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# IN FOCUS With Colvin Law September/October 2018

#### Colvin-Law.com

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# THE AMERICAN BAR ASSOCIATION CONDUCTS JURY SURVEY

The right to a trial by jury is long-recognized as essential to the fabric of the American jurisprudence. It's a vital part of America's system of checks and balances and an assurance that justice will be administered in accordance with the community standards and the law. Indeed, the Declaration of Independence included the right to a trial by jury as a fundamental human right; the United States Constitution (as well as many state constitutions) explicitly protects the right to a jury trial in certain cases.

Despite this fact, the percentage of cases being resolved by juries in criminal and civil cases has significantly declined. Since 2002, less than 5 percent of federal criminal cases and less than 2 percent of federal civil cases have been resolved by juries. Similarly, state courts report jury trial rates of less than 4 percent in criminal cases and less than 1 percent in civil cases.

Politicians, lawyers, and scholars alike have speculated on the reasons for the decline in jury trials. Some of the factors contributing to the decline are apparent — for instance, uniform sentencing guidelines and mandatory minimum sentences can increase the perceived risk of a jury trial on the criminal side. With increasing frequency, mandatory arbitration provisions in contracts eliminate the right to a jury trial on the civil side.



The American Bar Association Commission on the American Jury just finished conducting a survey to examine the policies, practices, and decisions across jurisdictions that affect the frequency at which Americans are choosing to exercise the right to a trial by jury. The results of the survey are expected to be published later this year.

-SOURCE: THE AMERICAN BAR ASSOCIATION

## More Social, Less Media

Reactions vs. Interactions

Sometimes the generational differences between me and my kids truly surprise me. Just recently, we were watching a rerun of the classic family drama "The Waltons," and for the most part, the show still holds up. My children were gamely following along with the plot until a scene where the Walton family sits together to listen to the radio. "Dad," my children piped up quizzically, "What's that box they're listening to?"

In retrospect, I shouldn't have been surprised. A child who has known the era of hand-held devices and touch screens their whole life would be confused by the big wooden "boxes" that used to be our source of all things news and entertainment. But what my kids found more perplexing was the fact that listening to the radio was a group event for the Walton family. That's when it hit me: My kids have come up in an era when entertainment is more individualized than ever.

"We have developed speed, but we have shut ourselves in ... our knowledge has made us cynical, our cleverness: hard and unkind. We think too much and feel too little. More than machinery, we need humanity."

— Charlie Chaplin

The act of sitting around the radio as a family would have already seemed charming and antiquated in the 1970s when the Depression-era Waltons first appeared on television sets. Of course, in our own time, gathering as a family around the television is slowly beginning to

feel that way too. In the age of smartphones, earbuds, and social media, even the act of staring at a screen *together* is going the way of the Walton family radio.

And in its place, we have social media. Enormous networks of humanity, collaborating and reacting to one another, yes, but interacting? I'm not so sure. You don't have to be nostalgic for TV dinners to see that much of our online discourse is less than decent. A quick scroll through Twitter does a lot to dispel the notion that we're entering a digital age of unity and understanding. This has led experts like physical therapist and health and wellness author Dallas Hartwig to pick up the slogan "More social, less media."

Part of this is because it has become increasingly clear that social media sites were never created to give us a holistic sense of interconnectedness in the first place. Former Facebook president Sean Parker admitted as much earlier this year, stating the site was developed to "consume as much of your time and conscious attention as possible," explaining that features like notifications and likes were added to give you "a little dopamine hit."

This explicit reference to dopamine, the feel-good hormone, lends credence to the growing recognition that social media use may be addictive in the full medical sense of the word. Scientists are still researching this trend, but it certainly seems we have become more fixated on the trappings of digital socializing — on the likes, follows, retweets, and upvotes — and chasing reactions rather than seeking interactions

Call me old-fashioned, but I don't think it's healthy for any form of communication to be reduced to a one-



way street. When a medium is set up to be addictive, we group the people we care about into "friend lists" and reduce the thoughts and feelings we would share with them to "emotes," "likes," and "dank memes." Silicon Valley isn't going to abandon this profitable model anytime soon, so it falls on us as individuals to set boundaries, unplug, and make connections.

How you do that is up to you. Personally, I like challenging myself to strike up conversations with folks I'm in line with at the store, to leave my phone at home when I go for a walk, and to get to know my clients on a human level — to listen to their challenges and take joy in their triumphs. I've been surprised to learn that being disconnected occasionally from technology and devices has allowed me to make connections that have given me a truly social network of friends I am grateful to have in my life.

-John Colvin

# That'll Do, Pig

Oinkers That Saved Their Owners' Bacon

More and more Americans are keeping pigs as pets than ever before. With their keen intelligence, laid-back amiability, goofy snorts, and, of course, their stubby little legs, it's no surprise that people take to these plump, fuzzy animals. And here's an extra bonus: Apparently, they also save lives!

Take the aptly-named Lucky, for example. When Illinois resident Ina Farler woke up to the frantic porcine screams of her best friend, she knew something was up. "He would jump down, run to the door, and then jump back on the bed and hit me really hard," she told Chicago 5 News. "When I sat up, I realized the room was really smoky."

Her house was ablaze, and her room was quickly turning into an oven. But thanks to Lucky, she was able to grab her two

grandchildren, escape from the house, and call the fire department to stifle the blaze before it took down the entire property.

Lucky isn't the only hog to have saved the day. Jo Ann and Jack Altsman adopted Lulu the pot-bellied pig after baby-sitting her for their daughter. Lulu grew to be great pals with Bear, the family's American Eskimo dog. When Jo Ann suffered a heart attack while her husband was away on a fishing trip and no one else was around, Bear and Lulu teamed up to rescue their heloved owner

Sensing something was up, Bear barked furiously to get the attention of Lulu, who was out in the yard. Though she'd never come into the house from the yard before, she crammed her bulk through the much-too-small doggie



door. In the process, she scraped her belly badly, drawing blood, but she pressed on in order to check on Jo Ann. Realizing that something was seriously wrong, she slammed back through the doggie door and scrambled out into the road, where she lay down.

Lulu eventually convinced one conscientious motorist to slow down and see what the commotion was about. He found Jo Ann unconscious in her home and quickly dialed 911. Though Lulu wasn't allowed in the ambulance, her owner was rescued and recovered after an intense open-heart surgery. And, of course, Lulu got patched up too!

### Kicking the Feed

### How to Break Social Media Habits



As discussed in the cover article, social media can be addictive. While research is still mixed on the subject, many individuals are exploring the benefits of kicking the social media habit, whether in short "detox" doses or going cold turkey entirely. If you or a loved one wants to unplug from these attention-consuming algorithms, here are some tips to help you do it.

#### **MAKE ACCESS DIFFICULT**

Social media sites keep us coming back by making it astoundingly easy to do so. This is especially true of mobile apps, whose notifications can have us going from our smartphone's lock screen to our newsfeed in seconds. For those who want to keep their social media profiles in some capacity yet significantly reduce their usage, cutting off these avenues of easy access (and the temptation they offer) is your best bet.

This means uninstalling mobile apps and unchecking the "auto login" feature on your computer. Anything you can do to make it harder to jump onto social media at a moment's notice will keep your usage from being an unconscious habit. If you find that you still log on through your computer regularly, consider installing web extensions like Work Mode or StayFocused, which block social media URLs from your browser.

#### **DEACTIVATE YOUR ACCOUNTS**

If you're looking to go "cold turkey" from social media, you might need to take things a step further. The best way to ensure you won't log on in a moment of weakness is to make sure there's nothing to log on to in the first place. Deactivating your accounts will cease all social media notifications and signal to your online friends that they will need to contact you through another medium

#### FILL YOUR TIME

The best way to kick a habit is to replace it with a new one, so why not replace the time you spend scrolling through your newsfeed with a hobby you've always wanted to try? From jogging to basket weaving, there are no wrong answers. The most important thing is to choose something that gets you excited!

### Why Is It Happening Now? This Is Your Chance for SSD Cases to be Reviewed

Pending Social Security disability (SSD) cases are changing throughout the country. An individual who has been denied their SSD claim may now have an opportunity to have their case reviewed again.

#### UNDERSTANDING THE STAGES OF FILING AN SSD CLAIM

Before delving into why this is happening, it's important to go through the three stages of filing an SSD claim. The first stage begins when a disabled person (or someone acting on their behalf) fills out an application with the Social Security Administration (SSA). Roughly one-quarter to one-third of all claims are accepted, while the vast majority are denied. The second stage, reconsideration of a denied claim, may result in being accepted. More likely, the claim will end up in the third stage, which is a hearing before an administrative law judge (ALJ). Previously, this third stage took a long time to get through the courts because there were so many cases waiting to be heard.

#### PENDING SSD CASES HAVE FALLEN TO NEW LOWS

The SSA has announced that the number of SSD cases pending review by an ALJ has dropped significantly. Why is this? After 2007's Great Recession, a large number of people applied for SSD claims. The applicant pool continued to rise throughout the years and peaked only recently. This is because the courts

finally caught up with the pending SSD cases by streamlining systems and hiring new ALJs.

However, it was also due to the deaths of many people who were waiting for their claims to be reviewed. These individuals never had the opportunity to get SSD benefits, which had the potential to impact their lives. Research published in the American Journal of Public Health in 2008 showed a direct correlation between the stresses of living in poverty and dying sooner than financially secure counterparts.

#### TAKING ADVANTAGE OF FEWER PENDING SSD CASES

Knowing that the flow of SSD cases to be seen by ALJs is slowing can be your golden opportunity. This is a good time for applicants who have been denied second-stage reconsideration to work with a legal professional and possibly receive their SSD claim.

At the law offices of John R. Colvin, our lawyers routinely offer free consultations on SSD claim matters. If you or someone you know has been denied, we can help you pursue the benefits you deserve. Take advantage of a free consultation with an experienced SSD attorney by calling

# Inside-Out Grilled Ham and Cheese



#### *Ingredients*

- 8 slices of bread (Pullman works best)
- 4 tablespoons unsalted butter, room temperature
- 1/2 cup freshly grated Parmesan cheese (preferably Parmigiano-Reggiano)
- 8 ounces ham, thinly sliced
- 1/2 pound Swiss cheese, sliced
- 2 tablespoons Dijon mustard
- 1/4 cup apricot preserves

#### Instructions

- 1. Butter each slice of bread on the outsides and sprinkle with Parmesan.
- 2. Layer ham and cheese evenly on top of 4 slices of bread.
- 3. Spread apricot preserves and mustard across the other 4 slices. Press sandwiches together.
- 4. In a cast-iron skillet or large sauté pan over medium heat, grill sandwiches until golden, about 3 minutes per side.

### SUDOKU



5. Cut in half and serve.