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TULSA WORLD

Clash of the legal Titans

BY BRIAN BARBER & P.J. LASSEK World Staff Writers

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What happens when nearly a dozen attorneys become embroiled in the ongoing war between the mayor and the City Council? The punch line has yet to be determined. Within five months, there's been a council investigation of the mayor and his top aide, a civil lawsuit targeting councilors and a barrage of attacks between the two sides, with no end in sight.

Council probe

The City Council launched an investigation in March, following allegations by Tulsa's three deputy police chiefs, into whether Mayoral Chief of Staff Terry Simonson lied about a federal police grant.

At issue has been whether 35 of the 124 officers who were laid off as the city wrestled with a budget crisis could have been retained rather than being laid off first, as the administration maintained it had to do.

The 35 officers were rehired a month later with grant money after being paid \$317,000 in severance, vacation and comp time.

A report, compiled by the council-hired investigator, indicated that not only Simonson but also Mayor Dewey Bartlett may have made false statements.

Knowingly lying to the council is against city law and carries a maximum penalty of 10 days in jail and a \$100 fine.

The city prosecutor would determine whether charges are warranted. But councilors urged the City Attorney's Office to recuse itself because it is overseen by the mayor.

The council last week decided to send its report to the Oklahoma Attorney General's Office to act as or appoint a special prosecutor because Tulsa's City Charter doesn't lay out a process.

Civil lawsuit

City councilors were sued last month in Tulsa County District Court for alleged violations of the state's Open Meeting Act.

The civil lawsuit, filed by three residents, names each of the nine councilors as defendants, both individually and in their official capacities.

The alleged violations occurred during a June 17 executive session in which the council was going to discuss its probe of Bartlett and Simonson.

After voting to go into executive session, which is closed to the public, councilors on the advice of Council Attorney Drew Rees voted to remove Bartlett, who refused to leave during a heated exchange.

The law requires votes to be in public.

The residents' attorney, who confirmed that he met with Bartlett's attorney before filing the suit, said the lawsuit is an effort to restore transparency to the City Council.

PAUL DEMURO (pro bono)

Firm: Frederic Dorwart, Lawyers

Clients: Burt Holmes, Nancy Rothman and Henryetta McIntosh, who have sued the City Council

Career highlights: As an attorney for a national child advocacy group, he is pursuing a federal civil rights, class action accusing the state of victimizing foster children.

About the case: "My clients have a sincere desire to ensure that the City Council adheres to the concepts and principles of open government. That's something that should be important to all of us."

CLARK BREWSTER (pro bono)

Firm: Brewster & De Angelis

Clients: Councilors Maria Barnes, Bill Christiansen, Jack Henderson, Chris Trail, Roscoe Turner and Rick Westcott

Career highlights: Secured one of the largest state civil verdicts, \$66 million, against Shell Oil Co. and has defended high-profile clients such as former Tulsa County District Judge James Hogue in an embezzlement case, former Creek County District Judge Donald Thompson in an indecent exposure case and Jamie Nicole Chambers on a charge of accessory to murder.

About the case: "I took the case because I thought I could help and make a difference in not only defending what I think are frivolous claims against the councilors not founded in law or fact and should be dismissed, but out of a sense of public service."

BILL LAFORTUNE (on retainer)

Firm: Private practice

Client: Councilor G.T. Bynum, his second cousin

Career highlights: Tulsa mayor from 2002 to 2006, Tulsa County district attorney from 1995 to 1998, special district judge from 1993 to 1995 and assistant attorney general from 1987 to 1988 and from 1990 to 1993.

About the case: "The Open Meeting Act is something I know almost verbatim. I have been actively involved in advising public bodies and elected officials on the act over the course of my career. I don't know if there is anyone in the state who has as much experience in this area as I do."

GARY L. RICHARDSON (pro bono)

Firm: Richardson Richardson Boudreaux

Client: Councilor John Eagleton

Career highlights: Secured the largest defamation verdict in the nation — \$58 million — for a single client against media company Belo Corp., served as the U.S. attorney for the Eastern District of Oklahoma from 1981 to 1984 and was an independent gubernatorial candidate in 2002.

About the case: "My career has been driven by challenges and especially by those I believe are in the right. I have some serious questions about the legal merit of this case."

GREG BLEDSOE

Firm: Private practice

Client: Councilor Jim Mautino

Career highlights: Represented Mautino, one of five councilors sued by F&M Bank over a zoning issue at 71st Street and Harvard Avenue. The bank ultimately dropped the case. Secured a 1996 verdict award of \$6,500 against the former owner of the French Hen restaurant for firing a waiter because his roommate had AIDS.

About the case: "I'm representing Jim because I believe he's the salt of the earth and his heart is in the right place. There is no greater advocate for open government and transparent meetings than Jim

Mautino."

JOEL WOHLGEMUTH (pro bono)

Firm: Norman, Wohlgemuth, Chandler & Dowdell

Client: Mayor Dewey Bartlett

Career highlights: Represents the city in the black officers' federal lawsuit and defended Magnolia Marine and the barge captain in litigation from the 2002 Interstate 40 bridge collapse.

About the case: "I decided to take this case because I believe for a number of reasons that the mayor has been unjustly accused of committing a crime when what he did, in my view, doesn't approach any type of criminal conduct at all. Frankly, I was outraged about the way in which this investigation has been conducted."

DAVID O'MEILIA (on retainer)

Firm: Richards & Connor

Client: Chief of Staff Terry Simonson

Career highlights: Served as U.S. attorney for Tulsa's district from 2001 to 2009, during which he oversaw the bribery and fraud indictments against two city Public Works employees and four area businessmen and the corruption case against Tulsa Police Officer Rico Yarbrough.

About the case: "I took the case because the council's actions are offensive to my sense of justice and are clearly not in the best interests of the citizens. It has become patently obvious that the allegations are false, vindictive and a concerted attempt to damage and vilify Terry's good name, character and career."

CITY COUNCIL ATTORNEY DREW REES

Rees has provided legal guidance to councilors during the probe and an executive session that triggered a lawsuit that alleges Open Meeting Act violations. The mayor last week demanded Rees' resignation, claiming his job is not authorized by the City Charter.

OKLAHOMA ATTORNEY GENERAL DREW EDMONDSON

The council has asked the Attorney General's Office to determine whether charges should be filed or to appoint a special prosecutor.

LOUIS BULLOCK

An attorney who has approached councilors in an effort to mediate for fear that the contentious situation could affect the black officers' lawsuit settlement for which he represents the officers.

CITY ATTORNEY DEIRDRE DEXTER

At the urging of many councilors, Dexter recused the city's Legal Department from getting involved in the council probe.

Associated Images:





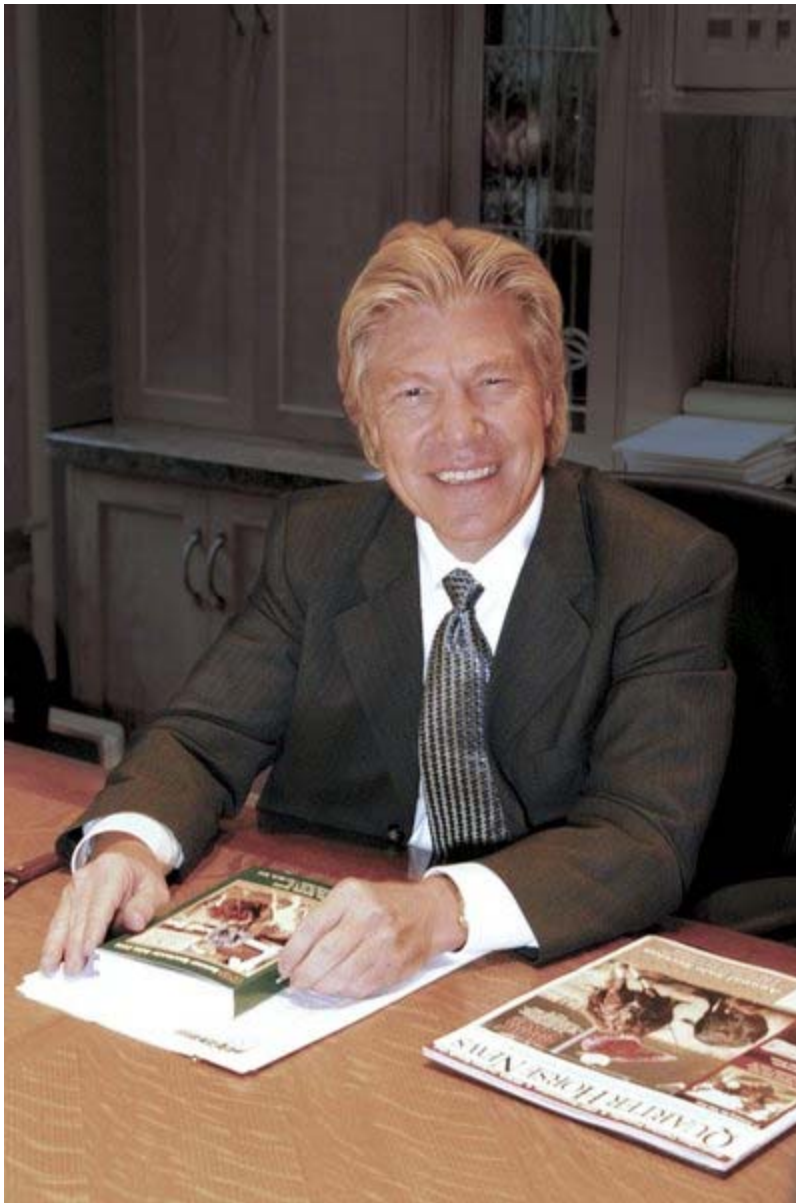
Joel Wohlgemuth



City Council Attorney Drew Rees



Paul Demuro



Clark Brewster



Gary L. Richardson



David O'Meilia



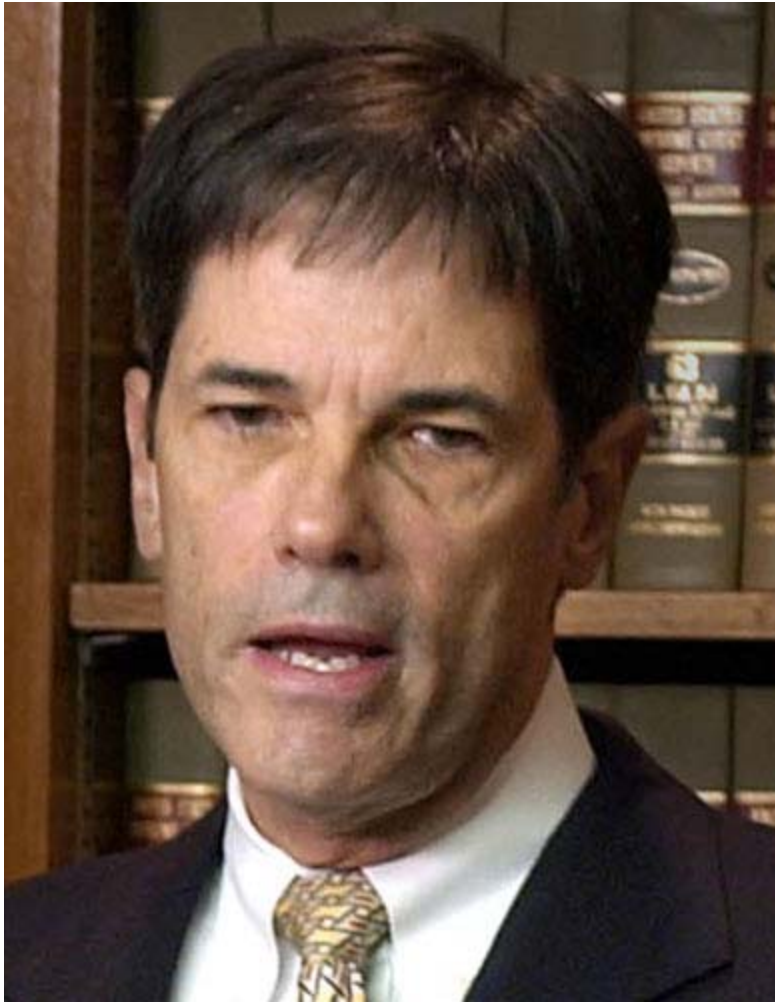
Oklahoma Attorney General Drew Edmondson



Bill Lafortune



Greg Bledsoe



Louis Bullock



City Attorney Deirdre Dexter

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