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GEARS OF LAW

February 2015

Twenty Questions

Each issue we are giving readers a glimpse into the lives and interests of legal professionals through a series of questions and answers (twenty to be precise). Each issue will feature a different professional responding to the same twenty questions. This issue’s installment of twenty questions features an attorney who works in Minneapolis and who is also a mediator.

- 1. What is your name?** Kathryn Lammers.
- 2. What is your title/position?** I am an attorney and a partner at the law firm of Heimerl and Lammers in Minneapolis. I practice in the area of Family Law and I am a rule 114 Qualified Mediator.
- 3. What has been your largest success or achievement (academically or professionally)?** Building a thriving, successful family law practice where I work with amazing attorneys and staff who all share the same core practice values of integrity, professionalism, and civility and being named a Super lawyer and a Rising Star attorney.
- 4. What is the biggest challenge you have faced in regards to the legal profession and how did you overcome it?** I started practicing law in 2006 when the legal market in Minnesota was very tight. It was hard to get practicing legal jobs and the pay was not great. I worked hard and learned what I could from more seasoned attorneys and really focused on my career and learning all I could about my area of law. It isn’t always what you know but who you know!

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Interview for ADR Class with Smokin Hoeken

By Rich Klobuchar

I frequent a library to study for my classes. I have often seen a fellow patron. On August 24th 2014, I found out his name. 'Smokin' is what his fellow employees call him; not because he is a smoker, but because he is passionate about what he does and believes.

He was born and raised in Sweden. At the age of thirty eight, he followed his wife to the United States. He is now sixty eight years old. His self-proclaimed gift is the ability to speak languages. He knows seven of them.

When asked about conflict, he replied that it was a disagreement or dispute. He mentioned two or more parties. He said there are personal conflicts and national conflicts. In Sweden, there is a lot of freedom. For instance, he said that it was ok to live with another person without being married. The rationale is that if there are "conflicts," it is easier to move on. He is not necessarily fond of pre nuptials. Although, if there are kids, married or not--agreements may help solve problems.

In reaction to how to deal with conflicts, Smokin said he thought that his language skills served him well. If one knew and used even a few key words of another’s language, people would be more accepting of them. He also made the point that in order to get along with others, it is helpful to nurture relationships. He, personally, has always been friendly to me and others.

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Want to Write for Gears of Law?

If you have something you would like to share for the next newsletter, please contact Nathanael Smith at nathan-aelcsmith@gmail.com

The Power of Words

By Nathanael Smith

As legal professionals, the words we speak and write can have a great impact. While we often may solely focus on how they may make or break a particular case, the words we use in describing others or while talking to others can cause a lot of damage, especially when we consider how the heart works scientifically. I first came across this story while listening to a sermon the other day. A young eight year old girl, who received a heart transplant from a murdered ten year old girl, began having horrible nightmares about how the ten year old girl was murdered. After discovering her daughter's frightening visions, her mother took her to a psychiatrist who concluded that she was witnessing what had actually happened. After several sessions, they called the police and gave them the detailed description of the murder, including the time, weapon, place, the clothes he wore, and what the girl he killed had said to him. The police ended up finding the man and convicted him of murder based on the girl's dreams.

As creepy (or neat) as this may seem, it actually tells a lot about the heart. As scientists have concluded, the heart actually sends out more neural signals to the brain than the brain does to the heart (contrary to popular thought). They have also discovered that the heart can actually "think" and "influences emotional processing as well as higher cognitive faculties such as attention, perception, memory, and problem-solving." As stated by Dr. Ermina Gaurneri of the Institute of HeartMath in a segment of NBC News, "the heart is something that is affected by emotions, affected by grief, affected by love." Once it feels those emotions, it sends them to the brain which then responds depending on what signals the heart sends. For example, signals representing grief or depression usually increase the stress on the body. The phrase, "died from a broken heart" is not just a poetic phrase, but is actually a real condition that may result from a great increase of stress on the body from depression.

As referenced in an article out of Psychology Today entitled "The Most Dangerous Word in the World," "If I were to put you into an fMRI scanner—a huge donut-shaped magnet that can take a video of the neural changes happening in your brain—and flash the word "NO" for less than one second, you'd see a sudden release of dozens of stress-producing hormones and neurotransmitters. These chemicals immediately interrupt the normal functioning of your brain, impairing logic, reason, language processing, and communication. In fact, just seeing a list of negative words for a few seconds will make a highly anxious or depressed person feel worse, and the more you ruminate on them, the more you can actually damage key structures that regulate your memory, feelings, and emotions.

[1] You'll disrupt your sleep, your appetite, and your ability to experience

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Interview for ADR Class with Smokin Hoeken cont.

I think of Sweden as being homogeneous; however, according to Smokin, there are many immigrants coming from different cultures who are now residents of Sweden. Some of the Swedish people are concerned because they feel immigrants are not being held to the same standards they are. Sweden's reputation has been one of tolerance and freedom. Hopefully, these attributes will help all residents of Sweden manage conflicts.

Mr. Hoeken helped me think more of us should be 'smokin' about getting along with others by celebrating the good things that come from conflicts such as substantiating our opinions with facts and accepting that conflicts highlight differences that can broaden our own perspectives. As Smokin says, there will always be conflict and it is up to us as to how we will react to it.



Current Events:

- Court overturns murder conviction in 'Last Seduction' case

<http://www.breakinglegalnews.com/entry/Court-overturns-murder-conviction-in-Last-Seduction-case>

- Two Houston men are arrested in iPad theft after selfies surface on true owner's iCloud account

<http://www.foxnews.com/us/2015/01/22/2-houston-men-arrested-in-ipad-theft-after-selfies-surface-on-true-owner-icloud/>

- Seattle Seahawks attempting to trademark the number twelve (12), the word 'boom' and more

http://seattletimes.com/html/localnews/2025515421_seahawkstrademarksxml.html

- Man is ticketed for eating double quarter-pounder with cheese while driving

http://www.abajournal.com/news/article/man_is_ticketed_for_eating_double_quarter_pounder_with_cheese_while_driving

- Arrested Florida teen helps save life of officer booking him into jail

http://www.huffingtonpost.com/2015/01/14/teen-saves-life-police-officer-jamal-rutledge_n_6470842.html

- Rapper Faces Life Sentence Over Album That 'Promoted' Gang Violence

<http://time.com/3680275/san-diego-rapper-tiny-doo-album-gang/>

- DNA Clears Man, Wrongly Imprisoned Since 1976

<http://www.usnews.com/news/us/articles/2015/01/23/judges-70-year-old-nc-man-wrongly-convicted-4-decades-ago>

- Law Enforcement Wants Police-Tracking App Waze Disabled

<http://www.usnews.com/news/articles/2015/01/26/law-enforcement-wants-police-tracking-app-waze-disabled>



- Americans want to repeal the Bill of Rights?

<http://www.infowars.com/video-americans-want-obama-to-repeal-the-bill-of-rights/>

- Denton's to Merge With Dacheng of China to Create World's Largest Law Firm

http://dealbook.nytimes.com/2015/01/27/dentons-to-merge-with-dacheng-of-china-to-create-worlds-largest-law-firm/?_r=0

- American Idol winner sues to escape oppressive contract

<http://www.hollywoodreporter.com/thr-esq/american-idol-winner-files-bold-767088>

- Jury excuses for Holmes Trial

<http://www.deseretnews.com/article/765667166/Panic-attack-bad-back-Theater-shooting-brings-jury-excuses.html?pg=all>

- To Collect Debts, Nursing Homes Are Seizing Control Over Patients

<http://www.nytimes.com/2015/01/26/nyregion/to-collect-debts-nursing-home-seizing-control-over-patients.html>

20 Questions Cont'd

5. Do you live by a motto? If so, what is it?

You may delay, but time will not. ~Benjamin Franklin.

6. What court case (either past or present) interests you the most? Why?

Cases dealing with same-sex marriage. It is directly relevant to my practice area and a topic that people have strong beliefs on.

7. What do you like most about Minnesota? That it is large enough to be cosmopolitan, but small enough not to be overwhelming.

8. What do you think the largest change for the legal profession will be in the future? I wonder if legal insurance programs will continue to grow. Also, I think that technology in the legal profession from e-filing to discovery will affect every area of the law. I think there will also continue to be a change in the way family law practitioners approach their cases; for example, by using more experts and a more child focused collaborative model.

9. Describe yourself using three words: Compassionate, Focused, Driven .

10. What is/was your favorite subject in school? Public speaking.

11. Who is your biggest role model? My advanced litigation professors, Mark Gruesner and Allen Oleisky, who gave me courtroom confidence and showed me how to be a gracious winner, and my parents for always supporting me.

12. Share something people would be surprised to know about you: I am obsessed with the television show The Golden Girls.

13. What is the number one advice you would give to someone entering the legal profession? Do not over promise what you can do. It is better to exceed expectations than let someone down. The work that we do with and for people is really important to them—in family law we are dealing with people's money, children, and futures. Clients need to know that you take their matters seriously. That is why they are paying you. It isn't a game to them. Be accountable and reliable. Always.

14. What is your favorite movie? "Catch me if you Can," with Leonardo DiCaprio.

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Bizarre Minnesota Laws That Are Still in The Books (and in effect)

Many of us have probably come across lists of weird and wacky laws before. Many of these lists consist of either old laws that are no longer applicable to the average citizen or laws that were never real to begin with. While most "blue laws" are merely fables, there are some real ones that are still enforced, such as:

1. In Minnetonka, Minnesota, if you drive a truck that leaves mud, dirt or sticky substances on any road you will be considered a public nuisance that is harming the peace, safety and general welfare of the town. <http://www.dmv.org/articles/bizarre-driving-laws/>
2. If a wild boar gets loose in Minneapolis or Saint Paul, Minnesota, Dave Frederickson (the commissioner of the Minnesota department of agriculture) is personally required by law to capture or destroy it. http://www.twincities.com/localnews/ci_25843305/minnesota-unsession-dumps-1-175-obsolete-silly-laws
3. There is an official statute that prohibits greased pig contests and turkey scrambles: Minn. Stat. §343.36. "No person shall operate, run or participate in a contest, game, or other like activity, in which a pig, greased, oiled or otherwise, is released and wherein the object is the capture of the pig, or in which a chicken or turkey is released or thrown into the air and wherein the object is the capture of the chicken or turkey. Any violation of this section is a misdemeanor." <https://www.revisor.mn.gov/statutes/?id=343.36>



20 Questions Cont'd

15. If you only had one day left to live, what would you do? Do yoga, meditate, cook a huge meal with pasta for all of my family and friends. Drink wine, listen to music, and talk. And then drink more wine.

16. What is one goal you have for the future? To continue to grow our law firm; to teach law students or young lawyers.

17. What is your favorite book? I love all mysteries.

18. Which country would you like to visit the most if you were given the chance to? I have already been to Italy, so if the answer is somewhere I have not been I would say Indonesia.

19. If you could give advice to your younger self, what would it be? Making decisions that you regret, or making mistakes, are all part of life—everyone does things they feel are stupid, or embarrassing, or regret and you need to go through the rough patches to learn. Also, it usually isn't as big of a deal as you think. This too shall pass!

20. If you could redo your career and start over, with the option of picking another career, would you redo it? Why or why not? Some days! Practicing family law can be demanding and draining. It is important to make sure that you are balancing your work life and your personal life. I find that when I have taken care of myself I have more to give at work, which in turn makes my work more pleasurable and manageable.

Bonus Question:

21. What area of law do you like the most (criminal law, probate law, contract law, family law, etc.) and why? I would say that I like family law the most because that is what I practice. It is never boring, you get into court a lot, and you deal with a lot of collateral issues from real estate to business to mental health and child development. You need to have a variety of interpersonal skills to be an effective family law attorney since you are often working with individuals facing very emotional times and they are not always at their best. It is fast paced and every day is different.

The Power of Words Cont.

While we may often see words just as uttered sounds that make no impact in the long run, they actually do hold a lot of power. Susan Smalley, a psychiatry and bio-behavioral sciences professor at UCLA, writes this about them, "Verbal insults, verbal abuse, and the power of words to affect your emotions and actions are well demonstrated in science. For example, scientists have found that just hearing sentences about elderly people led research subjects to walk more slowly. In other research, individuals read words of 'loving kindness' showed increases in self-compassion, improved mood, and reduced anxiety."

As paralegals, no matter what area of law we work in, we likely will find ourselves with knowledge of potentially hurtful information about another person. What we do with that information is very important, not only legally, but also physically, emotionally, and spiritually. The heart is not just an organ that pumps blood. It is a powerful component of the human body that responds to and remembers what is spoken to it. Ultimately, what we say to others and how we treat them not only effects their emotions, but their whole being.

Proverbs 18:21: "Death and life are in the power of the tongue, And those who love it will eat its fruit."

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- <http://youtu.be/OkhEj1uD5-8>