in Oklahoma”, which the Oklahoma Supreme Court cited as authority in the case of Barnes v. Oklahoma Farm Bureau, 2000 OK 55, 11 P.3d 162. The firm is located at 920 North Harvey Avenue and can be reached at 405-235-9584.

Christensen Law Welcomes a New Director

Kirk Olson has joined Christensen Law, PLLC and been named a Director at the firm. Mr. Olson is a trial lawyer and has over 25 years of legal experience representing injured plaintiffs in the areas of catastrophic personal injury, wrongful death, sexual abuse and misconduct lawsuits, Alzheimer’s/Nursing Home abuse, semi-tractor trailer collisions, and insurance dispute cases.

See BAR OBSERVER, PAGE 18
ruling of the trial court in all other instances appears to have been proper.

The judgment of the district court of Oklahoma County is reversed and remanded for further proceedings consistent with this opinion.

February 21, 1968

Fifty Years Ago


Gary Michael Thompson, hereinafter referred to as defendant, was charged, tried and convicted for the offense of Tampering with a Vehicle. From a judgment and sentence fixing his punishment at a $75.00 fine and costs, a timely appeal has been perfected to this Court.

There are several assignments of error, but only one has sufficient merit to consider in this opinion and that is the defendant’s contention that the trial court erred in admitting the testimony of Mr. Gee Tanner, an eye-witness at the scene of the offense, who subsequent to that date and prior to trial, identified the defendant in a police lineup, at which the defendant was not represented by counsel. It is the defendant’s position that the courtroom identification of the defendant was based, either wholly or in part, upon the police lineup at which the defendant was not represented by counsel, in violation of his constitutional right guaranteed under the Sixth Amendment.

At the outset we observe that the testimony relating to the extrajudicial identification of the accused was not introduced by the State, but first injected into the case by counsel for the defense on cross-examination of witness Tanner. The defendant relies principally on Wade v. United States (1967) 388 U.S. 218, 87 S.Ct. 1926, 18 L.Ed.2d 1149, wherein the Supreme Court, in a divided opinion, held in substance that a police lineup or parade is a critical stage of a criminal proceeding and that a suspect appearing in said lineup is entitled to be represented by counsel or must have effectively waived such right to counsel. The majority of the Court stated that:

“We therefore think the appropriate procedure to be followed is to vacate the conviction pending a hearing to determine whether the in-court identifications had an independent source, or whether, in any event, the introduction of the evidence was harmless error, Chapman v. State of California, 386 U.S. 18, 87 S.Ct. 824, 17 L.Ed.2d 705, and for the District Court to reinstate the conviction or order a new trial, as may be proper. See United States v. Shotwell Mfg. Co., 355 U.S. 233, 245-246, 78 S.Ct. 245, 253, 2 L.Ed.2d 234.”

The test to be applied in determining the admissibility of the courtroom identification of an accused, previously observed at a lineup, without benefit of counsel, is derived from the following language:

“Whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint.”

In applying this test, the Court went on to state that:

“Application of this test in the present context requires consideration of various factors; for example, the prior opportunity to observe the alleged criminal act, the existence of any discrepancy between any pre-lineup description and the defendant’s actual description, any identification prior to lineup of another person, the identification by picture of the defendant prior to the lineup, failure to identify the defendant on a prior occasion, and the lapse of time between the alleged act and the lineup identification. It is also relevant to consider those facts which, despite the absence of counsel, are disclosed concerning the conduct of the lineup.”

In Wade, as in the instant case, the extrajudicial identification was not offered by the prosecution, but the court summarily dismissed this as not having any significant bearing. The decision rendered in Wade v. United States, supra, was applied to a conviction in this Court and the same day, the Supreme Court in Stovall v. Denno, (1967) 388 U.S. 293, 87 S.Ct. 1967, 18 L.Ed.2d 1199, held that in all future cases tried after June 12, 1967, the rule enunciated in Wade v. United States, supra, was made obligatory upon the states by the 14th Amendment of the United States Constitution. The Court has declined to give retrospective effect to Wade.

Since the sentence in the instant case was imposed February 17, 1967, and trial preceded that date, in accordance with Stovall v. Denno, supra, we hold that Wade has no application in the instant case.

February 9, 1993

Twenty-Five Years Ago

[Excerpted from Utisinger v. Utisinger, 1993 OK CIV APP 21, 848 P.2d 1180.]

Appellant seeks review of the trial court’s orders dismissing his Motion to Modify Decree of Divorce, as amended.

The parties were divorced in September 1990. They had entered into a Property Settlement Agreement, which also contained provisions for support alimony, child custody and child support. This agreement provided Appellant would, among other things, pay child support in accordance with Child Support Guidelines (Guidelines), and:

(1) pay to [Appellee] the sum of $84,000.00, payable at the rate of $700.00 per month, until such amount is fully paid, and with the specific provision that death or remarriage shall not terminate said payments.

Without expressly incorporating or referring to those provisions of the agreement relating to support alimony or child support, the trial court in its decree ordered support alimony consistent with the terms of the agreement and ordered child support pursuant to the Guidelines.

In March 1991, approximately 6 months post-decree, Appellant moved to modify the decree under the authority of 43 O.S.Supp. 1989 § 134 (E). He asserted change in circumstances relating to his ability to pay the ordered support alimony. Appellant amended his motion to additionally request reduction in child support, again asserting a change in his ability to pay.

The trial court issued a letter order finding:

. . . the property settlement agreement entered into by the parties and approved by the court is not subject to modification without consent of the parties. Stuart v. Stuart, 555 P.2d 611 (Okla. 1976).

Appellant raises two issues before this Court. First, he argues the trial court did have jurisdiction to modify the divorce decree with respect to support alimony without mutual consent of the parties. Appellant also contends the trial court erred in denying his motion to modify the divorce decree as to child support without an evidentiary hearing.

Appellee concedes Appellant is entitled to a hearing on the question of child support. While the parties did not agree child support was to be paid in accordance with the Guidelines, an agreement of the parties as to child support is not binding upon the court. Parkey v. Parkey, 371 P.2d 711 (Okla. 1962).

Child support orders may be modified on proof of a material change in circumstances, with deviation from the Guidelines supported by specific findings. 43 O.S.Supp. 1989 § 118 (19). The trial court may not properly make these determinations in the absence of a hearing, where the movant is allowed to adduce evidence in support of his or her request.

We find the trial court also erred in declining to hear Appellant’s request to reduce support alimony. The trial court based that decision on its finding the divorce was a consent decree which could not be modified without the consent of the parties.

Our Supreme Court has repeatedly held that parties may enter into a consent divorce decree, which cannot be subsequently modified except by the consent of the parties. Greer v. Greer, 807 P.2d 791 (Okla. 1991) (emphasis in the original).

Even a statutory right may be waived in such a consent divorce decree. Perry v. Perry, 551 P.2d 256 (Okla. 1976). However, if a statutory right is to be waived, the waiver must be voluntary and with intentional relinquishment of a known right. Perry v. Perry, at 257.

As Appellant notes in his brief in chief, the property settlement agreement here contains no explicit provision relating to modification of support alimony, nor do we find such provision implicit so as to document or infer a knowing and intentional waiver. To the contrary, since the parties did specifically provide that death or remarriage shall not terminate support alimony payments, as would otherwise occur by law, we may conclude they intended to leave the statutory modification authority intact.

In the absence of an agreement between Appellant and Appellee constraining modification of the support alimony award, we find the trial court erroneously held it could not modify the award without consent of the parties.
Noah Zuhdi is an attorney in Oklahoma City. He is also the Champion of the World. Noah’s wife, Sara Zuhdi, and his step-father Rick Denker are also Oklahoma County attorneys. Noah’s grandfather was the world-renowned heart surgeon Dr. Nazih Zuhdi, who died in February 2017. Noah described Dr. Zuhdi as his “idol” and his hero.

Noah played basketball at, and graduated from, Heritage Hall High School. A teammate of Noah’s (who shall remain nameless) told me, “Absolutely, Noah is a nice, sweet guy. But don’t be deceived. Noah was a feisty, scrappy basketball player.” One interesting story (judicial discretion to follow) involved the Mount Saint Mary High School Rocket mascot. It might be noted that Noah’s record is an undefeated 1-0, in fights with high school mascots. Noah was a nominee to the McDonald’s High School All-American basketball team.

Noah went to college at St. Gregory’s College in Shawnee, where he met Sara. She ran track. Noah played basketball for four years, and started his senior season. He was an NAIA Academic All-American, and graduated with a 3.8 grade point average and a bachelor’s degree in business management.

Noah did not start boxing until he was a freshman at the University of Oklahoma College of Law. He was 23 years old. (Many boxers begin fighting at the age of five or six.) He woke up every morning to run five miles, travel nearly two hours round-trip to his gym, and then went to class. He was worried about what his law school professors might think, if they knew that Noah was so challenged by his first year of law school; especially when he was a professional boxer in his spare time.

The jig was up, however, when Noah came to class one morning sporting two shiny black eyes and a broken nose. “Mr. Zuhdi,” a professor asked, “can I visit with you after class.” Noah was worried. No one looks forward to being called to the proverbial principal’s office. At the conclusion of class, Professor Scaperlanda simply asked “What’s up with that.” “Well,” Noah said, “I’m a boxer. I fight.” That news traveled fast.

Former world champion, and Oklahoma City resident, Sean O’Grady, was his trainer. Noah’s first fight was at Remington. In his debut, he knocked his opponent out in 2½ minutes. Noah’s record is now 18-1. He has fourteen (14) knockouts. He is the reigning World Boxing Union world light weight champion. That - the WBU - is tall cotton.

Noah disclosed that he is a native Oklahoman. He was a naTURAL athlete” and, consequently, has had no difficulty in his transition from the boxing ring to the law school classrooms.

Noah claims that he was not born a “natural athlete” and, consequently, has had to work twice as hard as anyone else. He works out strenuously every day, and never takes a day off from training. Noah says “You hear people talk about ‘Oh, I never would have dreamed this would happen.’ Oh, yes, they did. You cannot accomplish something unless you see yourself accomplishing it first.”

There are many parallels between the skills he has learned as a boxer, and the skills he applies as an attorney. Both disciplines involve public performance, competition and, well, discipline. Noah volunteered one difference. Five people might be paying attention to what he says in a courtroom. All eyes, on the other hand, of the 2,000 spectators on hand at a prize fight are on him.

Sara and Noah have a five-year old child, Elijah. In his sparse spare time, Noah is actively engaged in real estate investments, and a foundation repair business. He might be the only person in the world with a business card that could read “boxer/lawyer/real estate purveyor.”

And, most importantly, Noah is, indeed, a very nice guy.

YEAR IN REVIEW from PAGE 1

popularity as NBA referees and lawyers. State Legislature has no budget for the State of Oklahoma.

June: I was sworn in as a member of the Bar of the United States Supreme Court in Washington, DC. Met RGB. Yay! Amazon purchases Whole Foods, is building a distribution center in Oklahoma City “realizes there is new major league franchise in town - and it’s Noah Zuhdi.”

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NOAH ZUHDI
WORLD CHAMPION - AND OKLAHOMA CITY LAWYER

By Judge Allen Welch

People continue to amaze with their lack of intelligence. ESPN makes stupid decisions after this, including allowing one on air player to choose Baylor as the Big 12 Champs. Berkeley and Oakland are in anarchy stage. North Korea shoots more missiles. Despite multiple Constitutional challenges the AWCA remains in place. Still no state budget. Hurricane Harvey. Total eclipse! At least it is time for football!

September: More North Korean missiles. China building islands to claim expanded ocean boundaries. Massive data breaches occurring everywhere. Russia or China to blame? Clinton tell all book hits the shelves. We were duped. NFL loses half its audience as the National Anthem issue raises its head. Stand or kneel? Plant the flag gate. Hurricane Irma, hurricane Jose and hurricane Maria (I think they ran out of Hurricane names with so many making their presence known). Central Mexico earthquake. On the bright side the number of Oklahoma earthquakes is at a 5 year low.

October: Sooner beat Texas in the Cotton Bowl. Hollywood unrolls with a reviving of the sexual assault list. Reddit too begins. Catalonia leaves the EU. Get dissed at handshake and grab body part. At least he wasn’t wearing a body part hat and marching in the street. What is a Bitcoin and can you hold it. Ask Russia during the investigation hurricane Nate. New Star Wars movie opens! To no one’s surprise Rey is the Last Jedi.


December: Sooner win Big 12 again! Sooners go to CFP and Rose Bowl.

Thankfully that happens in 2018 and I do not have to report the result here. Everything was great right up until the squib kick. Still struggling with Big 3. Wasn’t a defense a Thunder thing? Why can’t millionaire ballers make free throws? Senators and Congressmen admitting and denying harassment charges resign. State budget deal so bad that Governor vetoes it. On the National scene Income Tax Reform progresses despite major congressional resignations. Largest number of persons to sign up for Obama Care in any given year. On the JNC doesn’t work let’s scrap it front, I’m happy to report that there were numerous District Judges, Appellate Judges, a Court of Criminal Appeals Justice and a Supreme Court Justice appointed in 2017-11 total.

Yes, it sounds like we need our legislature to fix that. Reports that number of vinyl music solid is at all time high- China or Russia? Big 12 basketball refs are worse than NBA basketball refs. The NBA 2 min report is as worthless as our legislature. After the last 8 years of steadily increasing stock market including the last two blockbuster years of increases, this market must correct, or profit take or do something negative at some point. It’s an economic law named after an economist from Chicago isn’t it? When do I sell? When do I get off this rock? Then how do I get back in? How do we keep electing any of these legislators? What body part hats do they wear in marches in North Korea? Will somebody please take his twitter away?

So many questions to ponder for a very short Holiday.

Thankfully, 2017 came to a close. After reviewing this I’m not sure what more I could do but rank events in descending order which may be more depressing than any Adele song. But rather than depress myself that way, I’ll just watch one of the thousand slider/horror movies released in 2017.

Let’s put the past behind us and move into the new year full tilt. Out with the old and Cheers to 2018, may it be better than what came before - in a good way! #Whynot!

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**tweet him at @atty mikebrew. For more**
**information, please visit www.hbokc.law.**
What is the purpose of a political party? Primarily its purpose is it to organize likeminded individuals to win elections. Once in office, political parties form coalitions to control government and push for the agenda(s) of its members. Thus, a party’s competition stems not from outside actors, such as a foreign government, but from organizations of its fellow citizens, whom contest the very elections the party was formed to win.

While political parties are much older than our nation, they were not provided for in our Constitution. In fact, many of our founders had strong disdain for political parties. In his Farewell Address, President George Washington warned that political parties “may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.” I think we can all picture a politician or three that fits this description.

Nevertheless, it would be extremely difficult to effectively govern a country such as ours without some form of political parties. Crafting and passing legislation would be nearly impossible in Congress without some organization(s) to articulate issues and build a majority coalition. Moreover, winning enough votes in the electoral college requires garnering support from all over the country, which necessitates a national organization. It could even be argued that political parties provide valuable stability when transitioning between office holders.

At their best, political parties use rhetoric to explain why their policies are best suited for society, or at least for the individual voter. In practice, political parties simply try to tell voters what they want to hear. At their worst, political parties divide a populous, and/or use their power to enrich party members and crush opposition (think Venezuela and the Soviet Union). At the core, this occurs when a party values its accumulation of power more than the interests of the society it purports to represent.

While parties by definition must compete with one another, they have not always garnered such blind allegiance. For example, in 1972 28% of voters split their ballots between parties when voting for president and senator. However, over the decades, political parties have grown. In the 1980s, 16% percent during President Clinton’s two races, to just 10% in 2012.1

What has changed? That is a complex question, but many point to the rise in tribalism (also referred to as identity politics) in our nation. That is, “Americans identify with a party the way they do with a sports team or tribe.”2 Psychology academics categorize this type of phenomenon as Social Identity Theory, which theorizes that part of one’s self-concept, including one’s self-esteem, is derived from membership in a larger social group. Part of identifying with a particular group includes comparisons to one or several outgroups (e.g. educated v. uneducated; Baptist v. Catholic; upper class v. working class; psychologist v. psychiatrist; OU v. OSU; or society v. millennials).3 The decline in split ticket voting appears to evidence that identification with a political party has become more influential on American voters than ever before.

The rise of the political party tribe has led to some perverse outcomes. Take the tea party movement for example, which originally ran to curb growing budget deficits. Those members, most notably in Freedom Caucus today, recently voted to add more than a trillion dollars to the deficit in order to score a supposed political win. Or white Evangelical Christians, who when surveyed in 2011 only 30% believed that “an elected official who commits an immoral act in their personal life can still behave ethically and fulfill their duties in their public and professional life.”4 That number flipped to 72% in 2016 when a presidential election in response to supporting then candidate Trump, a proud serial adulterer who swindled his fellow citizens with a fake university and used his charitable foundation (which he had not personally contributed to since 2008) to make political donations and settle his personal lawsuits. The bizarreness continued in 2017 during the Alabama Senate race where 37% of self-identified evangelicals responded that the sexual misconduct allegations against Moore were more likely to vote for him. Conversely only 28% said it made them less likely and 34% said it made no difference at all.5

What can be done to fix this societal ail? Unfortunately, there does not appear to be any silver bullet. With that said, some states have started to implement open primaries, where voters are not required to declare any party affiliation, and the top two finishers move on to a runoff. The theory is that this will favor more moderate candidates, because the voter pool will not be all of one political leaning. It is not clear if this process works in practice.

I would also suggest that we limit how many bills a legislator can introduce without having a co-sponsor unaffiliated with his/her party. I believe this could work well in Oklahoma. Too many bills are already filed with no hope of passing. Give legislators the ability to file 1-3 bills individually but require that all other bills be co-sponsored by an unaffiliated colleague. This would limit the power a political party has to give. It is not clear if this process would willing to build nonpartisan coalitions. Hopefully, it would also foster congeniality by requiring members of different parties to at least speak to one another.

Political parties play a dominant role in our political system, but that does not mean that they must wield outsized power within the government. The party with the most members elected will always influence the policies enacted, but the party itself is not an organ of the government. Tempering party power may not necessarily weaken its hold over its members, but it may blunt the effects that hold has within our society as a whole. It may even lead to better governing as well.

(Endnotes)


Lawyers help people. It’s what we do. Sometimes we get paid for it. Other times we don’t. Sometimes we don’t know we’re not going to get paid for helping people. Other times we help people without getting paid on purpose.

This article is about helping people without getting paid, on purpose. Most of us do some pro bono work. We volunteer for Oklahoma Lawyers for Children, Legal Aid of Oklahoma or Lawyers for America’s Heroes.

These ways of pro bono service all sort of require going to court, getting involved in cases and putting a fair amount of time into most of the volunteer activities we do. I’ve done some of all of those things but I’ve also enjoyed doing pro bono work where my up-front time commitment is more limited. I suppose the best example of that is the Ask A Lawyer program on Law Day, which I’ve done for more years than I care to admit.

The advantage of the latter sort of pro bono work is that it can be in fairly short doses, without an ongoing, long-term commitment. You just sign up and go to Ask A Lawyer and answer phones for two or three hours and you’re done. Now, there’s a way you can do pro bono service with even shorter commitments.

The American Bar Association has put together a program as part of its “access to justice” program to assure that all Americans, regardless of their economic status have some access to the justice system. The Oklahoma Supreme Court, with the same goal in mind, set up the Oklahoma Access to Justice Commission, which works with the Oklahoma Bar Association to provide free answers to legal questions members of the public may have.

The system works a little bit like Ask A Lawyer, except the legal questions are submitted in writing. If you sign up to participate, you will be given access to a list of questions to which answers are needed. You may choose which of these questions you’d like to try to answer. You will normally do so anonymously, just like we do at Ask A Lawyer. However, there is no prohibition on the lawyer answering the questions making arrangements for a paid representation of the person posing the question, should that prove to be appropriate.

The ABA provides liability insurance which covers the participating lawyer and the ABA, so long as the lawyer providing the legal advice remains anonymous to the person submitting the question. Only if the lawyer makes an arrangement to represent the person presenting the question does the risk transfer from the ABA provided coverage to the lawyers own professional liability coverage.

The ABA handles the screening of applicants to be sure they meet the financial criteria required by the program. The participating lawyer never needs to become involved in those issues. These criteria include that the person seeking assistance have a household income below 250% of the Federal Poverty Line and less than $5,000 in total assets. The applicant must be at least 18 years-old. The applicant must not be incarcerated.

It’s easy to sign up for the program. You simply go to oklahoma.freelegalanswers.org and select areas of the law you feel comfortable answering questions about. You can then choose to answer as many or as few questions as you like. I’ve always enjoyed Ask A Lawyer. I think I’m going to like this program too. I hope you decide you would like join with your fellow lawyers to help people in this way!

Some Words from Will Rogers

Compiled by Jim Croy

As I pen these words, the Oklahoma Legislature begins its 2018 session—the Second Regular Session of the 56th Oklahoma Legislature. In excess of two thousand bills have been introduced this session, and they will be considered together with another two thousand bills which have carried over from last year. Of course, the vast majority of the bills and resolutions will die in one of the several legislative deadlines as the session marches towards its May 25th sine die adjournment.

One of the bills receiving consideration this year is House Bill 2948. This bill makes the last Friday in September a holiday in honor of one of our very favorite sons, Will Rogers. As this bill begins its journey through the legislative process, I thought we might enjoy remembering several musings of this Oklahoma philosopher:

- Everything is funny as long as it is happening to somebody else.
- I don’t make jokes. I just watch the government and report the facts.
- Even if you are on the right track, you’ll get run over if you just sit there.
- When I die, I want to die like my grandfather who died peacefully in his sleep. Not screaming like all the passengers in his car.
- Lettin’ the cat outta the bag is a whole lot easier ‘n puttin’ it back in.
- If you’re ridin’ ahead of the herd, take a look back every now and then to make sure it’s still there.
- Strangers are just friends I haven’t met yet.
- So live that you would not mind selling your pet parrot to the town gossip.
- After eating an entire bull, a mountain lion felt so good he started roaring. He kept it up until a hunter came along and shot him. The moral: When you’re full of bull, keep your mouth shut.
- The health of nations is more important than the wealth of nations.
- When an Okie moves to California, he raises the IQ of both states.
- Diplomacy is the art of saying “Nice doggie” until you can find a rock.
- You’ve got to go out on a limb sometimes because that’s where the fruit is.
- We will never have true civilization until we have learned to recognize the rights of others.
- There are three kinds of men. The one that learns by reading. The few who learn by observation. The rest of them have to pee on the electric fence for themselves.
- Worrying is like paying on a debt that may never come due.
- What the country needs is dirtier fingernails and cleaner minds.
- In the early days of the Indian Territory, there were no such things as birth certificates. You being there was certificate enough.
- A difference of opinion is what makes horse racing and missionaries.
- Get someone else to blow your horn and the sound will carry twice as far.
- The best way to make a fire with two sticks is to make sure one of them is a match.
- When you give a lesson in meanness to a critter or a person, don’t be surprised if they learn their lesson.
- I am a Cherokee and it’s the proudest little possession I ever hope to have.
GableGotwals Announces
Officers and Directors
2018 Officers and Directors for GableGotwals

David Keglovits, Chair and CEO
Sid Swinson, President
Amy Stipe, VP Finance
John Dale, VP Talent
Terry Ragsdale, VP Growth
Dale Cottingham, Secretary
Scott Rowland, Member
Rob Robertson, Member

GableGotwals is a full-service law firm of over 90 attorneys who represent a diversified client base across the nation. GableGotwals effectively handles litigation matters (state, federal, appellate courts), regulatory and licensing issues, and transactional matters. With offices in Oklahoma City, Tulsa and San Antonio, GableGotwals is one of the largest law firms in the state of Oklahoma.

Attorney Billy Coyle receives prestigious Barry Albert Award

The Oklahoma County Criminal Defense Lawyers Association (OCCDLA) recently held its 7th annual presentation of the prestigious 2017 Barry Albert Award. With a career spanning over 40 years, this award’s namesake began as a county prosecutor who later became a flamboyant public defender likened to Perry Mason. Attending the event was Albert’s sons, Victor and Johnnie, both attorneys, and their mother Cherie, who received a bouquet of roses in honor of her husband.

Born in Oklahoma City, Billy attended K-12 in Oklahoma City, and graduated from Fort Lauderdale High School. He enlisted in the United States Marine Corps and attended boot camp at Parris Island, South Carolina. He remained in the Marine Corp Reserves while attending Florida State University and was honorably discharged in 2001 at the rank of E-5, Sergeant. With a Bachelor of Science Degree Billy had a brief stint in the finance industry. He then returned to Oklahoma City and graduated from the University of Oklahoma School of Law. Billy has been practicing criminal defense law with the Coyle Law Firm since 2004.

Billy is admitted in Federal Court for the Western and Northern Districts of Oklahoma, and the Tenth Circuit Court of Appeals. He is a member of the Federal Bar Association, and served on the Board for the Oklahoma City Chapter. He is also a member of the Oklahoma Bar Association, Oklahoma County Bar Association, the Oklahoma Criminal Defense Lawyers Association, Oklahoma County Criminal Defense Lawyers Board Member (President), and a Master of the Holloway American Inn of Court. In the summer of 2007, Billy graduated from the Gerry Spence Trial Lawyers College in Dubois, Wyoming and has since attended several graduate programs.

Billy is married to Heather Coyle and they have a son, Jack and two daughters, Lilly and Lilah. The family attends Christ The King Catholic Church in Oklahoma City.

Other attorneys receiving recognition were David Lynn, who received the Robert A. Manchester Lifetime Achievement Award (posthumously) and Scott Rowland who was given the OCCDLA President’s Award.

Phillips Murrah’s legal team welcomes established securities attorney

Phillips Murrah law firm is proud to welcome Susan E. Bryant to our downtown Oklahoma City office. Phillips Murrah welcomed Susan to the Firm’s Securities and Private Equity Practice Group as an of counsel attorney. Susan provides advice to firms in the financial services businesses on securities, regulatory, compliance, transactional, corporate and related matters, based on over 40 years of experience as an attorney in private practice, in-house counsel to large financial services complexes; and as a regulator.

She regularly advises clients on complex securities issues, regulatory issues and general business matters. Her clients include entities regulated by securities laws: small niche broker-dealers and investment advisers, firms providing both brokerage and advisory services and issuers of private offerings.

From 1986 to 1991, Susan was the head of the Oklahoma Department of Securities where she oversaw a staff of 39 whose duties included broker-dealer examination and investor registration; examining and licensing; enforcing the state securities laws through administrative, civil and criminal actions; review and evaluation of securities registration filings; and issuing responses to interpretive opinion requests.

Susan started her career with the then largest firm in Oklahoma City, working on sophisticated, multi-level, private and public limited partnership securities offerings, primarily involving oil and gas and other tax sheltered investment programs.

Susan has spent her life living in a number of places, but considers Norman, Oklahoma her home. Susan returned to Oklahoma in late 2017 from Maine, where, in addition to her legal practice, she managed a vacation rental business and served on the board of directors of the Camden Chamber of Commerce. She enjoys music and has rejoined the Norman Community Choral Society, where she sang many years ago.

Bill Hall, Erin Van Laanen honored with Lexology 2018 Client Choice Award

McAfee & Taft attorneys William D. Hall and Erin Van Laanen were two of only 547 lawyers worldwide – and the only lawyers in Oklahoma – to be honored with Lexology’s 2018 Client Choice Award. Winners were announced February 1, 2018, at a gala event in London, England.

Established in 2005, the Client Choice Awards recognize excellence in client care and service excellence. Winners are chosen based on individual client nominations and assessments, which rate lawyers on numerous service criteria, including quality of legal advice, industry knowledge, strategic thinking, billing transparency, value for the money, responsiveness, effective communication, appropriate staffing, use of technology, loyalty, and ethics.

Bill Hall, a three-time recipient of a Client Choice Award, represents clients in all areas of intellectual property and is a registered patent attorney with the U.S. Patent and Trademark Office.

Erin Van Laanen serves as the leader of McAfee & Taft’s Aviation Group and concentrates her global practice in the areas of aircraft title, registration, financing and leasing and related matters concerning the United States Federal Aviation Act, the FAA Aircraft Registry in Oklahoma City, and the Cape Town Convention.

Lexology is a daily newsfeed of law firm client alerts, articles and blogs delivered to the desktops of more than 315,000 senior business lawyers worldwide, the majority of whom are in-house corporate counsel representing the vast majority of Fortune 500, FT Global 500 and FT Euro 500 companies – including all members of the Association of Corporate Counsel.
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