KEK: Hello, this is Karen Kalnins and I am a reference librarian at the Oklahoma City University Law Library and today is Tuesday, December 2nd, 2008. And, I am sitting here with Jim Calloway in Oklahoma City, Oklahoma and Mr. Calloway works at the Oklahoma Bar Association. Today I will be interviewing him as part of the oral history project that the Oklahoma City University Law Library is sponsoring and this is the project where we are interviewing attorneys and judges throughout the state of Oklahoma. So, welcome Mr. Calloway.

JC: Well, I appreciate the opportunity to be interviewed.

KEK: Well, I appreciate your time today. I just wanted to start off and ask you, what drew you to the law?

JC: Ironically, that’s an interesting question because I can’t really say that I was drawn to the law like some people are. Some people grow up wanted to be a lawyer and frankly, I really enjoyed college, was very active in student organizations. I was a political science major, and hadn’t given a lot of career thought and so, at some level I realized that there weren’t going to be a lot of wanted political scientist ads in the newspaper and so I started examining my alternatives and I started going to…decided on law school mainly because I was interested in public service and way back at that time being a lawyer was actually considered a positive in public service jobs. Now it’s sometimes used against people seeking those positions. So, I just decided to go to law school because I really was not ready to settle down yet but ended up finding the law as a very enjoyable career.

KEK: And, where did you go to law school?

JC: I went to the University of Oklahoma.

KEK: And, what year, what years were you enrolled there?

JC: I graduated from undergraduate from Northeastern State in Tahlequah in seventy-eight, and graduated from OU Law School in 1981,

KEK: And, at that point, in the eighties, or I guess in the late seventies, early eighties, what was the composition of your law school class?

JC: Our class, you’re talking about gender and race, that type of thing?

KEK: Yes, gender, race, um, hm…

JC: Our class was probably, people remarked on it, it didn’t seem unusual to those of us who had been going to coeducational undergraduate institutions but people remarked that our class was really one of the first ones where it was roughly equivalent. I still think
that there were more men than women but it was really roughly equivalent. And that was a big change, there have been women in law school obviously along the way but ours was the first time where women were forty or forty-five percent probably of the population in our class.

**KEK:** And, was there anything remarkable about your law school experience that you remember or anything that has stuck with you through the years?

**JC:** I think I was a bit traumatized as I started law school like so many people I had had a lot of academic success in high school and undergraduate and suddenly it occurred to me that I was grouped with a whole lot of other people that had had a lot of academic success and it was going to be competitive. I remember when my first grade was posted, it was a B- and I was kind of shocked that I would have a B- and then one of my friends said go back and look at all the grades and I realized that was one of the highest grades in the class and so that was kind of interesting. I was fortunate enough to be with a group of very motivated people who were studying real hard so it was kind of like the greyhound chasing the rabbit. I had a lot of motivation so this group of my friends, I wasn’t exactly in their study group but I studied with them sometimes. Several of them made law review the first semester and I missed barely, and then made law review the second semester. I enjoyed most of law school I guess like most law students even though I enjoyed public speaking and had a speech undergraduate minor the worst part was getting called on in class whether you were prepared or not.

**KEK:** Were there any professors in particular that you remember?

**JC:** There were many transitions about the time that I was there, the gender thing, the class composition, the difference in technology that started happening and so I was actually, had some of the…what were called legendary professors that retired soon afterwards. Professor Frasier was well-known for his scathing questioning in class in Civil Procedure and so he was nicknamed The Tiger. So I had Tiger Frasier for Civil Procedure. I had Professor Dwight Morgan who was a very nice, scholarly individual who always referred to precedent with the law being a great bird that was flying forward but was navigating solely by its head turned looking backwards. And I thought that was an interesting view of precedent in our society. And then we had a Native American and Water Law expert, Joe Rarick, who lectured in such a loud voice he was known as Roaring Joe Rarick and he wore lots of turquoise and Indian jewelry to class and was quite a character so I had a very interesting group of people. It was kind of sad in a way that three or four years after I graduated most of those people were no longer with the school.

**KEK:** That is sad. Well, what were your plans after law school?

**JC:** Once I made the law review then I was informed by everybody around that I was supposed to interview for big firms and I hadn’t really given that a lot of consideration. Again, I was interested in lots of different things; my father was intent on me moving back to eastern Oklahoma. He had been negotiating with a real estate title lawyer who
wanted to retire there to buy his practice even though probably you couldn’t legally buy practices at that point. And not only as a single guy did I not want to move back to the small town I went to high school in, but the idea of my legal career being locked in a building reading abstracts all the time just wasn’t what I wanted to do, I was more of a people person than that. So, I ended up interviewing with several large law firms, wasn’t quite ready to move out of state, but would have considered that but just wasn’t quite in hindsight ready to fit into the big law firm mode either. It turned out that I got a job with a nice, growing, Oklahoma City law firm, that it was at the time called Cornfield, McMillan, Phillips, and Up and I was in their commercial litigation section so basically that was my one job offer and I took it. Although, I enjoyed interning with an insurance defense firm named Pierce Couch, a very well-known insurance defense firm. Those were really nice people and at some point I wondered why I didn’t stay with them because I really liked them and the commercial litigation department I was in was a little bit tougher firm. But I did have the experience of representing, as one of our clients, Penn Square Bank, during the last year before the bank folded. So, there were some interesting stories, most of which still wouldn’t be told, that came out of that. So, as a young lawyer I was assigned to do these small collection cases for Penn Square Bank and that was basically $1.2 million to $50,000.00. The paralegals handled them if they were under $50,000.00. So, that was one of the first projects I had, was doing a bunch of collection on commercial accounts for Penn Square Bank.

KEK: Very interesting, tell me about that time here in Oklahoma when the Penn Square Bank collapsed, how did it affect your work?

JC: Well, as we record this, we’re undergoing another time of interesting banking crisis and I’ve found it interesting that Oklahoma bankers have not proved vulnerable to a lot of the temptations we’ve seen nationally because those that were around in the eighties have already seen the end of that movie and so they didn’t make unwise decisions. I left right before the collapse but it was an interesting time, I think we were having a boom in Oklahoma but I don’t know that we really realized we were having a boom. It was only after the bust that we looked back and remarked, oh, there was a lot of money flowing through our relatively poor state. And so it was interesting work. Frankly, I was not necessarily the best personality to be a cog in a big law firm machine. There were good lawyers there with me. One of them who I didn’t work much with at the time actually has become a friend for life and he and I have co-authored two books together. But it was certainly a good way to learn to practice law. I guess as a young lawyer you’re happy to have any work. One of my first assignments was working on a construction project that had fallen apart and there were literally millions of dollars in mechanics’ liens so I still, to this day, absent recent statutory changes I’m unaware of, know everything you need to know about mechanics’ liens and it was kind of fun as a lawyer to analyze them all and have this big chart and then you would file a motion for summary judgement on ten because they had filed a day late or a motion on eight or nine because they had done some other thing wrong or failed to notarize something so that was kind of interesting. And then that project was actually built on a modular construction model where the raw materials were delivered to a plant in Hinton, Oklahoma. They were assembled and then the units were actually brought to the apartment complex. So, since
the materials had to be delivered to the work site, under the old statute for the lien to attach, well that was another interesting legal thing for us to deal with although ultimately we didn’t get any judges to buy that argument.

**KEK:** How long were you at this first position?

**JC:** I just stayed with that firm for a year. In fact, I can’t say that it was the wisest decision but after six months I just decided that I really didn’t want to work for a large firm but I also had a strong feeling that it was not a good life plan to only have your first job out of law school for only six months so I stayed with them for a year and by the end of that year I was ready to go and probably they were ready for me to go. Like I said, they were good lawyers and did good work. I just, really, and no offense to lawyers who do this type of work but I just had a sense that my legal career needed to be more than refereeing between giant corporations fighting about money. And that was pretty much all the work that law firm, at least the department I was in, did.

**KEK:** And you said, you felt like you needed to do something more, so where did that take you then after this?

**JC:** Well, again, it’s funny because in hindsight, in my current position I give lawyers career advice and practice management advice and yet I just, those were really good times I probably should go back and note my class in 1981 was really one of the last classes, maybe the next one, where everybody who wanted a job out of law school got one. It wasn’t like today, many people don’t get jobs that would really rather have jobs so I kind of floated from thing to thing. So, my next thing was I lived, I had moved to Oklahoma City and didn’t like that; I liked living in Norman more so I wanted to move back to Norman. So, I was introduced to a couple of Norman lawyers by mutual acquaintance and their partner or office-sharing mate you’d technically call it, had just been named to the bench, Judge Heatherington in Norman, and so I thought it was pretty cool to, after a year out of law school, to take the former office of the judge and so I moved in with those guys and soon found myself at the other end of the lawyer economic spectrum. Instead of representing mainly big corporations for big money I was trying to compete for consumer type of cases, individual cases, quite literally a dog bite case if it would come in the door and at the time I didn’t realize how competitive the Norman legal environment was. I’m certainly not the only person, I think that’s still the case today, a lot of people that graduate from OU really like living in Norman and so they set up a practice where they are and so the Norman environment is a very good, close, tight bar but they have this phenomenon of young lawyers opening up shop and lasting two or three years and then either getting a job or moving on because they really can’t support themselves. So you kind of have this extra competitive nature by these young lawyers trying to get started. And so I was in with two lawyers named Everett Sweeney and Joe Langford and just before I got there they had gotten a large verdict in a western Oklahoma case and collected on it so they weren’t necessarily interested at that time at chasing the non-economic cases so a lot of those trickled downhill to me and I just started networking in the Norman community. The one thing I did do right that I still recommend to lawyers today is I was out in the community a lot and passed out business
cards a lot and it was amazing how over the years people would call you and say they got a business card from you a year and a half ago and they still had the business card.

**KEK:** So, so, how did you, how did you feel like you succeeded in that time, in Norman, in terms of your networking and building up a practice?

**JC:** I was there a couple years and it finally became evident to me that it was a little bit too competitive and that I probably, there were, I was making okay money, but not the kind of money that I wanted to make. But there were just so many lawyers so while I enjoyed the environment, an opportunity came, a classmate of mine had an opening in South Oklahoma City and he put a sales pitch on me about the amount of business that was in South Oklahoma City so after a year or so I moved to South Oklahoma City; my office was actually very close to 89th street which is the county line between Oklahoma County and Cleveland County. So, I was still very active in Cleveland County. Years later I served as the President of the Cleveland County Bar even though my office was in Oklahoma City. But that gave me a good area to be able to travel to the Oklahoma County courts and equidistant to the Cleveland County courts and the federal courts and whatever. But primarily there weren’t nearly as many, there are more now, but there weren’t nearly as many lawyers in South Oklahoma City. And, there is, even though South Oklahoma City was stereotyped then as perhaps not the rich part of town that North Oklahoma City was, there were clearly a lot of people with money and the ability to pay lawyers. And soon after the Sheltons and I bought a building directly on 89th Street we hired as an associate Gary Parrish who was actually one of my buddies from college in Tahlequah. And we practiced there for a long time with a lawyer named Neal McGuffey and then the firm broke up and we kept the building and we had a secret that we didn’t share with anybody and I guess I can share it today. But because our office was on 89th Street which was a main thoroughfare, we would literally have people drive in off the street, without an appointment, several times a week to hire a lawyer. And, not all of them did but we had a rule that whoever was there and took the walk-in, that was your case and that was a pretty amazing thing. So, we kept kind of quiet about that and the Sheltons started representing insurance companies and kind of moved in a different direction but Gary and I and my wife, Terry Calloway, spent many years just representing people with their problems. And then you mentioned the oil bust and the economic times well, I developed a thriving bankruptcy practice because none of the other lawyers wanted to do bankruptcy. This was in the bust-recovery time, and it was only years later that I learned from an attorney named Glen Rodden that he and Michael Salem had decided they wanted to do a bankruptcy practice and clinic, which was kind of a new business model then. And, they went to the Western District courthouse of Oklahoma and manually reviewed every bankruptcy filing for several years and determined that that zip code was the number one zip code for filing bankruptcies. So that’s where they opened their clinic and then I just happened to open my office in that same zip code and no one else wanted to do bankruptcies and so that’s how I built up my bankruptcy practice.

**KEK:** Wow, well it sounds like you developed a great business model and a great business strategy.
**JC:** I don’t know about that, I joke today that I probably couldn’t have been hired by the Oklahoma Bar if I had been the expert in law office management but I really like dealing with people and did a lot of family law. Family law, in my view, is probably the most stressful type of law, that and death penalty cases are the most stressful type of practice. You get to meet a lot of good people at the worst time in their lives. It was interesting, I talk to a lot of lawyers today who are trying to build that type of practice and it’s much more challenging today. You have to spend a lot more money on advertising, we did advertise of course, but you have to spend a lot more money on advertising, have to really work hard at it. So, timing was probably, as with many things in life, as important as my skill in developing the practice.

**KEK:** Absolutely, absolutely. Now, what did you, what do you feel like you learned from those early years in your career from working in Norman, and then working at this office at 89th Street?

**JC:** Well, representing people, minor criminal, small personal injury cases, sometime big cases, but just people and their problems, sometimes you were referred to as being a street lawyer, and you really did, I think you learn a lot about people. That old song, no one knows what goes on behind closed doors, well, every family lawyer can tell you that that understates the case dramatically. There are so many different lifestyles and subcultures and situations that people have not only in their marriages, but in their businesses and other types of things so, I think the ability to work with people is a good skill. Certainly, one had to be prepared to go to court. I was lucky in that I hired a, had several bad hiring experiences, but I hired a lady named Debbie Garner who was off and on with me for years. She would stay with me a few years and then she would go work at another place because they offered retirement plans or better benefits that I didn’t offer and when the Sheltons left and Gary and I were running the firm by ourselves I called Debbie to come back. And then she stayed a few more years and left again and then when I got this job with the Oklahoma Bar Association the first thing they told me is I could hire my assistant. I said, well, I don’t want to interview anybody let me see if I could go hire the one I want so we brought Debbie up here. One of the real sad moments was when Debbie was unexpectedly found dead at home and it’s kind of helped me learn about disaster planning. But, back to your question, I think at that time hiring good staff, delegating things so that the person who is qualified but not over-qualified to do the work does the work, and then the lawyer is proofing and supervising everything. Always the challenge in the consumer market will be and is getting paid. I cannot say that I was as successful at that as lawyers have to be today, I would have had a much better lifestyle if I would have collected my write-offs but that’s what happens sometimes when you represent people.

**KEK:** Why is getting paid such a challenge for attorneys, even back then and now?

**JC:** Well, it’s just a part of the American culture, I think. We have an enormous amount of people, even people with a lot of assets who live paycheck to paycheck. They may have a month’s savings or something like that but they pretty much live paycheck to paycheck and so anything, whether it’s a transmission on their car exploding or some
uninsured crisis in their home, or an uninsured medical bill, anything that happens that costs you know, several thousand dollars just doesn’t fit well into their budget. And so, most legal items are unexpected and expensive. Some of them like criminal matters, I tease my friend the bondsman that the bondsmen get to them first and get all the available cash to get them out of jail and then they don’t have anything left over to pay the lawyer. People in Oklahoma are very good, decent, and honest people for the most part, I don’t think that it’s that they don’t want to pay but they just can’t and then there are a whole lot of people a little bit lower on the economic spectrum, my heart just goes out to them because they literally lurch from crisis to crisis to crisis. And you are just one of those crises. I remember very well the gentleman who had an incredible number of legal problems who actually signed up for and made the fifty dollar a month payment plan for years and years and years. And when he would get close to getting it paid off he would have another legal crisis and while I should have taken a new retainer from him for doing the new work I would just extend his fifty dollars a month. But the thing for young lawyers to understand is the reason why I remember that is he was about the only one. People would say they would pay you monthly and they will for a couple of months, but as I tell lawyers now and I’m very much harder on it now than I was in my practice, if they won’t pay you now when they have this huge unresolved crisis in front of them, how are they going to pay you or why are they going to pay you when you’ve taken care of their crisis? This is their time of most motivation so you just have to, but there are times, in the old days, when I was first practicing there was always a grandmother or relative or somebody they could go borrow at least half the money from, and now there are whole segments of people that nobody has any money, none of their friends have any money, none of their relatives have any money and yet those people deserve your representation. Sometimes it didn’t bother me, sometimes it did, it usually depended on how my life was going at the time.

**KEK:** Absolutely. Now you said you had built up a bankruptcy practice at that point, in that office on 89th Street, and how long, how long did you practice bankruptcy there?

**JC:** Well, I practiced law for sixteen years and probably ten or twelve of those years were there in South Oklahoma City. The nice thing about bankruptcy practice was when you have a good legal assistant who can do it, you can kind of build this machine, system and so Debbie was a great paralegal, and a great, honorable person. And so I could pretty well interview the people, make good notes about all the problems, give them paperwork to fill out, they would bring in their paperwork to Debbie, if they missed giving her information like an account number or an amount or something, I was not involved in that, she would just work with them directly. And so often the next time I would think about their case was when all of the paperwork was filed or ready to be filed and then I knew that you had to carefully, that was a critical time, carefully proof that, make sure it’s right, and because we had a good enough volume, we weren’t a bankruptcy mill like they have today, but we always had a good enough volume, we could wait until we had five or six cases to file. And so going down and filing five or six cases that you are getting $500.00 or $750.00 dollars on at that time. And then hopefully, if you’re lucky, the hearings are all set at the same time because you’ve filed them at the same time, it was pretty economical and yet and the other thing about it was they could afford to pay
that because it doesn’t sound right, but you would advise them let’s not pay those bills that you are going to discharge anyway. Let’s pay me, and pay the filing fee, so when you get out of this, you don’t owe me any money either. I think every law firm now needs, if you’re going to have staff, if you’re not going to be a true solo with no staff then you need a part of the practice where the staff can take the brunt of it, even if you take dozens or hundreds of hours to bill the system, that ultimately there’s a system of forms and checklists and docket dates that the staff can do a lot of the work on that and you can charge a flat fee for it, you notice I’m interested in alternative billing. I think that’s important that you can build a system in the office. Some lawyers would love just to run the system, other lawyers, that’s hard for them to do, but I think having one part of the office where the staff mostly pays for their salary by running that system for you, it is important.

**KEK:** So, you believe in delegating and creating or for an attorney’s office creating a sort of a system that they can that the staff can use where the attorney can work on other things?

**JC:** Right. There’s always going to be, if you have built the system well enough, then you are more comfortable delegating it. Now, delegation is something that is very difficult for lawyers. All of us, most of us, by the time we’ve gotten through law school have enough of an ego that you feel like only I can do this right. But now, especially with computerized systems, this was when we were using computers more as glorified typewriters, although we did have bankruptcy software but you can build a system and that lets you, I don’t believe the practice of law is just filling out forms, I don’t believe it’s cookie cutter solutions, but it does allow you to have part of the practice that runs and makes money for you while then you are working with the things that demand your creativity and your unique abilities and your solutions to problems.

**KEK:** And, as you said, you mentioned, you had written a book about billing, and talk about that, about that process, about writing that book.

**JC:** Well, there was a gentleman with the ABA Law Practice Management Section named Richard Reed who was a guru of alternative billing and he had written several books in the Eighties about alternative billing and then Mark Robertson and I were active in the Law Practice Management section and they basically approached Mark and me to write the book and by then I was already writing articles for the bar journal. So, the first book, *Winning Alternatives to the Billable Hour*, published in about 2000 was a lot of the prior work that we’d received releases to reuse and we updated and we edited and we added some new things in. The second book, we boiled a lot of that down, that was published this past summer 2008 and so we added a lot more case studies and real-life war stories and whatever. It’s a popular book for law practice management books but it’s hard because too many law firms have their entire structure built around the billable hour so it’s not just how they are compensated by their clients. It’s how the lawyers are judged against each other for bonuses, it’s how you determine if people make partner, it’s all these other things. So the small firm lawyer is in a better position to employ those alternative billing principles. And then when the book was published I suddenly became
this national expert on alternative billing so Mark and I were invited to speak in several places around the country, most of which we couldn’t do. Yes, I spoke in Washington, D.C. and some other places on the billable hour and alternatives and it was interesting. I guess for the lawyer who has the type of practice that I had for a large part of my career, representing individuals, I use the analogy of the refrigerator. I mean, if your refrigerator broke today and you had to go to the appliance store and buy a new refrigerator and you found the one you wanted and you said, “How much is it?” and the response was, “Well, that depends on a lot of things, it depends on the price of steel when we manufacture it, it depends on the union contract, the local district judge can issue rulings that have a say on the price, we’re not going to tell what the refrigerator costs until it’s installed in your house and you’re absolutely liable for it.” You probably wouldn’t buy that refrigerator. And yet to many, potential individual clients that is just what an hourly billing contract sounds like and so why can’t the lawyers who are in a better position to know what an average case costs, why can’t the lawyers come up with a price? The individual who is working by the hour, who is having a tough time making it, he would much rather hear $2500 than “depending on how long I have to wait on the motion docket and all of these other things it could be anywhere from $2000 to $6000” or all these ranges. Certainly if you do that kind of quoting you’re going to get burned on occasion as opposed to delay being rewarded in some sense then you have the same ability to bill that system, to delegate, and to be more efficient in your practice. Lawyers are certainly guided by ethics and I don’t think there are large ethical breaches but if you just look at it from a business standpoint, why would I want to enter a process that increases my time to do something from two and half hours to an hour and a quarter if the net result is I’ve given a fifty percent price cut. And so there are certain things there. And now we have really thought about this a lot and developed it more and so now we’ve learned from the construction industry. You can have a flat fee but you can guard against extra expenses by change orders in effect. You can say, “Okay, this is what it will cost you but I’m assuming there are five depositions, if there are more then it’s two hundred dollars more a deposition.” Or if you want to do something more, it’s this, and so you can actually kind of build a decision tree model now in alternative billing where you can protect yourself against something that’s outside of your control but then the client can look at this roadmap you’ve given him and say okay, this is costing me more because this happened not because the lawyer just decided to charge me more. And as we all know there…it’s not as maybe true today I haven’t practiced for a while but there are some lawyers who it just takes twice as long to work a case with them than others. That’s not fair for your client, but it’s not fair for you to get half the compensation either and you kind of wonder about that lawyer’s client sometimes. I still, I’ve been preaching this gospel for eight or nine years now, and I still think that we’ve got to get there eventually. We are seeing more technology intrude on things, smart drafting of documents and all these other things so at some point if you want to be competitive and the lawyer down the street is saying, “I charge X dollars an hour for however many hours it is and I’ll estimate a range,” but you have to be careful about those ranges and you say, “I’ll do it for a flat fee of $4000.00,” you’re going to have a competitive advantage in the marketplace. People like certainty and they don’t like uncertainty.
KEK: Very much so, absolutely. Do you think that technology has helped with this alternative to billable hours or do you think that technology has sort of…?

JC: Well, it depends on the firm culture and it depends on the situation. Certainly, the point of technology is to do it faster. I mean that’s one of the big points, it’s also other things about it. Way back when I was law school we were one of the first classes as well to get training on this fancy thing called computerized research and so there was a Westlaw terminal and you had to go in and work on it for a couple of hours. And I don’t think anybody, I certainly never heard it in law school, predicted the way it would revolutionize legal research eventually. But we did have this Westlaw terminal and whatever, and I remember when I was in law school a young lady who was a good friend of mine worked in a Congressman’s office and she told me about this magic device they had that had two padded holes on it where you could dial a phone number and it would squeal and you could put the phone in the cradle there and actually feed a document into it and the document would print out on the other side of the country. It was like this amazing technology now and she didn’t know what they called it. I only learned later this was called a fax machine. And yet, I think that’s an analogy I use a lot because in the legal profession there was this very short time when lawyers went from, “What’s a fax machine?” to “What do you mean you don’t have a fax machine?” because it saved so much on runner’s fees and all the other types of things so that was one of the technologies that caught on great. I was kind of a technology hobbyist after law school, little did I know that I should have made that my career instead of my hobby at that time instead of later. Technology will continue to impact the way we practice law and there’s a very simple reason for that, we talk about IT people, information technology, if you examine what lawyers do, pretty much everything that we do is related to the processing of information. And so, there are very few things a lawyer does that aren’t either based on information you have or processing your information. I mean that’s what a jury closing argument is, spinning your client’s information in the best light for the jury. And so the fact that we’ve had a revolution all across the world in the way we process information and the methods it’s used it’s just obvious that it would impact the legal profession.

KEK: Absolutely. How did you use technology when you were practicing?

JC: We were one of the first ones to get computers and try to use them as computers instead of glorified word processors. In the early days it was one step forward, two steps back, sometimes two steps forward, one step back. The first computer that I ever bought for probably four thousand dollars or three thousand dollars I think, three thousand, was the original Compaq. And so the original Compaq computer was a computer that looked like a suitcase and then you unfolded the bottom of the suitcase and that was your keyboard and then there was a very small, maybe four and a half inches in diameter, screen there and the two floppy drives. Both Gary Parish and I bought those so we could work at home. Those were what they soon started calling transportables rather than portables because they were pretty heavy and then soon hard drives came out and so we didn’t have to put all these floppy drives in so we spent another four or five hundred dollars to put in a ten megabyte hard drive. And like so many computer users I remember
loading every form I had in the office on it using five percent of it and thinking, “Oh, I’ll never fill this thing up.” Now every phone has more capability than that. So we did use bankruptcy software, that was one of the ones that we got a big bang for the buck out of because people would come in all the time with one more creditor and one more thing to change after you had finished. So, instead of retyping things just adding something in the program and then reprinting was huge. I was a family lawyer and you may not be aware of this but family lawyers were early adopters of technology too because a lot of the things that they did were the same type of thing with different names, numbers, and address and ages and that type of thing. So there was a group of family lawyers who, I went to a seminar called Computer Magic, and these were three of the lawyers who were leading technology lawyers at the time in the country. It was a guy named Doug Laudenbach, a gentleman who is from Oklahoma City, a gentleman named Charles Hogshead, who was at that time with Legal Aid in Tulsa, and a gentleman named Gary Dean who is a lawyer in Pryor, Oklahoma. Since then, although Doug continues to practice in Oklahoma City, Hogshead and Dean have both become judges, one in Pryor and one in Tulsa. But these guys gave this Computer Magic seminar and they gave out things on a floppy disk and I was real interested in that so the next year I got added to the team because I was the Internet guy. I’m pretty sure that I couldn’t give you the year, mid-nineties, ninety-five maybe, but I’m pretty sure at that point that I gave the first seminar for lawyers on how to use the Internet using something called Mosaic which was the forerunner of Netscape and then the browsers before Microsoft got on the market. But we dialed up a phone line there at the hotel and showed them how to use this new thing called the Internet and there were only a few dozen Web sites and they were all .gov. That’s the point in my career when I should have sunk the family fortune into reserving domain names but who knew at the time? So we did the Computer Magic thing for several years and this was really even before the Internet even though I was doing the Internet demonstration, the real action was then rechristened America Online and a place called CompuServe for business and computer bulletin boards. I was a member of the Oklahoma City PC Users’ Group and we would have hundreds of people at the meetings and we had sixteen or eighteen special interest groups and they published a monthly newsletter that had two whole newspaper pages full of all the computer bulletin boards. And the computer bulletin board was basically a computer in a bedroom hooked up to a spare phone line that people called and exchanged information. So I set up a computer bulletin board called The Barrister’s Club. I was such a geek at that point that I would actually leave the phone on, it was in the office, another room in the house, and hear it ring when somebody would call in. I remember being amused that the phone would ring a lot after eleven when the long distance rates go down because all the out-of-town users were paying long distance. But we switched files and did whatever and kind of learned that way but it went away and of course the Internet finally took off, we had the dot com boom and bust and computer bulletin boards and things just kind of went away. I sometimes talk to young lawyers when I want to convince them I’m a real old guy about that, “You probably don’t remember this or know this but when e-mail started you know you could only e-mail, like if you had America Online, you could only e-mail to other America Online people, or if you had CompuServe, then the same thing.” So I was playing around with technology and having a little fun with that. We were doing batch files and so the little bit of programming I had, never had any training, but we’d do these
things that would allow you to print five copies automatically instead of one. You know if we would think it was cool, then we would pass it around on disk to each other. It was an interesting time in the computer industry. A guy named Steve Gibson who is a computer expert, gre.com gave a program at the ABA TechShow. He said, “Remember back then when everything that was on your computer you knew what it was and was there because you put it there?” He said now, even a guy like me who makes his life on computers, will look across at the computer and it will start humming and I wonder what it’s doing over there. It was an interesting time but again, I saw my first demonstration of Windows, Windows 3.1 at an Oklahoma City PC User’s Group Legal Special Interest Group Meeting. We probably had twenty at each of those meetings every month and probably had forty who were lawyers that were interested in computers and one of the big things was people would show up with their blank floppy disk because you could get copies of what the other people had there, whether it was a batch file or whatever. I was kind of interested in it but really didn’t have any training and that was just something I did for fun.

**KEK:** And, how do you think attorneys adapt to technology, do you think they adapted fairly early or are they fairly late adapters generally?

**JC:** Oh, I could make either case. I think that probably most attorneys came a little bit later to technology and that was really more related to the size of firms and even today, at a super-large firm, even though you may have some lawyers that are very technology proficient in their personal lives, the firm structure is set up where they need to bill those hours and if there’s a tech problem, they write a memo or call somebody, and somebody else comes and handles it for them, that’s what staff is for, to keep the lawyers working on anything other than billing the hours. So, I still think it’s a challenge but because we were forced to use computers early, there was no doubt that we all needed computers. As soon as you saw what a computer could do even if it was expensive and even if you were a technophobe, the idea of not having to retype a whole page because one sentence was wrong was a huge idea so lawyers grabbed computers early in that regard. But for many years they mostly used them as glorified word processors and then billing machines. I was hired at this job with the Oklahoma Bar, I’m the director of the Management Assistance Program, I was hired as the coordinator of the Management Assistance Program in July of ninety-seven. I wrote an article in probably early ninety-eight about things lawyers could do on the Internet and talked about factual research, not just legal research, and got a very snide, and I daresay arrogant, paper letter a week or so later from a lawyer that said, “I have read your article, and you should understand that the only thing that lawyers care about on the Internet are cases and statutes and regulations and you shouldn’t be distracting us with other things.” I saved that letter, I would never say who wrote it but this was somebody who was just threatened and challenged by the fact… and thought I was way off track. Again, this was after the dot com boom and bust so it was pretty clear then for everybody what was going on. So I think there are a whole lot of lawyers who take pride in saying, “I barely know how to turn on my computer.” But those lawyers are few and far between now. A novelist who is an OBA member gave a seminar and he asked me, “Is there anybody here who doesn’t have a computer on your desk now?” This was just a few weeks ago. Nobody held up their hand, everybody has a
computer on their desk now whether you are a great typist or not and it’s just the way we operate. So we were early adapters in that we grabbed the word processing function because that was really good but I think some of the other things are challenges. Now, just like the world is real complicated technology in the legal profession…there are just some fierce legal issues out there. I still don’t think we have a handle on electronic discovery and what that means. I just wrote a lengthy article on metadata for the bar journal and the challenges that it presents for lawyers. Behind you on the wall is an article, *The Journal Record* interviewed me. It says, “Yellow pages gather dust as legal eagles flock to the Web to get clients.” But it’s clear to me that the days are numbered for hard copies of Yellow Pages. So, I think that there are a lot of challenges out there and the interesting thing is especially I’ve noticed in the last five or six years that lawyers used to hold some solace, lawyers who were technophobes used to hold some solace in that the judge on the bench was going to have the same view of technology as them, and now a surprising amount of judges have handled a case with e-mail at issue so suddenly they’re finding that the judge’s attitude is “Hey, I had to learn to do that, you can learn to do that too.” Clearly there are still a few types of professions, legal specialties where you don’t have to use a lot of technology but it’s certainly narrowed. I guess if you want to do mostly misdemeanor criminal defense, DUI defense, you can still get by without a lot of emphasis on technology but how could you do family law without financial, sophisticated family law without financial tools to analyze things? Now we’re reaching the point where there are all sorts of issues. So, I’m not overly concerned about where we’re going right now but I do see that we’re going to have to, I don’t think electronic discovery is going to continue the way it is because right now lawyers have the view that I have to leave no stone unturned, that anything less is malpractice. And so if you got handed twenty boxes of documents of discovery, you just went through them or your staff went through them. And if was a lot, it was just a lot. But at the end you would know that you had gone through everything. And now with electronic discovery, we’re going to have to understand that sampling techniques, searches, and other things, there’s going to have to be where I can only do so much. There is no way that I can read 400,000 e-mails, no way is it cost effective to bill my client to review 400,000 e-mails. So, are lawyers going to be held to a negligence standard when they do good searches and they still don’t get that one e-mail because that word was misspelled in that e-mail for example or whatever. So, I think there is a lot on that horizon.

**KEK:** Very interesting. Well, I think I’m going to stop the recorder now just so that the file does not get too large and then we can continue on.

**JC:** Okay.

**KEK:** Hello, this is Karen Kalnins again, I’m a reference librarian at the Oklahoma City University Law Library and this is the second part of the interview here with Mr. Jim Calloway. It is just a little bit before three p.m. in the afternoon here and we are still in Oklahoma City, Oklahoma, still speaking in his office. So, Mr. Calloway, in the first part of the interview you talked about your early years and when you practiced law, how long did you practice law and what year did you move over here to the Oklahoma Bar Association?
JC: I graduated law school in eighty-one, and practiced one year with a large firm, and then fifteen years with various smaller firms, office sharing relationships, small partnerships, and that type of thing. In the spring of 1997, I was at home with my wife, another lawyer, idly flipping through the Bar Journal and I saw this ad for this position with the Oklahoma Bar doing technology consulting and management assistance. And I remarked to my wife, I said, “That would be a perfect job for me but I haven’t been playing the bar politics game so there’s absolutely no way I would get that job, but that would be a perfect job for me, I should really put in a resume.” And that would have probably been the end of it but she really encouraged me to. I think we had been dealing with paying our own health insurance and some other issues like that and I had, at that time, done fifteen years of divorce work, but ten years where I was doing real hard divorce work. I still have many friends in the family law section of the OBA and I like a lot of those people. I really don’t know how lawyers do thirty years of family law. The stress you internalize, and having children’s lives in the balance under your care. I won’t digress again but I remember a case where the father kidnapped two kids and we had to rush around to get a warrant to pick up the kids and put it in the interstate computer and he got stopped as he was pulled over taking a nap in Minnesota just a few hours before he was going to cross the border into Canada where his brother lived and she was never going to see those kids again. So, there is a lot of stress associated with that. Like any good lawyer I turned in my application on the last day of the deadline and then when they interviewed me I kind of had mixed emotions. I had this defensive thought that I can’t get this job, by then I knew that there was an individual working here at the bar part-time, I knew there were a lot of other people interested. I did have a friend who was working on the committee that said, “I think we need somebody with solo practice experience so I think he’d be great.” And he encouraged me to interview. But, I was pretty loose at the interview just because I really didn’t think I was going to get the job and so I took an interesting tack, I answered all their questions and whatever but they kind of gave me an open-ended question about two-thirds of the way through and so I said, “Well, I don’t really know what your plans are for this job, it’s not clear, but let me tell you what you should be planning to do in this job.” Then I listed eight or ten things and how this person should serve all the lawyers of Oklahoma, but I can tell you right now the true constituency is going to be the medium and small firm lawyers because the big firm lawyers have IT departments and management committees and management structures. So it was really interesting to see the people’s faces, the committee, as they were real impressed that I was telling them more about the program they had decided to start than they knew about it. We still had another series of interviews, they actually brought in a consultant from North Carolina who had a similar job to the one they were interviewing for the bar and she interviewed us, and of course by then you are committed and have skin in the game and you’re really hoping for it. But it was certainly interesting to get that job. Then I had to quickly shut down my practice over a month or two and I started work with the Bar July 1st, 1997. Marvin Emerson, the legendary Executive Director of the Oklahoma Bar for so many years had me come a few days before to work on the phone system. He said, “I know you won’t be able to get everything done,” so literally I
showed up here and there was a nice office space that he had shown me before, a nice office space for my assistant who wasn’t going to start until two weeks later, with junky furniture in it. And he said, “You need to talk to Craig Combs about getting your W-9s and all these forms signed and here’s the furniture catalog, you need to order furniture.” So, that was kind of how I started my first day here. But, a coordinator was a lesser title at the Bar then and later Executive Director Bill Sullivan promoted me to Director at the Oklahoma Bar but I’ve always had just one staff person that works for me.

KEK: What attracted you to the job Mr. Calloway, what sort of aspects of the job?

JC: There were a couple of things. On a personal level, I had a two year old son. We had our child really late in life, he turned out to be an only child and I saw personally this kind of collision ahead with my wife wanting to work a little less, by then she and I were practicing together, to be with the child. My need for more money as a lawyer, the only way I knew to make more money was to work more hours and so I said, “Okay, to fund my new responsibilities I’m going to have to put in a lot more time and spend less time with the child.” So that was kind of part of it and looking for an alternative was part of it but again, I had fiddled around with technology and everybody has strengths and weaknesses. One of, what I consider my strengths, is the ability to communicate. I may not know a lot, but I can explain it well and write it well and sometimes that’s more than knowing a lot. I knew I could communicate these things well but I also get technology and so even though they had asked me about computers in the interview I could tell that they still envisioned this job, the committee, as a lot of helping lawyers set up the paper way to balance your trust account and helping form…. And I saw by that point real clearly, again I didn’t make any investments as a result of real clearly, how technology was going to revolutionize not only law practice, but the world. I also saw that as a bar association technology was a way that we could serve all of our members equally, it wasn’t like the city lawyers got a better deal than the lawyers two hours away when you were delivering things using technology. So, I had this idea that there would be a lot of really cool things you could do but primarily I just thought I had done enough divorce cases it would be interesting to have a salaried job with a steady income for a while and building this new program from scratch, it was very interesting. What I didn’t know was that there was this growing practice management advisor movement and so I was able to, you know one of the things I do with my job is I am active in the ABA Law Practice Management Section so twice a year I go to ABA Law Practice Management Section meetings, twice a year I go to ABA meetings, and once a year I go to the ABA Techshow, that’s five meetings out of the state. Now, it’s turned out that the ABA is underwriting a lot of that because I speak at Techshow or whatever it might be. But nobody knows but me and I guess the people that listen to this interview now is that was written into my job description when I came to work. They said we want you to be involved in the ABA Law Practice Management Section. Well, at that time they had just formed and they only had six or eight people attending the meetings, this practice management advisors’ group. That’s generically what I am, I am a practice management advisor. So, I was able to get in a year or so after this group had formed and this year I’m in my second year as Chair of the group and even though we had six or eight people going to the Law Practice Management Section meetings, the last official meeting we had
where we all get together, we now try to get together the day before ABA Techshow because we are all going to Techshow anyway, we had twenty people there and so with listservs and whatever...So just today I got a difficult, challenging question I didn’t know the answer to and that is kind of wild after eleven years of doing this full-time. They wanted specific products that did this, I was aware of the concept, but not of the products. Well, you can do Google searches or whatever but my dirty little secret is I’ve got thirty people who do what I do on a listerv, so I queried the listerv. I certainly answer more questions than I ask but I ask my share of questions too and somebody who had more time than me did a couple of Google searches, somebody else knew of a couple of products, and I haven’t responded yet, I’ll do that before I leave today, but with me writing one e-mail and then reading the responses, I’ve got two or three pages. So, this person who left me a voice message, he also said I could respond by e-mail, he is going to get this three page e-mail back with ten links in it. They are going to be very happy with the member service they received. But it’s all because of networking and working with people and whatever. So, that group allowed me to become perhaps a little bit smarter than I was, and again the communications part of it. I originally went to college thinking I might be a writer, of course I didn’t really go to a college that had a writing school. But I had a lot of success and received a lot of honors and so it’s been interesting. But it just struck me as something that would be fun to do and it also struck me that, and I don’t know how true this was, but it struck me that a lot of the solo and small firm lawyers didn’t really feel like the bar association did a lot for them, that it was this annual fee that they paid because they had to have their license. I don’t know that that was true in hindsight but I certainly think I’ve done a little bit to make that a little better during my time here.

 KEK: It definitely sounds like it. It sounds like you are a great resource for the members.

JC: I run a help desk is a lot of what I do.

 KEK: Absolutely. Now you said you go to about five other meetings a year outside the state, how is that to network and collaborate with the other folks that are involved in law practice management?

JC: It’s really interesting, as much as I enjoy the listerv and as much as I have friends that I e-mail, and are real friends and whatever, there’s still nothing like the personal contact. So, when you have sat in a dinner with someone who is a leading expert in a certain field or when you have worked on a project or a committee with them, then if you have a difficult question that is in their area of expertise, you’re not hesitant to call them and when they get your e-mail, they are happy to hear from you and happy to spend five minutes on your call or whatever. And so by meeting some of the top people in the country, it lets you know that you are really on your a-game and it lets you know where the resources are. I don’t know if I mentioned to you when you came in but the ABA just yesterday released the Blawg 100, the top 100 legal blogs or as they say Web sites for lawyers, by lawyers. And I was named for the second year in a row which was a great honor and I was excited about that. But, in the category of technology bloggers there was
only one that I didn’t know personally that I hadn’t been to dinner or drinks with or been to a meeting with. So, I know all these people and one of the reasons why I have a blog is that two of my good friends, Dennis Kennedy and Tom Mighell, that’s M-I-G-H-E-L-L. have blogs and they’ve had them for a long time and they were encouraging me to start one up because they knew that I was a writer. When I came here to the bar it took me a few months to maneuver it because I’m the new kid on the block at that point, but you say, “I’ve got to write a monthly column for the bar journal.” I appreciate that I do office consultations, I handle phone calls, I do all these other things but the opportunity to give, every time there’s a bar journal out to have a brief column of law practice tips, was the name I used then and later the name for the blog, it’s just too valuable so I, certainly, there’s lots of good content by lots of our volunteers and lots of other good content in the bar journal. But I have members all the time who say your column is the first thing I look at when I get the bar journal to see what you have written and that is gratifying.

KEK: That’s wonderful. How has your job changed here at the bar association since ninety-seven, it’s now 2008, you’ve been working here since ninety-seven, how has that changed?

JC: Well, there was an evolution, at one time they were allowing me and they still do, to do volunteer work for the ABA, again I said, having dinner with somebody is a good way to meet people, but so is working on a committee or a project, so I got involved with the ABA Techshow. There are several legal technology shows but I always believe the ABA Techshow is the best especially in terms of its focus on lawyers. It does CLE programs, we have sixty speakers there so all the top speakers in the country are there every year and they do a lot of stuff for the mid-size and small firm market that some of the major technology shows don’t cover as well. So I did ABA Techshow for a few years and finally was the Chair of that in 2005, I wrote the book and so I did some other things. But I also, one of the things you have to have a commitment to is walking the walk, and so even though I get horrendously behind on e-mail from my other projects, I generally always try to return members’ e-mails or phone calls the next day because I think they appreciate that and I think in the legal community, they notice it. I think it’s not unusual for a lawyer to wait two or three days to return phone calls to other lawyers even though I preach against that, especially returning clients’ calls. So, I pretty much was given free reign to develop this program and where I wanted it to go and whatever and that was fine because I had a lot of interest. In fact there was a committee that was set up to supervise me and after about two or three years they went to the Executive Director and said, “Jim has got this down, we’re wasting our time in committee meetings.” So, they disbanded. But, over the last few years under Executive Director John Morris Williams, he has asked me to spend a lot more time on the member services area. So, although, we don’t have a director or coordinator of member services like some bar associations do so in some ways I am the de facto director. Although I tell you that I work with a lot of good people and we all spend our time trying to serve our members as best we can. So, as working on member service projects, we had, three or four years ago, a member services committee assigned how we were going to work. So I ended up writing all of the guidelines and we have three tiers of member benefits and the Board of course approved all this and the Committee had its input but I wrote most all of the guidelines for how it’s done. And so,
because I’ve been involved with that we focused a lot more on law-practice related items so we have some cool member benefits that have nothing to do with law practice. There is a travel company that we endorse and they group lawyers from all across the country to go to Switzerland or Spain or China together and the groups seem to get along better because it’s all lawyers so they kind of come from a common point of view. Our lawyers kind of like it because it’s a turn-key thing, the trip leaves on this day and it gets back on this day, all you have to do is pay your money and have your suitcase packed on that day. Everybody handles all the arrangements at four star hotels and whatever. So, we’ve done those but primarily what the member services does is help lawyers practice law. For example, we have the OBA merchant account, an endorsed member benefit where lawyers can accept credit cards. Now the credit card industry, there’s a million ways to accept credit cards, every local bank will allow you to do that but our account deals with lawyers specifically. They only do for groups of lawyers and one of the big issues that has confronted us for years is how do we deal with taking credit cards on retainers versus payment on fees. Well, a payment on fees should go in your operating account, a retainer on your credit card should go into your trust account. Many bar associations’ ethics rules have said that it’s unethical to take a credit card for a retainer fee because the credit card charge comes out of the retainer so if they charge a thousand dollars, only nine-hundred and fifty actually makes it to your trust account. That’s not the way it works normally although it is with PayPal, a popular service. But, most of the time the whole thousand goes in and they accumulate them and take all the charges out at one time. So, we came up with the opinion that some states believe and some don’t, not a formal opinion, just our opinion that even though it was theoretically co-mingling, it was okay to leave one hundred dollars in your trust account and that way the service charges, those bank service charges or credit card service charges, came out of your money rather than your client’s money. But some people got hung up on that, they said that it was co-mingling, well that wasn’t, you could make a case that technically it was, but the intent was to make sure the credit card charges didn’t come out of client’s money. So, that was a challenging issue, well, this company dealt with that issue and now, with the service we provide and many other state bars do as well, although we were one of the first state bars, some local bars did, when I do a charge on a credit card, I designate it. It goes in my office operating account if it’s fees on a bill I’ve sent, it goes in a trust account if it’s a retainer, but all the service charges all come out of the operating account so there’s none of this messy bookkeeping. So, and then they also, because they get along with lawyers, that even though I don’t have a credit card to swipe in the normal credit card industry, that means that you can pay a much higher rate, like an Internet transaction. Well, if a lawyer’s client writes a credit card on a bill and sends it back that’s not really a risky transaction so they give us a much better rate even though we don’t have a credit card to swipe in the machine. So, that’s the kind of law practice management thing and then I see lawyers all over the place, I talk to law firms and it was clear to me that lawyers weren’t doing a good job of backing up their data. That they would back it up every week or so or not at all or the person that used to do the back up left or all these things so we signed up with an Oklahoma City company and we negotiated with them in a year and half to do data back up for lawyers. And this guy and I are good friends now but I was so tough at the time because I sent him out of the office the first time and said, “You are twice as high as anybody is going to pay, there is no use for us to talk,” and we went through all these
permutations but now the Oklahoma Bar endorsed this provider, Core Vault is their name, they even have billboards around Oklahoma City. Now six other bar associations have endorsed them so they have become this national movement and it all started here in Oklahoma with us working with a local provider to set up the business model for lawyer back up. The other benefit that we did just last year was, there’s a company called Fastcase that provides free legal research for our members. Well, we pay for it but we’re buying it at the wholesale rate and so now all of our members can have free, online research for all fifty states back to at least 1950, all the federal court opinions, and that type of thing for free, not as good on statutes but that’s another story. So, that’s been kind of an interesting part of my career, I don’t really…that’s really more work if you know what I mean.

KEK: Absolutely. Why do you think it’s so important for the bar association and you as the sort of bar services head to offer these types of services to members?

JC: We’re in the twenty-first century now, and the mentality that we’re a mandatory bar association, you have to pay your dues anyway, so what? This is not something anybody will accept. Bar associations that have had that attitude have had rebellions with their members or just unhappy members. We had to do a huge dues increase because we had not done one for fifteen years. It passed unanimously through our Board of Governors, the Supreme Court, and our House of Delegates because they recognized we had not had a bar dues increase in fifteen years and because they got things for their bar dues. Really when you think about going from $175 a year to $275 a year for the right to practice law plus you get the bar journal and all these other services, it’s an easy thing. So, that’s at one level, the motto of the successful bar association. I told you about the two meetings, I will digress here, I told you about the two meetings of the ABA Law Practice Management Section well the other two meetings at the ABA that I attend are the National Association of Bar Executives meeting. So we meet with all the other Bar Executives and Oklahoma has an interesting tradition, some states just send their top guy there, they just sent the Executive Director but we send all of our department heads to that meeting so that they can network with the other people. So I go and see the latest and greatest. My new project right now for a member benefit is a social networking service for lawyers. So, we’ve already had the OBA-Net which is an online bulletin board, message board, but there is a social networking phenomenon like Facebook for lawyers. How valuable would that be if you knew with absolute certainty that everyone you were dealing with on it was another lawyer so you didn’t have to worry about improper solicitations of clients and all this other type of stuff. Well I first saw that at a NABI meeting and Texas had rolled it out. In fact the Texas Bar just got an award for this service and we are going to become the third customer of this service here in Oklahoma. I know when I first roll this out it’s not going to be that well received, we are going to be a little bit ahead of our members in that regard but they will come to see its value, and I get to do my job of explaining its value. So our motto here has always been, even before I got here, we may be a mandatory bar association but we try not to act like it. We try to act like we are that voluntary bar, like a city bar or a county bar that actually has to deliver services to its members to justify them being involved. As you can probably tell, this is something that we think is really important around here in our
culture and so we are always trying to do new things and whatever. I mean Donita Douglas is our CLE director, one of the things she inherited was the difficulty in people coming in late to lunch and she finally figured out that it just makes more sense to charge a little bit more for the CLE program and offer lunches at all of our CLE programs so people can just eat quickly, they have some time to return phone calls, they don’t have to try to find a place on Lincoln when the legislature is in session, all these kind of things. That’s not really a profit item for her, but how much better member service and how much better for the lawyer to pay a little bit more but now they don’t have to buy lunch out of their pocket.

KEK: That’s great. Now, you have been here since ‘97, how have you seen attorneys change in this time since you have been here?

JC: I got to know some of the older, great lawyers, some of whom are still practicing, many of whom are not. And it’s clear the biggest change to me, I actually thought about this one a little bit I didn’t know that you would ask it, is that I started the practice of law just at the waning moments of when advocacy and a little bit of bluster and moxie could really compensate for not doing all the research or whatever. I mean I used to have files from my very first practice in Norman; there were only ten or twelve pieces of paper in them; a divorce file or a DUI file. Well, now you know there are quadros and quesmos, and child support guidelines and visitation schedules, I mean a divorce file can be as huge as any other type of file. So, I’ve seen that change where you could at first get by on your reputation and get by just on your experience. If you knew what the judge was going to do in the case because you had seen him do fifty other cases the same way, did you really have to read that file as well because it was going to happen that way anyway? Now, doing the paperwork correctly, preparing correctly, making sure you’ve done the discovery correctly, all the pre-trial things in litigation are much more important. And clearly, judges don’t have as much discretion. We have a lot more statutes that specifically state what is going on, a huge amount of regulations, both state and federal. So, everything is more complex. Everything about life is more complex. But certainly that is what I’ve seen is now, even the courthouse lawyer has to be a good office lawyer. You have to stay current on things and the Internet allows you to do that or CLE programs allow you to do that. There was a famous lawyer, Moman Pruitt who defended murder cases, before our time of course, and he literally just was this incredible advocate who could weave stories out of nothing and put together little bitty unconnected facts to make a compelling narrative in a way that would be viewed pretty much universally as ethical breaches of misrepresentations to the court today but that was the state of the art then and this is the state of the art now. So, that is what I’ve seen, it’s a lot more about paperwork and documentation. When I first started practicing law, a lawyer would have been offended to receive a letter from me starting out, “This will confirm our telephone conversation of whatever date where you agreed to do A, B, and C.” There are still some lawyers who would be offended by that and there are still some old-timers who would not send those letters to each other but most of us understand that’s just the way it operates right now, you have to document things and that’s not an attack on your character or anything like that.
KEK: Right, it’s just to cover yourself. What is the best advice that you have gotten in your career Mr. Calloway?

JC: Sadly, it would be about the business of law and it would be the older lawyers who all told me as I first started my own law practice, to get the money up front son. When you represent individuals, we talked about that earlier, but it’s just tough and I believe that we are very lucky as lawyers. I am so fortunate to live in America where I have the freedoms I enjoy, to have had a career that I wanted to, if I wanted to today to move to Carolina, I could do that, whatever it might be. So we are fortunate, I think we should give back to society, I think that lawyers should be active in their community, on community boards. I think every lawyer should have pro bono work that they do even though other professions don’t seem to have endorsed that concept because we are a part of the system of government, we really are and it has to work for everybody. But by the same token a pro bono case needs to be a case I decide is going to be a pro bono case not a case where my client decided not to pay me particularly when they can pay me. And so I think you could get a great debate about whether the law is a profession or a business and again, that is something that has changed. But it is a profession; there is no doubt about it. We are not free to use the rough ethics of the marketplace, we can’t charge every penny that a person might be willing to pay because they are uninformed. Yet, it is a profession that has to be run like a business.

KEK: Absolutely, absolutely. What kind of advice would you give someone who was just starting out now?

JC: It’s funny that you would ask that because actually one of the projects I got to later in my career, just about a year and half or two years ago, was a program called the new lawyer experience where we have a whole, one day program in Tulsa and Oklahoma City, sometimes just in Oklahoma City depending on how many new admittees we have. Pretty much it’s me all day giving that advice to lawyers. We have a half hour from the ethics counsel and a half hour from Justice Taylor on the Supreme Court and some other people but it’s talking about it. I really took from the law practice management section when they had a retreat reexamination that there are four parts to running a law practice. There’s management, finance, technology, and marketing. Marketing being most interesting because you know all the decisions about lawyer marketing, the court opinions were bar associations telling them they couldn’t advertise and market and lawyers winning cases against bar associations but it’s got to be a part of your practice today. One lawyer who I won’t give his name here said the formula for successful practice was early to bed, early to rise, work like hell, and advertise. I don’t know that that’s exactly the message I would give. But, it’s not an easy profession. Lawyers who are successful are putting a ton of time in, lawyers talk about half-time and the joke I give to them is, “Oh, you’re going to work part-time, so forty hours a week, huh?” Because that is the way it works for many lawyers. But where can you have so many opportunities for reward, where can you be right on the front line of seeing justice actually delivered? Makes it more painful when, in your view, justice wasn’t delivered, but to see that woman who can’t really speak for herself well in court and that man who is very articulate but allows a father to see her get the children, to see somebody who the
police decided he was guilty and built their work based on the fact that they all know he’s guilty so what if we cut a few corners to see that person convicted? It’s a great and rewarding career but it’s a lot of work. It’s a lot of commitment and there will be times...small-firm lawyers enjoy the flexibility to go to a ballgame or to be involved in their family and certainly they should do that. But there will be times the week before that murder trial that you have to miss the recital or whatever it is. So, it’s a great profession I would recommend it to many people. Sadly, and this is as good a thing to close on as any, I see a lot of lawyers who say they wouldn’t recommend the law to their children. I think it’s become so difficult and so complex and there are so many views about your economic position. In the real world out there at least in Oklahoma, $100,000 a year is a pretty good living. A lot of lawyers feel like they are not successful as a lawyer at that level. It will be interesting as the generation X and Y move in with a certainly different set of values and having learned good lessons and bad lessons from our generation. It is going to be interesting to see how they impact the practice of law. I deal with a generational divide a lot and Baby Boomer lawyers just say, “These younger lawyers, they don’t want to work, they don’t want to have commitment to whatever and whatever.” And the younger lawyers are like, “Yeah, if I can get the job done in two hours, why should I have to hang around two more hours just because it’s not 5p.m. yet?” So, it keeps me young seeing everybody’s perspective. I promise you, we won’t enjoy the freedoms we have and we won’t enjoy the society we have if we don’t have good, talented, committed people getting in the legal profession.

**KEK:** Absolutely, hear, hear on that one. Mr. Calloway, is there anything that I haven’t asked you that you would like to say?

**JC:** Oh, I really can’t imagine, you seem to have pretty well done your deposition work here and asked all the appropriate questions. It’s interesting to be a lawyer full-time, to think about nothing but lawyers and law practice, and yet really what I do is more being a legal technologist or consultant now. I think the people who are practice management advisors like I am have a unique perspective because a lot of the legal technology consultants don’t really deal with lawyers like we do. They work on projects, they work on processing data, they work on whatever, and I deal with the guy that says, “What did this judge mean when he said this?” And younger lawyers, they may know more about technology but some thought they were going to get a job and don’t have the slightest idea about how to run payroll, and business and how that’s working and how to look at a balance sheet and whatever, so there are a lot of challenges.

**KEK:** Do you feel like your previous career as a solo practitioner has helped you in this position?

**JC:** I think so just because it gave me the same perspective of the people that are the majority of my clientele. And it also gave me credibility. I don’t worry about it now but for the first five or six years of my job every time I gave a speech, I would always say, “I practiced law for sixteen years.” I did this so they would know I wasn’t just somebody, for people who didn’t know me. Now, I’m pretty well known and I don’t say that as much as I used to. At first I thought it was real important to say, “I really practiced law, I
stood in your shoes, I know what it’s like.” I know that sometime you may find yourself afraid you’ll face a bar complaint because Judge A says you are going to be in one county at 9:00 o’clock on Friday and Judge B says you are going to be in another county at 9:00 o’clock on Friday and neither one of them cares that the other said whatever. So, I mix in a few war stories to give a realness to the presentation. I think you’ve got everything we need to know.

**KEK:** Well, wonderful, well thank you again so much for your time today, I really appreciate that.

**JC:** Sure thing.

**KEK:** Great, thanks.