



No' reply not an option to invitation

By Ralph Schaefer TB&LN correspondent

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Jim Sturdivant, GableGotwals attorney was recently inducted into the International Academy of Trial Lawyers (IATL). Courtesy Photo

"No" was not an option for Jim Sturdivant when he was invited to be a member of the International Academy of Trial Lawyers (IATL).

The GableGotwals attorney was surprised, humbled and honored to receive the invitation to the organization that limits membership to 500 Fellows from the U.S.

IATL, chartered in 1954, seeks out, identifies, acknowledges and honors those lawyers who have achieved a career of excellence through demonstrated skill and ability in jury trials before the court and appellate practice.

Only lawyers who have attained the highest level of advocacy are invited. All nominations come from external sources because no one from the firm can make the nomination. Applicants cannot solicit membership.

"Mr. Sturdivant has been evaluated by his colleagues and judges in his jurisdiction and has been highly recommended by them as possessing these qualifications and characteristics," the letter reads.

"This is not an invitation one turns down," Sturdivant said. "I had no idea I was being considered for induction. I have known of the organization for many years but never thought I would be considered or invited to be part of IATL. I got a call from the state chairman telling me that I had been selected and that I would receive an envelope in the mail to fill out. I am flattered by the selection."

Sturdivant already is involved with the organization selection process, having received names of four potential members. The decision that must be made is whether or not they should be accepted or rejected for membership.

Other Oklahoma lawyers have been inducted, including Tulsa lawyers Oliver Howard, Mike Atkinson, Jim Secrest, John Tucker and Joe Farris. About seven or eight attorneys from Oklahoma City and others from rural areas are IATL members.

Sturdivant smiled as he said his selection was based on his body of work for more than 50 years.

Some cases turned out well while some notoriety was gained from other cases that didn't fare as well for clients.

Sturdivant focuses on business and balance sheet work as well as contracts. The longtime attorney has never done criminal or personal injury cases.

"I have been practicing law for 52 years and all with this law firm," he said. "My work today involves interpreting contracts and the related consequences if they are not fulfilled according to the original agreement. I have been educating clients for many years about the importance of having all areas covered in a document."

There is a saying that a client can have a lawyer draw up a contract and spend \$3. Anyone writing a contract that goes bad that is written on the back of an envelope will spend \$300 to straighten out the mess — a result of not paying an attorney in the first place.

That is what can happen with a homemade contract, Sturdivant said. Clients end up in lengthy very expensive litigation.

Contracts have resulted in costly litigation. The GableGotwals attorney recalled the tough days in the oil patch during the 1980s and 1990s when take or pay provisions were in place.

Wikipedia defines a take or pay as a rule structuring negotiations between companies and suppliers. With this kind of contract, the company either takes the product from the supplier or pays the supplier a penalty.

For any product the company takes, they agree to pay the supplier a certain price, say \$50 a ton. Furthermore, up to an agreed-upon ceiling, the company has to pay the supplier even for products they do not take. This “penalty” price is lower, say \$40 a ton.

Take or pay contracts are common in the energy industry .

This firm defended pipelines during a 10-to-12 year period starting in 1984, he said. Oil prices had risen to \$40 per barrel and almost overnight dropped to \$10 per barrel.

There is a possibility of similar litigation in the energy industry that has seen oil prices decline sharply during the past 12 months,

Oil companies have been borrowing money at \$50 per barrel. Now that prices have dropped to the \$40 mark, and lower, there will be a squeeze, he said.

“We aren’t in the squeeze imposed by the previous downturn , but there could be similar pressures in the future if prices continue to decline and stay at the lower,” he said. “Time will tell what will happen. If prices stay down it will mean a lot of work for lawyers.”

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