SpencerFane®

Andy Lester

Partner

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Overview

Andy Lester has a civil litigation and appellate practice in both state and federal court. His fields of emphasis include complex business, civil rights, commercial, constitutional, and state and local government law.

He has faced off against the White House over the use of Executive Privilege, has appeared as counsel before committees of the U.S. Senate and the U.S. House of Representatives, and has been a featured guest on television shows such as *Hardball with Chris Matthews* and *The Situation Room* with Wolf Blitzer. He has also served as Acting General Counsel for the Oklahoma House of Representatives, and has twice served as Chief Counsel to Special House Committees investigating public corruption.

While in law school, Andy served on President Ronald Reagan's Transition Team for the Equal Employment Opportunity Commission (EEOC). In 2002, he chaired Governor Brad Henry's Law Enforcement / Corrections Transition Team and, as a member of the Budget / Finance Transition Team, helped write Governor Henry's first state budget.

He is a former U.S. Magistrate Judge for the Western District of Oklahoma, and has served as Adjunct Professor at Oklahoma City University School of Law, having taught State & Local Government, Employment Law, Criminal Law, and International Law. Andy has written over 100 articles and papers on professional and public policy issues, and has published one book, *Constitutional Law and Democracy*, a collection of speeches he gave in 1993 in the former Soviet Union.

Andy is a former member of the Oklahoma State Regents for Higher Education, and in 2019 was named a State Regent Emeritus. He previously served as a member and chairman of the OSU / A&M Board of Regents. He served on the board of Eureka College (President Reagan's alma mater), is a former chairman of the Oklahoma Advisory Committee for the U.S. Commission on Civil Rights, and is a past president, past board chairman, and current board member of the Tenth Circuit Historical Society. He co-chaired the bipartisan Oklahoma Death Penalty Review Commission, which conducted the first-ever independent, objective, and thorough review of the state's entire capital punishment system.

In 2012, Andy was named Citizen of the Year of Edmond, Oklahoma. He is a past president of the Rotary Club of Edmond, and in 2011 was named Rotarian of the Year.

Education

- Georgetown University, 1981 (J.D.), *Dean's List (1978-1980)*
- Georgetown University, 1981 (M.S., Foreign Service), *Dean's List (1978-1980)*
- Duke University, 1977 (B.A.), *magna cum laude, Dean's List and Class Honors (1974-1977)*
- Ludwig-Maximilians-Universität, 1976

Bar Admissions

- Oklahoma
- Texas
- Colorado
- District of Columbia

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Eastern District of Oklahoma
- U.S. District Court for the Northern District of Oklahoma
- U.S. District Court for the Western District of Oklahoma
- U.S. District Court for the District of Colorado
- U.S. District Court for the Eastern District of Texas

Community Involvement

- Rotary Club of Edmond, Former President

Distinctions

- *Best Lawyers in America*, Appellate Practice; Civil Rights Law; Commercial Litigation; Government Relations Practice, 2024-2027
- *405 Magazine*, Top Attorneys, Appellate Law, 2026
- Lawdragon 500, Global Leaders in Crisis Management, 2025-2026
- Edmond, Oklahoma, Citizen of the Year, 2012
- Rotary Club of Edmond, Rotarian of the Year, 2011

- *Oklahoma Super Lawyers*, 2006-2011, 2013-2025

Memberships

- Oklahoma State Regents for Higher Education, Member
- Oklahoma Death Penalty Review Commission, Co-Chair
- Oklahoma State University / A&M Board of Regents, 2007-2016; Chairman, 2012-2013
- Eureka College, Former Board Member
- Tenth Circuit Historical Society, Board Member; Former President; Former Board Chairman
- Governor-Elect Brad Henry, Chairman of Law Enforcement / Corrections Team
- Equal Employment Opportunity Commission, Transition Team, Recommendations Task Force
- U.S. Commission on Civil Rights, Oklahoma Advisory Committee, 2009-present; Chairman, 2009-2014
- Salvation Army, Oklahoma City Command, Board of Advisors, 2002-present
- St. Mary's Episcopal School of Edmond, Board of Directors, 1999-2001
- First Baptist Church of Oklahoma City, Deacon
- Enid Police Civil Service Commission, Chairman, 1985-1987
- Enid Habitat for Humanity, Inc., Board of Directors, 1986-1989
- Booker T. Washington Community Center, Inc., of Enid, Board of Directors, 1987-1990
- Holiday Commission of Enid, Martin Luther King, Jr., 1989-1992
- U.S. Department of Health & Human Services, Office of Community Service, Field Reviewer, 1983-1988
- Oklahoma Bar Association
- Oklahoma County Bar Association Member, Legal Ethics Committee, 2001-2004
- Colorado Bar Association
- District of Columbia Bar Association
- Texas Bar Association
- Oklahoma Bar Foundation, Fellow

Presentations and Publications

- "First Amendment Basics," Oklahoma Bar Association, May 2014
- "The Future of Higher Education: Brief Introductory Comments," OSU-OKC Leadership Development Program, October 2014
- Closing Remarks, OSU Board of Regents, June 2013
- Introductory Remarks, Big 12 Internal Auditors' Conference, May 2013
- Keynote Address, Annual Convention of the Oklahoma Osteopathic Association, April 2013
- Keynote Address, LeFlore County NAACP, August 2013
- Keynote Address, Oklahoma State University Faculty Council, April 2013
- Keynote Address, Oklahoma State University Spears School of Business Ph.D. in Business for Executives Cohort, January 2013
- Opening Remarks, Texas Map Society, May 2013
- Oklahoma State University Commencement Address, Spring 2013
- Northeastern Oklahoma A&M College Commencement Address, Spring 2013
- Remarks, Oklahoma State University College of Osteopathic Medicine Commencement, May 2013
- Remarks, Induction Ceremony of the Gamma of Oklahoma Chapter of Phi Beta Kappa, May 2013
- Remarks, Operation Orange, Enid Oklahoma, 2013
- Remarks, Oklahoma State Regents for Higher Education Legislative Forum, November 20, 2013

- Remarks, Oklahoma Osteopathic Association, 78 Oklahoma D.O., No. 1, May / June 2013
- "An Election Law Primer: Redistricting, Voter ID, and other Trends," Oklahoma County Bar Association, November 6, 2012
- "Expert Q&A: Federalism," 15 okcBIZ, No. 2, February 2012
- "First Things of the First Amendment," Oklahoma Bar Association, May 24, 2012
- "In Defense of Higher Education: A Brief Response to Certain Political Attacks against Public Universities" OSU Provost Council Meeting, August 10, 2012
- Introduction of Professor Jeffrey Rosen, OSU Constitution Day, September 20, 2012
- Oklahoma State University Commencement Opening Comments, December 14, 2012
- Remarks, The Investiture of President Bill Path, November 7, 2012
- "Constitutionalism in the 21st Century: Is the Rule of Law Still Relevant?" Constitution Day, Oklahoma State University, September 16, 2010
- "Section 1983, the First Amendment and Public Employment," Oklahoma Bar Association, June 4, 2010
- "The PIG & the Law," Chapter in muni.ok.us: An Oklahoma Academy Town Hall on Municipal Governments, November 14-17, 2010
- "A Client Perspective on Ethics," Oklahoma Bar Association, Government & Administrative Law Section, December 11, 2009
- "Chairman's State of the Society," The Historical Society of the Tenth Judicial Circuit Newsletter, Spring, 2009
- "Chairman's State of the Society," The Historical Society of the Tenth Judicial Circuit Newsletter, Fall, 2009
- "Distinguished Judges' Biographies: Chief Judge Robert H. Henry," The Historical Society of the Tenth Judicial Circuit Newsletter, Spring, 2009
- "Zealous Advocacy: A Client Perspective," Oklahoma Association of Municipal Attorneys, September 23, 2009
- "The First Amendment and Public Employment," Oklahoma Bar Association, June 2008
- "Blamegame Baloney – Michael Brown and FEMA," Robert J. Dole Institute of Politics, March 28, 2007
- "Education Policy is Job of Legislators, Not Judges," The Wichita Eagle, July 8, 2007
- "Government Attorney Ethics," Oklahoma Association of Municipal Attorneys, April 27, 2007
- "Insurance Receiverships: A Primer," Oklahoma Bar Association, April 6, 2006
- "Media Maelstrom Over Michael Brown," Human Events Online, March 15, 2006
- "Media Mania: A Practical and Ethical Approach for Attorney Contacts with Reporters," Oklahoma Association of Municipal Attorneys, April 28, 2006
- "Relief: The Road to Recovery Under Section 1983," Oklahoma Bar Association, June 2, 2006
- "Representing the Government Employer: Special Ethical and Legal Issues," Oklahoma Employment Lawyers Association, December 15, 2006
- "Tapes Show Brown as a Victim of Politics," Albany Times Union, March 29, 2006
- "The Washington Wringer," Accuracy in Media, September 29, 2005
- "First Amendment Update," Oklahoma Association of Municipal Attorneys, April 30, 2004
- "The First Amendment and Section 1983," Oklahoma Bar Association, June 2004
- "Traditional Roots of Morality – Scriptural Basis," Oklahoma Conference of Churches, February 10, 2004
- "Alphabet Soup: An Overview of Employment Law," The Women's Network, Edmond Chamber of Commerce, June 26, 2003
- "Privilege Problems in Public Practice," Oklahoma Association of Municipal Attorneys, April 11, 2003
- "Other Areas of Liability in Employment Discrimination," Employment Discrimination Update in Oklahoma, National Business Institute, May 3, 2002
- "Redistricting Retrospective: A Behind the Scenes Look at Alexander v. Taylor, The Oklahoma Reapportionment Case," Oklahoma Association of Municipal Attorneys, September 19, 2002
- "Perspectives on Public Employment: A Business Approach," Lorman Educational Services, March 23, 2001
- "Public Employment Perspectives: A 'PEP' Talk," Oklahoma Association of Municipal Attorneys, April 6, 2001

- "Retaining Outside Counsel – The Private Practitioner's Perspective," Oklahoma Association of Municipal Attorneys, September, 2001
- "Running the Gauntlet: Perspectives on Public Employment," Oklahoma Employment Lawyers Association, August 22, 2000
- "United States Supreme Court Review, 1998-1999 and 1999-2000 Terms – Municipal Attorneys' Version," Oklahoma Association of Municipal Attorneys, September 14, 2000
- "Noted Federal Jurist Decries Judicial Activism," 31 Briefcase, August 1999
- "Auditing the Auditor, or, How to Respond when the Auditor Arrives in Your Client's Office and Demands to Check the Books," Oklahoma Society of Certified Public Accountants, May 8, 1998
- "Auditing the Auditor: A Tactical Response to a State Audit," Oklahoma Association of Municipal Attorneys, April 24, 1998
- "Full-Time Ethics for Part-Time Judges," Oklahoma Municipal Judges Association, April 24, 1998
- "United States Supreme Court Review 1998 – Municipal Attorneys' Version," Oklahoma Association of Municipal Attorneys, September 24, 1998
- "Women and the Law: A Workplace Perspective, Business and Professional Women," Oklahoma City Chapter, October 22, 1998
- "Affirmative Action and Equal Protection: Ruminations on Current Events in Civil Rights Law," Oklahoma Association of Municipal Attorneys, April 11, 1997
- "Public Construction Contracts: Change Orders You Wouldn't Believe!" Oklahoma Association of Municipal Attorneys, September 25, 1997
- "A Civil Rights Primer," Oklahoma County Bar Association, April 16, 1996
- "Ethics: The Role of the Government Lawyer," Oklahoma Bar Association, March 1996
- "The Affirmative Use of the Qualified Immunity Defense: Recent Developments," Oklahoma Association of Municipal Attorneys, April 26, 1996
- "Conflicts of Interest and Other Ethical Dilemmas: City Attorneys and the Rules of Professional Conduct," Oklahoma Association of Municipal Attorneys, March 17, 1995
- "Constitutional Law and Democracy: A Challenge for the Emerging States of the Former Soviet Union," 11 The Lincoln Review, Summer-Fall, 1995
- "Indian Country – A Brief Survey," Oklahoma Association of Municipal Attorneys, October 5, 1995
- "Supreme Court Review 1995 – Municipal Attorneys' Version," Oklahoma Association of Municipal Attorneys, October 5, 1995
- "Clarence Thomas Will Endure," The Daily Oklahoman, December 8, 1994
- "Constitutional Law and Democracy / [redacted] / Dreptul Constitutional Şi Democratia," Organization fo Cooperation in Europe Mission to Moldova, Central and East European Law Initiative, Chisinau, Moldova, 1994
- "Doing Business in Ukraine," International Section, Oklahoma Bar Association, Oklahoma Friends of Ukraine, Catholic Lawyers Guild, International Trade Council at Oklahoma City University, Oklahoma City International Trade Association, March 11, 1994
- "Don't Count Russian Empire Out," The Sunday Oklahoman, October 24, 1994
- "Government Limits Elusive for Ex-Soviets," The Sunday Oklahoman, October 17, 1994
- "Moldova's Flawed Constitution: With a Prescription for Limited Government," 2 Demokratizatsiya/ [redacted] / The Journal o Post-Soviet Democratization, No. 2, Spring 1994
- "A Short History of Federalism," Central & East European Law Initiative, American Bar Association, Conference for Security & Cooperation in Europe, The Soros Foundation, Chisinau, Moldova, July 7, 1993
- "Constitutional Law and Democracy, Part 1" Chisinau, Moldova, 1993
- "Constitutional Law and Democracy, Part 2" Chisinau, Moldova, 1993
- "Constitutional Law and Democracy, Part 3" Chisinau, Moldova, 1993
- "Constitutionalism, Democracy and the Rule of Law," Central & East European Law Initiative, American Bar Association, Conference for Security & Cooperation in Europe, The Soros Foundation in Moldova, July 16, 1993

- "Creating Public Law in the Former Soviet Union: A Comparative Review of Approaches to Individual Rights in the United States and the Republic of Moldova," Oklahoma Association of Municipal Attorneys, September 30, 1993
- "Electoral Choices in a Democratic Society," Central & East European Law Initiative, American Bar Association, Conference for Security & Cooperation in Europe, The Soros Foundation, Chisinau, Moldova, July 12, 1993
- "Employment as Contract – The True Relationship Between Employer and Employee," International Scientific-Practical Conference on Condition of the Transition to a Market Economy," State Committee of the Republic of Belarus for Labor and Social Security," Minsk, Belarus, May 24, 1993
- "Individual Rights – Liberty at Work," Central & East European Law Initiative, American Bar Association, Conference for Security & Cooperation in Europe, the Soros Foundation in Moldova, July 14, 1993
- "Lies Permeate Post-Soviet Life," The Sunday Oklahoman, October 10, 1993
- "Separation of Powers – The Great Protection Against Tyranny," Central & East European Law Initiative," American Bar Association, Conference for Security & Cooperation in Europe, The Soros Foundation, Chisinau, Moldova, July 9, 1993
- "Separation of Powers – The Great Protection against Tyranny," U.S. Information Service, Kiev, Ukraine, June 8, 1993
- "Separation of Powers – The Key to Constitutional Rule of Law," Scientific Workshop on the Draft of the Constitution of the Republic of Moldova, May 27-28, 1993
- "The Constitution – A Fundamental Law, Central & East European Law Initiative," American Bar Association, Conference for Security & Cooperation in Europe, The Soros Foundation, Chisinau, Moldova, July 5, 1993
- "The Sources of Governmental Power, Central & East European Law Initiative," American Bar Association, Conference for Security & Cooperation in Europe, The Soros Foundation, Chisinau, Moldovam July 6, 1993
- "Fighting City Hall," 18 Litigation, No. 3, Spring 1992
- "The Most Fundamental Right: Property and the Constitution," Oklahoma Bar Association, Publication No. 453, May 1992
- "1991 Supreme Court Review – Municipal Judges' Version, Oklahoma Association of Municipal Judges, November 8, 1991
- "Police Civil Liability: 42 U.S.C. § 1983 and the Governmental Tort Claims Act," OML Municipal Assurance Group, Risk Management Seminar, April 11, 1991
- "Supreme Court Review 1991 – Municipal Attorneys' Version," Oklahoma Association of Municipal Attorneys, September 20, 1991
- "The 48 Hour Rule," Oklahoma Association of Municipal Judges, November 8, 1991
- "The Offensive Use of the Qualified Immunity Defense," Oklahoma Association of Municipal Attorneys, May 3, 1991
- "Discharge of Public Employees," Oklahoma Municipal League, April 10, 1990
- "Ethical Considerations in the Defense of Cities and Their Employees," Oklahoma Association of Municipal Attorneys, April 20, 1990
- "Ethical Issues in the Defense of Municipalities and Municipal Supervisors / Employees," Defense Research Institute, Scottsdale, Arizona, February 8-9, 1990
- "Potential Personal Liability of Municipal Managers," City Management Association of Oklahoma, January 19, 1990
- "Prelitigation Policies," Oklahoma Association of Municipal Attorneys, September 14, 1990
- "A Primer on Municipal Liability," OML Municipal Assurance Group, Liability Study Committee, February 8, 1989
- "Forum – The Grand Jury," Enid News & Eagle, January 7, 1989
- "Municipal Law Ethics," Oklahoma Association of Municipal Attorneys, April 14, 1989
- "Sanctions – Tenth Circuit Version," Oklahoma Association of Municipal Attorneys, September 13, 1989
- "Simultaneous Representation of Civil Rights Defendants," DRI, Governmental Liability, September-October 1989
- "A Governmental Tort Claims Primer," Oklahoma Bar Association, November 4, 1988
- "Ethics and Municipal Law," 1 The Municipal Counselor, No. 4, 1988
- "Is Federalism Dead? 48 Human Events, December 10, 1988
- "Recent Governmental Tort Claims Cases," Oklahoma Association of Municipal Attorneys, May 25, 1988
- "Section 1983 Primer," Oklahoma Association of Municipal Attorneys, September 14, 1988
- "Ethics and Municipal Law," Oklahoma Association of Municipal Attorneys, May 15, 1987
- "Recent Developments in the Oklahoma Pleading Code," Garfield County Bar Association, October 13, 1987

- "Review of "Salvation for Sale," 7 The Lincoln Review, Winter, 1987
- "Review of "The Berlin Wall," 8 The Lincoln Review, Summer-Fall, 1987
- "Termination of Public Employees," Oklahoma Transit Association, June 24, 1987
- "Wrongful Discharge – State Law Theories," Oklahoma Association of Municipal Attorneys, September 23, 1987
- "Civil Rights Actions under Section 1983," Oklahoma Bar Association and Federal Bar Association, March 18, 1986
- "Defending Civil Rights Actions," Oklahoma Association of Municipal Attorneys, June 6, 1986
- "Negligent Maintenance of Playground Equipment," OML Municipal Assurance Group, Risk Management Seminar, May 8, 1986
- "Termination of Public Employees," Oklahoma Association of Municipal Attorneys, September 17, 1986
- "The Liability Insurance Crisis – Myth & Reality," 7 The Lincoln Review, Fall, 1986
- "Voting Rights & Voting Power," 6 The Lincoln Review, Fall, 1985
- "Municipal Antitrust Liability After Boulder," 36 Okla.L.Rev. 827, 1983
- "Decisions and Actions of 1983 Affecting Federalism," 54 Okla.B.J., December 31, 1983
- "Defending Actions under Section 1983," Oklahoma Association of Municipal Attorneys, March 18, 1983
- "The Future of Federalism," 53 Okla.B.J., December 31, 1982
- "Politics 1980 – Parris," 40 Human Events, June 7, 1980

Related Experience

- Won a precedent-setting, multi-million dollar decision establishing state court jurisdiction to order an estate administrator to file a federal estate tax return and to elect portability of the Deceased Spousal Unused Exclusion amount under 26 U.S.C. § 2010. *Vose v. Lee*.
- Guided the Oklahoma House of Representatives through an impeachment inquiry of a state-wide elected official.
- Led a Special Committee of the Oklahoma House of Representatives through the first ethics inquiry in state history of a sitting Legislator.
- Represented an insurance pool to reverse $1 million judgment, interpreting Oklahoma Insurance Code, Governmental Tort Claims Act and Interlocal Cooperation Act. *City of Choctaw v. Oklahoma Municipal Assurance Group*.
- Represented business owners against the Federal Trade Commission to reverse a $39 million contempt citation. *FTC v. Kuykendall.*
- Successfully litigated Congressional and state legislative reapportionment efforts in 2002 and 2011. *Alexander v. Taylor*; *Wilson v. Fallin*.
- Successfully guided a Superfund cleanup agency through major state and federal investigations.