

# OADC OUTLOOK

A Publication of the Oklahoma Association of Defense Counsel

April 2014

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## President's Message

by Jennifer R. Annis

OADC started 2014 with the winter meeting on January 24<sup>th</sup> at the historic Mayo Hotel in Tulsa. Turn out was excellent with 94 in attendance. Angela Ailles-Bahm and Carrie Palmer were both awarded the Distinguished Service Award. A special thanks goes to Jeromy Brown, our DRI Representative, who made a video presentation on the importance of keeping our courts fair and free in the face of legislative attempts to politicize the judiciary across the country. Oklahoma has not been immune to this so-called judicial reform.

One benefit of OADC membership is the fruit of the efforts of our Legislative Committee, chaired by Mike Carter, and our lobbyists, Brett Robinson and Dennis Adkins of Capital City Associates. They have been very busy the first quarter of 2014 drafting, monitoring, and communicating with legislators about several pieces of proposed legislation. Their focus has included judicial reform, the offer to confess statutes, and the "OADC Bill", which was drafted by Angela Ailles-Bahm. The "OADC Bill" amends 12 O.S. § 3226 by modifying general provisions governing discovery, relating specifically to initial disclosures and obtaining authorizations for release of records. It has passed both the Senate and House Judiciary Committees and is up for vote on the Senate floor soon. The current version of the "OADC Bill" is posted on our website at [www.oadc.org](http://www.oadc.org).

Another benefit of OADC membership is the opportunity to attend the annual summer meeting. This year we will return to the Four Seasons Resort and Club in Las Colinas, Texas on June 19<sup>th</sup> and 20<sup>th</sup>.

OADC was founded nearly fifty years ago in Oklahoma City by a small group of civil litigation defense lawyers who were interested in pioneering an organization dedicated to providing a platform for association and communication to exchange ideas, information and litigation techniques. Those core ideals remain in place today. Although the practice of law has changed dramatically since the early 1960's, the need to collaborate with and to provide support to others in the defense bar remains the same.

OADC leadership is very interested in hearing from the membership on ways that the organization can better serve and support your practice. Please contact any of the Board of Directors with suggestions or comments. You can find your board members listed on our newly designed website.

I appreciate the opportunity to serve as your President and look forward to a great 2014.

Jennifer Annis

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# OADC Summer Meeting

## Agenda and Continuing Legal Education

### Thursday, June 19 (3.5 hours CLE)

- 1:00 - 2:00 Legislative & Recent Changes in Tort Reform
- 2:00 - 3:00 Top 10 Things Trial Judges Want You to Know
- 3:00 - 3:15 *Break*
- 3:15 - 4:15 From Carbon Copy to Computers: Changes in the Practice of Law in the Last 40 Years
- 5:30 - 6:30 Reception

### Guest Speakers

**Randy Sellers**  
Starnes Davis Florie, LLP

**Hon. Barbara Swinton, District Judge**  
Oklahoma County

**George Wright**  
Stuart Clover Duran Thomas & Vorndran

### Friday, June 20 (3.5hours CLE, includes 1 hr of Ethics)

- 7:45 - 8:45 Continental Breakfast
- 8:00 - 8:30 Board Meeting
- 8:30 - 8:50 Legislative Update
- 8:50 - 9:00 *Break*
- 9:00 - 10:00 When is the Enemy of My Enemy, My Friend? Joint Defense Strategies in Litigation
- 10:00 - 11:00 The Story Compels its Own Style: Legal Writing as Narrative
- 11:00 - 11:15 *Break*
- 11:15 - 12:15 How to Avoid Legal Malpractice
- 6:30 - 7:00 President's Reception
- 7:00 - 9:00 President's Dinner

**John Wiggins**  
Wiggins Sewell Ogletree

**Hon. Mark Campbell, District Judge**  
Bryan County

**David Russell**  
Rodolf & Todd

**Allison Cave**  
Oklahoma Attorneys Mutual Insurance Co.

**Register today at [WWW.OADC.ORG](http://WWW.OADC.ORG) or  
complete the enclosed registration form.**

# Summer Meeting Registration Form

Name \_\_\_\_\_

Firm \_\_\_\_\_

Guest \_\_\_\_\_

Email \_\_\_\_\_

Check the appropriate registration options, then total your amount due. Return the registration page with your check to OADC. Mail your registration to *OADC PO Box 5445, Edmond, OK 73083*.

**Registration Deadline is May 19th. After May 17th there is a \$250 Late Fee.**

**Full Conference** (includes all CLE and social events)

\_\_\_\_\_ \$450 OADC Member

\_\_\_\_\_ \$550 OADC Non-Member

\_\_\_\_\_ \$150 Guests: Thursday Reception and  
Friday Reception & Dinner

Does NOT include CLE programs. Spouses who are lawyers and wish to attend CLE courses must register.

**CLE Programs or Individual Social Events** (If you will not attend the full conference use this section to register.)

**Thursday - 3.5**

\_\_\_\_\_ \$175 OADC Members

\_\_\_\_\_ \$225 OADC Non-Member

\_\_\_\_\_ \$50 Thursday Night Reception

**Friday - 3.5 hours, including 1 hour ethics**

\_\_\_\_\_ \$175 OADC Members

\_\_\_\_\_ \$225 OADC Non-Member

President's Reception and Dinner.

\_\_\_\_\_ Number of attendees x \$100 each: \$\_\_\_\_\_ total

No Official Golf Tournament Scheduled

\$\_\_\_\_\_ **TOTAL AMOUNT ENCLOSED**

**Hotel Reservations:** (972) 717-0700

Cut-Off Date: Monday, May 19th

Rate: \$265 Superior

\$305 Deluxe

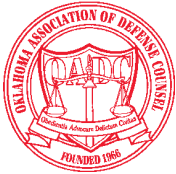
\$285 Villa

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## Recent Changes to Oklahoma's Long-Arm Statute

On February 11, 2014, the Oklahoma Supreme Court decided *Guffey v. Ostonakulov*, 2014 OK 6, \_\_ P.3d \_\_, which extended the reach of Oklahoma's long-arm statute. In *Guffey*, the defendant operated a used car lot in Nashville, Tennessee, which also listed and sold vehicles online through eBay. The plaintiff purchased a car from the defendant's website and after receiving and inspecting the car, determined that it was not in the condition advertised. The plaintiff filed a lawsuit in Oklahoma County, Oklahoma for fraud, as well as for violations of the Oklahoma Consumer Protection Act. The defendant moved to dismiss the plaintiff's lawsuit, arguing that the court lacked personal jurisdiction. The trial court ultimately sustained the defendant's motion to dismiss for lack of in personam jurisdiction.

On appeal, Oklahoma Supreme Court rejected the argument that the sale was a single transaction initiated by the plaintiff. *Id* at ¶¶ 20-22. In so doing, the Court held that it would not focus on the individual sale of the vehicle, but would instead look to the "totality of contacts between the non-resident defendants and Oklahoma." *Id* at ¶ 22. The Supreme Court held that "third-party auction site[s] . . . cannot serve as a shield and absolute bar to the exercise of in personam jurisdiction by this state, merely because the seller does not choose the buyer or buyer's state." *Id* at ¶ 25.



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