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Legally Speaking, What Is Censorship? A Brief Dive Into the First Amendment

The First Amendment has been the centerpiece of a contentious debate about what can legally be posted (and deleted) on social media like Twitter and Facebook. But before we can define “censorship,” we need to know what is defined as “free speech.” What exactly does the First Amendment say about free speech? What are the boundaries for what people can and cannot do?



The Freedom to Speak — Without Obscenity or Inciting Violence

The First Amendment covers the freedom of speech, press, and religion. It’s arguably one of the most fundamental amendments to American democracy, but its interpretations can vary significantly. This is how the full First Amendment reads:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Why is it that the Ku Klux Klan and Westboro Baptist Church have gotten into legal trouble for expressing their opinions? Their groups often promote acts of violence against another group, which violates the “peaceably” qualifier to the people’s right to assemble.

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Mom Was Right — Practice Makes Perfect

The 10,000 Hour Theory

In middle school, my best friend Dan Lynn and I started playing trumpet at the same time. Dan eventually played first chair of the horn section of our marching band. Later on, he even played a trumpet duet with the famous jazz trumpeter, Doc Severinsen. Meanwhile, I struggled just to stay in the band!

Some would ask: Was he more talented, or did he just practice more? Dan and I are still good friends to this day, and I can tell you candidly that it was both. However, scientists have been trying to answer this question for quite some time. And the data is fascinating — it suggests that innate talent does not have nearly as large a role in our success as people think. Mainly, we need preparation, which includes practice.

The first time I came across this data and the 10,000 Hour Theory was in a book called “Outliers” by award-winning journalist Malcom Gladwell. In “Outliers,” Gladwell wonders what makes high-achievers different. He found that, whether people were amazing at arts, science, or business, what made them so special was simple: They committed 10,000 hours to learning their craft.

You can have talent, but without hard work, your ability tends to wear away. Even child prodigies have to dedicate 10,000 hours to become masters, including Mozart. Despite writing music since he was 6 years old, Mozart’s early works were not impressive. His



modern masterworks were composed when he was 21, and he had been playing and composing concertos for 10 years at that point.

One of the stories that impressed me the most, however, was about The Beatles. Believe it or not, as a band, they had nearly 10,000 hours of practice before they ever stepped foot in America.

Their youth made many people assume their fame was based on talent and luck. But the truth is that The Beatles were incredibly hardworking — they never let an opportunity slip away. In 1957, Paul McCartney, John Lennon, Pete Best, and George Harrison started playing together as a Liverpool high school rock band, hoping to make it big one day. Then, a club owner in Hamburg, Germany, wanted to play American rock music at his club, hoping to attract more tourists and encourage them to stay longer.

At that Hamburg club, The Beatles would perform for over eight hours a day, seven days a week. They played together over 1,200 times. To give you an idea of how extraordinary that is, most bands don’t play together 1,200 times in their entire careers. Playing in tight synchronization was hardly anything but second nature to them at that point.

I truly believe in this theory, and I’ve seen it with people within our own firm, too. When an associate lawyer, Jeremiah Luebbe, joined the firm, I noticed he was really drawn to bankruptcy law. So, I wondered: How long would it take him to make a name for himself as a top-notch bankruptcy attorney? I challenged him with the 10,000 Hour Theory and explained why it’s a completely achievable goal.

That was over 11 years ago. Today, Jeremiah is a statewide authority in bankruptcy law, as he gets calls from people all over the state, even other lawyers, seeking his advice.

Ultimately, nothing can replace hard-earned experience. I truly believe that, and many researchers do, too. It teaches us to put our whole heart and soul into the pursuits we care about most. Those 10,000 hours fly by faster than we think.

-Bill Steffens

The Super Benefits of Yoga

June 21 is International Yoga Day, which makes it a great time of year to talk about the unique benefits of yoga — the “superfood” of fitness. As a mixture of exercise and mindfulness, yoga is not only challenging but also has myriad health benefits.

Many people assume yoga is mainly useful for increasing your flexibility. However, it’s also excellent for further developing your strength, mobility, and balance. These can be key benefits for living a healthier lifestyle, whether you’re an athlete or concerned about aging.

Kaitlyn Hochart, a yoga instructor from San Diego, California, writes on Healthline, “During yoga, your body goes through a full range and variety of motion that can counteract aches and pains associated with tension or poor postural habits.” Yoga can help you become more aware of these habits, “[allowing] you to fix these imbalances and improve overall athleticism.”

Many forms of exercise are useful against depression and cardiovascular disease, but in yoga’s case, you don’t have to break a sweat to start benefiting from its stress-relieving properties. “The breathing exercises you practice during yoga can help lower your heart rate and shift your nervous system into a more relaxed state. It also promotes better sleep and increased focus,” Hochart writes.



Multiple studies agree: Yoga can significantly decrease the secretion of cortisol, the primary stress hormone. In one study, 64 women with post-traumatic stress disorder (PTSD) participated in a 10-week program, performing yoga at least once a week. By the end of the 10 weeks, 52% of participants no longer met the criteria for PTSD at all.

As with starting any new hobby or regular exercise, it may help to set clear goals for yourself. By doing yoga regularly, there are several physical improvements you can look forward to, such as:

- Improved range of motion or ease of movement
- A reduction in pain, discomfort, or other symptoms
- An increase in physical strength and endurance
- Less weight fluctuation
- Changes in the way your clothes fit
- Better-quality sleeping habits and increased or stabilized energy levels

One of the best qualities of yoga is that you can be of any age or fitness level. So, pull up a YouTube video, find a soft surface, and give it a try!

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However, more restrictions have come up. In *Miller v. California* (1973), the U.S. Supreme Court found that the First Amendment’s freedom of speech doesn’t apply to obscenity.

How does the court define obscenity? There are three things they’ll take into account:

1. Will the average person (applying contemporary “community standards”) find the work appealing to the overly sexual interests?
2. Does the work depict or describe, in an offensive way, sexual conduct or excretory functions as defined by state law?
3. Does the work, when taken as a whole, lack serious literary, artistic, political, or scientific value?

Certain types of hate speech are legal, so long as they don’t incite violence and cannot be categorized as obscenity as described above. But what about more ordinary political opinions? Can those be legally censored?

The First Amendment’s Boundary

Corporate censorship and censorship by private entities are legal because the First Amendment only applies to government censorship. That’s why when Twitter bans an account or Facebook



deletes a post, these actions don’t count as violations of free speech. Could that change?

According to legal experts, the big question now is how to treat large social media platforms. Clay Calvert, professor of law at the Levin College of Law, asks, “Should we treat them differently and regulate them more closely? Have we reached that stage where we need antitrust litigation, perhaps, and say they have such powerful platforms, they’re like near-monopolies that we should do some trust-busting and break them up?”

Would it be a good idea for the First Amendment to apply to private entities? We’ll leave that to the future debates that are sure to come.

TAKE A BREAK



GRILLED CHICKEN SHAWARMA

Inspired by FeastingAtHome.com

A spice-filled marinade and time do all the work in this recipe that features Middle Eastern flavors.

Ingredients

- 2 tbsp ground coriander
- 2 tsp kosher salt
- 1/4 tsp cayenne pepper
- 2 tsp turmeric
- 1 tsp ground ginger
- 1 tsp ground black pepper
- 2 tsp allspice
- 8 garlic cloves, minced
- 6 tbsp olive oil
- 2 lbs boneless, skinless chicken thighs

Directions

1. To create marinade, whisk all spices with the garlic and olive oil in a medium bowl.
2. Add chicken to the bowl, coat well with marinade, cover, and let sit in the fridge for at least 20 minutes — or up to 48 hours. Strain off excess marinade before cooking.
3. Preheat grill to medium-high heat. Grill thighs for 10–12 minutes on each side, or until a meat thermometer reads 165 F.
4. Serve with rice, vegetables, or pita bread with tzatziki.

ARE GROCERY SUBSCRIPTION BOXES WORTH IT?

June is National Fresh Fruit and Vegetables Month, so let’s explore one popular way to get more fresh produce into our lives: subscription-based delivery services like Full Circle and Imperfect Food. Are these services actually worth it? Do they save money and provide what they promise? Here’s what the research turned up.

Can they save you time?

The Verdict: Yes, without a doubt. Subscription-based grocery delivery services appeal to consumers because they save time. With somebody else doing your grocery shopping, you don’t have to think about when you’re making a trip to the grocery store this week. Someone else is doing it for you!

Plus, some services even offer meal kits if you can’t decide what to make. There’s no argument here — these services definitely save you time.

Can they save you money?

The Verdict: Sometimes, since it depends on your existing shopping habits. If you find yourself making impulsive purchases while strolling down the aisles at the grocery store, then a set (but customizable) weekly list of delivered groceries might be a great way to stick to your budget. Unfortunately, not many grocery subscription-box delivery services offer nonfood items like toilet paper or cleaning products, so you may still have to make a trip to the store every once in a while.

Is the food quality great?

The Verdict: Yes, but it depends on your area. You have a higher chance of getting better grocery items if you buy from an organic grocery box service, like Imperfect Foods or Farm Fresh to You, since these companies work closely with your local farms.

Keep in mind that some services, like Imperfect Foods, are designed to deliver fresh foods that are a little “imperfect” in size, shape, or color to help prevent food waste — but, as a benefit, it’s more affordable! However, we’ve found some services, like Full Circle, will prepackage their boxes from warehouses that may not be local to you, so do a little research before picking one.

All in all, we’ve been pleasantly surprised to find that these boxes aren’t such a bad idea. Consider looking into it if you’re tired of the weekly grocery store time crunch!

