

# **PROCLAMATION**

## **First Judicial District Bar Association**

### **JANUARY 2021**



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1st Judicial District Bar Association  
PO Box 1733 Wheat Ridge, CO, 80034  
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## PRESIDENT'S COLUMN

Samantha Lillehoff

"You can cut all the flowers but you cannot keep spring from coming."  
—Pablo Neruda

January, meaning "Janus's month," was originally a tribute to the Roman god of many things including beginnings, transitions, and doorways. We are at the doorway of a new year full of new beginnings. How many doorways will present themselves to us this year? Will we even notice them, let alone choose to walk through to the other side? I am hopeful that, although there have been plenty of challenges and tragedies leading up to 2021, there is plenty of good that lies ahead—spring is coming. For example, I would like to share with you a few things that I am excited and hopeful to experience this year.

There are so many great 1<sup>st</sup> JD events planned, please continue checking the website for more information. Our CLE committee has planned a virtual CLE titled "An Overview of Guardianships and Conservatorships," scheduled for February 9, 2021. I am looking forward to this CLE and any other CLEs that our distinguished members wish to present. If you needed a sign to encourage you to reach out to propose your CLE presentation, This Is It.

Just as exciting, the season of grant request approval is fast approaching again this year, and I am grateful that such grants will go to some of the varied, wonderful groups supporting the 1<sup>st</sup> JD community. Grant applications are due February 28, 2021. Also upcoming is the deadline—April 1, 2021—for applications from new candidates to serve on the 1<sup>st</sup> JD Board of Trustees. Please spread the word and have interested persons send resumes and letters of interest to [admin@1stjd.org](mailto:admin@1stjd.org).

Eventually, we will be able to safely gather together for the annual banquet. Although we do not yet know when that day will be, please start thinking about making nominations for our several awards, as there are many hard-working 1<sup>st</sup> JD members and associates deserving of such recognition from their peers.

More generally, I am excited to see what comes of the COVID-19 vaccination efforts and related safety measures. I very much hope some once-familiar things become common once again, like going to the movies, attending concerts, taking kids to the pool or to play dates, seeing loved ones more frequently, and many more.

Hopefully some of you are encouraged to reflect on (and share!) some things that you are excited to see in 2021, doorways you look forward to walking through. In the meantime, there are plenty of opportunities to give what we can to help those most affected by the challenges of today. I am proud to be a part of the 1<sup>st</sup> JD community, a community that takes care of its own all year round.

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FIRST JD BAR ASSOCIATION

Virtual CLE Luncheon  
Tuesday February 9, 2021  
First JD Members \$10  
Non First JD Members \$15

**An Overview of Guardianships  
and Conservatorships**

**JOSEPH LUSK ESQ.  
OF BOATRIGHT, RIPP & LUSK, LLC  
&  
PRESTON BRANAUGH, ESQ.  
OF THE BRANAUGH LAW OFFICES, P.C**

**Along with a special presentation: Top Ten Mistakes And How To Avoid Them**

**ALEX ZHANG, ESQ., 1ST JD PROBATE COURT  
JENNIFER BULMER, REGISTRAR  
AND PROTECTIVE PROCEEDINGS MONITOR**

Virtual CLE  
Presented via Ring Central

You Must Register to Attend

<https://1stjd.org/events/#!event/2021/2/9/an-overview-of-guardianship-apos-s-conservatorship-apos-s-joseph-lusk-preston-branaugh-alez-zhang-jennifer-bulmer>

OR

[admin@1stjd.org](mailto:admin@1stjd.org)

Information regarding attendance procedures will be provided after registration

CLE Credit Requested

**1ST JD BAR ASSOCIATION GRANTS**

The bar association is taking applications for non-profit grants. Applications are due February 28, 2021.

You may access the grant application on the website at [1stjd.org](https://1stjd.org) under Grant Application at the bottom of the page.

Note: If you have previously submitted a grant application, you need to provide only the current Annual Certificate of Good Standing and a summary of your request instead of the full form.

## Would you like to serve on the 1st JD Bar Association Board of Directors

We are looking for interested people to get more involved in the organization! Being involved in the bar association is a great way to meet other lawyers, expand your practice and your mind, and serve your local community.

**Please consider that serving on the board involves a small but very important time commitment which includes a monthly virtual board meeting on the 3rd Tuesday of each month from 5:30 to 6:30. A regular term on the board is two years.**

The nominating committee meets in April to consider appointments. If you are interested in a position, or would like to nominate someone, please send a **letter outlining your interest along with a resume** to: [admin@1stjd.org](mailto:admin@1stjd.org)

**Deadline April 1, 2020**

### **IN THE FIELD OF PSYCHOLOGY-THE BIASES THAT EXIST WITHIN US** **Alan Hendrix**

This involves law only peripherally. I am fascinated with the biases that exist within us. It comes to play certainly when selecting a jury or speaking to a Judge about a case.

Since there are so many biases, I cut quite a few out. Some are fascinating, such as if you put 100 people in a room and ask them if they are better than average drivers, more than 90% will say they are. (Ergo, at least 40% are sadly mistaken.) That is known as the overconfidence bias. I think it helps us get through the day.

Most of this came from Wikipedia so if you are interested in the full list you can look there under biases.

In the field of psychology, **cognitive dissonance** is the mental discomfort (psychological stress) experienced by a person who holds two or more contradictory beliefs, ideas, or values. This discomfort is triggered by a situation in which a person's belief clashes with new evidence perceived by the person. **When confronted with facts that contradict beliefs, ideals, and values, people will try to find a way to resolve the contradiction to reduce their discomfort.** A person who experiences internal inconsistency tends to become psychologically uncomfortable and is motivated to reduce the cognitive dissonance, by making changes to justify the stressful behavior, either by adding new parts to the cognition causing the psychological dissonance **or by avoiding circumstances and contradictory information likely to increase the magnitude of the cognitive dissonance.**

**Cognitive biases** are systematic patterns of deviation from norm or rationality in judgment, and are often studied in psychology and behavioral economics.

Although the reality of most of these biases is confirmed by reproducible research, there are often controversies about how to classify these biases or how to explain them. Some are effects of information-processing rules (i.e., **mental shortcuts**), called **heuristics**, that the brain uses to produce decisions or judgments. Biases have a variety of forms and appear as cognitive ("cold") bias, such as mental noise, or motivational ("hot") bias, such as when **beliefs are distorted by wishful thinking**. Both effects can be present at the same time.

There are also controversies over some of these biases as to whether they count as useless or irrational, or whether they result in useful attitudes or behavior. For example, when getting to know others, people tend to ask leading questions which seem biased towards confirming their assumptions about the person. However, this kind of confirmation bias has also been argued to be an example of social skill: a way to establish a connection with the other person.

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IN THE FIELD OF PSYCHOLOGY-THE BIASES THAT EXIST WITHIN US  
Alan Hendrix

**Decision-making, belief, and behavioral biases**-many of these biases affect belief formation, business and economic decisions, and human behavior in general.

**Ambiguity effect**-The tendency to avoid options for which the probability of a favorable outcome is unknown.

**Anchoring or focalism**-The tendency to rely too heavily, or "anchor", on one trait or piece of information when making decisions (usually the first piece of information acquired on that subject).

**Availability heuristic**-The tendency to overestimate the likelihood of events with greater "availability" in memory, which can be influenced by how recent the memories are or how unusual or emotionally charged they may be.

**Bandwagon effect**-The tendency to do (or believe) things because many other people do (or believe) the same. Related to groupthink and herd behavior.

**Ben Franklin effect**-A person who has performed a favor for someone is more likely to do another favor for that person than they would be if they had received a favor from that person.

**Bias blind spot**-The tendency to see one as less biased than other people, or to be able to identify more cognitive biases in others than in oneself.

**Compassion fade**-The predisposition to behave more compassionately towards a small number of identifiable victims than to a large number of anonymous ones.

**Confirmation bias**-The tendency to search for, interpret, focus on and remember information in a way that confirms one's preconceptions.

**Congruence bias**-The tendency to test hypotheses exclusively through direct testing, instead of testing possible alternative hypotheses.

**Conservatism (belief revision)**-The tendency to revise one's belief insufficiently when presented with new evidence.

**Continued influence effect**-The tendency to believe previously learned misinformation even after it has been corrected. Misinformation can still influence inferences one generates after a correction has occurred. cf. Backfire effect

**Curse of knowledge**-When better-informed people find it extremely difficult to think about problems from the perspective of lesser-informed people.

**Declinism**-The predisposition to view the past favorably (rosy retrospection) and future negatively.

**Dunning-Kruger effect**-The tendency for unskilled individuals to overestimate their own ability and the tendency for experts to underestimate their own ability.

**Endowment effect**-The tendency for people to demand much more to give up an object than they would be willing to pay to acquire it.

**Experimenter's or expectation bias**-The tendency for experimenters to believe, certify, and publish data that agree with their expectations for the outcome of an experiment, and to disbelieve, discard, or downgrade the corresponding weightings for data that appear to conflict with those expectations.

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IN THE FIELD OF PSYCHOLOGY-THE BIASES THAT EXIST WITHIN US  
Alan Hendrix

**Framing effect**-Drawing different conclusions from the same information, depending on how that information is presented.

**Frequency illusion or Baader–Meinhof effect**-The illusion in which a word, a name, or other thing that has recently come to one's attention suddenly seems to appear with improbable frequency shortly afterwards (not to be confused with the recency illusion or selection bias).[ This illusion is sometimes referred to as the Baader–Meinhof phenomenon.

**Gambler's fallacy**-The tendency to think that future probabilities are altered by past events, when in reality they are unchanged. The fallacy arises from an erroneous conceptualization of the law of large numbers. For example, "I've flipped heads with this coin five times consecutively, so the chance of tails coming out on the sixth flip is much greater than heads."

**IKEA effect**-The tendency for people to place a disproportionately high value on objects that they partially assembled themselves, such as furniture from IKEA, regardless of the quality of the end result.

**Hot-hand fallacy**-The "hot-hand fallacy" (also known as the "hot hand phenomenon" or "hot hand") is the belief that a person who has experienced success with a random event has a greater chance of further success in additional attempts.

**Negativity bias or Negativity effect**-Psychological phenomenon by which humans have a greater recall of unpleasant memories compared with positive memories (see also actor-observer bias, group attribution error, positivity effect, and negativity effect).

**Omission bias**-The tendency to judge harmful actions (commissions) as worse, or less moral, than equally harmful inactions (omissions).

**Pessimism bias**-The tendency for some people, especially those suffering from depression, to overestimate the likelihood of negative things happening to them.

**Rhyme as reason effect**-Rhyming statements are perceived as more truthful. A famous example being used in the O.J Simpson trial with the defense's use of the phrase "If the gloves don't fit, then you must acquit."

**Parkinson's law of triviality**-The tendency to give disproportionate weight to trivial issues. Also known as bikeshedding, this bias explains why an organization may avoid specialized or complex subjects, such as the design of a nuclear reactor, and instead focus on something easy to grasp or rewarding to the average participant, such as the design of an adjacent bike shed.

**Well-travelled road effect**-Underestimation of the duration taken to traverse oft-traveled routes and overestimation of the duration taken to traverse less familiar routes.

**Women are wonderful effect**-A tendency to associate more positive attributes with women than with men.