

# The Education Focus

For the membership of the Oklahoma Education Association • Jan/Feb 2010-11

OEA



**Oklahoma's**  
**Real**  
**Superheroes**

# The power of a teacher

Oklahoma children are lucky to have some of the best teachers in the country. Consistently ranked in the top 10 in teacher quality, our classroom heroes are known for their creativity, dedication and their ability to get the most out of their students. This issue features some of the best and brightest.

**Page 2** The tragic death of her first husband helped Milken Award winner Jennifer Evans Lowery realize that life is too short to work just for money.



**Page 3 & 4** Two OEA members – Ken Catlett of Oktaha and Mark Hayes of Wagoner – were named Rising Stars by the State Department of Education. Both are alternatively certified and both found their true calling after working in other fields.

**Page 5** Parents, school employees and community members have started conversations to find answers that will close the achievement gaps of African American students in North Tulsa, with help from Tulsa CTA, the OEA and a grant from the NEA.



**Page 7** SQ 744 failed at the polls on Nov. 2 because of a changing political climate and the inability of voters to believe funding could be found to bring schools to the regional average in per pupil spending.

**On the cover** – While some may be waiting on Superman, Oklahoma has plenty of superheroes in the classroom, like Milken Award winner Jennifer Evans Lowery, a member of the Mid-Del ACT. *Photo by Doug Folks.*

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Do you need assistance with a personnel matter? Would you like to invite an OEA Teaching and Learning Specialist to provide professional development in your building? Does your Association need organizing help? Call your regional office and ask for help.

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800/331-5143 or 918/665-2282

### Northwest Team

800/439-0393 or 580/256-0071

### Southeast Team

800/563-4230 or 405/275-4060

# The Education Focus

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# Education's true superheroes

*By Becky Felts  
OEA President*

If you've been paying any attention to the media lately, you've no doubt seen that public education in general and teachers in particular are receiving a lot of blame for poor education results in this country.

Fueling much of the controversy is the documentary "Waiting for Superman," which claims "government" schools are failing, it's all the teacher union's fault, and charter schools are the answer. While it's true that some schools are struggling – and struggling for a number of reasons – it is very unfair to paint all of public education as failing.

We know who the real superheroes are – they are the talented teachers and dedicated support professionals who staff great schools throughout Oklahoma. In this magazine you will read about some of those dynamic teachers, and I know you know of others in your own building and throughout your district.

The Oklahoma Education Association and its parent organization, the National Education Association, have long been champions of reform that is researched-proven to succeed. NEA President Dennis Van Roxel says it best – "Our association is about solutions, not blaming."

We're great at sharing our successes with our colleagues, but we must do a better job of telling our stories to civic organizations, business leaders and the general public. We need people outside of education to better understand what we're facing, how we succeed with minimal resources, and how much better we

can be when everyone gets involved.

We've talked often about defining ourselves and not leaving that to our detractors. Let me remind you of some of the great things your association has been involved in.

OEA has provided professional development that helped middle school teachers change how they teach math and start raising math scores. One of our most important professional development offerings is "I Can Do It," a classroom management program designed to give newer teachers a strong foundation in classroom discipline.

For the second year in a row, we are offering a series of free professional development sessions to alternatively certified teachers, helping them become better teachers and keeping them in the profession.

In March, we will hold our third Educators and Clergy Conference in Oklahoma City. This year's conference will take a look at how poverty contributes to bullying and how churches and schools can work together to address the issue.

Our Community Conversations have proven to be a huge success in Putnam City. Using an NEA grant, the OEA and Putnam City ACT helped bring together Hispanic parents, school personnel and community members to close the achievement gap at Putnam City West High School.

After four years and many parent meetings, PC West's Hispanic Academic Performance Index (API) has increased from 839 to 1152. Between 2008 and 2009, graduation rates rose by nearly 70 percent.

Changes were made within the



*President Becky Felts*

school and on a district level based on the information shared in these conversations. PC West administrators secured an IBM grant to get computer translation software for communications between home and school. They have added a bilingual greeter to help parents feel welcome at the school and ease the language barrier. In addition, PC West hired additional teachers to ensure students received the help they needed.

The voices of parents of PC West students were heard. They were empowered, the school responded, and the students found more success.

OEA has initiated similar Community Conversations involving Native American parents in Weatherford and El Reno and the African American community in North Tulsa. There is no reason to expect these communities will be anything but successful from their respective OEA-sponsored conversations.

So let's do a better job of telling our story. Share the successes we are having as a state-wide association. Share your local association successes and activities with your members and other employees in the district, but especially the public.

Take credit for being the superheroes in your students' lives. Let everyone know you are making a difference.

# Career change

## Milken Award winner answers her calling to teach

By Kandis West

It was the tragic homicide of her first husband that brought fifth grade math teacher Jennifer Evans Lowery to her true calling.

Initially, Lowery completed a bachelor's in business and pursued a career as an investment analyst.

"I chose that career because it was a 'logical' choice," Lowery said.

The Milken Educator

Award winner said she chose a career in finance because her husband was an Oklahoma State trooper and she wanted to have a more lucrative career to supplement his income since his pay was "unbelievably low at the time."

On Thursday, August 31, 2000, Lowery's first husband, trooper Mathew Scott Evans, was killed in the line of duty at age 24 after just one year on the job.

"When he passed, I realized life was entirely too short to work simply for money," she said.

She went back to college and earned another bachelor's and a master's in elementary education.

"I took a pay cut because I was called to teach," said Lowery, who teaches at Mid-Del's Highland Park Elementary.

And called she was. The seven-year teaching veteran was selected as

one of this year's 55 Milken Educator Award winners nationwide.

The Milken Educator award honors and rewards outstanding K-12 educators for the quality of their teaching, their professional leadership, their engagement with families and the community, and their potential for even greater contributions to the healthy development of children. The honor also comes with a \$25,000 reward.

***"The wonderful thing about teaching is that every class period is a time to start fresh, to leave what happened at home at home and what happened in the last class period right where it belongs – the last class period. We continually get a fresh start and so do our kids."***

**Milken Award Winner Jennifer Evans**

Lowery said the secret to her success is simple. Her first job is to impart to students a love for learning,

not simply a means to pass a test.

"I wouldn't be truthful if I said standardized tests don't worry me, they do. But my joy comes from the kids, not from the results."

She said finding alternatives to paper and pencil, whether it is using technology, purposeful movement activities, white boards or team collaboration, is imperative to making learning new and inviting to kids.

Despite her intentional lack of focus on test scores, results are exactly what she's been getting. There has been a 30 percent increase in the number of fifth graders scoring advanced in math on the Oklahoma Core Curriculum Test.

Lowery said it is important for her to help her students understand why they need to know math concepts.

"If students see a reason for trying and know that you believe in them, they will nearly always respond favorably," she said. "They need to know that we believe in them not only to complete assignments cor-

See "Pancakes" on Page 7



Milken Award winner Jennifer Evans Lowery trades answers with Taylor Davis during a classroom exercise.

Photo by Doug Folks

# Rising Star knew he would teach, eventually

Photo by Doug Folks



Oktaha's Ken Catlett tells students Ryan Hamil and Brandi Biggs about his first day as a classroom teacher.

## Interview by Doug Folks

**K**en Catlett always wanted to be a teacher, and he knew that someday he would be.

But his journey to the classroom took about 20 years. After graduating from the University of Oklahoma, a stint in the U.S. Army and a career as a computer programmer in Washington, D.C., and Oklahoma City, he came “home” to where he always knew he would wind up.

In 2003, he met and married Debbie Fulton, a math teacher at Oktaha High School. After getting his alternative certification, he was able to get a teaching job down the hall from Debbie at Oktaha High School. The journey was complete. After two careers and working on both sides of the planet Catlett had finally reached his goal.

In September, the math and science teacher was named one of Oklahoma's Rising Stars, an honor given to six local teachers of the

year with about five years or less experience.

## Education Focus: Who inspired you to become a teacher?

**Ken Catlett:** “When I was in high school, I was such a slacker. All the potential in the world, but (they) didn't get much out of me. But I

had two teachers, a drama teacher, Mrs. Murray, and a history teacher, Mr. Jane, that I admired not only as teachers, but as people, as well.”

## EF: You've had several different jobs throughout your career. What was the scariest thing about teaching?

**KC:** “One of the biggest fears when I started teaching was that I wouldn't be any good at it ... and I'd have to do something else. But I've found my home. I can't imagine doing anything else now.”

## EF: What is your philosophy of teaching?

**KC:** “I think the main thing is I love learning. And I want to impart that to my students. I want them to be life-long learners. One of my favorite quotes is from Dr. Carl Sagan who said, ‘Somewhere, something incredible is waiting to be known.’”

## EF: What have you learned as a teacher?

**KC:** “My biggest shock is learn-

ing some of the things these students go through. Some of these things our students go through on a daily basis, I can't even imagine. It helps me understand that it makes the learning environment a whole lot tougher for them. (For them) it's not that you just show up at school, you learn, you go home. Sometimes home life is nonexistent. You learn there is more to life than taking a test on the layers of the atmosphere. Life happens, and for some of these kids it happens much too quickly for them.”

## EF: What have you learned about yourself as a teacher?

**KC:** “I think I've learned that I work well with students better than I thought I would. Even those that are difficult to get along with, that are, I guess you would say, hard to teach. I still have this compassion that it's like I have this secret that I want them to know, and I'm going to find a way, somehow, to get that across to them.”

## EF: What is your super power in the classroom?

**KC:** “I can see the future. One of the biggest desires I have is to reach the students who are just like I was. That have tremendous amounts of potential, but for some reason they just don't care. They just want to get through the day, maybe they're not challenged. But I can see the future because I've been there. Somehow, somehow, I want them to see that future and I want them to grab a hold of it and desire it as much as I want them to.”

## EF: What are a couple of things you've corrected since you've become a teacher?

**KC:** “The woman who was my (first) principal said, ‘You always get your bluff in early.’ My first year, I started off a little too lax and it tends to go down from there. So now I make sure I get my bluff in early on the first day of class. If need be, I can loosen up later.”

# Unintended consequences

## Spanish degree brings teacher where he didn't expect to go

Interview by Doug Folks

**M**ark Hayes' parents were both teachers, but he never intended to follow in their footsteps. A life-long resident of Wagoner, his dream was to be a highway patrolman. After just two years at Northeastern State University in Tahlequah, he was hired as a dispatcher for the Oklahoma Highway Patrol and he was on his way,



Photo by Doug Folks

*Rising Star Mark Hayes jokes with Wagoner High School Spanish students (from left) Dillon Rose, Hannah Clunn and Kate Wuzljakovich.*

just as planned.

He majored in Spanish at NSU, thinking that would help him as a patrolman. But that proved to be important for other reasons. Hayes eventually gave up the idea of a career in law enforcement and, with a degree in Spanish, wound up replacing his Spanish teacher at Wagoner High School.

Obviously, it has been a great fit for both Hayes and his students. In September, he was named one of Oklahoma's Rising Stars, an honor from the State Department of Education given to six local teachers of the year who have about five years or less experience in the classroom.

Hayes met his wife after he started teaching. Christine is the choir teacher

at WHS and he met her when foreign language was folded into the Fine Arts Department. "She ignored me for an entire year," Hayes said, but he finally got her attention and they've been married almost four years.

He is also active in the local association, serving as the bargaining team spokesperson.

**Education Focus: How did you become a teacher?**

**Mark Hayes:** "After a few years (with the Highway Patrol), I realized the job was not for me. I actually prayed about it, and two days later I went to get my haircut and heard the Spanish teacher here was retiring. I

went to see the principal just to see what would be involved in getting such a job. He told me about the alternative certification program. I was just in time to register for

the test, and if I passed, I'd be just in time to take the job in January. I walked in literally from a radio room. I think my last shift was on Jan. 2. Jan. 4, I was in classroom. There were so many things that lined up ... I really think it was a God thing."

**EF: Teaching has obviously proven to be a good choice for you.**

**MH:** "When I became a teacher I wanted a paycheck and benefits similar to what I was making (at the OHP). It was the total wrong attitude (to become a teacher). But, it didn't take me long to realize that (teaching) is who I am, this is something I really love."

**EF: What is your teaching philosophy?**

**MH:** "Do what's best for the education process. Do what's best for the kiddos. Evaluate, analyze, do what's best to get that point across."

**EF: What have you changed in yourself as a teacher or the process through your experience?**

**MH:** "Coming from a paramilitary organization like the (highway patrol), I was just hard-nosed. That was the only way I knew to be. I found out real quick I was backing myself into corners. I was not getting my job accomplished as well as I should. Being who I am, just dropping that front and getting to know kids ... treating them like I want to be treated. That is really one big thing I've changed."

**EF: What is your superpower as a teacher?**

**MH:** "Where I stand out is, and I actually have freaked out some of my kids with this, is sometimes I know the question they're going to ask before they ask it. Reading people, I think, is my superpower."

**EF: What the most rewarding part of your job?**

**MH:** "Knowing that I have truly helped a student. Without a doubt. That, and the high pay (laughter). If I can make that positive impact, that's, by far, the most rewarding."

**EF: What keeps you as an OEA member?**

**MH:** "The insurance and the legal (protection) are the big hooks. Also, I went to the Advocacy Conference, and was very surprised and pleased to see how professional everyone was. What I got was different than my expectation.

"When I saw how hard (OEA was) fighting for SQ 744 – whether 744 was good or bad – they were trying something. And when I heard them say, 'This is going to cost a lot of money and take a lot of work, but you know what, we're willing to try.' That impressed me and that will probably keep me on the membership rolls."

# North Tulsa parents explore ideas to close achievement gaps

By Kandis West

Changing a tradition of underachievement is hard. There is no way to sugar-coat it and wrap a bow around it. Change exposes ugly truths and harsh realities. But if anyone has experienced a significant change in life, they know the first step toward change is awareness and the second step is acceptance.

No Child Left Behind has made the community painfully aware of the low test scores in the North Tulsa area schools. The 10 schools that feed into McLain High School, including the high school itself, have a combined average Academic Performance Index (API) score of 637 (out of 1500), far below the state average of 1292.

While the community has accepted the test scores, they will no longer accept underachievement.

“Everybody’s waiting for a Martin Luther King, but you have to save yourself. The accountability starts with us,” event moderator Linda Vaughn said.

About 150 parents, community leaders and Tulsa Public School administrators joined the Tulsa Classroom Teachers Association (TCTA) and the Oklahoma Education Association last month to talk about a course of action to help reverse the downward trend in academic achievement.

Event participants said that family and community engagement is the essential ingredient missing in many reform initiatives.

“We’ve got to be realistic,” said Marvin Blades, a Tulsa Public Schools police officer and leader of the 100 Black Men organization. “A

lot of kids are born out-of-wedlock. People are not getting married. We have to take them as they come.”

Participants met in small groups of 10-12 to discuss ideas and settle on three action plans to help close the achievement gaps between black students and their white counterparts.

Participants repeatedly voiced the need for more positive role models in schools, including more black male teachers in formative early grades.

James Johnson said he volunteers at his child’s school throughout the day and in the evenings to try to fill the void of missing fathers in the kids’ lives. He said he would like to see more parents volunteer and partner with the schools.

McLain High School Principal Ebony Johnson said her action plan consists of emulating a model of success in urban schools, so even with the change of administrative leader-



ship, the model can continue and create stability and consistency in the schools.

Featured speakers included Tulsa Public Schools Associate Superintendent Millard House II, Tulsa Community College Diversity Student Outreach Coordinator Rebecca Marks, and TCTA Vice President Patti Ferguson-Palmer. Rep. Seneca Scott and Sen. Judy Eason-McIntyre also attended.

The event was the first in a series of events hosted by TCTA and the OEA and funded by a grant from the National Education Association. The next meeting is Jan. 6 when participants will follow up on the action plans created at the first meeting.



Photos by Doug Folks

*More than 150 parents, community leaders and Tulsa educators began a community conversation, searching for ways to close the achievement gaps of African American students in North Tulsa schools.*

# Bring your “A Team”

## Advocacy Conference will feature FMCS Deputy Director

**S**cot L. Beckenbaugh, the deputy director of the Federal Mediation and Conciliation Service for Mediation Services and Field Programs, and Frosty Troy, a true friend of education, will provide keynote addresses at February’s Advocacy Conference.



Photo by Doug Folks

*Frosty Troy, founding editor of The Oklahoma Observer, will open the 2011 Advocacy Conference.*

“The A Team” is the theme for this year’s conference, which returns to the Waterford Marriott Hotel in Oklahoma City, Feb. 18-19. Troy will open the conference at 7 p.m. Friday, Feb. 18. Beckenbaugh will provide Saturday’s keynote address at the 9 a.m. opening session. Three blocks of breakout sessions, including a track just for education support professionals, will run through the afternoon of the 19th.

Beckenbaugh has been with the FMCS since 1988, serving in a variety of positions including acting director of the agency on two separate occasions. He has mediated national master agreements in the cereal, heavy equipment manufacturing, aluminum and meat packing industries, and has extensive experience in public sector dispute mediation, as well as regula-

tory negotiations, public policy, land use and civil rights disputes.

Troy is the founding editor of the *Oklahoma Observer* and is a long-time champion of education employees and public education. An ever-popular speaker at OEA conferences, Troy has been named Friend

of Education by both the OEA and the National Education Association.

While the line-up of breakout sessions is still being finalized, attendees can expect to see sessions led by John Doern and Bobby Thompson, both of whom are mediators for the FMCS and popular presenters at the

Advocacy Conference every year. Sessions on teacher rights, current legislative issues and social media concerns are being planned.

In addition, there will be a session in each block geared just for support professionals and the issues they face in the workplace and with their local associations.

Registration is \$35 per person for certified employees and \$15 per person for support professionals. The cost includes a continental breakfast and lunch on Saturday the 19th along with all conference materials.

Participants should make their own lodging reservations directly with the Waterford Hotel by calling 800/228-9290 or 405/848-4782. The Waterford is offering a conference rate of \$84 per night, single or double occupancy, plus tax. Room reservations need to be made by Feb. 4 to receive the special rate. Space is limited.

Members may register for the OEA Advocacy Conference online at [okea.org](http://okea.org) or by completing the form below and returning it to Advocacy Conference, c/o Melanie Engh, Oklahoma Education Association, PO Box 18485, Oklahoma City, OK, 73154. The registration deadline is Feb. 11.

For more information on the conference, contact Melanie at OEA Headquarters, 800/522-8091, 405/528-7785, or [mengh@okea.org](mailto:mengh@okea.org).

### Advocacy Conference Registration February 18-19, Waterford Marriott in Oklahoma City

Name: \_\_\_\_\_

Local Association: \_\_\_\_\_

Home Phone: (\_\_\_\_\_) \_\_\_\_\_

School Phone: (\_\_\_\_\_) \_\_\_\_\_

Home email address: \_\_\_\_\_

[www.okea.org/advocacyconference](http://www.okea.org/advocacyconference)

# 744 cannot overcome political shift

## Voters worried about lack of funding source

By Doug Folks

November's elections completely flipped the political landscape not just in Oklahoma, but around the country as well.

Oklahoma has become a more conservative, more Republican-dominated state over the last few years. But November 2 marked an even more dramatic shift. All of the state-wide offices – governor, lieutenant governor, state auditor and inspector, state treasurer and state superintendent of instruction – were held by Democrats for at least the last eight years, some for much longer. Republicans took them all.

In addition, Republicans took a larger majority of our House and Senate. Similar results occurred in Iowa, Maine, Michigan, Ohio, and Wisconsin. Republicans also took back the U.S. House of Representatives and gained seats in the U.S. Senate.

In short, it was a political shift like we have never seen.

For education, the biggest loss was the defeat of State Question 744, which would have required the legis-

lature to fund education at least at the regional average.

"There was a new political landscape that we just couldn't overcome," said OEA President Becky Felts of 744's defeat. "With the economic downturn, people just weren't confident there was a way to fund the measure."

But Felts pointed out that regardless of the outcome, OEA and the 744 Campaign brought the conversation of education funding front and center. No other issue or race received as much attention as did SQ 744.

"Thanks to the 744 campaign, there is no doubt that virtually every Oklahoman knows we are 49th in per pupil expenditures and 48th in teacher pay. The election results didn't change that fact, and people from both sides agree that we must find a way to better fund education," Felts said.

In a presentation to the OEA Board of Directors, 744 Campaign Manager Michael Kolenc said OEA members should be proud of the dis-

ussion generated by the campaign and by the work of members and the staff to get out the vote.

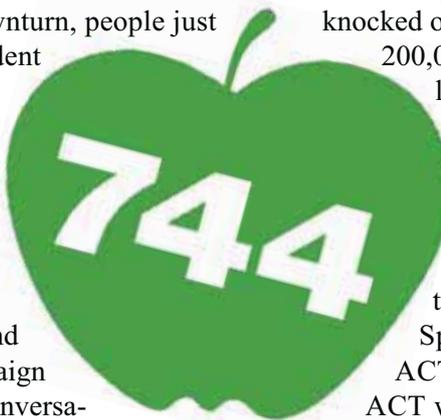
A robust campaign was created, rivaling the dynamics of a gubernatorial campaign. The 744 campaign knocked on 110,000 doors, made 200,000 phone calls, and established a dynamic social media campaign that attracted nearly 7,000 "friends" to its Facebook account.

"I can't thank our members enough for all their work on SQ 744. Specifically, McAlester ACT, Tulsa CTA and Moore ACT were nothing short of amazing in how hard they worked for schools and kids in this campaign," Felts said.

The defeat of 744 won't stop OEA and its members from working for better education funding.

"The public is fully aware that we're dead last in our region in what we spend on our school children. We'll keep that in the forefront of everyone's mind as we forge new relationships with our legislators and newly elected state leaders," Felts promised.

"Our members are up for this challenge, and we won't be going away. We are simply at a new beginning."



## Pancakes and cooking lessons

Continued from Page 3

rectly, but to make good decisions and plan for the future."

Lowery is known for incorporating games and collaborative teaching methods with multiple subjects into just one project. She regularly integrates her passion for cooking with her insatiable appetite for innovative instruction.

She hosts pancake breakfasts as a way to show parents how to give

their kids the proper nutrition, especially during testing periods. She also teaches cooking lessons to reinforce math concepts like fractions.

"The wonderful thing about teaching is that every class period is a time to start fresh, to leave what happened at home at home and what happened in the last class period right where it belongs – the last class period. We continually get a fresh start and so do our kids."



Milken Winner Jennifer Lowery

# Anatomy of a lawsuit

## What happens if you wind up in court?

By Heath Merchen

Associate General Counsel

Our office recently won two lawsuits against the state of Oklahoma and a third contract appeal against a local school district. The first two cases involved teachers who were denied Academic Achievement Awards despite working half time in award winning schools; the third involved a district that refused to give teachers appropriate credits for un-

### From your counsel

used personal business days, (their negotiated agreement required that unused days be added to sick leave). We prevailed in district court and on appeal, recovering everything requested for all parties.

We're proud of the wins, but most who read about them don't understand the path it takes to get there – our legal system isn't as simple as it's portrayed on TV. It's slow, complex, confusing and downright frustrating at times; for the sake of imparting at least a bit of insight, I thought I'd walk readers through a general overview of what leads up to a judgment like those we just obtained.

### Phase I: Paying the Attorney

The first part of a lawsuit – and the most painful for many – is one that OEA members skip entirely for job related matters. In most cases, you'd have to pay a retainer of between \$2,500 and \$5,000 for the attorney to start work on a civil case (and

that would be just the start, as a full civil trial can range from \$10,000 to \$15,000 or more). *OEA members pay nothing beyond their dues* and there is no limit on the hours the attorneys will put in on the case.

### Phase II: Case evaluation

The first step is meeting with me, your attorney. I'll ask all manner of probing questions, have you gather documents, contact potential witnesses, and do other legwork. After reviewing it all, I'll give you my schpeel about being absolutely, completely, unabashedly honest with me, because I don't like surprises – at least not the kind that crop up during my client's testimony in court.

Most clients paint a very rosy picture of their claim and leave out the less flattering details, which we discover down the road – this is, in fact, the origin of Richard Wilkin-son's infamous quote: "These cases grow hair."

### Phase III: Filing the complaint

If the case is viable, and not too "hairy," I'll draft the complaint, listing the various things the defendant did wrong, what laws have been violated, and describing your damages. We'll file it in either state or federal court, serve the other party and then wait for the other side to answer. Before filing, I'll also provide you with warnings about the potential of being liable for the other party's attorney's fees (especially in contract-based claims) if the case is lost.

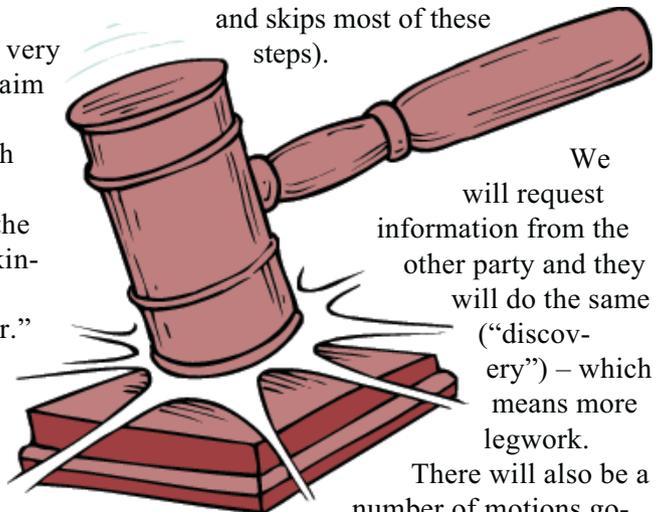
### Phase IV: Motions and discovery

This is the part clients hate most



Heath Merchen

... waiting, responding, waiting some more, listening to arguments about technicalities, then waiting even longer (though, for terminations, the trial de novo process is expedited and skips most of these steps).



We will request information from the other party and they will do the same ("discovery") – which means more legwork.

There will also be a number of motions going back and forth, from requests to dismiss claims to demands for evidence.

But the most intimidating piece for clients is the deposition. Here, the attorney from the other side gets to grill you in front of a court reporter for a mind-numbingly long period of time about every minute detail of your life. Some attorneys are congenial about it and the process, while never fun, goes smoothly. However, when you get a less-than-friendly deposition attorney, the process is unpleasant. To draw a parallel, try and remember your most embarrassing moment, the one where you wanted

to crawl in a cave and never come out – then take that times two, add in a proctology exam and together they'd be pretty close to the discomfort most face when in a deposition or taking the stand during a rough cross-examination.

Despite my warnings, I've heard many a client confidently say "don't worry, I can handle this attorney" before walking into the deposition, only to end up on the verge of tears halfway through.

### Phase V: The Trial

This is the part every attorney waits for – presenting the case. It may be in front of a jury or simply a judge, but it primarily consists of both parties' opening arguments, asking witnesses questions and closing. Trials range from a half a day to weeks on end, depending on the issues. I'll be asking questions, making objections, taking notes, reviewing documents and will be fully engaged in the process – and I'll give you sticky notes to write down input to ensure you can tell me what you need to without interrupting my train of thought.

The most difficult piece for any client, however, is not showing emotion

when the other side is testifying, (talking loudly in my ear, fist clenching, eye rolling, and/or making strained faces when you disagree with what is being said never makes a good impression on a judge or jury).

Another tough piece is waiting for a determination – once all the testifying is done and the closing arguments are heard, the judge or jury will render a decision (judges usually decide fairly quickly but jury deliberations can drag on).

### Phase VI: The Appeal

Presuming you've won at trial, the next piece involves waiting to see if the other side appeals. If they do, I draft a response brief with lots of citations to cases and in-depth legal analysis. The other side will have already filed a brief of their own. The appeal is heard by judges of the appellate court, usually at least a three member panel, and that process can take a great deal of time depending on the court's backlog of cases, which means more waiting.

After hearing the arguments, (sometimes oral argument is allowed along with a brief), the appeals court will issue a decision and each side

will determine if they want to appeal to even a higher level.

Fortunately few cases are appealed again, since getting a case heard at the next level can take over a year.

### Phase VII: The Win

The final stage is where you receive notice that the appellate court has decided in your favor and the second appeal deadline passes. While worthy of a great celebration, to most client's chagrin, this does not involve the other side weeping, laying prostate before you, apologizing, admitting their mistakes or otherwise accepting blame. Rather, they'll generally just believe the court has made a heinous error and will still very much contend you were wrong to ever file. You, however, are the one cashing the check (or going back to work, recovering whatever other damage was sought, etc).

While the process can be difficult, for those with a just claim (like the clients at the start of the article), it more often than not works out in the end. Your legal staff is here to help you through each stage of the process and if you believe you have a valid claim, contact your local advocate.

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## Attorney, network administrator join OEA

The Oklahoma Education Association recently welcomed a new attorney and a new network administrator.

John Mahoney joined the Legal and Corporate Services Center as an assistant general counsel. Mahoney most recently worked as an attorney for the Oklahoma Insurance Department. He also has practiced law in a private practice and served as an assistant attorney general under Drew Edmondson.

Mahoney received his undergraduate degree from Oklahoma State University and his law degree from the University of Tulsa. Prior to becoming an attorney, he worked in commercial real estate. He replaces Jeff Lee,



*John Mahoney*



*John Stapleton*

who accepted as a position as trial attorney with the Federal Equal Employment Opportunity Commission.

Mahoney and his wife Jana live in Deer Creek west of Edmond where their son, Eric, is a high school senior. Their daughter Michelle is a sophomore at OSU.

John Stapleton is OEA's new network administrator.

He previously worked for Metavante, a banking software company, as a technical sales consultant. In addition to working as a computer tech, Stapleton has experience as a copy editor, a landscaper and a horse trainer.

He and his wife Kim live in Oklahoma City.

# 'Tis The Season for Holiday Savings!

By Eleanor "Snookie" Krumbiegel  
NEA Member Benefits

NEA Click & Save offers great deals every day. Did you know that through August 2010, NEA Members had saved more than \$4.3 million on the Click & Save website?

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## Snookie's Snippets

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## Welcome, Snookie!



Eleanor "Snookie" Krumbiegel is your new NEA Member Benefits Affiliate Relations Specialist. She is replacing Liz Picone who has taken a new position with the company.

Snookie has been with NEA MB for 14 years. She taught for 18 years in Missouri and Ohio and was active in her local associations.

She can assist you with Member Benefits questions and make personal visits to your district to share the benefits you receive as an OEA/NEA member.

Contact Snookie at 888/750-7380 or [skrumbiegel@neamb.com](mailto:skrumbiegel@neamb.com).

## Award nominations due January 31

OEA's annual awards program honors those who promote and support public education, members who exemplify greatness in the classroom, and local affiliates who excel for their members.

Nominations must be received at OEA Headquarters by January 31. Send nominations so that they arrive by the deadline to OEA Awards, PO Box 18485, Okla. City, OK, 73154; or overnight or hand-deliver them to the OEA at 323 E. Madison, Okla. City, OK, 73105.

For nomination forms, visit [www.oeka.org/awards](http://www.oeka.org/awards).

Each year, one National Education Association member is honored as part of an effort to recognize, reward and promote excellence in teaching and advocacy for the profession.

The NEA Foundation Awards for Teaching Excellence are presented by the NEA and the National Foundation for

the Improvement of Education. Each NEA state affiliate may nominate one member for the award. Deadline for the Oklahoma Education Association (OEA) nomination process is Jan. 31.

Five state nominees are named finalists and are selected for The Horace Mann Awards for Teaching Excellence, which include a \$10,000 cash prize. The NEA Member Benefits Award for Teaching Excellence recipient, selected from the five finalists, receives \$25,000 in cash, a personalized commemorative gift and national recognition.

A detailed nomination packet is required. For more information on the NFIE Award or how to complete the packet, contact Dr. Dottie Hager, OEA associate executive director, at 800/522-8091, 405-528-7785, or [dhager@oeka.org](mailto:dhager@oeka.org). The complete award program can be reviewed at [neafoundation.org](http://neafoundation.org).

# 2009-10 OEA Audit Report

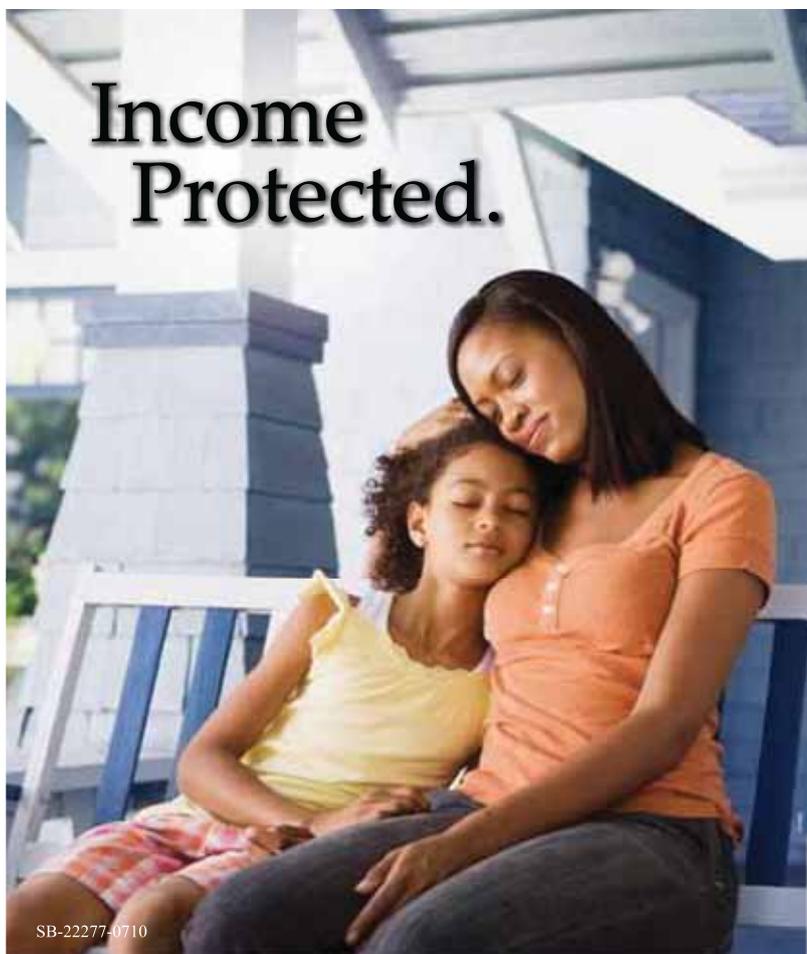
The financial statements of the Oklahoma Education Association for fiscal year ended August 31, 2010, were audited by Luton and Co. An unqualified opinion was issued by the accounting firm stating that the financial statements present fairly the financial position of the OEA.

A brief summary of the 2009-10 General Operating Fund follows:

CURRENT ASSETS	\$3,303,682
OTHER ASSETS	<u>2,100</u>
<b>TOTAL ASSETS</b>	<b><u>\$3,305,782</u></b>
CURRENT LIABILITIES	\$ 506,141
LONG-TERM OBLIGATIONS	
Accrued Pension Obligation	(110,643)
Additional Pension Liability included in net assets	3,277,281
NET ASSETS:	
UNRESTRICTED	
Undesignated	(748,096)

Designated for building related expenses	<u>381,099</u>
<b>TOTAL LIABILITIES AND NET ASSETS</b>	<b><u>\$3,305,782</u></b>

REVENUE:	
MEMBERSHIPS	\$5,526,381
NEA SUPPORT	1,113,440
OTHER	<u>524,809</u>
TOTAL REVENUE	7,164,630
EXPENSES	(6,300,837)
Transfers for Fixed Assets	<u>(89,650)</u>
Change In Net Assets before pension-related changes other than net periodic cost	774,143
Pension-related changes other than net periodic cost	<u>(842,845)</u>
Change in Net Assets	(68,702)
Net Assets Beginning	<u>(298,295)</u>
Net Assets Ending	<u>(366,997)</u>



As an NEA member, you have access to the exclusive NEA Income Protection Plan<sup>®</sup>. This comprehensive Disability Income Insurance\* plan helps offer peace of mind for you and your loved ones by covering your monthly obligations if you become disabled by a covered accident or sickness.

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\*Limitations, exclusions and waiting periods may apply.

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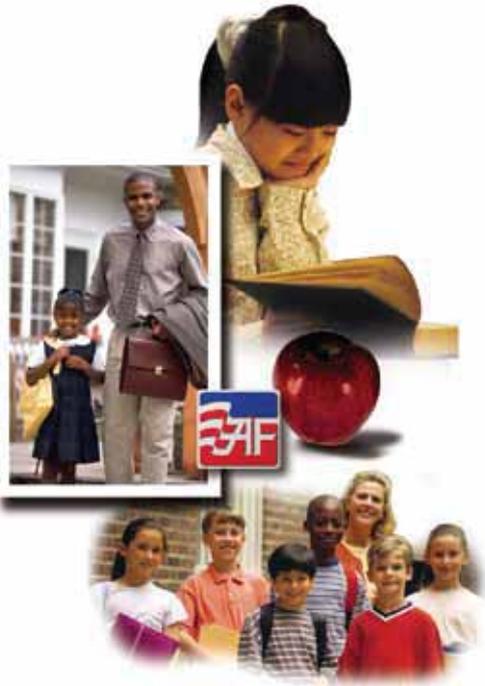
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# New Year Offerings

There's a lot of fun stuff  
to smile about



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**Check our site frequently for the latest holiday and new year offerings...exclusively for NEA members and their families—[find it all at neamb.com!](http://neamb.com)**



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