

THE DAILY RECORD

Nebraska's Legal & Business News Since 1886

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Lawyers:

Judge Approves NFL Concussion Settlement

By Maryclaire Dale

A federal judge on Monday granted preliminary approval to a landmark deal that would compensate thousands of former NFL players for concussion-related claims.

The ruling by U.S. District Judge Anita Brody in Philadelphia came about two weeks after the NFL agreed to remove a \$675 million cap on damages. Brody had previously questioned whether that would be enough money to pay all claims.

"A class action settlement that offers prompt relief is superior to the likely alternative – years of expensive, difficult, and uncertain litigation, with no assurance of recovery, while retired players' physical and mental conditions continue to deteriorate," Brody wrote.



More than 4,500 former players have filed suit, some accusing the league of fraud for its handling of concussions. They include former Dallas Cowboys running back Tony Dorsett and Super Bowl-winning Chicago Bears quarterback Jim McMahon, who suffers from dementia.

The settlement is designed to last at least 65 years and give \$1 million or more to retirees who develop Lou Gehrig's disease and other profound neurological See NFL, page 3



Attorney Eileen Hansen is spirited as she discusses her life and career at *The Daily Record* offices.

An Extraordinary Woman: An Extraordinary Life

By Lorraine Boyd
The Daily Record

The blonde hair may be turning silver, but the woman who sports those long tresses is as young as they come, in mind and spirit.

You may have seen her in the Douglas County Courthouse, smartly dressed and walking purposefully toward a courtroom where she will fight for someone's right to be appointed a guardian who will serve them well.

Although many of her clients are undoubtedly younger than she, she is nowhere close to needing a guardian or conservator – nor, most likely, will she ever be.

Without admitting her age, Eileen Hansen gives us hints that she is fast approaching her tenth decade. But apparently that is just a chronological age. Her actions put her in her prime years of productivity.

She laughed as she told a recent story: "A gentleman at the courthouse was always asking to see my driver's license (which is still valid). One day we were in the judge's chambers and he said, 'Eileen, how old are you?' I replied, 'Old enough to be your older sister.'"

What shaped this dynamo of a lawyer?

It's a long story. First, the early years: She grew up on a farm in Hampton, Neb., with her father, mother and two brothers. They were of Swedish and Danish descent and attended the Danish Lutheran Church that was eventually moved to the Stuhr Museum in Grand Island.

After she graduated from high school, she had no money to further her education. "We were what my mother called 'land poor.' And my parents had three children and three hired hands to feed."

Then, "by pure luck," one Sunday afternoon a Grand Island See EILEEN HANSEN, page 2

How 'Hope' Became Obama's Fight Against Cynicism

By Josh Lederman

Washington (AP) – To hear President Barack Obama describe it, there's a creeping case of cynicism setting in across the country, leading Americans to suspect that not only is Washington broken, it's beyond fixing.

If that line of thinking continues, it could become a self-fulfilling prophecy with dire long-term ramifications, Obama says. If compromise-minded Americans get so frustrated they just tune out, lawmakers will feel even less pressure to work together for the good of the country.

With a mix of alarm and dismay, Obama has started musing about the dangers of cynicism in nearly every major public appearance. The cautionary note has showed up in speeches to students and civil rights groups, at Democratic fundraisers – even in his meeting with Pope Francis.

POLITICS TODAY

It's a sharp change in tone from the days when then-candidate Obama rallied millions to his side with ambitious aspirations about hope and change.

"It's easy to be cynical. In fact, these days it's kind of trendy," Obama told a crowd of thousands recently in Minneapolis. Cynicism may masquerade as wisdom, he said, but it can't liberate a continent, invent the Internet or send a man to the moon. "Cynicism is a choice, and hope is a better choice."

But in Obama's stagnant second term, those inclined to cynicism haven't had to look far.

With Washington at a near-standstill politically, both parties have essentially written off prospects for any major legislation for the remainder of Obama's presidency. Obama's attempts to circumvent Congress to get things done have drawn rebukes from the Supreme Court and a threatened lawsuit from the House, See POLITICS TODAY, page 3

Why Nukes Keep Finding Trouble: They're Really Old

By Robert Burns

Minot Air Force Base, N.D. (AP) – The nuclear missiles hidden in plain view across the prairies of northwest North Dakota reveal one reason why trouble keeps finding the nuclear Air Force. The "Big Sticks," as some call the 60-foot-tall Minuteman 3 missiles, are just plain old.

The Air Force asserts with pride that the missile system, more than 40 years old and designed during the Cold War to counter the now-defunct Soviet Union, is safe and secure. None has ever been used in combat or launched accidentally.

But it also admits to fraying at the edges: time-worn command posts, corroded launch silos, failing support equipment and an emergency-response helicopter fleet so antiquated that a replacement was deemed "critical" years ago.

The Minuteman is no ordinary weapon. The business end of the missile can deliver mass destruction across the globe as quickly as you could have a pizza delivered to your doorstep.

But even as the Minuteman has been updated over the years and



This photo taken June 25, 2014 shows an inert Minuteman 3 missile in a training launch tube at Minot Air Force Base, N.D. The nuclear missiles hidden in plain view across the prairies of northwest North Dakota reveal one reason why trouble keeps finding the nuclear Air Force. The "Big Stick" as some call the 60-foot-tall Minuteman 3 missile, is just plain old. (AP)

remains ready for launch on short notice, the items that support it have grown old. That partly explains why missile corps morale has sagged and discipline has sometimes faltered, as revealed in a series of Associated Press reports documenting leadership, training, disciplinary and other problems in the ICBM force that has prompted worry at the highest levels of the Pentagon.

The airmen who operate, maintain and guard the Minuteman force at bases in North Dakota, Montana and Wyoming came to recognize a gap between the Air Force's claim that the nuclear mission is "Job 1" and its willingness to invest in it.

"One of the reasons for the low morale is that the nuclear forces feel unimportant, and they are of- See NUKES, page 3

Titus

Added To ADR's
Neutral Roster

Page 5

COMMENTARY

Dick Shugrue

Creighton University Law Professor, Ret.

If the 134,000 Nebraskans who signed the minimum wage petition have their way, the floor for covered people will move to 8 dollars in 2015 and 9 the following year.

Assuming Huskers vote “for” the measure, the state will join several others which have crept up as of the first of the year. Neighbor Iowa has grudgingly refused to move up and Gov. Terry Branstad says that any attempt to boost pay in the Hawkeye state would inflame the Tea Party, and said, at the first of the year, a new wage law “is not part of my agenda.”



He did sign a hike into law 20 years ago. Some neighbors have edged up: Colorado is at \$8 and Missouri is at \$7.50. On the other hand, Wyoming is stuck in the middle ages under \$6 and thus eligible workers get the federal minimum.

President Obama has pledged to raise the national minimum to \$10.10 and his scheme is to get that done for federal employees by executive order. Over in Iowa, small businesses – defined as those grossing less than \$300,000 per year – are exempt from the state’s minimum wage.

Don Walton of the *Lincoln Journal Star* reported last week that 81,000 signatures are needed to get the initiative on the ballot this November.

A very helpful publication by Secretary of State John Gale explains the steps for the use of citizen initiatives. It informs Nebraskans that a 1994 decision of the Supreme Court defined the process and called for seven percent of registered voters to sign. In addition the law requires 5 percent of the required voters in 38 of the 93 counties to be included.

A few states top the list of “high” minimum wage jurisdictions. Washington, for example, is as at \$9.32 and Oregon is at \$9.10. Perhaps surprisingly, Vermont requires pay of \$8.73 for covered employees.

The issue in Nebraska is highly partisan, with Democratic governor candidate Chuck Hasebrook backing a raise and GOP standard-bearer Pete Ricketts opposing.

A measure in the Unicameral to raise the wage by statute failed earlier this year.

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Eileen Hansen

(Continued from page 1)

Business College representative came to town to recruit students. He made her an offer she couldn’t refuse. A loan for tuition, and a job as a nanny that would give her a place to live while in school.

Tuition was \$350, she recalled, a lot of money in the early ’40s. The “old, established” school taught skills necessary for office jobs. She took them up on the offer. When she graduated, she took the Civil Service exam and headed off to Washington, D.C., to begin her career and to earn money to pay back the loan.

Working in D.C.

“I worked for the [newly-created] Navy Department Bureau of Ships,” she said. “I was in a pool of young women who typed specifications for construction of items for shipboard use on military ships.” World War II was raging, so the work was important.

“Shortly after I arrived, they installed IBM electric typewriters with paper ribbons,” she remembered, making a face that indicated her distaste for the ribbons. She excelled, just as she had in school.

While at the Bureau of Ships, she worked for 14 men. She said a lot of them treated her like a daughter, but one of them cautioned her, “Don’t marry a Southerner, because you wouldn’t be docile enough!” She laughed at the memory.

She recalled the day her desk was “plastered with pieces of paper I was supposed to type for a speech my boss was giving.” He was a mathematical genius, she said, as well as a composer of liturgical music. “He wanted me to learn to play tennis so he could have an instant tennis partner. But I wanted no part of that; tennis was too fast a game for me.” He won many tournaments and at his parties he used his trophies as drinking goblets, she said.

Then in 1945, one of the Navy

officers she worked for offered her a job at the National Bureau of Standards, where he was headed. He was a highly decorated, brilliant statistician, she said. “My ‘interview’ lasted five minutes; he took me around to see the facility. He showed me my roll top desk that, along with everything else, had probably been there since 1901 when they set up the Bureau. But as far as I was concerned, it was an ‘Ivory Palace.’”

“People who went to work there were scientists with very distinguished backgrounds. The man I worked for was responsible for research in deuterium [material used in the atomic bomb].”

She started as a secretary, and eventually became an executive officer, working there for 16 years. “When I left they asked me what it would take for me to stay. I said there wasn’t any way. Every time they wanted to give me a promotion, it took at least three years to do a survey [first]. ... And when I first got there, I said [to myself], ‘Dear God, never let me stay here long enough to look and act like some of these people!’” She laughed a hearty laugh at the memory.

The scientists were marvelous though, she said, “more like family than an institution. People won Nobel Prizes for their work.”

“The division I worked in was the Heat Division. When I first came there they tested the thermometers for the Veterans Administration as well as for industry use.” They tested everything from aircraft fuels (hydrocarbon technology) to the octane of automobile fuels, for quality and reliability. It was a fantastic place to work.”

While she was working at the National Bureau of Standards, she agreed to take in a fellow worker as a roommate. Eileen encouraged her to apply for a Fulbright Scholarship, which she received to Oxford.

After her friend left, “I acquired a number of roommates,

some with the tables turned,” she said. Like the roommate who was a Fulbright Scholar from the University of Paris, from whom Eileen learned French cooking.

The two stayed in touch after the roommate returned to France and in 1960, Eileen visited her there, as well as Denmark, Switzerland, Germany, England and Scotland. She also traveled to her mother’s native Sweden – spending a week with family there. Her French friend has visited her three times in Omaha and they have traveled to Branson and the Black Hills together.

Over the years she went to the White House for tea a few times, meeting both First Lady Bess Truman and First Lady Pat Nixon.

Ongoing Education

Eileen said, “One of the elements of getting a promotion at the Bureau of Standards was continuing your education. I got an associate arts degree, a bachelor’s degree in public administration and government, and then obtained my law degree at the American University College of Law in 1962.

“That’s when I decided I would leave the Bureau. I also decided that I would do something different. I was offered a job at the Pentagon, in the Advanced Research Projects Agency, the Ballistic Missile Defense Research and Engineering, an agency of the Department of Defense. I never even applied for the position; I was just transferred. I was the only professional woman in the agency. I told them I’d worked with men all my life, so ‘what else was new?’”

Instrumental in that transfer was another very famous, influential and innovative scientist who has more than one prestigious award named in his honor. (She named names, but preferred not to make them public.)

She began her 10-year career at the Pentagon during the Kennedy See EILEEN HANSEN, page 4

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From left, Angela, mother of two, including a son born drug-free while she was in the program; Sarah, who has three children; and Nicole (far right), who also has three children, including a drug-free baby, pose for a graduation picture with Judge Liz Crnkovich. — Photo by Lorraine Boyd

Three Moms Graduate, But Many More Benefit

Douglas County Family Drug Court seeks to reunite families torn apart by drug and alcohol abuse and realize the birth of healthy, drug-free babies. The court celebrated success – times three! – on July 1. Juvenile Court Judge Liz Crnkovich held the graduation ceremony in the Jury Assembly Room, welcoming the three young mothers, their children and families, friends and current Family Drug Court participants. Judge Crnkovich noted the physical as well as behavioral changes that all three had undergone. “You all look so healthy, and you’re glowing with happiness,” she said. Wanting to continue the support and camaraderie “Team C” had achieved, Sarah – “with others,” she insisted – started an alumni group that meets regularly, sometimes to exercise, sometimes to just to talk. Members of other teams are welcome. The ceremony wrapped up with pizza and cupcakes for all.

Eileen Hansen

(Continued from page 2)

administration.

"It was a very challenging job. Time meant nothing; holidays meant nothing; 16-hour days [were routine]. They also gave you assignments that were challenging, working with both the military and civilians. It involved military defense and included the Vietnam War, a terrible war."

During that time, she worked with veterans and said the experiences "remained with you. My brother was in the Korean War. When he came back, he wouldn't talk about it. He developed eating problems." She knew firsthand that veterans needed her help.

While at the Pentagon, having passed the bar, she was admitted to the Supreme Court, when Warren Burger was Chief Justice, taking the oath before the full Court. Eileen said she had planned to go over to the Supreme Court by herself to be sworn in; her co-workers at the Pentagon thought differently, and trooped en masse to watch the administration of their colleague's oath. That was some 45 years ago.

Another Caretaker Role

When Eileen left the Pentagon and returned to her home state after nearly 30 years in Washington, she said she realized she really didn't know her parents. "It was time for a change."

Her mother needed help so she traveled twice a week to the family farm to help her. Some time later, her father died and her mother was diagnosed with Parkinson's disease, but stayed "functional until she was 95. She lived to be 97½." Eileen's brother, a Korean vet, became her mother's principal caregiver. He was a natural, she said.

"He discovered a green mallard duck that had been shot and brought it home and splinted his leg. The duck healed, then stayed, so he bought three ducklings to keep him company." The duck's

name? Donald. She smiled at the memory.

Law Career Launched

Eileen joined attorney Wilbur Smith to practice law in Omaha. "He was a marvelous mentor," she said. She practiced with him until he died, and has kept practicing alone in the firm of Smith and Hansen, located just down the street from the Douglas County Courthouse.

She's been there for four decades, her involvement with the Veterans Administration almost immediate because Smith had been involved in setting up guardianships for veterans. A sorority sister (Kappa Beta Pi, a legal sorority) who had earned her law degree during the Depression and served as an attorney aide to General Lewis B. Hershey in the White House, worked for the VA and became her mentor.

Eileen has had many colleagues in Omaha who inspired her. She worked often with retired Douglas County Judge Jane Prohoska and Margaret Fischer, who was among the first women lawyers in the Midwest. "Many of the judges were very, very special people," she said.

Efforts Win Praise

Douglas County Court Judge Susan Bazis, co-chair of the Nebraska Supreme Court's Commission on Guardianships and Conservatorships, praised Hansen's efforts.

"She has expended an enormous amount of time, without much in the way of financial reward, to be available to anyone in need of a guardian or conservator, including much work for the Veterans Administration. She has searched high and low for guardians and conservators.

"If she can't find a guardian, she often becomes one herself, for as long as necessary. She has certainly gone above and beyond anything we could have asked for. She left no stone unturned. Her efforts have been quite remarkable."

Politics Today

(Continued from page 3)

the broader lens of American malaise. When President Jimmy Carter felt beset by pessimism amid the energy crisis in 1979, he gave a startling speech warning that a "crisis of confidence" posed a fundamental threat to U.S. democracy. And in the run-up to the 1994 election when Democrats lost both chambers of Congress, President Bill Clinton offered a similar if more subdued warning. He blamed conservative talk radio for a "constant, unremitting drumbeat of negativism and cynicism."

This time, there's plenty of blame to go around.

Americans' confidence in all three branches of government is falling and has hit the lowest level of Obama's presidency, according to a Gallup poll last week. While Congress usually earns low scores, less than one-third of Americans now have confidence in the presidency or the Supreme Court, erasing the gains both enjoyed at the start of Obama's presidency.

"If you're fed a steady diet of cynicism that says nobody is trustworthy and nothing works, and there's no way we can actually address these problems, then the temptation is to just go it alone, to look after yourself and not participate in the larger project of achieving our best vision of America," Obama told college students at a graduation ceremony last month in Irvine, California.

"Don't buy into it," he added.

Jon Favreau, Obama's chief speechwriter for his first four years in office, said the president's comments reflect a return to the type of aspirational rhetoric that characterized his first campaign. He said Obama sees using the bully pulpit to keep Americans engaged as part of his responsibility as president.

"What the president's trying to say is, 'I know we're in stasis right now and there's been gridlock for a while, but there are two responses to that,'" Favreau said. "'One is to stay out of the public debate and give up hope. That's cynicism. The other is to say even with how bad it is, I'm still going to try to get stuff done.'"

Since Nebraska was the last state without a public guardian law, "I'm not sure what the courts would have done without her and a handful like her." Nebraska's new law that creates an Office of Public Guardian and an Advisory Council on Public Guardianship will take effect Jan. 1, 2015.

"And, although Nebraska will need to continue to rely on volunteers to assist the elderly and others in need of guardianship, the Office will serve as a means of last resort as guardian or conservator," said Neb. Sen. Colby Coash, author of the bill.

Bazis also noted that Eileen is so "nice and cordial. She really cares for her charges, and they need someone who cares, because the decisions that have to be made are so personal. To know the person puts you in the best position to help. It's not an easy job.

"It is hard to imagine the court

without her in it. It will be sad to see her go."

Backing up Bazis's comment is the fact that Eileen traveled to Archie, Mo., about three months ago, where she visited its courthouse, historian, mortician, public library, as well as courthouses in neighboring towns, all in search of a single death certificate.

Debora Denny Brownyard, director, Dispute Resolution and Special Court Programs, State Court Administrator's Office, said, "I know over the past three years, the Court has been very concerned with the guardianship issue. But Eileen has been one of those selfless individuals who has given of her time to those in need, in a caring and ethical manner. She deserves our thanks on behalf of the community."

Fellow attorney Susan Koenig observed, "Eileen and I only had one trial together over the

years, but we have passed one another countless times coming to and from the Douglas County Courthouse. Eileen inspires those of us who love our practice to know we can enjoy a career for many decades. She is always humble, but her tall presence conveys a quiet pride in her profession and confidence in her work.

"When someone on the phone asks me, 'Are you the attorney who wears hats?' I reply, 'I'm the short one who wears hats,'" Koenig said.

Is Eileen going to retire? "I'm not taking any new cases," she insists. "I'm clearing up cases — cases that can drag on for generations — so I can retire. I have already planted, partially, my garden in the country."

And with that, she donned her straw hat and strode out the door toward her car.

THE COURTS

Federal Court

NEW CIVIL SUITS

4:14-cv-03141-Chapman v Sosa-Gayton et al; Prisoner Civil Rights/Prisoner: Prison Conditions; Judge Strom, Magistrate None, 7/7/14

8:14-cv-00200-Constellation New Energy — Gas Division LLC v Krohn et al; Breach of Contract/Contract: Recovery-Enforcement; Judge Unassigned, Magistrate Unassigned, 7/7/14

NEW BANKRUPTCY CASES

Filed in Douglas County

Bk14-81298-Damon Craig Lutterman; 503 Cordes Dr, Papillion NE (Chapter 13) (Christopher J Gamm atty) Assets and Liabilities not listed

Bk14-81299-Michael Gabriel Peters dba Michael Gabriel Carpets aka Michael G Peters; 7402 James Ave, La Vista NE (Chapter 13) (Thomas M McGuire III atty) Assets and Liabilities not listed

Bk14-81300-Jared Donald Mace; 13404 Grissom St, Omaha NE (Chapter 7) (Christopher J Gamm atty) Assets \$1,920 Liabilities \$51,835.03

Bk14-81301-Kimberle Kay Heyer; 9505 R Plz #206, Omaha NE (Chapter 7) (Christopher J Gamm atty) Assets \$21,202 Liabilities \$61,247

Bk14-81302-Marilyn M Hobbs; 3854 N 65 Ave, Omaha NE (Chapter 13) (Wesley H Bain Jr atty) Date Filed: 3/20/13, Date Split: 7/7/14, Assets and Liabilities not listed

Bk14-81303-Sean Stephen Dunbar fdba Bike Pedalers dba Bryan & Greg Corp aka Sean S Dunbar; 2923 N 65 St, Omaha NE (Chapter 7) (Oliver B Pollak atty) Assets and Liabilities not listed

Bk14-81304-Peter Durrell Moyer; 710 E 10 St, North Bend NE (Chapter 13) (Christopher J Gamm atty) Assets and Liabilities not listed

Bk14-81305-Leslie S Schreiner; 4317 S 193 St, Omaha NE (Chapter 13) (Jessie C Polson atty) Assets \$15,542 Liabilities \$45,169

Bk14-81306-Melanie K Lang; 6619 S 153 St, Omaha NE (Chapter 13) (Jessie C Paulson atty) Assets and Liabilities not listed

NEW BANKRUPTCY CASES

Filed in Lancaster County

Bk14-41198-April E Stutzman aka April E Haas; 1325 154 St, Pleasant Dale NE (Chapter 7) (Joel G Lonowski atty) Assets \$98,993 Liabilities \$175,664

Bk14-41199-Naomi N Green; PO Box 23, Fairmont NE (Chapter 7) (Jeremiah Luebbe atty) Assets and Liabilities not listed

Bk14-41200-Christopher Allen Ackman, Cindy Kay Ackman; PO Box 121, Jansen NE (Chapter 7) (Douglas D DeLair atty) Assets \$4,880 Liabilities \$51,247.71

Bk14-41201-Eloy Sanchez, Virginia Sanchez aka Virginia S Ortega; 1006 Conestoga, Lexington NE (Chapter 7) (Derek L Mitchell atty) Assets \$103,000 Liabilities \$80,162.19

Bk14-41202-Jason M Weinmaster, Roxanne A Weinmaster aka Roxanne A Chavez aka Roxanne A Bravo; 606 S Cleburn St, Grand Island NE (Chapter 7) (Denise D Myers atty) Assets \$860 Liabilities \$26,799.22

Bk14-41203-Tony Richard Blecher fdba Tony's Auto Service, Carla Sue Blecher; 85128 515 ½ Ave, Clearwater NE (Chapter 7) (Lori E Lee atty) Assets \$155,651 Liabilities \$215,358

Bk14-41204-Quinton C Wallace aka Chad Wallace, Talitha R Wallace aka Talitha R Holdeman aka Talli R Wallace; PO Box 2011, Hastings NE (Chapter 13) (David P Lepant atty) Assets \$5,287 Liabilities \$21,142.44

Bk14-41205-Meusch Construction Inc; 2804 W 35 St #16, Kearney NE (Chapter 7) (John T Tarrell atty) Assets and Liabilities not listed

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