

PERSONAL & PRACTICE:

# Faegre Baker Daniels Attorney Profiles

## Aaron Van Oort

INTERVIEW DATE: February 4, 2014

OFFICE: Minneapolis



[aaron.vanoort@FaegreBD.com](mailto:aaron.vanoort@FaegreBD.com) ▼ T: +1 612 766 8138

### PERSONAL:

#### WHAT IS YOUR FAVORITE JOURNEY?

- ▶ The first international trip we took with our kids as a family to South Africa. South Africa has oceans, mountains, large animals...it was spectacular. I have four boys who are now ages 8-14. We're trying to take our boys to each of the continents before college. We've also been to Peru, and this spring we went to Australia.

#### WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

- ▶ I've always wanted to have the ability to fly. In our family, we watch a lot of superhero movies. "The Incredibles" is one of the frontrunners for my favorite movie in any genre. I love the message of it, which is that you should not be afraid to be different or exceptional. The variation of this question would be, "What would you most like your kids to be able to do?" I would like my kids to not have to worry about whether they're good or bad at what they're doing. I'd like them to not waste the slightest bit of time worrying about how they place on a relative basis. If I could find a way to free them just to be, and do, and to work, that would be success as a parent. Most of the limitations I set on myself and other people are self-imposed.

#### WHO IS YOUR FAVORITE HERO OR HEROINE OF FICTION?

- ▶ The late St. Paul author Vince Flynn's commonly used protagonist, Mitch Rapp. Rapp is a character who was the captain of a champion lacrosse team at Syracuse and got recruited to be a counter-terrorism hitman. He inflicts massive harm on terrorists. Flynn's books are just plain fun reads.

### PRACTICE:

#### ONE OF THE THINGS I LIKE MOST ABOUT LAW...

- ▶ Law is one of the few professions in the world where it's a good thing to be old. The prime years in the legal profession are absolutely the 50s into the 60s. At 39, I still feel young.

#### WHAT DO YOU ENJOY MOST ABOUT LAW?

- ▶ Working with and mentoring our associates. It is a terrific pleasure to get the talented people we have here and to be able to help them learn, whether it's about the practice, business development, or "life management." I'm a teacher at heart. When I see others succeed and use their talents, it's intrinsically satisfying.

#### WHAT DO YOU LIKE MOST ABOUT YOUR PRACTICE?

- ▶ What I like about litigating is the chance to persuade. Any time you win or succeed in litigation, it's because you persuaded somebody of something. You persuaded a judge that you're right on the law, you persuaded a jury that you're right on the facts, or you persuaded the other side that they're better off giving up than continuing to fight with you. I also enjoy the strategy aspect of it. When a significant matter comes in, the team gets to work to answer the question, "How are we ultimately going to win this case?"

#### WHAT DO YOU FIND MOST CHALLENGING ABOUT YOUR AREA OF FOCUS?

- ▶ Litigation is one of the few careers in life where someone on the other side is paid to make you look bad. Structurally, this career is set up so that there's someone you're never going to make happy. Humor is a great tool to deal with that pressure. I'm not surprised anymore when no matter how well prepared I am, somebody on the other side still disagrees. Ultimately, you have to be convinced of your own value rather than basing it on whether you win or lose a case.

## PRACTICE:

### HOW HAS YOUR PERSPECTIVE ON LAW CHANGED OVER THE YEARS?

- ▶ Early on, I clerked for what I consider to be two of the greatest living American judges: Richard Posner on the 7th Circuit, and Antonin Scalia on the Supreme Court. They're very different people, and they approach the law very differently. Posner is the foremost legal pragmatist there is. From him, I learned that no matter how good your legal authority, if your position doesn't make sense, you're going to lose. Then I worked for Justice Scalia, who is probably the foremost legal formalist there is. From him, I learned that no matter how much sense your position makes, if you don't have authority, you're going to lose.

So now when I'm preparing arguments to courts or writing briefs, I have judge Posner asking in one ear, "Does your position make any sense?" and I have Justice Scalia asking in the other ear, "Do you have any authority?" And it turns out that's a pretty good way to think about how to persuade people.

I have more experience with what judges actually care about now, so I find it easier to identify the most important features to highlight in an argument. I refer to this as situational awareness. There's only one way to gain that understanding – and that's to get in front of a lot of judges, and to make a lot of arguments that end up being wrong. I try to consciously encourage our teams to have a solid challenge process so we don't fall into "group-think," and we don't have people just agreeing with one another to be agreeable. The most valuable people on my teams are the ones who will disagree with me. We work hard on our teams to create an environment where we can respectfully challenge each other.