

LAW NEWS

News You Can Use from the Lommen Abdo Law Firm

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LOMMEN ABDO'S 2010 SUPER LAWYERS & RISING STARS

Phil Cole (Business Litigation), president of Lommen Abdo, and Bob King (Personal Injury), chair of our PI practice group, are listed in Minnesota's Top 100 Super Lawyers®, as determined in conjunction with the Super Lawyer

selection process conducted by Minnesota Super Lawyers. Kay Hunt (Appellate), chair of our Appellate Section, is listed on the list of Top 100 Super Lawyers® and also the Top 50 Women Super Lawyers®.



LEFT TO RIGHT: Valerie Sims**, Lee Hutton**, Kay Hunt*, Steve Rathke*, Bob King*, Keith Broady*, Barry O'Neil*, Stacey DeKalb*, Ken Abdo*, Bob Abdo*, Roger Stageberg*, Reid Lindquist*; NOT PICTURED: Phil Cole* and Kate Westad**
*CHOSEN TO 2010 SUPER LAWYERS, **CHOSEN TO 2010 RISING STARS

Others on the Super Lawyers® list include Bob Abdo (Business/Corporate), Roger Stageberg (Securities & Corporate Finance), Keith Broady (Business Litigation), Ken Abdo (Entertainment & Sports), Stephen Rathke, (Personal Injury), Barry O'Neil (Professional Liability), Stacey DeKalb (Employment & Labor), and Reid Lindquist (Personal Injury). Our Rising Stars are Valerie Sims, Lee Hutton and Kate Westad.

[Check out our ad](#) which appeared in Minnesota Super Lawyers, Twin Cities Business Monthly and MPLS-St. Paul Magazine.

From Lommen Abdo's Corporate Practice

RECITALS IN A CONTRACT DO NOT CREATE BINDING OBLIGATIONS

Contract recitals are often included at the beginning of an agreement to lay out the background of the deal. The Minnesota Court of Appeals recently addressed whether such recitals are binding and what happens when the recitals contain terms or obligations not included in the actual terms of an agreement. [Read the article](#) by Sherri Ulland.

If you have questions about contracts and contract formation, please contact [Sherri Ulland](#) at 612-336-9337 or sherri@lommen.com.

From Lommen Abdo's Litigation Practice

LOMMEN ABDO IN THE NEWS

Lommen Abdo Assists in Koua Fong Lee Release

Lommen Abdo was recently involved in the post-conviction hearing concerning Koua Fong Lee. Kay Hunt, Bryan Feldhaus, Diane Odeen and Nick Dolejsi provided legal strategy, issue analysis and briefing support to Brent Schafer and Bob Hilliard, Lee's lead counsel, in petitioning the Ramsey County District Court for post-conviction relief based on newly discovered evidence and ineffective assistance of counsel. Bryan Feldhaus was with counsel at the press conference and appeared in the cover photo of the August 6th Star Tribune. [Read more about the case](#), [read the Star Tribune story](#) or [watch the WCCO news story](#).

A CAUTIONARY WORD FOR OUR CLIENTS ON CHECK SCAMS

There has been a proliferation of check scams involving lawyers and law firms in the past couple of years. But the check scams extend beyond lawyers and law firms and are expanding to other businesses — possibly your own! Accordingly, we are sharing an article warning about check scams and ways to avoid getting hurt that recently appeared in the American Bar Associations' Law Practice Magazine. [Read the article](#).

If you have questions about check scams, please contact Tom Dougherty at 612-336-9330 or thomas.dougherty@lommen.com.

AUGUST/SEPTEMBER 2010

From Lommen Abdo's Appellate Practice

ACCOLADES

"A Minnesota Court of Appeals decision on one of Kay Hunt's cases was featured in [Minnesota Litigator](#), Minnesota Business Litigation News & Developments, in their August 11th blog:"



"Whereas 'recital clauses' mean nothing..."

It is a convention of many contractual agreements to begin with a title, a very brief sentence identifying the contracting parties and the date, followed by "recitals," followed by "the agreement." "Recitals" often are numbered and start with "Whereas," as in, "Whereas the Party A has a broken car, Whereas Party B is a mechanic..."

In a case decided this week by the Minnesota Court of Appeals (Bjorkman, Schumaker, Larkin, in an opinion by Bjorkman), the Court of Appeals reversed the Hennepin County District Court (John Q. McShane, J.) holding that "Recitals are not a part of the contract and are not legally binding." Therefore, even though the recitals muddled up the obligations and terms of an underlying loan agreement in the CMIC case, the guarantor's agreement was crystal clear, unambiguous, and enforceable.

Another win for one of the most prominent, if not THE most prominent Twin Cities appellate specialist, Kay Nord Hunt of the Lommen Abdo firm.

SCHOOL SUPPLY DRIVE

Lommen Abdo held its second annual school supply drive to benefit the many families with economic challenges in the Minneapolis Public Schools.





- Appeals
- Business Law
- Business Succession Planning
- Commercial Litigation
- Construction Disputes
- Contracts
- Corporate Formation
- Creditors' Remedies
- Emerging Growth/Venture Capital
- Employment Law
- Entertainment Law
- Estate Planning
- Family Law
- Governance & Compliance
- Insurance Issues
- Intellectual Property
- Medical Malpractice
- Mergers & Acquisitions
- Personal Injury Litigation
- Probate
- Products Liability
- Professional Liability Litigation
- Real Estate
- Securities Law
- Sports Law
- Tax Planning & Disputes
- Vaccine Law
- Workers' Compensation
- Wrongful Death

WHAT'S NEW AT LOMMEN?

Teaming up to provide great client support!

Howard M. Bard is connecting with Lommen Abdo in an 'of counsel' position. Howard has been — and will continue to be — a partner with Bard and Bard, Ltd. in Minneapolis, but will also call upon the resources of Lommen Abdo as needed. Howard focuses his practice in the areas of public and private sector labor arbitration, estate planning, trust and probate law and real estate. [Read more](#) about Howard Bard's practice. Outside of the practice of law, Howard is an avid gardener as evidenced in the photograph in the accompanying article.



Lommen Abdo is pleased to associate with Howard Bard. We look forward to a strong working relationship and great client successes.

Welcome Back Leonard Juster

Leonard Juster will be coming back home to Lommen Abdo on September 1st. Leonard was one of the named partners of Smith, Juster & Feikema when they merged with Lommen Nelson in the early 1990s. He left Lommen Abdo in 2005.



He represents individuals and closely held business entities in all aspects of their business operations, estate planning, estate and trust administration, business succession planning and the preparation of wills, revocable trust agreements and partnership agreements including family limited partnership. His practice has involved many real estate transactions for his clients in the acquisition and sale of business and investment properties, homes and condominiums. He is certified as a Real Estate Specialist. During the Korean War, Leonard served in the JAG Corp. of the U.S. Air Force. Leonard celebrated his 60th anniversary of practicing law in June and has been married to his wife, Charlotte, for over 60 years. Contact Leonard Juster at 612-336-1306 or leonard@lommen.com.

CLIENT HIGHLIGHTS

The **Kinnickinnic River Land Trust** is planning its KinniRiverBarnDance and Dinner at a beautiful barn on the Lower Kinni River on September 11th. [Get more information or order tickets.](#)



EarthClean launched their revolutionary green firefighting product, TetraKO™, in March and articles appeared in the Star Tribune and on WCCO. TetraKO™ enables firefighters to extinguish fires in less time and with no chemicals left to contaminate soil and ground water. [Read more or watch videos.](#) EarthClean was also named a finalist of the [Minnesota Cup](#).

MUSIC NOTES

Ruby Jane, 15-year old world-class fiddler, was interviewed for a National Public Radio article titled "Rising Star on a Fiddle." [Listen to the article.](#)

Adam Young will perform at his alma mater at a October 31st benefit concert for the arts programs in the Owatonna School District. [Read more.](#)

Adam Young also wrote and performed the song, "To The Sky," which will appear in the Warner Bros. motion picture "The Legend Of The Guardians." [Read more.](#)

ARE YOU READY FOR SOME FOOTBALL?

Adam 'Pacman' Jones Shines in his NFL Return Debut

On August 8, 2010, Adam Jones made his return debut into the NFL as a left cornerback starting for the Cincinnati Bengals and on September 4th took a position on the Bengals' 2010 roster. Previously known as 'Pacman' Jones, he played for the Tennessee Titans and Dallas Cowboys before missing the 2008 and 2009 seasons. Jones and Lommen Abdo attorney Lee Hutton have been working together to put his career life and potential success back on track. Lommen Abdo congratulates Adam Jones on accomplishing his return to the NFL and wishes him continued success for the season. [Read the USA Today article.](#)

Corey Chavous

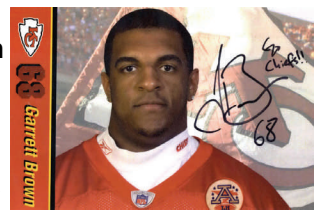
Lommen Abdo represents Corey Chavous, a former NFL safety and Pro Bowler who played for the Arizona Cardinals, Minnesota Vikings and the St. Louis Rams. During his 11-year NFL career, Corey recorded 20 interceptions (2 for touchdowns) and 5.5 sacks. Prior to being drafted by the Arizona Cardinals, Corey played college football at Vanderbilt, where his 12 interceptions ranks 4th on the school's all-time list. Since retiring from football after the 2008-09 NFL season, Corey has been an ESPN/NFL Network Draft Analyst. Corey recently launched his new website, www.draftnasty.com, which covers the NFL draft on a year-round basis.

E.J. Henderson

- Henderson gets back in the mix in a hurry. [Read the Minneapolis Star Tribune article.](#)
- Henderson works way back from gruesome injury. [Read the Seattle Times article.](#)

Lommen Abdo Client (and Former Intern) Garrett Brown Vied to Make KC Chiefs

Garrett Brown's quest to make the Kansas City Chiefs' team fell just short this fall. Garrett was initially signed to the Chiefs' practice squad, then released and may yet be brought back if room opens. Check out the [Rookie Spotlight at KCChiefs.com](#) on Garrett as he was attempting to transition from a do-it-all collegiate defensive lineman to a professional nose tackle.



University of Minnesota Proclaims September 25th "Bronko Nagurski Day"

Bronko Nagurski is considered one of the greatest American football players of all time. As a University of Minnesota Golden Gopher, he was the first and only athlete to be named All-American at two positions in the same year. As a Chicago Bear, Bronko was one of the original "Monsters of the Midway" and led the Bears to several national championships from 1930-37 and 1943. In 1963, Bronko was enshrined as a charter member of the Professional Football Hall of Fame. Lommen Abdo represents Bronko Nagurski Enterprises. [Read more.](#)

WHO'S WHO AT LOMMEN ABDO?

Keith Broady celebrating his 30th year in the practice of law on September 4th.



When Keith joined Lommen Abdo in 2006 as part of the merger with the Abdo law firm, he had just completed eight years of service on the St. Louis Park School Board, including two years as chair. He was honored as an All State School Board Member for 2006 by the Minnesota School Board Association. Keith's son and daughter were then in the process of graduating from high school and starting college. With these changes, the demands on Keith's time during evenings and weekends was reduced. The time was quickly filled with a busy law practice and many other activities.

Keith and his wife, Cheryl, celebrated their 25th wedding anniversary last year and enjoy evening walks and travel. Keith enjoys many physical activities, including playing tennis every week after having played sporadically for 20 years. He bought a new slalom water-ski and actually got up on one ski for the first time in years. Keith is hoping he can continue these activities for many years in the future.

On the work side, Keith's had many successes in real estate and professional liability litigation in the last couple years and is currently involved in a bond holders contract dispute that has been making news. Keith's practice is primarily in the commercial litigation area; but he also keeps a hand in transactional work.

MINNESOTA CUP

Lommen Abdo is again partnering with the Minnesota Cup, a statewide entrepreneurial contest that seeks out and supports Minnesota's newest and most innovative business ideas. The Minnesota Cup named its semifinalists on August 18th and Lommen Abdo was both excited and honored to learn that out of over 1000 plans submitted, two of our clients made it the final round! [EarthClean](#) was named a finalist in the Technology & Renewable Energy Division, and [NirvaMed](#) for the BioSciences Division.



The finalists in each category were announced on September 1st, and the Technology & Renewable Energy award went to our client, Minneapolis-based EarthClean Corporation, which has developed an environmentally friendly fire retardant, [TetraKO™](#). They now compete with five other companies for the overall prize to be announced September 13th. Lommen Abdo attorney Brad Lehrman judged the General category this year.

Read the [Minneapolis St. Paul Business Journal article](#) or get more information at the Minnesota Cup website, www.breakthroughideas.org.

SEMINARS

Stacey DeKalb will be speaking at the Invest in Yourself luncheon on "Women and Law" on September 23rd. The panel will be moderated by Janel Goff of Merrill Lynch and will include Debra Yerigan at McGrann Sea and Julia Rau at Dorsey Whitney.

[ABA Forum on The Entertainment & Sports Industries](#), October 7 to 9, 2010 in Las Vegas. **Ken Abdo** will speak with a panel on "New Media & Old Copyright Hell—Clearing Necessary Rights for Film & Television Productions." **Dan Satorius** will speak with a panel on "Current Trends in Television—Digital, Reality, The Rebirth of Scripted, Alternative Distribution Platforms."

In-House Seminars Available for Your Business

Scott Nelson presented the "Who, What and Why of Estate Planning" on July 15th at a Lunch & Learn at Aero Systems Engineering, Inc. in St. Paul. Stacey DeKalb has spoken to groups about employment issues. Tim Matson has addressed intellectual property topics.

We have attorneys in many areas that are willing to come to your organization or your business to make a presentation. Contact Margie Bodas if your business would be interested in having one of our attorneys speak at an organization's meeting, a breakfast session, over the lunch hour or another time of your choosing on a variety of helpful topics:

Scott Nelson speaks on:

- Planned and Charitable Giving
- Transfer Tax Issues and Planning (Estate, Generation-Skipping and Gift Tax)
- Recent Developments in Probate & Trust Law
- Succession Planning for the Business Owner

Stacey DeKalb speaks on:

- Discrimination and Harassment Prevention Program
- Employee Performance, Discipline and Discharge
- Making the Right Choices under Today's Disability and Leave Laws
- Risks and Liabilities of Using Independent Contractors, Temporary Employees and Leased Employees
- [See all available topics.](#)

Tim Matson speaks on:

The IP Audit for Emerging Businesses: A Legal Physical. [Read more.](#)

JOIN OUR 5K TEAM

what

Twin Cities Corporate Team Challenge 5k (walk/run) on October 2, 2010

where

State Capitol in St. Paul—3.1 miles up and down Summit Avenue

It's a great opportunity to challenge yourself and compete with an enthusiastic corporate group! Join our team — whether you are a Lommen Abdo employee, client, referral source or vendor.

Contact [Valene Sims](#) for additional information.

JAMES JOHNSON LITIGATOR, TV HOST, VOLUNTEER...
LEADER IN THE COMMUNITY.

- Member of the Hudson Daybreak Rotary Club:
- Secretary/Treasurer for the 2010-2011 year
 - President-elect for 2011-2012
 - President for 2012-2013



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James Johnson 715-381-7105 | jamesj@lommen.com | www.lommen.com



"Happy 20th Anniversary to the Daybreak Rotary."

DIANE ODEEN LITIGATOR, ROTARY PRESIDENT, MARATHON RUNNER...
LEADER IN THE COMMUNITY.

- Member of the Rotary Club of River Falls, Wisconsin:
- Immediate past-President of River Falls club.



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"Happy 20th Anniversary to the Daybreak Rotary."

LA Law News contains both information about the Lommen Abdo Law Firm and current legal issues. LA Law News articles focus on broadly applicable legal principles. Readers are cautioned that any information contained in the newsletter should not be acted upon without professional advice. Contact your Lommen Abdo lawyer for the specific law in your state.

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[Robert P. Abdo](#) (Minnesota)

[Howard M. Bard](#) - Of Counsel (Minnesota)

[Paul J. Bezilla](#) (Minnesota, California)

[Sheila A. Bjorklund](#) (Minnesota, Wisconsin)

[Margie R. Bodas](#) (Minnesota)

[Keith J. Broady](#) (Minnesota)

[Brett P. Clark](#) (Minnesota)

[Phillip A. Cole](#) (Minnesota)

[Stacey A. DeKalb](#) (Minnesota, Wisconsin)

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