

COMMERCE & LEGAL NEWS

www.commerceandlegal.com / Vol. 102, No. 28

Entire Contents © 2011
Community Publishers, Inc.

50¢ / Thursday, April 7, 2011

Friendships with clients, partners, first

David L. Fist leader in state education law

BY RALPH SCHAEFER
ralphs@ok.neighbornews.com

People knew that David L. Fist was at the top of the list when it came to knowing Oklahoma education law.

But more than that, he put friendships with clients and members of his firm first.

The Tulsa attorney, who died Jan. 18, 2008, stood by his client, Tulsa Public Schools, seeing the educational system through thick and thin during some turbulent years that included a desegregation program that ended during the 1980s.

The Tulsa Public School Board of Education planted a tree in their long-time attorney's memory and allowed members of Rosenstein Fist and Ringold to put up a plaque in his honor on the administrative campus on East 31st St.

Tony Ringold, John Moyer, Doug Mann and Karen Long recalled how their late partner and colleague set both the work and ethical standards for the firm and often their clients.

Even when Fist stepped aside from his TPS legal role because of illness, he was available and counseled Mann who took his place.

The Rosenstein Fist and Ringold Law Firm has represented the Tulsa Public Schools since 1932 and now has more than 300 Oklahoma public schools as clients.

"David was heavily involved in the Tulsa Public School integration from the late 1960s to the mid 1980s when he filed the unity status in federal court that was agreed to by the Justice Department," Mann said. He, along with Superintendent Charles Mason helped get that status. The federal court wouldn't have agreed to



Dr. Keith Ballard, left, Tulsa Public School superintendent, and Doug Mann, TPS attorney, with the tree and plaque dedicated to the memory of David L. Fist who served the Tulsa system for many years. The school board planted the tree and the Rosenstein Fist & Ringold Law Firm provided the plaque.

that ruling if they felt that integration hadn't been achieved.

Throughout the difficulties experienced during those times, Fist always was viewed as the consummate gentleman, he said.

Regardless of their position in a case, almost everyone had a high regard for David, Moyer said. "Once, when some school board members were charged with criminal violation of the open meetings act, they insisted they be represented by David."

This was a case that, if convicted, the accused board members faced both fines and jail time.

The board members were acquitted of any wrongdoing by a jury.

Judge Tom Coleman said later this was the only criminal case that he ever had presided over that he saw an acquittal come about during the closing statements.

Fist joined the law firm in 1955 and became a partner in 1960, Ringold

said. He started working in the education arena and was lead TPS attorney for 35 of the next 45 years.

David also had other clients, including a number in the oil and gas industry and Affiliated Food Stores.

His driving philosophy was that one had to give their absolute best quality work product possible for the client, Mann said. "David was the hardest worker I had ever seen."

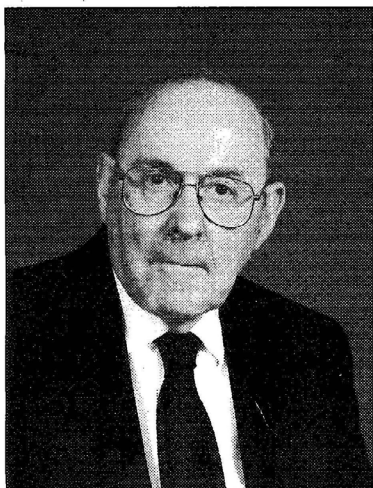
He once told younger attorneys that he could outwork all of them.

Fist and Ringold were classmates at Central High School and Ringold remembered him as being very studious and generally perceptive of people and situations around him.

That studiousness carried forward to law where Fist was first in his class and Editor in Chief of the University of Oklahoma Law Review.

Moyer, who joined the law firm in

Continued on page 2



David L. Fist

TULSA DAILY
**COMMERCE &
LEGAL NEWS**

www.commerceandlegal.com

Editorial
918.585.6655

Filings
918.259.7500

1909 100th 2009

Tulsa's Official Legal
Newspaper Since 1909



IN THIS ISSUE

DAILY BRIEFS	1
TODAY'S DOCKET	3
DISTRICT COURT	4
REAL ESTATE	6
PUBLIC NOTICES	10

DAILY BRIEFS

MCAFFEE & TAFT ATTORNEYS TO SERVE AS LABOR LAW JUDGES

McAfee & Taft attorneys Paul Ross, Kathy Neal and Peter Van Dyke were recently named by the Oklahoma Department of Labor to serve as administrative law judges.

All are members of the firm's Labor & Employment practice group and together have more than 80 years of collective legal experience.

Acting as the Oklahoma Labor Commissioner's designees, administrative law judges hear and decide wage and hour disputes, as well as disputes involving an employer's failure to provide workers' compensation insurance for its employees, and issue final ODOL orders.

Ross, a shareholder based out of McAfee & Taft's Oklahoma City office, has been named a "Rising Star" in the field of employment law by Oklahoma Super Lawyers for his litigation defense practice and day-to-day counseling to employers.

Also a highly regarded speaker and author on issues affecting the workplace, he routinely provides training to other Oklahoma lawyers and human resource professionals on various employment law topics.

Neal, based out of Tulsa, has nearly 30 years experience as a trial lawyer and counselor on labor and employment issues.

Her achievements have earned her recognition in The Best Lawyers in America, Chambers USA Guide to America's Leading Lawyers for Business and Oklahoma Super Lawyers.

Van Dyke, a shareholder based out of Oklahoma City, with more than 40 years of legal experience. He is in The Best Lawyers in America, Chambers USA Guide to America's Leading Lawyers for Business, Oklahoma Super Lawyers, and the Labor Relation Institute's list of "Top One Hundred Labor Attorneys in the United States." «



ROSS



NEAL



VANDYKE

DAVID L. FIST

Continued from page 1

1975 in a part time capacity before becoming full time in 1976, recalled that Fist had an enormous work capacity.

"I would see him leave at 7:30 p.m. with a brief case full of work to take home," he said. "We didn't have all the electronic gadgets we have now, but he probably would have used the computer. David would have loved the new digital dictaphone used today because these units hold up to 75 hours of dictation."

His secretary said had that technology been available, they would have had to hire additional people just to keep up with the dictation.

In the days before Lexus and West Law, Fist's office was full of law books that he had read.

Moyer said that when he had a question about a law, he would ask the firm's senior law partner about the issue. Fist would recall that he had read about a similar case and would go to that book to find the case.

Mann stepped in as the TPS attorney when Dr. David Sawyer was superintendent.

"I couldn't fill David's shoes, but I quickly learned that I could seek advice from him," he said. "Fist set high standards for me to reach for. He said the most important thing to do is to practice law in such a manner that a client would be saved from himself."

A board member's pride, arrogance or ignorance would get that individual in trouble and Fist would guide that person away from danger points while making them think the transition was their idea, Mann said. "That was the way he led us and he taught me."

Moyer acknowledged that with the many education clients the firm has that Fist had an understanding of what was needed even though he wasn't directly involved.

There was one time when Moyer wished that Fist had been in his place.

Fist was away when Moyer went to the meeting at Mason H.S. when the announcement was made the high school would be closed. Angry patrons threw items at the attorney and others when the closure announcement was made.

It was Fist who came up with the

idea of a trust that would allow the Union School system to build the football field at the high school location on South Mingo.

The Oklahoma legislature closed that hole in the law and school foundations now are used to fund major projects.

Individuals newly elected to school boards sometimes had agendas that would get them into legal difficulties if they pursued a particular course of action.

Fist knew this and would sit down with that individual and help them understand the rules and ramifications for not following the law.

"David didn't blow smoke, he just told it like it was," Moyer said. He knew the law and a new board member understood what was said.

David Sawyer, who served as Tulsa Public School superintendent from 2000 until his retirement in 2005, said he first met Fist when he interviewed for the position.

After that he had many opportunities to work with the attorney whose firm was referred to as "Fist and Sons."

"My most memorable association with Mr. Fist was through his breath and knowledge of Oklahoma education law," he said. He was an extremely well informed and prudent counselor, far and above any counselor Sawyer had encountered during his years as superintendent.

Fist was able to assist in an analysis of a hypothetical or real issue, Sawyer said. When that work was completed, he would point the board member down the correct path.

Fist helped Sawyer understand that it was important to call and ask a question first before having the need to come back and do damage control.

Equally important was Fist's availability.

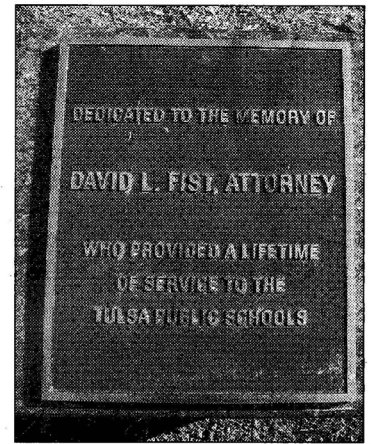
He would take Sawyer's calls immediately, sometimes interrupting family activities.

Fist's accessibility was his strong suit, he said.

Tulsa Public School Board Member Ruth Ann Fate echoed Sawyer's comments about David Fist's availability.

She is the last board member to have worked with him before he retired because of illness.

Even when he no longer was active,



The plaque on the grounds at the Tulsa Public School Education Service Center honoring David L. Fist.

he was available and Fate sometimes would go to his office to see him.

"David was a gentleman, always kind and never used a loud voice to get his point across," she said. "He was a kind, kind person who would take any tough situation that came before the board and talk us through us. He always was in charge."

"Fist was so well respected that it got to a point that the board felt that if David said it, that was the way it must be."

Fate, who went on the board in February 1996, said that it was possible to take any issue, regardless of how small, to the attorney and he was willing to take the time to discuss it.

"He was the finest gentleman I ever met," she said.

Long, also a law firm partner, and Fist started their roles as adversaries.

He represented the school board and she was counsel for the Oklahoma Education Association.

At that time Long lived in Oklahoma City and would travel to Tulsa as needed to represent clients.

There initial meetings occurred when the Tulsa Board of Education required bus drivers to take drug tests and some failed.

Long came to Tulsa to represent those drivers in danger of losing their jobs.

"Even though I was on the opposite side of the legal spectrum, David always made me feel like a close friend,"

Continued on page 3

DAVID L. FIST

Continued from page 2

she said.

When she joined the firm Long found that Fist valued people not just as associates and partners, but especially as friends.

Clients would talk about Fist with such affection, it appeared that he was a member of the family, not just a friend, she said. David held to the old tradition of friendship and if business resulted, that was good.

Even though Long learned many points in the practice of law from Fist, there were other lessons that will be far more long-lasting.

"David taught the importance of integrity, honesty and relationships," she said. People knew him by his word.

He believed in relationships with clients and his word was his bond.

"When he gave his word it remained his bond and everyone knew that David Fist would not back away from that agreement," Long continued. He often said that while a person can be known for honesty and integrity, one's reputation would stand long after the work was done.

Fist cared about the people in the firm.

Long said that she would get to the office early, only to find that Fist had

arrived before she did.

Since both liked books, Fist sometimes would leave a book on her office chair and she would find a hand written note from him.

Other times she would find a note that resulted from a discussion that occurred the previous day. When clients would compliment Long's work to Fist, he responded with a hand written note.

David valued friendships and would take the time to respond to people. He believed in rights and justice. He treasured relationships with people and with clients.

The Union School District was growing and buying land so schools could be built when Dr. Wesley Jarman became that district's superintendent in 1975.

At that time only Tulsa Public Schools had a lawyer and that person was David Fist.

"I told the board we needed an attorney," Jarman said. "I called David and he came out to visit with me and the board."

Previously, nearly every school su-

perintendent in Oklahoma would get a new school law book and they would represent the district on legal issues. If there were difficulties beyond their capacity, they would call State Superintendent Oliver Hodge or his as-

“

David didn't blow smoke,
he just told it like it was

— John Moyer

”

sistant Hack McDonald for that extra legal help.

One of Fist's first legal issues for his new client was to establish the Union Public School Trust Authority to finance the football stadium and purchase new administration facilities.

Everyone was saying that type of financing couldn't be done, Jarman said. While it had never before been done in Oklahoma, it had been done in other states.

"David was never one to say no, it can't be done," he said. "Rather, he would find a way to make it happen."

Fist did as he said. He found a way to develop the Union Public School Trust Authority.

Jarman is still amazed at the amount

of legal paperwork involved.

"I have never seen so much paper relating to one issue," he said. "I don't know how anyone could keep the documents straight."

As a superintendent, Jarman no longer was required to represent the school district on legal matters.

"David told me to throw that law book away because the only thing it was good for was to get me in trouble," he said. "David, who smoked a pipe at that time, never took it out of his mouth when discussing matters. He had a great sense of humor about legal issues when everyone else was serious. He was a great attorney."

When Doug Mann was hired by Rosenstein, Fist and Ringold, he represented Union Schools.

"Even then, David was behind the scene doing the heavy work," Jarman said.

Fist smoked his pipe during board meetings and board members smoked cigars, Jarman said.

One meeting the smoke was so thick that Bob Grove, retired Union Superintendent, and Jarman had to step outside for a breath of fresh air since neither smoked.

David always was a problem solver, Jarman continued. He just wasn't one to say something couldn't be done. «