



JOHN R. COLVIN
ATTORNEY AT LAW

BOLD APPROACH. CLIENT FOCUSED.™

P.O. Box 309
Winchester, TN 37398



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THE 3 SEPARATE BUT EQUAL BRANCHES OF AMERICAN DEMOCRACY

Law Day 2018: The Separation of Powers

While I don't expect many readers to have been counting down the days on their calendar, the first of May marked the 60th anniversary of Law Day. However, I will promise you that this year's Law Day celebration and commemoration is more important than ever.

The purpose of Law Day is education. Every year, the American Bar Association (ABA) picks a theme, a facet of American Law to delve into. While this choice doesn't normally affect anyone other than law students, this year's topic of discussion directly impacts everyone in this country, especially the working men and women of Tennessee. The topic is the separation of powers.

Younger readers may not be as familiar with this term, considering how many school programs have cut civics courses. The separation of powers refers to how, under the constitution, there are three branches of government, which are supposed to remain independent of one another. The legislature writes the laws, the judiciary interprets them, and the executive enforces them. Each of these three branches is supposed to work as a counterbalance to the others.

As the classic Saturday morning educational cartoon series "Schoolhouse Rock!" song "Three-Ring Government" so elegantly put it, "No one part can be/ more powerful than any other is./ Each controls the other you see,/ and that's what we call checks and balances." I still remember eating my cereal and getting a civics lesson in government on Saturday mornings. Apparently, education and public awareness on the importance of separation of powers has fallen off since I was a kid.

I don't mean to sound overly critical of our educational system; however, there is no denying that budget cuts to public education have taken their toll in certain areas. For example, a recent study shocked me to my core.

Back in 1995, the World Values Survey asked U.S. citizens, particularly young people, a series of civics questions. During this quiz, 1 in 16 Americans stated that it would be fine for our country to be placed under military rule. Now, that number has spiked to 1 in 6.

I was stunned. How could so many citizens of a country founded on principles of democracy, equality, and liberty find themselves in favor of tyrannical rule? A lack of civics education seems to be the root cause. The same survey found two-thirds of Americans cannot name all three branches of government.

“How could so many citizens of a country founded on principles of democracy, equality, and liberty find themselves in favor of tyrannical rule?”

I don't think this means that two-thirds of the country don't care about their rights as citizens of a democracy. They just don't know enough about our rule of law and how it impacts their lives to care either way. That's not a failing on their part; it's a failing of our education system.

We've de-emphasized and defunded history and civics lessons in our schools. Less than half of all states require teaching civics in high school, and only three require it for middle schoolers. "As a result," an ABA study observed, "many young Americans are not prepared to participate fully in our democracy." That thought should terrify Americans, especially those in the labor force.

This isn't about upholding some vague ideals of the Founding Fathers. This is about preserving our rights and privileges today. Right here in Tennessee, the separation of powers was undermined to the detriment of workers' rights.

In 2014, the Workers' Compensation Reform Act came into effect thanks to strong lobbying from big business and out-of-state interests. These "reforms" slashed workers' compensation benefits, diminished workers' rights, and increased the burden of proof for an employee to prove an injury was work-related. This new law enacted by the Tennessee Legislature and signed by the governor created an executive-appointed court system separate from the normal judicial system that previously adjudicated workers' comp cases.

I now find myself in my daily practice working with and explaining to Tennessee injured workers that they can no longer pursue their action before a constitutionally elected judge in their county of residence or where the injury occurred. Instead, they must file an administrative claim through the Tennessee Department of Labor's Bureau of Workers' Compensation in order to have their claim determined by an administrative judge appointed by the governor. I truly believe that legislative bodies will never dare to pass such egregious legislation that hurts their own constituents at the behest of lobbyist and special interests if they know the voting public is fully informed and paying attention.

To return to the "Schoolhouse Rock!" song, "The audience is kinda like the country you know,/ Keeping an eye on their performance." Now more than ever, we need to pay attention to our elected officials, ensuring that each branch of government is staying in their "ring" of the circus.

-John Colvin

ENRICH YOUR VACATION

Buy Local When You Travel

The virtues of buying locally sourced food and supporting small businesses have been widely extolled. But we rarely think to apply the same practices when we travel. Many Americans spring for all-inclusive packages when planning their next summer vacation, but doing so means they'll miss out on some of the best aspects of the culture they're visiting.

Part of the joy of traveling is having new experiences you can't have at home. Whether you're in another town or another region, you owe it to yourself to seek out the unique aspects of that location. But to find the character and quirks of your destination, you'll have to explore beyond the hotel lobby.

FOOD

Why have a cheeseburger from a fast-food chain when you can try a local favorite? A great way to start is by asking locals about their favorite place to eat. You'll discover new foods and flavor combinations, and the locally owned restaurant is sure to appreciate your business!

ART

Just as your town probably has local artisans who produce unique and interesting work, the same is true for your vacation destination. Anyone can get a gift shop bauble that was mass-produced somewhere else. Take the time to peruse market stalls and craft fairs while you travel. It can lead you to some truly special souvenirs, and you'll support the arts and traditions of the region!



PEOPLE

While you're out sampling local restaurants and exploring local markets, you'll meet plenty of local people. Don't be afraid to strike up a friendly conversation. You can make new friends and learn about their unique experiences. One of the most enriching experiences in life is meeting new people and gaining new perspectives.

MEMORIES

Treasured memories are the best souvenir you can bring home from any vacation. So you owe it to yourself to get out and explore!

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Hand-Washing vs. Dishwasher

Are You Wasting Water, Time, and Money?

We’ve all walked into our kitchens, looked at the dishes stacked high in the sink, and asked, “Is it better to throw those in the dishwasher or wash them by hand?” The dishwasher would certainly save you some time, but many people believe that washing dishes by hand uses less water and electricity. In reality, however, washing your dishes by hand is one of the worst things you can do for both the planet and your wallet.

Dishwashers use less water than washing by hand. A study conducted in Europe found that individuals who wash dishes by hand tend to use 27 gallons of water to clean just 12 place settings. Meanwhile, modern dishwashers only use 6 gallons of water, and Energy Star appliances use as little as 4 gallons during their wash cycle. The Environmental Protection Agency determined that using a dishwasher instead of washing by hand can save 5,000 gallons of water and \$40 in utility costs a year.

It’s not just about water! Unless you have incredibly thick dishwashing gloves, you can’t properly clean your dishes by hand. Dishwashers heat water to around 145 degrees Fahrenheit to ensure your dishes are disinfected. Even if the water from your sink could get that hot, you wouldn’t want to stick your hand in it.



Which brings us to the science experiment that is your kitchen sponge. Dr. Philip Tierno, a clinical professor at the Microbiology and Pathology departments at NYU Langone, determined that your kitchen sponge is the single dirtiest item in your house. Soap and water aren’t enough to sanitize your sponge, which is left damp next to your sink after each use. Have you ever noticed that stagnant sponge smell? That’s bacteria growing. And when you wash your dishes by hand, you rub that bacteria all over your plates and silverware. Yum.

If you have just a single plate or cup, you obviously don’t want to run them through the dishwasher alone; that would be incredibly wasteful. But the drawbacks of washing by hand are too great to ignore. The best option is to wait until your dishwasher is full, then start up the washing cycle. All your dishes will be clean and disinfected, and you’ll use less water in the process.

A Hands-Off Future

Who’s Responsible When a Self-Driving Car Hurts Someone?

On Sunday, March 18, Elaine Herzberg was walking her bike outside a crosswalk when she was struck by a Volvo XC90 SUV traveling at 40 mph. The Arizona woman was rushed to the hospital where she died from her injuries. Pedestrians dying after a car accident is an unfortunate reality of our roadways, but Herzberg’s case raised a number of legal questions because she was killed by an Uber car traveling in autonomous mode.

Optimists envision that self-driving vehicles perform better than human drivers, thereby reducing the number of accidents on the road. However, recent incidents involving self-driving cars show accidents are still a possibility even with advanced technology, and our legal system has yet to catch up. As we speed toward the future, legal experts are trying to determine who is responsible for accidents involving self-driving cars. Could it be the person injured, the company who owns the car, the car manufacturer, or the software developer? Could it be the “safety” driver behind the wheel who failed to take control?

In cases when a human driver controls the vehicle, car accident litigation aims to determine whether the driver is guilty of negligence or failed to exhibit a “reasonable level of care.” When an accident is caused by an autonomous vehicle, legal experts suggest a lawsuit could revolve around whether or not the self-driving system was defective. Automakers and software developers could then counter the argument by presenting data gathered by onboard sensors to prove that the accident would have been unavoidable no matter who was controlling the vehicle. Which of these claims would hold up in court? We don’t know yet.



Herzberg’s case ultimately did not go to trial to set a precedent for this matter. Uber and Herzberg’s family settled outside court, and the terms of the settlement were not released. However, the accident did stall Uber’s self-driving car program in Arizona and encouraged attorneys and lawmakers to take a closer look at the future of self-driving cars.

A Debt of Gratitude

Thank You to Our Troops

Since the first shots rang out at Lexington and Concord, the great experiment of a nation founded on liberty and equality has been safeguarded by the unparalleled bravery of men and women committed to those ideals. On May 28, we honor the sacrifices of these extraordinary individuals and the families they left behind. The debt of gratitude our nation owes the members of our armed forces cannot be overstated.

When considering the ideals these men and women helped defend, it’s easy to get lost in lofty platitudes. We should not lose sight of the real, day-to-day heartache felt by those who have lost friends, family members, comrades, or facets of themselves to war. For gold star families and veterans, the weight of the sacrifice paid for our freedoms is a daily reality. Our thoughts and prayers are with them and their loved ones.

In honor of all those who have given so much for our freedom, thank you for your service. We leave you with the closing remarks of Abraham Lincoln’s Gettysburg Address:

“The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth.”



Grilled Skirt Steak With Asparagus

Inspired by Food Network

Asparagus and steak is a classic pairing. Skirt steak packs a ton of flavor without the high price point of other cuts, and this is the best time of year to buy asparagus. So what are you waiting for? Let’s get grilling!

Ingredients

- 1 1/2 pounds skirt steak
- 2 tablespoons crushed red pepper
- 2 tablespoons canola oil
- Salt and pepper to taste
- 1 pound asparagus
- Grated pecorino Romano cheese

Instructions

- Heat grill to high. Season room-temperature steak with salt, pepper, and 1 tablespoon oil. Any oil with a high smoke point, such as canola, will work.
- Trim bottom inch of asparagus and season with salt, pepper, and remainder of oil.
- Cut steak into four portions and grill for 3–5 minutes per side, depending on desired doneness. Skirt steak is thin and will cook quickly.
- Let steak rest for 10 minutes. While it’s resting, grill asparagus for 6 minutes, turning once.
- Sprinkle cheese and crushed red pepper on asparagus. Serve alongside steak.

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