

Changing of the guard: New OBA president vows to protect processes from politics

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From defending the independence of the judiciary to helping Oklahoma's military veterans, Norman attorney David Poarch Jr. plans to spend his term as president of the Oklahoma Bar Association committed to programs that are already making a difference, rather than launching new initiatives.

Advocating against either abolishing the Judicial Nominating Commission or otherwise modifying how judicial vacancies are filled is part of those efforts. The commission selects lists of nominees for judicial posts. Usually the names of three individuals are forwarded to the governor, who chooses the final candidate.

Last session, legislation was filed to change how attorney members of the 15-member commission are selected. Currently, six lawyers are elected by members of the OBA. Six nonlawyers are appointed by the governor. There are three at-large members – one selected by the speaker of the House of Representatives, one by Senate president pro tempore and one by at least eight members of the JNC.

The 2014 measure, which was unsuccessful, would have authorized the House speaker and Senate president pro tempore to appoint three attorney members each.

"There have been several attempts or runs at changing the merit-selection method we use to interject perhaps more politics into the process," Poarch said. "No one wants more politics in the courtroom. There's plenty of politics in the Legislature and the executive branch. We don't need it in the judiciary."

Some critics say the process is subject to too much influence from lawyers and the commission itself is stacked with attorneys.

"That, in fact, is not the case," Poarch said, noting that only six of the commission members are lawyers.

He acknowledged that nonlawyer members may listen to the views of attorney members, who may know more about some judicial candidates.

"But their vote counts equal with everyone else's," Poarch said.

He is somewhat hopeful that such moves are going to calm down this year.

“We’re not going to see much of that,” Poarch said. “I think the legislators last year demonstrated with their vote that they thought it was a bad idea to try to change the Judicial Nominating Commission process, the merit-selection process we have now.”

Other legislation considered in recent years would have authorized the governor to appoint the chief justice of the Oklahoma Supreme Court, with Senate confirmation, and impose term limits on justices and appellate judges. There has also been some discussion about monitoring or limiting judicial authority in some cases.

“The separation of powers is clearly in place,” Poarch said. “We don’t need to add another level of review. If the Legislature and the executive branch are unhappy with rulings by our judiciary, particularly those that are based on constitutional problems, the recourse is to amend the constitution. It’s not to set up a board to review the decisions of judges by nonjudges.”

Poarch also wants to enhance the Oklahoma Lawyers for America’s Heroes program for veterans.

“As we all know, these multiple deployments that our soldiers go through, both men and women, impact them in many ways,” he said. “When they come home, sometimes they need legal help with family issues, with child custody issues, with debt issues. The bar association has developed a program to help these folks. We’re continuing to do that. In fact, part of what I’ve been doing is trying to recruit more lawyers who have a particular expertise in the family law area, because that’s where it seems to be most needed.”

Poarch will also carry forward with the Master Lawyers Section program, launched a couple of months ago under former President Renée DeMoss.

The new OBA section was formed in recognition of the fact that, of the 16,000-plus members of the association, 6,000 are over the age of 60 and another 4,000 are 50 to 59 years of age.

The program is aimed at helping older lawyers with issues ranging from transitioning from full-time practice to retirement planning, closing or selling a practice or addressing age-related problems.

Poarch said that having such a large number of experienced attorneys presents a number of issues, both good and bad.

“It creates opportunity for younger lawyers,” he said. “But we have to be mindful of the fact that lawyers work longer; we all work longer. People don’t retire like we used to.”

Recognizing that fact and its attendant issues, Poarch said, the OBA felt it was time to offer assistance and planning services to older attorneys.

Poarch himself has been an attorney for almost 40 years. He retired as assistant dean of external affairs at the University of Oklahoma College of Law in 2011, having held the post since 1997. He has also been a prosecutor and judge, but is now back in private practice.