

*Independent Investigation of
State v. Richard E. Glossip*

**Fourth
Supplemental
Report
Reed Smith LLP**

October 16, 2022

Since the Reed Smith Independent Investigation report became public on June 7, 2022 (“Report”), we have continued to investigate¹ and submitted the following additional reports: (1) August 9, 2022, Supplemental Report; (2) August 20, 2022, Second Supplemental Report:, and (3) September 18, 2022, Third Supplemental Report. Since issuing these reports, we have continued to investigate. As we discovered new evidence bearing on the conduct of the prosecution, including the memorandum from Assistant District Attorney Connie Pope Smothermon to Justin Sneed’s attorney, Gina Walker, (the “State’s Memo”) we sought out an expert on attorney ethics and professional responsibilities.

The purpose was to assist us in evaluating further the significance and impact of such newly discovered evidence. In September 2022, we retained Professor Emeritus and Dean Emeritus at Oklahoma City University School of Law Lawrence Hellman.² Professor Hellman reviewed relevant materials including the State’s Memo,³ and submitted his findings in an expert report.⁴

After a review and analysis of the Oklahoma Rules of Professional Conduct in force at the time of Mr. Glossip’s 2004 retrial and relevant case law, Professor Hellman determined that, in view of newly discovered evidence located in the District Attorney’s case file (to which the Oklahoma Attorney General granted access to Glossip’s defense counsel only in September 2022), there is a sufficient basis to justify an evidentiary hearing before a court to hear all of the evidence and make findings of fact regarding apparent professional misconduct by the State’s

¹ Individuals from the firms Crowe & Dunlevy LLP and Jackson Walker LLP also continue to assist Reed Smith in various aspects of the ongoing investigation.

² Professor Hellman’s curriculum vitae is attached as Exhibit D.

³ See Exhibit B for a list of materials reviewed.

⁴ See Exhibit A.

lead prosecutor in Richard Glossip's retrial. Professor Hellman found evidence in the materials he reviewed that indicates to him that Assistant District Attorney Connie Pope Smothermon fell short of her ethical and professional responsibilities in material respects. Even if unintentional, if these shortcomings are verified in a judicial hearing, Professor Hellman believes they had the potential to substantially and adversely affect the fairness of Mr. Glossip's 2004 retrial in ways that would undermine confidence in the jury's verdict. Specifically, Professor Hellman opined that:

1. ADA Smothermon had a professional duty to honor the Rule of Sequestration invoked in the proceeding. There is documentary evidence on which a fact-finder could conclude that ADA Smothermon circumvented the Court's Sequestration order by providing information about the substance of other witnesses' completed testimony to Gina Walker (also a designated State's trial witness) for discussion with her client (and the State's key witness), Justin Sneed, who was set to testify shortly thereafter.
2. Before Mr. Sneed testified in Mr. Glossip's retrial, ADA Smothermon had a professional duty to disclose to Mr. Glossip's defense attorneys the full and complete substance of her mid-trial communications to Mr. Sneed, directly, or through his attorney, Ms. Walker, about other witnesses' testimony and his upcoming testimony. Based on the newly discovered evidence, a court could properly conclude that ADA Smothermon's failure to do so constituted professional misconduct that deprived Mr. Glossip of due process of law, thus significantly undermining confidence in the jury's verdict.
3. ADA Smothermon's mid-trial outreach to Mr. Sneed's attorney, Ms. Walker, with information about the testimony of other witnesses also violated the Rule of Sequestration with respect to Ms. Walker, since she too was a designated State's witness.
4. Evidence exists that tends to show that ADA Smothermon was aware that the State's principal witness, Justin Sneed, did not want to testify in Mr. Glossip's retrial and that he wanted to revoke the plea agreement into which he had entered before he testified in Mr. Glossip's first trial and obtain a new one. Evidence further suggests that ADA Smothermon had such information prior to Mr. Sneed's (apparently reluctant) testimony in the retrial. If a court determines that ADA Smothermon did, in fact, have this information but failed to disclose it to defense counsel to use in a timely manner, as the evidence indicates, this failure would constitute professional misconduct that deprived Mr. Glossip of due process. Evidence directly from Mr. Sneed as well as actions taken by ADA Smothermon indicate she was aware of Mr. Sneed's wavering behind the scenes regarding his testimony, not wanting to testify, and wanting to break his plea deal.

and obtain a new one. There is no evidence that ADA Smothermon notified defense counsel of this information, and there is no evidence suggesting that defense counsel was independently aware of Mr. Sneed's discussing recanting his testimony, wanting to break his deal and leverage for a new one.

We will continue to investigate and supplement as necessary.

EXHIBIT A

Lawrence K. Hellman
11312 Willow Grove Road
Oklahoma City, OK 73120-5317
October 16, 2022

David E. Weiss,
Attorney at Law
Reed Smith LLP
101 Second Street, Suite 1800
San Francisco, CA 94117

Re: Independent Investigation of *State v. Richard E. Glossip*

Dear Mr. Weiss:

This is in response to your request for my expert opinion regarding the professional conduct of Oklahoma County Assistant District Attorney Connie Pope Smothermon in her role as lead prosecutor in the 2004 retrial of Richard Eugene Glossip in Oklahoma District Court. More specifically, you have asked me to consider the following questions:

- (1) Did ADA Smothermon have a professional duty not to circumvent the Oklahoma County Court's Rule of Sequestration invoked by the defense in the proceeding? That is, did she have a professional duty to refrain from disclosing to designated prosecution witnesses Justin Sneed and Gina Walker (Mr. Sneed's attorney) testimony of witnesses who preceded their actual or potential testimony in Mr. Glossip's retrial?
- (2) Before ADA Smothermon presented Justin Sneed (the State's key witness) for direct examination, did she have a professional duty to disclose to the defense any efforts that she or members of the District Attorney's staff had undertaken *during the trial* to communicate with Mr. Sneed (directly or through his attorney, Gina Walker) about his upcoming testimony, and the substance of those communications?
- (3) Did ADA Smothermon have a professional duty to disclose to the defense communications that she or members of the District Attorney's staff had during the trial with Gina Walker that circumvented the Rule of Sequestration with respect to Gina Walker *in her capacity as a designated prosecution witness*?
- (4) If, before presenting Mr. Sneed for direct examination, ADA Smothermon knew that Mr. Sneed did not want to testify or wanted to revoke the plea agreement into which he had entered before he testified in Mr. Glossip's first trial, did she have a professional duty to inform the defense of this?

This letter offers a summary of my professional expert opinion regarding these questions.

II. Prefatory Note

Whether ADA Smothermon fulfilled the professional responsibilities my report identifies involves questions of fact, some of which may be disputed. I am not in a position to resolve these questions of fact. However, my report points to information contained in the materials I have reviewed that indicates ADA Smothermon may have fallen short in material respects. Even if they were unintentional (a question I do not address), these shortcomings had the potential to substantially and adversely affect the fairness of Mr. Glossip's 2004 retrial. It is my professional opinion, based on newly discovered evidence, there is a sufficient basis to justify an evidentiary hearing before a court to determine whether ADA Smothermon engaged in professional misconduct that substantially and adversely affected the fairness of Mr. Glossip's 2004 retrial in ways that undermine confidence in the retrial's result.

III. Qualifications

I am Professor Emeritus and Dean Emeritus at Oklahoma City University School of Law.¹ I was a full-time member of the faculty there from August 1, 1977, through June 30, 2018. I served as dean from July 1, 1998, through June 30, 2011. From 1974 to 1977, I was a professor at Washington & Lee University School of Law. From 1970 to 1974, I was an attorney in the Evaluation Section of the Antitrust Division of the United States Department of Justice in Washington, D.C.

I have been a member of the Oklahoma Bar since 1970. The principal focus of my teaching and scholarship has been the field of legal ethics, sometimes referred to as the law governing lawyers. I taught courses on this subject at least once each year from 1975 through 2001 and 2012 through 2018. Although my responsibilities as dean prevented me from teaching regularly between 2001 and 2012, I remained current in the field throughout my academic career, as I have since my retirement in 2018. I have authored many publications and made numerous presentations in the field of legal ethics. I have taught or lectured on legal ethics on five continents. I have served as a member and in a leadership role in a number of professional organizations and committees of the state and national bar concerned with the professional responsibility of lawyers. In particular, I was a member of the Oklahoma Bar Association Rules of Professional Conduct Committee from 1992 through 2015 and co-chair of this committee from 2000 through 2008. I have received several awards and recognitions for my work in the field of legal ethics, including the Oklahoma Bar Association President's Award "for leadership and excellence as Co-chair of the Rules of Professional Conduct Committee." I am an elected member of the American Law Institute and the Oklahoma Fellows of the American Bar Foundation. I was a member of the ALI Consultative Group on the Restatement (Third) of the Law Governing Lawyers and a member of the Advisory Council to the ABA Ethics 2000 Commission.

IV. Materials Reviewed

For a list of materials reviewed, see Exhibit B.

¹ My detailed curriculum vitae is attached as Exhibit D.

V. The Conduct of Connie Pope Smothermon

“A prosecutor has the responsibility of a minister of justice and not simply that of advocate.”² This principle gives rise to a number of “special responsibilities,” enumerated in Rule 3.8 of the Oklahoma Rules of Professional Conduct (ORPC), as promulgated by the Oklahoma Supreme Court.³ Rule 3.8 imposes upon prosecutors several mandatory and prohibitory duties that have constitutional roots. In addition to Rule 3.8, Oklahoma prosecutors are required to comply with all of the other provisions of the ORPC that govern the conduct of Oklahoma attorneys. Further, prosecutors, as officers of the court, are required to comply with all court orders and have a duty of candor to the court⁴ and duty of fairness to opposing parties and their counsel.⁵

With these principles in mind, I turn now to the specific questions pertaining to the conduct of Assistant District Attorney Connie Pope Smothermon in the retrial of Richard Glossip.

- (1) ADA Smothermon had a professional duty to refrain from facilitating circumvention of the Rule of Sequestration invoked in the proceeding. Sequestering witnesses serves two purposes: (a) to prevent a later witness from tailoring his or her testimony to that of a prior witness; and (b) to assist the finder of fact in detecting unreliable testimony.⁶ Its invocation is designed to enhance the fairness of trials and the accuracy of their results. Once invoked, as it was in Mr. Glossip’s retrial,⁷ it takes on the force of a court order. Violating a court order is prohibited by the ORPC.⁸ Violation of the Sequestration rule thus constitutes professional misconduct.⁹ Given its purpose, an attorney’s violation of the Rule of Sequestration also constitutes “conduct prejudicial to the administration of justice,” which the Oklahoma Supreme Court has separately classified as professional misconduct.¹⁰ Further, the Tenth Circuit has emphasized counsel’s obligation to protect sequestration: “Counsel know, and are responsible to the court, not to cause any indirect violation of the Rule by themselves discussing what has occurred in the courtroom with the witnesses.”¹¹

² Oklahoma Rules of Professional Conduct [hereinafter ORPC] Rule 3.8 cmt. [1].

³ ORPC Rule 3.8. From time to time, the Oklahoma Supreme Court amends the ORPC. This report considers rules in force in the relevant time period.

⁴ *Id.* Rule 3.3.

⁵ *Id.* Rule 3.4.

⁶ <https://www.law.cornell.edu/wex/sequester> (last visited Sept. 26, 2022).

⁷ See Tr. Vol 4, at 25. The presiding judge approved three exceptions, not relevant here. *Id.*, at 26-27.

⁸ “A lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.” ORPC Rule 3.4(c).

⁹ “It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.” *Id.* Rule 8.4(a).

¹⁰ “It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.” *Id.* 8.4(d).

¹¹ *United States v. Buchanan*: 787 F.2d 477, 485 (10th Cir. 1986).

In the context of Mr. Glossip's retrial, ADA Smothermon had a professional duty to refrain from disclosing to designated witnesses, including Justin Sneed and Gina Walker (a designated State's witness and Mr. Sneed's attorney), the substance of the testimony of witnesses who appeared before them while they remained subject to being called to the stand. Whether ADA Smothermon violated the Sequestration order in this case ultimately depends on factual determinations that should be made by a court in an evidentiary hearing. However, documentary evidence in the materials I have reviewed that was recently located in the District Attorney's case file boxes strongly suggests that a fact-finder would likely conclude that she did violate the Court's Sequestration order by providing the substance of other witnesses' completed testimony to Ms. Walker (a designated trial witness) for the stated purpose of discussion with Mr. Sneed before he took the stand.

- (2) Before ADA Smothermon presented Justin Sneed (the State's key witness) for direct examination in the retrial, ADA Smothermon had a professional duty to disclose to Mr. Glossip's defense attorneys the full extent of efforts and communications that she or members of the District Attorney's staff had undertaken *during the trial* to discuss with Mr. Sneed (directly, or through his attorney, Gina Walker) his upcoming testimony. This duty arose because of ORPC Rule 3.8(d), which codifies the *Brady* rule's¹² mandate that prosecutors must disclose to the defense information and materials having material impeachment value. Her duty to disclose these efforts was heightened because the Rule of Sequestration had been invoked. Her failure to disclose her mid-trial efforts to communicate with Mr. Sneed is all the more troubling because, during her direct examination of Mr. Sneed, she elicited testimony from him acknowledging that she had communicated with him *prior* to the retrial, but she only partially disclosed to the Court and defense counsel the substance of her communications with Ms. Walker and Mr. Sneed.¹³ Significantly, ADA Smothermon omitted the crucial piece of information, which was that she disclosed other witnesses' testimony to Ms. Walker, including for discussion with Mr. Sneed before he testified. ADA Smothermon even asked Mr. Sneed "did you and I talk over the lunch hour?"¹⁴ and "did you see me at all?"¹⁵ presumably to give the appearance she had not reached out to him or communicated with him. Yet the memorandum shows ADA Smothermon did precisely that.

In fact, *during* the trial, but *prior* to calling him for direct testimony, ADA Smothermon sent a memorandum ("State's Memo")¹⁶ to Ms. Walker outlining

¹² See discussion of *Brady v. Maryland*, 373 U.S. 83 (1963) in Section V (4), *infra*.

¹³ Smothermon informs the Court that "Yesterday, after I heard the ME's questions. I called Ms. Walker. She had a conversation with Mr. Sneed and conveyed to me that – the same thing that I knew, that he had the knife open during the attack but that he did not stab him with it. The chest thing we're all hearing at the same time." Trial 2 Transcript, at pp. 107:25-108:5.

¹⁴ Trial 2 Transcript, Vol. 12 at p. 109:25-110:1.

¹⁵ Trial 2 Transcript, Vol. 12 at p. 110:3.

¹⁶ See Memorandum from ADA Connie Pope Smothermon to Gina Walker, attached as Exhibit C.

“items that have been testified to” by other witnesses in the retrial¹⁷ (and concerns about those items) that her direct examination of Mr. Sneed would address. Specifically, ADA Smothermon stated: “I needed to discuss with Justin.” One of these items (concerning Mr. Sneed’s pocketknife) had not arisen in Mr. Glossip’s first trial but had come into play in the retrial due to testimony of witnesses (Detective John Fiely, Medical Examiner Dr. Chai Choi) who both preceded Mr. Sneed on the witness stand. The State’s Memo concluded with an urgent request to discuss the contents of the items testified to by those other witnesses with Mr. Sneed before he was called to testify. Specifically, ADA Smothermon stated: “we should get to him this afternoon.” Mr. Sneed ultimately testified in a manner favorable to the State, and contrary to what he previously stated to police on January 14, 1997.¹⁸ This underscores the significance of ADA Smothermon’s failure to disclose to the defense the complete details of her mid-trial outreach to Mr. Sneed and the information contained in the State’s Memo to Gina Walker.¹⁹ For all that appears in the materials I have reviewed, the misleading and incomplete disclosure of ADA Smothermon’s outreach divulging the substance of other witnesses’ testimony to Mr. Sneed and Ms. Walker constituted professional misconduct that significantly undermines confidence in the result of the retrial.

To the extent that ADA Smothermon’s memo to Gina Walker constituted an attempt to communicate with Mr. Sneed about his upcoming testimony and the testimony of witnesses who preceded him on the stand, which appears to be the case, the mere act of sending it circumvented the Sequestration order.²⁰ Further, by putting only a partial description of her communications with Mr. Sneed on the record, but not disclosing the full substance of her divulging other witnesses’ testimony to him (and Gina Walker) before he took the stand, ADA Smothermon misled the Court and the defense, thereby unfairly handicapping Mr. Glossip’s attorneys’ ability to object to Mr. Sneed’s testimony in its entirety, have the Court make an informed decision on the defense’s motion for a mistrial based on complete information from ADA Smothermon, or, at least, cross-examine Mr. Sneed more effectively. Her conduct had the effect of deceiving defense counsel and the Court regarding her circumvention of the Rule of Sequestration rule, which would constitute professional misconduct.²¹ Had defense counsel known of the memo or the complete substance of the communications ADA Smothermon had with Ms. Walker and, apparently, Mr. Sneed, and especially ADA Smothermon’s outreach

¹⁷ It is my understanding based on the record that fact witness Kayla Pursely (who is listed with her testimony in the State’s Memo) only testified one time and that was in Glossip’s 2004 retrial. She did not testify in any preliminary hearing for Mr. Glossip or Mr. Sneed, and did not testify in Glossip’s 1998 trial, which was later deemed unconstitutional due to ineffective assistance of counsel.

¹⁸ January 14, 1997, Police Interrogation of J. Sneed at p. 61:20-22.

¹⁹ Although the memo was in the District Attorney’s case file, it was not discovered by Mr. Glossip’s defense counsel until September 1, 2022, when the Attorney General’s Office granted access to the District Attorney’s case file consisting of seven boxes of documents.

²⁰ See discussion in Section V (1).

²¹ “It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.” ORPC Rule 8.4(c). See notes 8 and 9 *supra* and accompanying text.

to Mr. Sneed about the knife and stab wounds testimony *by other witnesses*, the outcome of Defendant's motion for mistrial upon ADA Smothermon's questioning of Mr. Sneed on whether or not he used the knife and stabbed Mr. Van Treese might have been different.²² This is because the State's failure to furnish to the defense ADA Smothermon's memo to Gina Walker or the complete substance of her communications with Ms. Walker and Mr. Sneed severely handicapped defense counsel's ability to inform the court of the seriousness of the State's misconduct, which obliterated the due process safeguards that the Rule of Sequestration and the *Brady* rule are designed to provide. The materials I have reviewed contain evidence from which a fact finder would likely conclude that ADA Smothermon not only violated these rules, but her trial conduct actively concealed her violations.

- (3) Separately from violating the Rule of Sequestration with respect to Mr. Sneed, and, thereby, potentially impacting Mr. Sneed's upcoming testimony about a topic that had not come up in Mr. Glossip's first trial, ADA Smothermon's mid-trial outreach to Mr. Sneed's attorney, Gina Walker, also violated the Rule of Sequestration with respect to Ms. Walker. ADA Smothermon's memo to Gina Walker invited her to discuss the substantive testimony described in the memo considered in Section V (2). Because Ms. Walker had been subpoenaed to testify in the trial and listed as a potential witness for the State, simply sending the State's Memo to Ms. Walker constituted an evasion of the Rule of Sequestration, regardless of whether ADA Smothermon intended or hoped that Ms. Walker would discuss the contents of the memo with her client, Mr. Sneed, and regardless of whether Ms. Walker was called to testify.²³
- (4) The materials I have reviewed contain evidence that tends to show that ADA Smothermon was aware that the State's principal witness, Justin Sneed, did not want to testify in Mr. Glossip's retrial and that he wanted to revoke the plea agreement into which he had entered before he testified in Mr. Glossip's first trial and obtain a better one. Evidence further suggests that ADA Smothermon had such information prior to Mr. Sneed's (apparently reluctant) testimony in the retrial.²⁴ If a tribunal made factual findings regarding these questions of fact that are adverse to ADA Smothermon, the next inquiry would be to evaluate whether she had a professional duty to disclose this information to Mr. Glossip's defense attorneys

²² The presiding judge denied the motion for mistrial. Tr. Vol. 4, at 109:18.

²³ ADA Smothermon's unusual (and unconvincingly explained) decision to subpoena Mr. Sneed's attorney, Gina Walker, to be available to testify as a State's witness - after Mr. Sneed testified - provides additional reason to conclude that ADA Smothermon's undisclosed outreach to Mr. Sneed and Gina Walker during the trial constituted professional misconduct. Gina Walker's failure to challenge the subpoena is but one of several episodes that call into question Ms. Walker's professional conduct in representing Mr. Sneed. The degree of her cooperation with ADA Smothermon casts a harsh light on ADA Smothermon's conduct in reaching out to Gina Walker and Mr. Sneed during the trial.

²⁴ *See, e.g.*, August 26, 2022 Reed Smith Interview of J. Sneed at p. 78:1-8; 83:1-3. ADA Smothermon's actions in September through November 2003 before the retrial seem to indicate her awareness of Mr. Sneed's wavering behind the scenes. These actions include adding Ms. Walker to the State's witness list and informing the Court Ms. Walker might be needed depending on how cross examination of Mr. Sneed goes to "rehabilitation" or "rebut." *See* September 29, 2003 Subpoena of G. Walker; *see also* November 3-4, 2003 Transcript of Proceedings, Pre-Trial Record, at p. 8:14-22.

before Mr. Sneed testified. In Oklahoma, this presents questions of both professional duty and of constitutional law.

In promulgating ORPC Rule 3.8(d), the Oklahoma Supreme Court imposed on prosecutors a professional duty “to make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense” for which a defendant is being criminally prosecuted.²⁵ This duty is self-executing, in that prosecutors are required to comply with it *sua sponte*. Questions remain, however, as to the scope of the Rule 3.8(d) compulsory disclosure duty. What constitutes “evidence or information that tends to negate the guilt of the accused or mitigates” the alleged crime? In 2015, the Oklahoma Supreme Court held that a prosecutor’s professional duty to disclose exculpatory or mitigating evidence or information is co-extensive with the rule of federal constitutional law announced by the United States Supreme Court in *Brady v. Maryland*²⁶ and developed through *Brady’s* progeny.²⁷

The *Brady* rule, as originally announced, established that “the suppression by the prosecution of evidence [in its possession] favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.”²⁸ In the six decades since it was handed down, more than 20,000 reported judicial decisions, including dozens from the United States Supreme Court itself, have developed the scope of the *Brady* rule by applying it to a myriad of case-specific factual situations. Many of these cases have hashed out just what constitutes “*Brady* material” that is subject to mandatory disclosure. *Brady* material today includes “any evidence that goes toward negating a defendant’s guilt, that would reduce a defendant’s potential sentence, or evidence going to the credibility of a witness.”²⁹ In Oklahoma, because of *Ward*,³⁰ the *Brady* rule operates as a rule of professional duty. This means that a prosecutor commits professional misconduct if he/she violates the *Brady* rule by failing to disclose *Brady* material.

In my professional opinion, if, before Mr. Sneed testified in Mr. Glossip’s retrial, ADA Smothermon possessed information (which there is evidence in the record and newly discovered evidence to suggest she did) about Mr. Sneed’s considerable reluctance to testify, and his strong desire to renegotiate the plea agreement that resulted in his testimony in Mr. Glossip’s first trial, her failure to disclose such information constituted a breach of her professional duty, as defined by ORPC 3.8(d), *because* the *Brady* rule required its disclosure. Evidence disclosed by Mr. Sneed as well as actions taken by ADA Smothermon indicate she was aware of Mr.

²⁵ ORPC Rule 3.8(d).

²⁶ *Brady v. Maryland*, 373 U.S. 83 (1963).

²⁷ *State ex rel. Oklahoma Bar Association v. Ward*, 353 P.3d 509 (2015).

²⁸ *Brady*, *supra* n. 25, at 87.

²⁹ https://www.law.cornell.edu/wex/brady_rule (last updated in December of 2021 and last visited Sept. 26, 2022).

³⁰ *State ex rel. Oklahoma Bar Association v. Ward*, *supra* note 23.

Sneed's waffling behind the scenes. She did not notify defense counsel of this, and there is no evidence suggesting that defense counsel was independently aware of it.

The Oklahoma Court of Criminal Appeals has recognized that the State's case against Mr. Glossip relied "entirely" on Mr. Sneed's testimony.³¹ Further, United States District Court Judge Joe Heaton described the case as follows: "The State's case against petitioner hinged on the testimony of one witness, Justin Sneed, petitioner's accomplice, who received a life sentence in exchange for this testimony."³² ADA Fern Smith³³ also explained to the Court that "this case basically rests on the testimony of Mr. Sneed."³⁴ Former ADA Gary Ackley, who assisted ADA Smothermon in prosecuting Mr. Glossip's retrial, has stated publicly that the State's entire case against Mr. Glossip rested on the credibility of Mr. Sneed's testimony, saying, "[I]f the jury didn't believe that testimony that came directly to their ears from Justin Sneed, there's no way they would have convicted Richard Glossip."³⁵ If ADA Smothermon withheld from the defense information about Mr. Sneed's reluctance to testify and his dissatisfaction with his plea bargain and desire to obtain a new one, a reviewing court is likely to find that she (and by extension the State) violated the *Brady* rule and ORPC Rule 3.8(d), thus "undermin[ing] confidence in the outcome of the trial."³⁶

Given the prosecutor's role as a "minister of justice," ADA Smothermon had a professional responsibility to assess her *Brady*/Rule 3.8(d) obligations in the unique context of Mr. Glossip's prosecution. Here, the State was seeking a sentence of death in a case that all realized would turn completely on the credibility of Mr. Sneed's testimony. In view of this, ADA Smothermon should have realized that *Brady* and Rule 3.8(d) required information in the State's possession that was clearly material to the jury's assessment of Mr. Sneed's credibility to be disclosed to Mr. Glossip's defense lawyers. Intentionally or not, her failure to disclose this impeachment information constituted professional misconduct.

The Oklahoma Court of Criminal Appeals has noted that a person in Mr. Sneed's position, who has confessed to a gruesome murder, has an incentive to provide false

³¹ *Frederick v. State*, 400 P.3d 786, 828 (Okl. Cr. 2017).

³² *Glossip v. State*, Order, ECF Doc. 66, Case No. 5:08-cv-00326-HE (W.D. OK, Sept. 29, 2010).

³³ ADA Fern Smith was initially in charge of Mr. Glossip's prosecution in the retrial until that responsibility was shifted to ADA Smothermon in August 2004.

³⁴ Assistant District Attorney Fern Smith, May 29, 1998, Pre-Trial Hearing Transcript at p. 27:21-22.

³⁵ Radical Media Interview Transcript with G. Ackley at p. 42 (June 23, 2016); *see also* Affidavits of S. Lyman at para. 5-6 ("I believe I would have wanted to have this information about the State's primary witness in the case either recanting his testimony or leverage his testimony for a better deal, as evidence for cross examination. This information potentially could have been utilized to confront Mr. Sneed's credibility and reliability as a witness and could have been crucial information, particularly given the importance of Mr. Sneed's testimony to the State of Oklahoma's murder-for-hire case") and W. Woodyard at para. 5 ("I believe that such information would have been helpful in challenging the credibility of Mr. Sneed who was the State's principal witness.")

³⁶ *See Kyles v. Whitley*, 514 U.S. 419, 437-38 (1995).

testimony in exchange for leniency from the State.³⁷ The incentive to offer false testimony in order to avoid a capital sentence is sufficiently strong that a person in Mr. Sneed's position may seek to deceive the State as well as the jury. Given that Mr. Sneed's plea agreement required him to "testify truthfully," that incentive continues to this day.³⁸ Thus, the State is obligated to furnish to the defense information that materially goes to the witness's credibility regardless of whether the State is aware that the witness's proposed testimony will be false.³⁹ Thus, it is not surprising that Former ADA Gary Ackley, who assisted ADA Smothermon in Mr. Glossip's retrial, has said that, had he been aware of the information about Mr. Sneed that ADA Smothermon appears to have had, he would have recognized such information as *Brady* material and disclosed it to Mr. Glossip's defense attorneys.⁴⁰ Former ADA Ackley is correct. ADA Smothermon had a professional duty to furnish to the defense information in the State's possession that was material to the assessment of Mr. Sneed's credibility.

Please contact me with any questions about this report.

Sincerely yours,



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larryhellman@hotmail.com
405.823.5642

³⁷ *Fleming v. State*, 760 P.2d 208, 209-210 (Oka. Cr. 1988) ("The purpose behind the requirement of corroboration is to protect an accused from being falsely implicated by another criminal in the hope of clemency, a desire for revenge, or for any other reason.") *Id.* citing *Howard v. State*, 561 P. 2d 125 (Okl. Cr. 1977).

³⁸ May 26, 1998, J. Sneed Plea Agreement, at paragraphs 1-2.

³⁹ *Cf.*, *Napue v. Illinois*, 360 U.S. 264, 269-70 (1959).

⁴⁰ August-September 2022 Reed Smith Interviews of ADA G. Ackley. Another reason why information that could have been used to impugn Mr. Sneed's credibility is properly considered to constitute *Brady* material is that Mr. Sneed's testimony introduced the only death-qualifying evidence for the murder for remuneration aggravator against Mr. Glossip. This was the sole aggravator the jury found against Glossip.

EXHIBIT B

***INDEPENDENT INVESTIGATION OF
STATE v. GLOSSIP***

EXHIBIT B: MATERIALS REVIEWED

Memo from ADA Connie Pope Smothermon to Gina Walker (Justin Sneed's Attorney)

1997-07-01 Sneed Competency Evaluation

Jan/Feb 1998 Sneed letter to Gina (redacted)

1998 Sentence Reduction Request Filed by J. Sneed

May 26, 1998 J. Sneed Plea Agreement (signed)

J. Sneed Plea with attorney handwriting of allocution

1998-06-18 Sneed sentencing transcript

December 15, 1998 letter from Sneed to Gina Walker re: sentence reduction

1999 Letter from G. Walker to Sneed re: sentence reduction

2001-05-02 Letter from Sneed to OIDS Attorney Wyndi Hobbs

2001-06-02 Sneed letter to OIDS Investigator Lisa Cooper

J. Sneed letter to G. Walker 10-27-02

2003-01-06 and 2003-01-10 Motion Hearing

J. Sneed letter to G. Walker - May 2003

Letter to J. Sneed from G. Walker - May 2003

October 1, 2003 Letter to Gina Walker referencing DAs on the 23rd

2003-09-29 State trial subpoenas – Gina Walker

October 15, 2003 and August 2003 visit request by Gina Walker and ADAs

2003-10-20 State's Additional Witness List

2003-10-20 State's Summary of Additional Witness Testimony

2001-02-23 State's Witness List for Evidentiary Hearing

October 2003 Writ for Sneed Motion by ADA Pope Smothermon

2003-11-03 and 2003-11-04 Transcript Pre-Trial Motions Hearing, Case No. CF-97-244

November 2003 G. Walker Letter to J. Sneed

April 2004 Request for Visit by Walker and ADAs to Joe Harp Correctional Center

May 24, 2004 Department of Corrections Release for Sneed

Trial 2 Vol. 4 – Excerpt from Transcript re: Invocation of Rule of Sequestration

Trial 2 transcript, Vol. 12 – Sneed's Direct and Cross Examinations

September 28, 2003 Email from Kenneth Van Treese to ADA Connie Pope

Kayla Pursley Testimony, Trial 2 Transcript, Vol. 9

John Fiely Testimony, Trial 2 Transcript, Vol. 10

Dr. Chai Choi Testimony, Trial 2 Transcript, Vol. 11

Sneed July 2007 Letter and G. Walker Response

Radical Media Interview Transcript with G. Ackley (June 23, 2016)

Affidavits of S. Lyman and W. Woodyard (2022)

Reed Smith Final Report and Summary Report (June 7, 2022)

Reed Smith Supplemental Report (August 9, 2022)

Reed Smith Second Supplemental Report (August 20, 2022)

Timeline and Fact Excerpts from Third Supplemental Report (September 18, 2022)

EXHIBIT C

Gina,

Here are a few items that have been testified to that I needed to discuss with Justin –

1 - Officer Vernon Kriethe says in his report that after he arrested Justin and was transporting him downtown Justin voluntarily said –

It was my job to take him out and his to clean up
The evidence –he didn't do a very good job

Does Justin remember making that statement?

2. -Kayla Pursley says she saw Justin leave in Glossip's car about 5:30 or 6:00 and she doesn't know how long he was gone or where he went. ?????

3 - Our biggest problem is still the knife. Justin tells the police that the knife fell out of his pocket and that he didn't stab the victim with it. There are no stab wounds, however the pocket knife blade is open and the knife is found under the victim's head. The victim and Justin both have "lacerations" which could be caused from fighting/ falling on furniture with edges or from a knife blade. It doesn't make much sense to me that Justin could have control of the bat and a knife, but I don't understand how/when the blade was opened and how/when they might have been cut. Also, the blade tip is broken off. Was the knife like that before or did that happen during?

4 - Justin's clothes were found in the canister in the laundry room. There was a small piece of duct tape stuck on one of the socks. I understand that he hid the clothes while everyone was looking at the car which was well after Glossip was with him and they were taping up the shower curtain – is that right? *yes*

5 - Officers testified that the shower curtain to room 102 was missing. Is that the room where they got the shower curtain? I have it listed as room 102 one place in my notes and room 101 in another place????

6 - Did they turn down the air conditioner in room 102? If so, when?

They have listed the statements in the PSI has a potential impeachment document. There doesn't seem to be anything inconsistent in them. Justin didn't make any statements – it is mostly family history that he and I are going to talk about.

Thanks - we should get to him this afternoon. Tina wasn't here on Monday so Justin may not get to the old jail until noon.

Connie

*a.m?
p.m.?*

*Saw him
when police
window
left to get
plastic bag
~7:30*

*tip broke
when found it.
brought knife
down one time
possibly mistaken
on it
hit - touched down
w/ hat -
hit in chest w/
knife - turned
away - hat again
chopped it -
don't know why
didn't say*

*turned on
full blast
at before
bust
was off
- lock*

EXHIBIT D

LAWRENCE K. HELLMAN
CURRICULUM VITAE
August 20, 2022

EDUCATION:

J.D., Northwestern University (1970) - 2nd Place, Hyde Prize Writing Competition (International Law).

M.B.A., Northwestern University (1967) - Distinguished Scholar; Beta Gamma Sigma.

B.S., Washington & Lee University (1966) - *cum laude*.

BAR ADMISSION:

Oklahoma (1970).

PROFESSIONAL EMPLOYMENT:

Oklahoma City University School of Law, 1977 – 2018.

- Professor Emeritus, 2018 – present
- Dean Emeritus, 2011 – present.
- Director, Center for International Programs, 2013 – 2015.
- Executive Director, Oklahoma Innocence Project, 2011 – 2015.
- Dean, 1998 - 2011.
- Professor, 1980 - 2018.
- Associate Dean, 1978 - 80.
- Associate Professor, 1977 - 80.

Washington & Lee University School of Law, 1974-1977.

- Assistant Professor, 1974-1977.

United States Department of Justice, 1970 – 1974.

- Attorney, Evaluation Section, Antitrust Division, 1970 - 74.

COURSES TAUGHT:

Administrative Law

Antitrust Law

Civil Procedure

Comparative Legal Ethics

Introduction to the American Legal System

Legal Profession/Professional Responsibility

Professional Responsibility in the Legal Intern Experience
Regulated Industries
Seminar: Selected Topics on the Legal Profession

INTERNATIONAL TEACHING

Stetson University Autumn in London Program (2011, 2013)
Beijing Normal University, Zhuhai Campus (2012)
University of Toulouse (2012)
Stetson University Summer Program in Buenos Aires (2009)

VISITING PROFESSORSHIPS

Southern Methodist University Dedman School of Law

- Visiting Professor, Fall Semester 2020

PROFESSIONAL ACTIVITIES:

American Law Institute

- Consultative Group, Restatement of The Law of American Indians, 2017 – 2021.
- Consultative Group, Restatement (Third) of the Law Governing Lawyers, 1996 - 1999.
- Elected member, 1996 - present.

American Judicature Society

- Awards Committee, 2007 – 2014.
- Program Committee, 2007 - 2008.
- National Advisory Council, 2005 - 2014.
- Board of Directors, 2003 - 2005.

Association of American Law Schools

- Committee on Libraries and Technology, 2004 - 2006.

American Bar Association

- Section of International Law Legal Education Committee, 2011 – 2018.
- Section of Legal Education and Admissions to the Bar Professionalism Committee, 2004 - 2009.
- Ethics 2000 Commission, Advisory Council, 1998 - 2002.

Legal Aid Services of Oklahoma (formerly Legal Aid of Western Oklahoma)

- Board member 1979 – 2013.

Oklahoma County Bar Association

- Professionalism Committee, 1999 - 2000.

Oklahoma Bar Association

- Rules of Professional Conduct Committee, 1992 - 2015 (co-chair 2000 - 2008).
- Disciplinary Task Force, 2002 - 2005.
- Diversity Committee, 2000 - 2003.
- Task Force on Professionalism and Civility, 1998 - 2000 (co-chair 1999).
- Legal Ethics Subcommittee on Restructuring, 1998.
- Legal Ethics Committee, 1996 - 1999 (vice-chair 1999).
- Legal Internship Committee, 1988 - 1990; 1993 - 1998 (vice-chair, 1998).

Oklahoma Fellows of the American Bar Foundation

- Elected member, 2002 - present.

Oklahoma Justice Commission, 2011- 2013.

Oklahoma Legislative Task Force on Judicial Selection, 1999 - 2000.

Ruth Bader Ginsburg American Inn of Court, Honorary Master, 1998 – present.

William J. Holloway, Jr. American Inn of Court, Honorary Master, 1998 - present.

HONORS:

Oklahoma Association of Black Lawyers Award for Excellence (2012)

Oklahoma County Bar Association Professional Service Award (2011).

Oklahoma City University School of Law Beacon of Justice Award (2011).

The Journal Record's Leadership in Law Award (2011).

Oklahoma Bar Association President's Award for Outstanding Service (2006).

American Bar Association Judge Edward R. Finch Law Day Speech Award, 3rd Place, (2004).

Oklahoma County Bar Association *Briefcase* Award (2003).

Ruth Bader Ginsburg American Inn of Court, President's Award for Service (2003).

Ruth Bader Ginsburg American Inn of Court, John E. Shipp Professionalism Award (2001).

Oklahoma County Bar Association President's Award for Service (1998).

Oklahoma Bar Association Award for Ethics (1998).

PUBLICATIONS:

➤ *Monographs and Book Chapters*

CARNEGIE'S MISSING STEP: PRESCRIBING LAWYER RETRAINING, in REID MORTENSEN ET AL. EDS., REAFFIRMING LEGAL ETHICS, at 129-142 (Routledge Pub. Co. 2010).

MARKETING CONDITIONS IN SWITZERLAND (Adolf Wirz, A. G. 1968).

A GENERAL REVIEW OF THE PURCHASING ACTIVITIES OF THE METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO (with T. Schwegal) (1967).

➤ *Academic Publications*

Chinese Scholarship and Oklahoma City University School of Law, 36 OKLA. CITY U. L. REV. 423 (2011).

Conceptualizing a Law School as an Integral Part of the Legal Profession, 36 TOLEDO L. REV. 73 (2004).

The Oklahoma Supreme Court's New Rules on Attorneys' Trial Publicity: Realism and Aspiration, 51 OKLA. L. REV. 1 (1998).

A Better Way to Make State Legal Ethics Opinions, 22 OKLA. CITY U. L. REV. 973 (1997).

When "Ethics Rules" Don't Mean What They Say: The Implications of Strained ABA Ethics Opinions, 10 GEO. J. LEGAL ETHICS 317 (1996).

The Effects of Law Office Work on The Formation of Law Students' Professional Values: Observation, Explanation, Optimization, 4 GEO. J. LEGAL ETHICS 537 (1991).

"Entrenchment" Under Section 7 of the Clayton Act: An Approach for Analyzing Conglomerate Mergers, 13 LOY. U. CHI. L. J. 225 (1982).

The Oklahoma Supreme Court's New Rules on Lawyer Advertising: Some Practical, Legal, and Policy Questions, 31 OKLA. L. REV. 509 (1978).

Considering the Future of Legal Education: Law Schools and Social Justice, 29 J. LEGAL EDUC. 170 (1978).

An Approach for Reconciling Antitrust Law and Securities Law: The Antitrust Immunity of the Securities Industry Reconsidered, 65 NW. U. L. REV. 260 (1970).

➤ *Appreciations*

Art LeFrancois: An Appreciation, 42 OKLA. CITY U. L. REV. 131 (2018).

Top O' the Day t'Ya, Professor von'Creel, 36 OKLA. CITY U. L. REV. 515 (2010).

The Perpetual Influence of the Master of the Rule Against Perpetuities: A Tribute to Fred Schwartz, 35 OKLA. CITY U. L. REV. 543 (2010).

In Appreciation of Judy Morgan, 35 OKLA. CITY U. L. REV. 515 (2010).

Have Intellect, Charm, Curiosity, and Courage – Will Travel: A Tribute to Norwood Beveridge, 35 OKLA. CITY U. L. REV. 243 (2010).

Richard E. Coulson: The Indispensable Link Between the Past and the Future of a Developing Law School, 34 Oklahoma City U. L. Rev. 1 (2009).

Reflections on the Career of Nancy I. Kenderdine, 29 OKLA. CITY U. L. REV. 481 (2004).

Memorial to Bob Lyman, 29 OKLA. CITY U. L. REV. 5 (2004).

➤ **Commentary**

Open Letter to the Editor: Gov. Kevin Stitt can support death penalty, still spare Julius Jones, The Oklahoman (Nov. 14, 2021)

State AG can right 2 wrongs, The Oklahoman (January 6, 2021).

MAPS thinking matures with city, The Oklahoman (August 18, 2019).

A case of unfinished justice, The Oklahoman (October 2, 2015)

Bill being considered would serve to protect criminals, The Oklahoman (March 22, 2015).

Exonerating the Wrongfully Convicted Should Be a Shared Responsibility, OK Policy Blog, Oklahoma Policy Institute (October 22, 2014).

How Many Innocent People are in Oklahoma Prisons? The Oklahoman (September 13, 2014).

How Law Schools Can Contribute to Public Policy on Human Rights, Proceedings of the 2013 Annual Meeting of the International Association of Law Schools, Mysore, India (2013), available at <http://www.ialsnet.org/services/conferences/annual-meeting/>.

At the Intersection of Curricular and Pedagogical Choices in Legal Education: Collision or Harmonious Merger? International Association of Law Schools Conference, Buenos Aires, Argentina (April 13-15, 2011).

What is the Role of the Dean Externally? International Association of Law Schools, Canberra, Australia (May 27, 2009).

Seeking a Professional I.D., NAT'L. L. J., March 24, 2008.

Yom Kippur Lessons for Lawyers, NAT'L. L. J., October 3, 2005, at 31.

Basics of Legal Ethics Remain Constant Even as Rules Evolve, 50 OKLA. B. J. 2567 (2004).

- **Ethical Considerations**,[©] (a 1200-word column published monthly from January 1986 through November 2013 in the Oklahoma County Bar Association newspaper, BRIEFCASE.)

2013

Jan.	Listening to Clients Is Important, Even During Appeals
Feb.	Hear No Evil, See No Evil = A Bad Plan for Lawyers
Mar.	Head in Sand Can Lead to Kick in Rear
Apr.	Lawyers, Cleanse Thy Selves
May	Those Who Cut Slack for Partners May Nick Their Own Professional Reputations
June	Forgiveness of Colleague Can Be Professionally Irresponsible
Aug.	What Does <i>Gideon</i> Mean for Legal Ethics Today I?
Sept.	What Does <i>Gideon</i> Mean for Legal Ethics Today II?
Oct.	What Does <i>Gideon</i> Mean for Legal Ethics Today III?
Nov.	What Does <i>Gideon</i> Mean for Legal Ethics Today IV?

2012

Jan.	The Legislature's Role in Regulating Lawyers
Feb.	The Supreme Court's Use of Legislation in Regulating Lawyers
Mar.	Stupid (But Not Funny) Lawyer Tricks
Apr.	Some Thoughts on Counseling Clients
May	Being Candid with Clients Can Be Emotionally Difficult
June	Reporting Juror Dishonesty: Duty or Discretion?
July	A Little Honesty about Dishonesty
Aug.	Making It Easier to Follow Our Better Instincts
Sept.	Better Confirm That
Oct.	Can Lawyers Be Whistleblowers?
Nov.	The Lawyer/Whistleblower: An Oxymoron?
Dec.	The Client-Lawyer Relationship during Appeals

2011

Jan.	Toyota's Nightmare = Ethics Professors' Dream
Feb.	Regulatory Reform for Lawyers
Mar.	Toward a More Proactive System of Lawyer Regulation
Apr.	Does Professional Self-Assessment Work?
May	Self-Interest Often Leads to Self-Deception
June	Do Ethics Rules Take Human Nature into Account?
July	Bias, Self-Interest, and Judges

Aug. The Jerk Factor: It's Getting Rough Out There
Sept. Those Pesky "Side Effects"
Oct. An Old Time Revival for Lawyers?
Nov. What's the Oath Got to Do with It?
Dec. Taking a Look at Oklahoma's Attorney's Oath

2010

Jan. Ethics Lessons from The Beijing Lawyers Association
Feb. Inspiration from Courageous Chinese Lawyers
Mar. "Torture Memos" Inquiry Demonstrates That, in Giving Legal Advice, Objectivity Can Be Elusive
Apr. Can a Lawyer Ever Really Be Objective?
May What Not to Do
June Are Lawyers Their Partners' Keepers?
July Slovenia v. USA = Bush v. Gore? Soccer Lessons for Lawyers
Aug. Former Prosecutor's Case Focuses Attention on Purposes of Professional Discipline
Sept. What Not to Do – Two
Oct. Is It Professional Misconduct to Be a Creep?
Nov. Is He Creepy, or Is He Sick?
Dec. The Oklahoma Justice Commission: Fulfilling the Bar's Responsibility

2009

Jan. A Prof Who Linked Legal Education to the Legal Profession
Feb. Should Clients Be Told of Better Representation Elsewhere?
Mar. Lessons for Lawyers from Chinese Jaywalkers
Apr. What's the Matter with Yoo?!
May Lessons from the Prosecution of Senator Stevens
June International Conference Casts Light on Role of Lawyers in Society
July Should Disclosure of Malpractice Insurance Be Required?
Aug. So Many Topics, So Little Time: An Avalanche of Ethics Issues
Sept. Who's Responsible for Fixing Wrongful Convictions?
Oct. Are Things Getting Better or Worse?
Nov. Shortcomings by Defense Lawyers, Police, and Prosecutors Can Produce Wrongful Convictions
Dec. Get Ready for Ethics 20/20, the Sequel to Ethics 2000

2008

Jan. What Lawyers Could Teach Some Doctors about Ethics
Feb. Give Me Confidentiality or Give Me Death???
Mar. Are Lawyers Their Clients' Keepers?
Apr. Do You Have Your Professional I.D.?
May Must Prosecutors Seek to Rectify Wrongful Convictions?
June Be Nice. Or Else! Civility Becomes Enforceable

July The Lawyers and the Law Schools Should be Friends
Aug. An International Conference Looks at Legal Ethics
Sept. Looking Back From 08.08.08 to 08.08.74
Oct. Possible Lessons from Watergate for Today's Lawyers
Nov. Is Pro Bono Work "Self-Serving" and "Anti-Social"?
Dec. There Must Be 50 Ways for Judges to Get into Trouble

2007

Feb. Wishing the Rules Away Won't Work
Mar. The Duty to Speak Out
Apr. Conduct Unbecoming a Member of the Bar
May In Lawyer Advertising, It Should Be Truth or Consequences
June Client Trust and Public Trust: Priceless
July Lessons from the Duke Prosecutor's Disbarment
Aug. Explaining the Essence of Lawyering
Sept. What to Look for in New Ethics Rules
Oct. What to Look for in New Ethics Rules – II
Nov. What to Look for in New Ethics Rules – III
Dec. What to Look for in New Ethics Rules – IV

2006

Jan. Lawyers Should Keep Judges Out of J.A.I.L.
Feb. "I Love My Lawyer:" Client Testimonials in the 21st Century
Mar. What Does it Really Mean to Be a Lawyer?
Apr. Law Schools, Military Recruiters, and Legal Ethics
May Don't Forget that the Internet Is Not Private
June Courage as a Core Professional Value
July Competition among Lawyers Is Not Unethical
Aug. Lawyers Should Trade "3 Rs" for "7 Cs"
Sept. What Will Your Clients Say about You?
Oct. These Are Times that Should Try Lawyers' Souls
Nov. Tortured Statutory Construction May Lead to Torture

2005

Jan. What the ABA Recommended and Oklahoma Rejected (so far) on Judicial Ethics
Feb. Amendments to Model Code of Judicial Conduct Considered
Mar. In Giving Advice, Consider Collateral Consequences
Apr. Research on Law and Lawyering Yields Valuable Insights
May Week of Hope Spoke to Lawyers, Too
June Defending the Independence of the Judiciary
July Supreme Court Speaks to Prosecutors and Public Defenders
Aug. Confidentiality Rules Aren't What They Used to Be
Sept. To Disclose or Not to Disclose: That Is the Question
Oct. The Roberts Confirmation, Judicial Duties, and Disqualification
Nov. Your "First Class Ticket" to Professional Responsibility

Dec. Revamping of Legal Ethics Rules under Consideration

2004

Jan. Ethics Lessons from Rodney King and the Beatles
Feb. Why Some Lawyers Are Disinclined to Try Cooperation First
Mar. The Making of a Supreme Court Justice: Sandra Day O'Connor
Apr. Bob Dylan Weighs in on Legal Ethics
May Remembering the Real Meaning of Law Day
June The Role of Lawyers in Preserving the Rule of Law
July The Geneva Conventions, Abu Ghraib, and Legal Ethics
Aug. Treat Your Clients Well, or They Will Tell
Sept. As Maine Goes, So Goes ... Legal Ethics?
Oct. Yom Kippur Lessons for Legal Ethics
Nov. Stamping out Those Pesky Frivolous Claims
Dec. Professional Responsibility Includes Attention to Judicial Ethics Rules

2003

Jan. Do the SEC's Sarbanes-Oxley Rules Go too Far?
Feb. When Does Criticism of Judges Go too Far?
Mar. Professional Responsibility and Legal Education
Apr. IP Firms Do not Have Patent on Legal Ethics
May New 9/11 Fallout: ABA's Confidentiality Rule?
June The Ethics World of Government Lawyers
July When Government Lawyers Discover Wrongdoing
Aug. Knowledge of this Rule Can Keep You out of Jail
Sept. Legal Ethics and the Law Student Debt Burden
Oct. Is it Time to Consider Mandatory IOTA Again?
Nov. U.S. Supreme Court Gives Mandatory IOLTA Green Light
Dec. Mandatory IOLTA Proposal Readied for Oklahoma Supreme Court

2002

Jan. Restrictions on Out-of-State Practice May be Eased
Feb. An Action Plan for Professionalism
Mar. Oklahoma's Answer to MDP: Law-Related Businesses
Apr. Certification Plans Receive Limited Recognition
May Evidentiary Issues Have Ethical Dimensions
June Courts Can Police Trial Conduct
July Assessing the Perceived Malaise of Lawyers
Aug. If You're Happy and You Know It, Are You a Lawyer?
Sept. Lawyers and Corporate Disclosure: Back to Basics
Oct. New Rules Due Regarding Corporate Disclosures
Nov. New Rule Provides Guidance for Law-Related Businesses
Dec. SEC's Proposed Rules Put Squeeze on Lawyers

2001

Jan.	Civil Pro 101 Applies to Legal Ethics (with V. Creel)
Feb.	Opprobrium is Sometimes Only Available Sanction
Mar.	Are Limits on Former Government Attorneys Sufficient? (with A. Spiropoulos)
April	The Bar's Odyssey: Returning to our Ideals (with D. Morgan)
May	Law Schools Want to Help Bar Improve Access to Justice
June	Lawyers Must Be Careful What They Wish For
July	Giving Independent Advice Poses Challenges (with F. Schwartz)
Aug.	Probate Practice Presents Professional Challenges (with N. Kenderdine)
Sept.	Revision of Ethics Rules May Be Nearing
Oct.	Overview of Rule Changes Proposed by Ethics 2000
Nov.	Additional Rule Changes under Consideration
Dec.	Competition and Technology Prompt more Rule Proposals

2000

Jan.	Search for Truth Must Be Balanced with Ethical Duties
Feb.	Sanctions for Incivility? It Can Happen
Mar.	How One Lawyer Brought Calm after the Tulsa Race Riot (with A. Brophy)
Apr.	Sanctions Imposed for Gender-Based Remarks to Opposing Counsel (with P. Hatamyar)
May	An Ethical Temptation for the Public-Interest Litigator (with D. Arrow)
June	Lawyers Providing Tax Advice Must be Realistic (with J. Temple)
July	Dealing with Perjury in a Commercial Law Context (with P. Dillon)
Aug.	The Advocate's Duty to Disclose Adverse Legal Authority: An Historical Perspective (with T. Odom)
Sept.	Counseling Debtors on Bankruptcy Options Presents Tough Ethical Issues (with R. Coulson)
Oct.	Uncivil Courtroom Behavior Can Be Costly (with M. Gibson)
Nov.	Lessons from Representing Indigents in Criminal Appeals (with B. Johnson)
Dec.	Taking Stock in Clients: Risk or Reward? (with P. Dalley)

1999

Jan.	Suppose Your Client Violates a Court Order
Feb.	Professional Rules are Still Evolving
Mar.	Lawyers Have Reasons to Celebrate Legal Education
Apr.	"Professionalism" and Reporting Misconduct
May	Even Lawyers Should Know They Aren't Above the Law
June	Professionalism Forums Reveal Common Theme
July	Competence May be the Most Important Issue
Aug.	Y2K May See Clarification of Client/Lawyer Relationship
Sept.	Seeking to Resolve Ethical Dilemmas for Multi-State Lawyers
Oct.	Regulating Attorneys' Comments on Judges

Nov. Regulating Judicial Election Campaigns is Difficult
Dec. Examining the Role of the Bar in Judicial Selection Debate

1998

Jan. Legal vs. Ethical vs. Professional - I
Feb. Legal vs. Ethical vs. Professional - II
Mar. Sex Scandals Threaten Legal Profession Too
May Courts Are Becoming Intolerant of “Fudging”
June Incivility Can Sometimes Become Sanctionable
July Beginning a Dialog on Professionalism and Civility
Aug. Viewing Lawyers as Composers
Sept. When is Conduct “Prejudicial to Administration of Justice”?
Oct. New Rule 4.2 Limits Contacts with Represented Persons
Nov. Rule 4.2’s Simplicity Can Be Deceptive
Dec. Clinton Investigation Offers Teaching Opportunity

1997

Jan. Why Did Newt Gingrich’s Lawyer Quit?
Feb. Conflicts Lurk Among Joint Clients
Mar. Delay May Not Be Negligent, But It’s Not Good Either
Apr. Learning Legal Ethics Is a Life-Long Mission
May Avoiding the Race to the Bottom
June What If Michael Fortier Were a Lawyer?
July Learning from Victims of Lawyer Misconduct
Aug. Is Distance between Rules and Ethics Growing?
Sept. Our Firm Erred; Now What?
Oct. Lawyers as Paparazzi: The Ethics of Media Contracts
Nov. All’s Fair in Love & War, But Not in Litigation
Dec. Multi-State Practice Presents Ethical Uncertainty

1996

Jan. Duties to Nonclients Must Temper Zeal
Feb. The Ethics of Mandatory CLE
Mar. Crime-Fraud Exception Clarifies Attorney’s Role
Apr. Migrating Lawyer Must Think of Clients First
May Probing the Core Issues of Legal Ethics
June Legal Ethics Is More than Rules
July Restatement of Law on Lawyers Takes Shape
Aug. Restatement Takes Some Controversial Positions
Sept. A Tale of Intimidation, Manufactured Conflicts, and Rule 11
Oct. Sometimes Lawyers Just Have to Say “No”
Nov. Lawyers Are Not Always Allowed to Be “Nice”
Dec. What’s Up with Trial Publicity Rules?

1995

Jan.	Some Interesting Ethics Opinions from Near and Far
Feb.	When Duties Conflict, Something Must Give
Mar.	Trial Publicity: Is It Susceptible to Regulation?
Apr.-May	Bar Must Support Court-Appointed Lawyers
June	“Deadbeat Dads” and Legal Ethics
July	Who Will Look after Legal Aid Clients?
Aug.	Is It Unethical to Make a Sexist Comment?
Sept.	ABA Tinkers with some Model Rules
Oct.	You Don’t Have to Enter Appearance to Be Accountable
Nov.	When Is a Settlement Offer Unethical?
Dec.	Ethics Opinions Sometimes Spawn Confusion

1994

Jan.	When a Client Seeks to Subvert the Discovery Process
Feb.	Exploring the Reach of the Duty of Loyalty
Mar.	Fee Simple? Absolutely Not Anymore
Apr.	Defining the Limits of Permissible Cross-Examination
May	Read Supreme Court’s Malpractice Decision with Care
June	Some Standard Retainer Agreements May Be Flawed
July	Supreme Court Subtly Relaxes Notion of “Frivolous”
Aug.	Must Lawyer Preserve Evidence the State May Want?
Sept.	Threatening a Bar Complaint in Course of Negotiations
Oct.	Positional Conflicts: Do Clients Have a Veto Power?
Nov.	Is It Time to Look at Advertising Again?
Dec.	Government Service and Conflicts of Interest

1993

Jan.	Proposed New Rule 11 Concept of “Frivolous”
Feb.	Rule 11 Sanctions Process May be Altered
Mar.	Cellular Phones May Harm Your Ethics Too
Apr.	Resisting Temptation: Handling Mis-delivered Documents
May	Perils of ADR: Settlement Malpractice
June	Some Conflicts Are neither Foreseeable nor Waivable
July	New Guidance from ABA on Waiving Conflicts
Aug.	Considering the Possibility of Rehabilitation
Sept.	New Horizons for the Contingent Fee
Oct.	Loans to Clients: Time for a Change?
Nov.	Update on Taping and Accidental Disclosures
Dec.	Client Fraud: It’s More Than a Question of Ethics

1992

Jan.	Additional Guidelines for Regulating Temporary Lawyers
------	--

Feb.	Tip to Avoid Fee Dispute: Get It in Writing
Mar.	Resolving Ambiguities in Attorney Fee Agreements
Apr.	Avoiding Unintended Contractual Obligations
May	Suing for Fees: Will Courts Enforce the Contract?
June	Guidelines for Determining a Reasonable Fee
July	When May Courts Adjust Fee Contracts?
Aug.	There's Room for Legal Ethics in Bankruptcy Analysis
Sept.	Four New Ethics Opinions from the ABA
Oct.	ABA Speaks Out on Sex and Criminal Threats
Nov.	OBA Considers Serious Proposal for Mandatory IOLTA
Dec.	Major Changes to Federal Rule 11 Proposed

1991

Jan.	Applying the Substantive Standards in Rule 11
Feb.	The Unanswered Questions under Rule 11
Mar.	Conflicts of Interest Generated by Rule 11
Apr.	Considering the Future of Federal Rule 11
May	Considering Changes in Code of Judicial Conduct
June	Proposed Rules on Judges' Adjudicative Duties
July	Regulating Non-Adjudicative Activities of Judges
Aug.	Rules Limiting Financial Activities of Judges
Sept.	The Matter of Judicial Disqualification
Oct.	Limits on Judges' Professional and Political Activities
Nov.	Guidelines for Temporary Lawyers
Dec.	Confidentiality and Supervisory Issues with Temporary Lawyers

1990

Jan.	Supervisory Responsibilities of Lawyers - II
Feb.	Supervisory Responsibilities of Lawyers - III
Mar.	Supervisory Responsibilities of Lawyers - IV
Apr.	Supervisory Responsibilities of Lawyers - V
May	Supervisory Responsibilities of Lawyers - VI
June	Developments on the Pro Bono Front
July	The Rationale for the Pro Bono Duty
Aug.	The Legality of Mandatory Pro Bono
Sept.	Law Schools and the Pro Bono Concept
Oct.	Contacts with an Adversary's Current and Former Employees
Nov.	Searching for Guidance in Interpreting Rule 11
Dec.	The Supreme Court Begins to Lead the Way on Rule 11

1989

Jan.	"Professionalism" and Reporting Misconduct
Feb.	Issues in Reporting Misconduct
Mar.	The Consequences of Not Reporting Misconduct
Apr.	The Disciplinary System: What Happens after Reporting?

May Lawyers, Sex, and Romance
 June Problems Associated with Lawyer-Relatives
 July Analyzing the Responsibilities of Lawyers for Organizations
 Aug. Deciding When to Question a Corporate Officer's Decision
 Sept. Lawyers' Options When Organization Is Disserved by Agents
 Oct. When an Organization and Its Constituents Are Both on the Line
 Nov. Lawyers, Lies, and Tape Recorders
 Dec. The Supervisory Responsibilities of a Lawyer – I

1988

Jan. Complying with the Duty to Reveal Adverse Law
 Feb. Guidelines for Lawyers' Out-of-Court Statements
 Mar. Mandatory IOLTA? Why Not?
 Apr. Scope of Court's Power to Regulate Lawyers
 May A Survey of the New Ethics Rules
 June New Rules on Client-Lawyer Relationship
 July New Rules on Conflicts and Confidentiality
 Aug. Special Client-Lawyer Relationships: Organizations and Impaired
 Clients
 Sept. Client Funds, Withdrawing, and Counseling
 Oct. New Rules Guide Lawyer as Advocate
 Nov. Rules Governing Relations with Non-Clients
 Dec. New Rules on Duties to Public and Bar

1987

Jan. A Duty to Counsel?
 Feb. Avoiding Counseling Pitfalls - Part 1
 Mar. Counseling Pitfalls - Part 2
 Apr. Understanding Obligation of Confidentiality
 May The Scope of the Obligation of Confidentiality
 June Justifications for Disclosing Confidences
 July More Justifications for Disclosing Confidences
 Aug. Exercising Discretion in Disclosing Confidences
 Sept. Disclosing Confidences to Protect the Lawyer
 Oct. Disclosing Confidences to Prevent a Crime
 Nov. The Duty to Disclose Adverse Legal Authority
 Dec. Reasons for the Duty to Disclose Adverse Cases

1986

Jan. Referral Fees
 Feb. Divisions of Fees among Attorneys
 Mar. The Regulation of Contingent Fees - Part 1
 Apr. The Regulation of Contingent Fees - Part 2

May	Opposing a Former Client
June	Imputed Disqualification
July	Lawyer Advertising Remains Hot Topic - Part 1
Aug.	Lawyer Advertising Remains Hot Topic - Part 2
Sept.	Withdrawing from a Client
Oct.	Two Categories for Justified Withdrawal
Nov.	Frivolous Pleading - Part 1
Dec.	Frivolous Pleading - Part 2

PRESENTATIONS AND PAPERS:

Organizer and moderator: “Assessing the Value of Law School Course on Professional Responsibility,” International Legal Ethics Conference 2022, Los Angeles, UCLA School of Law (August 15, 2022).

Presentation: “Legal Ethics for Government Lawyers: Some Perennial Issues,” Judicial and Legal Services Division, Oklahoma Corporation Commission, Oklahoma City, Oklahoma (May 14, 2021).

Presentation: “Does a Corporate Lawyer Have a Duty to Try to Save a Corporate Client from Itself? Knowing When to Climb the Ladder and Blow the Whistle,” Oklahoma Bar Association Section of Business and Corporate Law, Oklahoma City, Oklahoma (November 3, 2016).

Presentation: “A Proposal for Pro-active Management-Based Regulation of Prosecutor Offices,” International Legal Ethics Conference VII, New York, NY (July 14, 2016).

Organizer and moderator: “Shaken Baby Syndrome: How an Un-Validated Medical Hypothesis Leads to Miscarriages of Justice in Criminal and Family Courts,” Forensic Science Institute, University of Central Oklahoma, Edmond, Oklahoma (April 11, 2016).

Presentation: Introduction of Dr. Waney Squier of Oxford University as recipient of Champion of Justice Award, Innocence Network Annual Conference, San Antonio, TX (April 8, 2016).

Presentation: “An Overview of the Innocence Movement,” Fortune Club, Oklahoma City, Oklahoma (November 10, 2015).

Presentation: “An Overview of the Innocence Movement,” Wednesday Study Club, Nichols Hills, Oklahoma (October 21, 2015).

Presentation: “An Overview of the Innocence Movement,” Temple B’Nai Israel, Oklahoma City, Oklahoma (October 9, 2015).

Organizer and presenter: “Introduction to Professional Expectations of Law Students and Lawyers, Oklahoma City University School of Law, annually each August 2000 – 2016.

Prepared testimony opposing HB 1045, Judiciary Committee, Oklahoma Senate, Oklahoma City, Oklahoma (March 24, 2015) (not delivered but distributed as talking points).

Organizer, presenter, and moderator: “The Reality of Wrongful Convictions: Real Stories from Real People,” Rotary Club of Oklahoma City, Oklahoma City, Oklahoma (February 24, 2015).

Organizer, presenter, and moderator: “Freedom Lost: A Conversation with the Innocent,” Distinguished Speaker Series, Heritage Hall School, Oklahoma City, Oklahoma (February 23, 2015).

Organizer, presenter, and moderator: “Wrongful Convictions,” Mayflower Congregational Church, Oklahoma City, Oklahoma (February 22, 2015).

Presentation: “Duties of Supervisory and Subordinate Lawyers in a Corporate Legal Department,” Hot Topics for In-House Counsel, Oklahoma County Bar Association, Oklahoma City, Oklahoma (December 5, 2014).

Presentation: “The Oklahoma Innocence Project,” Rotary Club of North Oklahoma City, Oklahoma City, Oklahoma (October 27, 2014).

Testimony: Interim Study regarding mandatory DNA testing of arrestees, Oklahoma House of Representatives, Public Safety Committee, Oklahoma City, Oklahoma (October 7, 2014).

Presentation: “The Causes of Wrongful Convictions in the United States,” United States Department of State Visitor Leadership Program for Pakistani Judges and Lawyers, Oklahoma City, Oklahoma (August 25, 2014).

Presentation: “Contemporary Challenges in Teaching Legal Ethics: A Sino-American Comparison,” Vrije Universiteit Brussel Ph.D. Students’ Workshop, Brussels, Belgium (July 15, 2014).

Presentation: “Contemporary Challenges in Teaching Legal Ethics: A Sino-American Comparison,” International Legal Ethics Conference VI, London, England (July 12, 2014).

Presentation: “The Oklahoma Innocence Project,” Payne County Bar Association, Stillwater, Oklahoma (May 6, 2014).

Moderator and presenter: “Legal Education in the United States,” United States Department of State International Visitor Leadership Program for international delegation, Oklahoma City, Oklahoma (March 31, 2014).

Presentations: “The Role and Regulation of Lawyers in the United States,”

- Shenzhen Bar Association, Shenzhen, Guangdong Province, China (December 27, 2013).
- South China University of Technology and Law, Guangzhou, Guangdong Province, China (December 25, 2013).
- Wuhan University School of Law, Wuhan, Hubei Province, China (December 24, 2013).
- Zhongnan University of Economics and Law School of Criminal Justice, Wuhan, Hubei Province, China (December 23, 2013).
- Chongqing University School of Law, Chongqing, China (December 20, 2013).
- Southwest University of Political Science and Law School of Law, Chongqing, China (December 19, 2013).
- Chengdu University School of Law, Chengdu, Sichuan Province, China (December 18, 2013).

- Southwest University for Nationalities School of Law, Chengdu, Sichuan Province, China (December 17, 2013).
- Sichuan University School of Law, Chengdu, Sichuan Province, China (December 16, 2013).
- Beijing Normal University School of Law, Beijing, China (December 12, 2013).
- China Youth University of Political Sciences School of Law, Beijing, China (December 11, 2013).

Presentation: “The Selection, Training, and Regulation of Judges in the United States,” National Judges College, Beijing, China, December 11, 2013.

Organizer and moderator: Second International Symposium on Sino-American Comparative Law, Oklahoma City University, Oklahoma City, Oklahoma (May 1-3, 2013).

Presentation: “Contemporary Challenges in Teaching Legal Ethics: A Sino-American Comparison,” Second International Symposium on Sino-American Law, Oklahoma City University School of Law, Oklahoma City, Oklahoma (May 2, 2013).

Presentation, “Historical Review and Analysis of Legal Ethics Instruction at American Law Schools,” Faculty Workshop, China University of Political Science and Law, Beijing, China, (March 18, 2013.)

Presentation, “Five Styles of Teaching Legal Ethics,” Conference on Chinese Legal Ethics: Answer the Call for Reform, China University of Political Science and Law, Beijing, China, (March 17, 2013) (with Judith McMorrow).

Presentation, “The Limits of the Law Schools’ Ability to Inculcate Adherence to Principles of Legal Ethics on the Part of their Graduates,” Conference on Chinese Legal Ethics: Answer the Call for Reform, China University of Political Science and Law, Beijing, China, (March 16, 2013.)

Presentation, “The American Criminal Justice System: The Roles of Prosecutors, Defense Lawyers and Judges in Preventing and Remediating Wrongful Convictions,” Renmin University School of Law, Beijing, China, (March 15, 2013.)

Presentation, The Oklahoma Innocence Project at Oklahoma City University School of Law,” Temple B’Nai Israel, Oklahoma City, Oklahoma (January 13, 2013) (with Tiffany Murphy).

Panelist, “Symposium on International Legal Services Talents Training, Beijing Normal University School of Law, Zhuhai Campus, Zhuhai, Guangdong Province, China, (December 26, 2012.)

Presentation, “The Role of Federal Courts in Interpreting, Applying, and Explaining the Constitution of the United States,” Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China, (December 25, 2012.)

Presentations: “The Role and Regulation of Lawyers in the United States,”

- Southwest University of Political Science and Law School of Law, Chongqing, China (December 24, 2012).
- Southwest University for Nationalities, Chengdu, Sichuan Province, China (December 21, 2012.)

- Hunan University School of Law, Changsha, Hunan Province, China (December 18, 2012).
- Zhongnan University of Economics and Law School of Criminal Justice, Wuhan, Hubei Province, China (December 17, 2012).
- Tianjin Bar Association, Tianjin, China (December 14, 2012).
- Civil Aviation University of China School of Law, Tianjin, China (December 13, 2012).
- Nankai University School of Law, Tianjin, China (December 12, 2012).

Program organizer and moderator: “The Difficulty of Recognizing Our Own Biases,” Judicial Retreat, United States District Court, Western District of Oklahoma, Roman Nose State Park, Watonga, Oklahoma (November 26, 2012).

Presentation: “Appealing to Our Better Selves: Legal Ethics for Appellate Lawyers,” Oklahoma Bar Association Section of Appellate Advocacy, Oklahoma City, Oklahoma (November 7, 2012).

Presentation: “The Oklahoma Innocence Project,” University of Central Oklahoma Department of Criminal Justice, Victimology Course, Edmond, Oklahoma (November 7, 2012).

Presentation: “The Oklahoma Innocence Project, Oklahoma City Christian Legal Society, Oklahoma City, Oklahoma (October 26, 2012).

Presentation and materials: “Saving a Corporate Client from Itself: Knowing When to Climb the Ladder and Blow the Whistle,” American Bar Association Section of Energy, Environment, and Resources Fall Meeting, Austin, Texas (October 12, 2012) (organizer, moderator, and panelist).

Presentation: “‘I Solemnly Pledge to *Disobey* the Rules of Professional Conduct?’ The Role of the Attorney’s Oath in Professional Regulation,” International Legal Ethics Conference V, Banff, Alberta, Canada (July 13, 2012).

Presentation: “The Oklahoma Innocence Project,” Kay County Bar Association, Ponca City, Oklahoma (April 19, 2012).

Presentation: “The Oklahoma Innocence Project,” Oklahoma County Bar Association Auxiliary, Oklahoma City, Oklahoma (April 12, 2012).

Presentation: “The Oklahoma Innocence Project,” Twentieth Century Club of Oklahoma City, Oklahoma City, Oklahoma (with Tiffany Murphy) (April 5, 2012).

Presentation: “Constitutional Adjudication in the United States: Which Courts? What Standards? What Effects?” Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China (March 19, 2012)

Presentation: “The American Jury System: Why Do We Have It? How Does It Work? What is the Role of the Judge?” Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China (March 21, 2012).

Presentations: “The Role and Regulation of Lawyers in the United States,”

- Nankai University School of Law, Tianjin, China (December 12, 2011).

- Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China (December 9, 2011).
- Zhongnan University, Wuhan, Hubei Province, China (December 7, 2011).
- Hunan University School of Law, Changsha, China (December 5, 2011).

Presentation: “Trends in Legal Education in the United States,” Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China (December 11, 2011).

Presentation: “The Oklahoma Innocence Project,” Innocence Project of Ireland, Griffith University School of Law, Dublin, Ireland (October 13, 2011).

Presentation: “The Oklahoma Innocence Project at Oklahoma City University School of Law,” Rotary Club of Paul’s Valley, Paul’s Valley, Oklahoma (September 30, 2011).

Presentation: “The Oklahoma Innocence Project at Oklahoma City University School of Law,” Downtown Rotary Club, Oklahoma City, Oklahoma, (September 20, 2011).

Presentation: “The Roles of Defense Counsel, Prosecutor, and Judge in an American Criminal Trial,” National Judges College, Beijing, China (July 1, 2011).

Presentation: “Examining the Responsibility of Prosecutors to Rectify Wrongful Convictions in the American Adversarial System of Criminal Justice,” International Conference on Sino-American Comparative Law, Nankai University, Tianjin, China (June 27, 2011).

Presentation: “The Oklahoma Innocence Clinic at Oklahoma City University School of Law,” Charter 35 Club, Oklahoma City, Oklahoma (June 17, 2011).

Presentation: “OCU Law’s Role in Addressing Wrongful Convictions in Oklahoma,” Downtown Kiwanis Club, Oklahoma City, Oklahoma (April 4, 2011).

Presentation: “Addressing Wrongful Convictions in Oklahoma: The Oklahoma Innocence Clinic at OCU LAW and the Oklahoma Justice Commission,” Oklahoma Judicial Conference, Tulsa, Oklahoma (November 17, 2010).

Presentation: “Legal Ethics Problems for Water Law Practitioners,” Oklahoma Governor’s Water Conference, Tulsa, Oklahoma (October 27, 2010).

Presentation: “OCU LAW Programs in China and for Chinese Lawyers and Students in Oklahoma City,” U.S.-Asia Law Center, New York University, New York City, New York (October 14, 2010).

Presentation: “Wrongful Convictions and the Role of Law School Innocence Clinics,” Symposium on Criminal Justice, Oklahoma Senate, Oklahoma City, Oklahoma (December 17, 2009).

TV segment for *The Verdict*: “The Innocence Project at Oklahoma City University School of Law,” Cox Cable Channel 7 (Oklahoma City, Oklahoma), November 24, November 25, and December 13-16, 2009, in Oklahoma City, Oklahoma, <http://www.vimeo.com/8560707>.

Presentations: “The Role and Regulation of Lawyers in the United States,”

- Nankai University School of Law, Tianjin, China (December 10, 2009).
- Tianjin University of Finance and Economics School of Law, Tianjin, China (December 9, 2009).
- Chongqing University School of Law, Chongqing, China (December 8, 2009).
- Southwest University of Political Science and Law, Chongqing, China (December 7, 2009).
- Zhongnan University, Wuhan, Hubei Province, China (December 4, 2009).
- China University of Political Science and Law, Beijing, China (December 2, 2009).

Presentation: “The Changing Role of Graduate Programs for Foreign Lawyers,” Association of American Law Schools 2009 Annual Meeting, San Diego, California (January 8, 2009).

Presentation: “Carnegie’s Missing Step: Prescribing Lawyer Retraining, International Legal Ethics Conference III, Gold Coast, Australia (July 15, 2008).

Presentation: “An Overview of the Revisions to the Oklahoma Rules of Professional Conduct,” Mineral Lawyers Society of Oklahoma City, Petroleum Club, Oklahoma City, Oklahoma (December 13, 2007).

Presentation: “Update on New Ethics Rules,” Oklahoma Bar Association, Oklahoma City, Oklahoma (October 23, 2007).

Moderator, Panel on Trademark Issues, Global Fusion Oklahoma, Centennial Business Conference and International Festival, Oklahoma City, Oklahoma (October 9, 2007).

Presentation: “A First Look at the Revised Oklahoma Rules of Professional Conduct,” Oklahoma Association of Municipal Attorneys 2007 Fall Conference, Tulsa, Oklahoma (September 13, 2007).

Moderator: “Candidates Forum,” co-sponsored by Mayflower Congregational Church and Temple B’nai Israel, Oklahoma City, Oklahoma (October 24, 2006).

Moderator: “Open World Program – Rule of Law,” Federal Bar Association Colloquium with Russian Judges, Oklahoma City, Oklahoma (September 19, 2006).

Presentation: “A Summary of Proposed Revisions to the Oklahoma Rules of Professional Conduct Now Under Review by the Oklahoma Bar Association Board of Governors,” Annual Ethics Lecture, Oklahoma County Bar Association, Oklahoma City, Oklahoma (December 6, 2005).

Moderator: “Should the Death Penalty Be Abolished? – The Debate,” Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma (November 17, 2005).

Presentation: “What Lawyers Need to Know About Proposed Changes to the Model Code of Judicial Conduct,” Annual Ethics Lecture, Oklahoma County Bar Association, Oklahoma City, Oklahoma (December 21, 2004).

Presentation: “Law, Lawyers, and Legal Education,” 2004 Law Day combined meeting of Rotary Club of Downtown Oklahoma City, Lions Club of Oklahoma City Downtown, and Kiwanis Club of Oklahoma City, Oklahoma City, Oklahoma (April 27, 2004).

Presentation: “What’s Up with IOLTA?” Annual Ethics Lecture, Oklahoma County Bar Association, Oklahoma City, Oklahoma (December 16, 2003).

Presentation: “Legal Ethics and Government Attorneys,” 23rd Annual National Conference of Regulatory Attorneys, Oklahoma City, Oklahoma (June 11, 2003).

Presentation: “Oklahoma City University School of Law: History, Status, Economic Impact,” Fortune Club, Oklahoma City, Oklahoma (June 3, 2003).

Presentation: “Current and Proposed Law School Accreditation Standards and Their Impact on the Cost and Accessibility of Legal Education and Entry into the Legal Profession,” Holloway Inn of Court, Oklahoma City, Oklahoma (March 12, 2003).

Presentation: “The SEC’s Proposed Standards of Professional Conduct for Attorneys,” 2002 Commercial Law Update, Oklahoma City, Oklahoma (December 13, 2002).

Presentation: “Lawyers and Corporate Disclosure: The Rules are Changing,” Annual Ethics Lecture, Oklahoma County Bar Association, Oklahoma City, Oklahoma (December 10, 2002).

Presentation: “Future Direction for the Law School: The New Strategic Plan,” Oklahoma Bar Association Annual Meeting, Tulsa, Oklahoma (November 21, 2002).

Moderator: Panel on “Ethics and Collegiality: Where Are We and How Is It Affecting the Practice of Law?” Tenth Circuit Judicial Conference, Santa Fe, New Mexico (June 28, 2002).

Presentation: “Ethical Issues in Proving Damages,” Oklahoma Bar Association and the Oklahoma Trial Lawyers Association, Tulsa, Oklahoma (May 10, 2002) and Oklahoma City, Oklahoma (May 17, 2002).

Presentation: “Ethics 2000 – Rule 1.11: Special Conflicts of Interest for Former and Current Government Officers and Employees and Rule 1.13: Organization as Client,” Oklahoma Corporation Commission General Counsel Luncheon, Oklahoma City, Oklahoma (May 2, 2002).

Panelist: “Ethics 2000 and Multijurisdictional Practice,” Council Oak Chapter, American Inns of Court, Tulsa, Oklahoma (April 10, 2002).

Paper presented: “Considering Changes to the Rules of Professional Conduct: Why? When?” Annual Ethics Lecture, Oklahoma County Bar Association, Oklahoma City, Oklahoma (December 11, 2001).

Panelist: “Update on Multijurisdictional Practice,” Plenary Session, Oklahoma Bar Association Annual Meeting, Tulsa, Oklahoma (November 15, 2001).

Presentation: “Perspectives on Proposals to Change the Model Rules of Professional Conduct,” William J. Holloway, Jr. American Inn of Court, Oklahoma City, Oklahoma (September 19, 2001).

Panelist: “Administrative Synergies: Admissions, Placement & Financial Aid – Advancing the Mission,” ABA Section of Legal Education & Admissions to the Bar Program, “A Development Odyssey,” Jackson Hole, Wyoming (June 1, 2001).

Panelist: “Making Diversity Count in Oklahoma’s Legal Profession,” Oklahoma City University, Oklahoma City, Oklahoma (May 15, 2001).

Panelist: “Legal Ethics for Prosecutors,” Ruth Bader Ginsburg American Inn of Court, Oklahoma City, Oklahoma (March 28, 2001).

Paper presented: “Future Directions in Legal Ethics,” Phi Delta Phi Ethics Lecture, Oklahoma City University (March 27, 2001).

Panelist: “Legal Education and Access to Justice,” AALS Equal Justice Colloquium, Austin, Texas (February 23, 2001).

Contributing panelist: “Of Stethoscopes and Scales: Modern Intersections of Law and Medicine,” Renaissance Oklahoma, Shangri-La Resort, Oklahoma (January 1, 2001).

Contributing panelist: “Of Virtues and Wisdom: The Relationship of Politics and Religion; Law and Morals,” Renaissance Oklahoma, Shangri-La Resort, Oklahoma (December 31, 2000).

Paper presented: “Regulating Attorneys’ Litigation Conduct – A Cautionary Note,” Oklahoma Bar Association, Advanced Litigation Seminar, Tulsa, Oklahoma (December 15, 2000) and Oklahoma City, Oklahoma (December 21, 2000).

Paper presented: “Recent Efforts to Foster Professionalism in Litigation,” Oklahoma Bar Association, 2nd John Shipp Memorial Symposium, Oklahoma City, Oklahoma (December 14, 2000).

Paper presented: “Recent Developments in the Regulation of Lawyers’ Litigation Conduct,” Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 5, 2000).

Panelist, Diversity Forum, Annual Meeting, Oklahoma Bar Association, Oklahoma City, Oklahoma (November 16, 2000).

Presentation: “The Contributions of Law Schools to Community Development,” Economic Affairs Breakfast Club of Oklahoma City, Oklahoma (September 21, 2000).

Paper presented: “Judicial Elections: What Can Lawyers Say? What Can Judges Say? What Should the Bar Say?” Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 14, 1999).

Panelist: “Avoiding Conflicts of Interest When Representing Organizations,” Holloway Inn of Court, Oklahoma City, Oklahoma (November 17, 1999).

Panelist: Roundtable on Judicial Selection, Annual Meeting, Oklahoma Bar Association, Oklahoma City, Oklahoma (November 11, 1999).

Moderator: Panel at American Judicature Society Conference on Trust and Confidence in the Justice System, Tulsa, Oklahoma (October 30, 1999).

Paper presented: "Celebrating the Future of Legal Education," Installation Address, Oklahoma City University School of Law (March 25, 1999).

Paper presented: "Lessons in Legal Ethics from the Clinton Investigation," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 15, 1998).

Panelist: "Legal Ethics in the Clinton Investigation," Oklahoma City University School of Law, Oklahoma City, Oklahoma (November 10, 1998).

Paper presented: "A Review of Legal Ethics Developments during the Past Year and a Look Ahead," Boiling Springs Institute, Woodward, Oklahoma (September 15, 1998).

Paper presented: "Ethics in Evidence," Oklahoma Bar Association Section on Family Law Program on Evidence for the Effective Family Lawyer, Oklahoma City and Tulsa, Oklahoma (May 1998).

Moderator, Panel on Ethical Issues in Family Law Mediation, Community Conference on Family Mediation, Oklahoma Supreme Court, and Oklahoma City University, Oklahoma City, Oklahoma (April 1, 1998).

Paper presented: "Conflict of Laws Meets Legal Ethics," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 16, 1997).

Presentation and memo: "An Overview of Proposed Changes in Trial Publicity Rules," Oklahoma Supreme Court, Oklahoma City, Oklahoma (June 19, 1997).

Problems presented for discussion: "Conflicts of Interest," American Inns of Court, William J. Holloway Chapter, Oklahoma City, Oklahoma (February 19, 1997).

Presentation: "Legal Ethics, Ethics, and Morals," Adult Sunday School Class, Chapel Hill United Methodist Church, Oklahoma City, Oklahoma (December 15, 1996).

Paper presented: "Regulating Attorneys' Trial Publicity," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 11, 1996).

Paper presented: "A Proposed Agenda for the Legal Ethics Committee of the Oklahoma Bar Association," Oklahoma Bar Association Legal Ethics Committee, Oklahoma City, Oklahoma (November 14, 1996).

Paper presented: "A Report on the Professional Responsibility Curriculum at OCU," Oklahoma Bar Association Legal Ethics Committee, Oklahoma City, Oklahoma (November 14, 1996).

Panelist: "Media and the Law," American Inns of Court, Hudson Hall-Wheaton Chapter, Tulsa, Oklahoma (October 15, 1996).

Paper presented: "Proposed Amendment of Trial Publicity Regulations: Rules 3.6 and 3.8," Oklahoma Bar Association Rules of Professional Conduct Committee, Oklahoma City, Oklahoma (July 1, 1996).

Paper presented: "When 'Ethics' Rules Don't Mean What They Say," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 7, 1995).

Orientation address: "Professional Responsibility," Oklahoma City University School of Law Oklahoma City, Oklahoma (August 1995).

Paper presented: "A Smorgasbord of Ethics Opinions: Some Easier to Digest than Others," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 6, 1994).

Paper presented: "Dealing with Client Fraud," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 2, 1993).

Paper presented: "A Consideration of the Proposed 1993 Amendments to Federal Rule of Civil Procedure 11", Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma (November 18, 1993).

Paper presented: "Ethical Considerations in Representing Participants in Shareholder Disputes in Closely held Corporations," Lorman Education Services Program on Shareholder Disputes, Oklahoma City, Oklahoma (October 13, 1993).

Paper presented: "Rule 11 Gets the Ten-Year Itch," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 1, 1992).

Paper presented: "Ethical Considerations for the Corporate Lawyer: Two Recent Ethics Opinions from the ABA," Third Annual Corporate Law Institute, University of Oklahoma Continuing Legal Education, Norman, Oklahoma (November 13, 1992).

Paper presented: "Is There Room for Legal Ethics in Bankruptcy Analysis?" Oklahoma County Bar Association, Section on Bankruptcy Law, Oklahoma City, Oklahoma (June 17, 1992).

Address: "Viewing Lawyers as Professors of Legal Ethics," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 3, 1991).

Address: "Teaching Law Students about Legal Ethics: What They Learn Outside the Classroom," Jewish Federation of Greater Oklahoma City, Oklahoma City, Oklahoma (December 2, 1991).

Paper presented: "Recognizing and Analyzing Conflict of Interest Issues in Bankruptcy Practice," Oklahoma County Bar Association, Section on Bankruptcy Law, Oklahoma City, Oklahoma (May 15, 1991).

Paper presented: "Searching for Guidance in Interpreting Federal Rule 11," Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 11, 1990).

Paper presented: “Ethical Considerations in Advising the Corporate Client,” Corporate Law Institute, University of Oklahoma Continuing Legal Education, Norman, Oklahoma (December 7, 1990).

Paper presented: “The Supervisory Responsibilities of a Lawyer,” Oklahoma County Bar Association, Annual Ethics Lecture, Oklahoma City, Oklahoma (December 7, 1989).

Paper presented: “Major Changes in Oklahoma Rules of Professional Conduct Affecting Corporate Practitioners,” Mid-year Meeting, Patent, Trademark and Copyright Section, Oklahoma Bar Association, Shangri-La Resort, Afton, Oklahoma (June 1989).

Presentation of outline and materials: “Legal and Judicial Ethics,” Conference on “The Indian Civil Rights Act,” Oklahoma City University’s Native American Legal Resource Center, Oklahoma City, Oklahoma (January 1989).

Panelist: Program on “The Ethics of Trial Advocacy,” Oklahoma Bar Association Department of CLE, Oklahoma City and Tulsa, Oklahoma (December 1988).

Paper presented: “Ethical Considerations in Devising Collection Strategies,” Oklahoma City University CLE Program on “Special and Creative Collection Tactics and Strategies,” Oklahoma City, Oklahoma (December 1987).

Comments submitted: “Considering the ABA Model Rules of Professional Conduct,” Oklahoma Bar Association Committee to Study the ABA Model Rules of Professional Conduct, Oklahoma City, Oklahoma (September 1985).

Paper presented: “Ethical Problems: Lawyers’ Duty to Investigate Representations of Syndicate Organizers,” Oklahoma City University CLE Program, “Basic Oil and Gas Law,” Oklahoma City, Oklahoma (May 1982).

Paper presented: “Analyzing Conglomerate Mergers,” Olson Lecture (co-winner of endowed, judged lectureship), Oklahoma City, Oklahoma (October 1981).

Paper presented: “Analyzing Conglomerate Mergers,” Illinois Institute for Continuing Education program, “Mergers Under the Federal Antitrust Laws – Practical Considerations and a Retrospective Review,” Chicago, Illinois (May 1981).

Prepared remarks: “Lawyer Advertising,” Oklahoma Bar Association’s Special Committee on Lawyer Advertising, Oklahoma City, Oklahoma (October 1979).

Panelist: “Teaching Professional Responsibility,” Centennial Conference of the Wisconsin Lawyer, Lake Geneva, Wisconsin (May 1978).

Organizer and Moderator: “Changing Times for the Legal Profession,” Oklahoma City University School of Law (April 1978).

Prepared remarks: Oklahoma Board of Bar Examiners, “Proposed Increased Scrutiny of

Candidates' Moral Character" (February 1978).

Presentation: "Teaching Professional Responsibility," Virginia Humanities Conference, Lexington, Virginia (1975).

Orientation Address: "Professional Responsibility," Washington & Lee University School of Law (September 1974).

COMMUNITY SERVICE:

President, Temple B'nai Israel (Oklahoma City), 1993 - 95.

Member, Board of Trustees, Temple B'nai Israel, 1987 - 1997.

Youth Soccer and Baseball Coach, 1988 - 1994.

UNIVERSITY ACTIVITIES:

Faculty Senate Executive Committee, 1981 – 1987, 1990 – 1993 (chair, 1986 – 87).

PERSONAL:

Born: 1944

Married: 1972, Gay Linn Silver

Children: Eli, b. 1978; Max, b. 1983