

LANE HARVEY

Mastering Novel Issues and Clarity in Civil and Family Law Trials

by Josh Weinhold

MOUNT VERNON—For Morris Lane Harvey, all it takes is one. It only takes one narrative to persuade a jury. It only takes one argument to win a landmark ruling. It only takes one case to know you've made a difference in someone's life.

After more than four decades of handling a wide range of litigation, from family law to personal injury matters to copyright cases, the senior principal at Harvey Baker & Reinhardt P.C. in Mount Vernon has seen a lot.

But what remains the same, he says, is that every single one matters.

"When you're in a courtroom, any time you walk in, you have the opportunity to make something happen that wouldn't happen if you're not there," he says. "That's what keeps me doing this."

Known for unparalleled preparation, an innate ability to make complex matters understandable, and a fascination with the finer points of the law, Harvey has built a reputation as a legal scholar who never loses sight of how to communicate with everyday people.

"Because of the way he handles his arguments, judges really grow to trust his knowledge of the law," says Nicole Villani, a former circuit judge and longtime colleague who has worked alongside, faced off against and presided over cases led by Harvey.

"They trust his interpretations, and when he says a case means a certain thing, everybody knows that's what it means."

SUCCESS THROUGH PREPARATION

Born in rural western Kentucky, Harvey's father was a World War II veteran who worked seven-day weeks and frequent overnight shifts at a chemical complex.

The day before Harvey started first grade, the man with "the greatest character of anyone I've ever known" sat his son down and explained to him why school was important. He also gave one simple instruction—when he graduated high school, Lane would be the valedictorian.

"And I was—it wasn't a choice," Harvey recalls, laughing.

Harvey went onto Murray State University, where he found success on the debate team, an



experience he says was the best preparation for the practice of law he could ever have.

He went to the University of Kentucky College of Law, graduated in 1974, moved to Illinois and became licensed in 1975. He was arguing before the Illinois Supreme Court just six weeks later.

Hired as a personal injury lawyer at Hanagan & Dousman in Mount Vernon, Harvey was given tremendous freedom early in his career, including trying his first solo jury case after a few months on the job. It amounted to a crash course in lawyering, he says, that produced the equivalent of five years of experience in just two years.

"I learned quickly from Bill Hanagan that success in this business is solely dependent on preparation," he says. "Obviously, you have to do well in court, but you can't do well in court if you don't do the work out of court. That's something I've always carried with me."

Harvey became a junior partner in a Fairfield law firm in 1977 before opening his own office in 1985. Twelve years later, he moved back to Mount Vernon to operate as a solo practitioner, eventually adding a partner and two associates.

About two-thirds of his practice now is family law, with the remaining work consisting

of any civil litigation cases that interest him. Practicing in rural Illinois, with 20 counties in three judicial circuits within 100 miles of Mount Vernon, Harvey finds the array of issues he handles just as complex—and certainly more wide-ranging—than litigators in bigger cities might tackle.

The challenge, though, is ensuring that everyone involved understands the complex legal matters at hand. That means not only his clients but also the judges. Judges in downstate circuits frequently hear a variety of cases, including ones in areas of law they are not especially familiar with.

"Some of the issues in family law can be a bit esoteric, so one of the things we're charged with is educating the finder of fact before you can persuade them," he says. "That's one of the things I've always carefully concentrated on."

In a case involving the Federal Copyright Act that he's working on now, for example, very few state judges have ever had a reason to review that statute—especially in rural southern Illinois. Harvey's first step was to make sure all parties and the judge understood the matter at hand, so he filed a declaratory judgment action to have the court rule on what the applicable test would be, to establish a framework for what was or wasn't relevant.

After that ruling, the evidence was heard, and the case was successfully completed.

"These briefings can be complex and contracted, but it's the complexity of the issues that make this business challenging and interesting, and that's why I still love it after 43 years," he says.

DEFINING NOVEL ISSUES

Villani—who through years of private practice, as a state's attorney, and on the bench knows "how to try a case, how to settle a case and how to amicably resolve a case" with Harvey—says it's hard to imagine an attorney more prepared than him.

If a new judge is on the bench and handling a matter they're unfamiliar with, Harvey will walk into court with a large binder that amounts to a case-specific bench book. He has materials organized, labeled and prepared, gives the judge a tutorial on the relevant case law, and answers any questions that arise.

"If he ever decided to give up practicing, he'd be a phenomenal law school professor," she says. "He has a remarkable ability to understand complex areas of the law and break them down."

After years of primarily handling personal injury and workers' compensation cases, Harvey was approached in the late 1970s by the estranged wife of a prominent attorney from a nearby town. None of the local lawyers would represent her in her divorce proceeding since they knew her husband so well. Harvey took her case. He was so successful that the woman raved about his representation. The family law cases came pouring into his office.

Harvey often handles tort litigation that arises out of marital disputes, and his passion for such cases led to his involvement in a nationally known ruling, *Feltmeier v. Feltmeier*. Harvey, who admits that he does not "tolerate bullies very well," has long had a soft spot for victims of domestic violence.

Marital abuse, Harvey contends, is rarely a one-time action—it's often a pattern of behavior that persists. But a short statute of limitations on personal injury often blocks claims a spouse raises after the marriage crumbles.

In the same way that building a fence on another person's property is not just one act of trespassing but a continual act, Harvey argued, abuse is a continuing course of conduct that should be able to be prosecuted at any time.

After multiple unsuccessful attempts, Harvey persuaded a judge to adopt that philosophy, and the Illinois Supreme Court affirmed the decision upon review by unanimous vote.

"It's something I'm as proud of as anything," Harvey says, "because it provides a tool for those who are distressed with domestic violence to either get compensation or get help out of their troubling situation."

Harvey handles his own appellate work and has argued more than 150 cases before state appellate courts, 10 in the Illinois Supreme Court, and one in the 7th U.S. Circuit Court of Appeals. He loves the opportunity to pause and reflect on the law and what it should be. And he relishes the chance to be the driving force behind a key legal question being definitely answered.

"He really loves the novel issues," Villani says. "If there's a unique issue that has not been presented to a court, that's where he seems to really get a glimmer in his eye when he's arguing a new novel theory."

SIMPLICITY IN COMMUNICATIONS

Even when debating high points of law, Harvey's matter-of-fact approach to argument shines through, says Rodney Taylor of Christopher & Taylor in Indianapolis. Taylor has served as co-counsel with Harvey on cases since the 1980s.

"He's a Stephen Douglas on steroids," Taylor says. "A lot of lawyers write and speak like lawyers, and everyone goes, 'Huh?' Lane speaks like he's from western Kentucky, but cogently, solidly and convincingly for everyone within earshot. He's mastered the hard art of plain speak."

The way Harvey sees it, quality communication isn't about overly elaborate sentences. It's about being clear and precise in a way that anyone and everyone can understand.

"You don't have to use 12-syllable words when two-syllable words will do," he says. "What you have to do is understand the concept you're getting to—so you can communicate your point. If you can't make it understandable, you're not prepared. Communication isn't difficult when you understand the subject you're communicating."

Success, too, is also all about preparation. For Harvey, that means an old lawyer standby—never ask a question you don't know the answer to. But it also means being well versed in any relevant case law—and being prepared to help others be well versed in it too. If he plans to bring up a case in court, he can tell the judge exactly which tab to turn to in the binder he's prepared for the bench.

"Anytime I don't know the issue or the law, I haven't done my job," he says. "I'm the guy who's supposed to know the who, what, when, where and why—and that's what I'm supposed to persuade the court about. We do everything we can to educate the trier of fact so we can persuade them."

And when Harvey says he will take on any litigation that interests him, he means it. He once represented the daughter of a sheriff who presided over the last public hanging in Illinois in downstate Benton in April 1928. The hanging rope had been loaned to a

Franklin County museum that placed it in a reconstruction of the gallows from that day. When the woman asked for the rope back, the museum wouldn't return it.

Harvey took her case and won. His fee? Being able to keep the rope on his desk for two months.

"What can I say? I'm a history nut," he says, chuckling.

NEVER IN DOUBT

Harvey's cases of interest aren't always so historically esoteric. They're often quite meaningful and, in some cases, life-changing. He helped great-grandparents win an adoption case that drastically improved a child's living situation and likely saved his life.

In the late 1990s, he represented a death row inmate, imprisoned since he was a teenager, in his lawsuit against three prison guards who beat him, causing permanent eye damage. The medical records that were provided were underwhelming, the evidence was limited, and Harvey's only witnesses were other death row inmates. But Harvey persuaded a seven-person jury that his client should be awarded not just compensatory damages but punitive damages as well.

"I've never seen a guy so happy in my life," he says. "That was a moment I simply won't ever forget. If I've ever tried a case that was unwinnable, that was it. That's the kind of thing in this business that money can never account for."

Away from the office, the married father of three, stepfather of two, and grandfather of 11 is heavily involved in Rotary International. He previously served as a district governor and now is on a board overseeing 12 districts. He's involved with a local Rotary Club and District that supports underprivileged children, funds clean water projects in Malawi, and brings children from Belize to the United States to receive much needed orthopedic surgeries.

And despite spending his entire professional career in Illinois, he still compares his Kentucky birthplace to the biblical Garden of Eden. He is a rabid University of Kentucky men's basketball fan who drives the four hours to Lexington for home games. He has two children and five grandchildren there and finds it, on each occasion, a "wonderful odyssey."

When he arrives in court for work the next morning, binder in hand, he knows that all it takes is one clear, simple argument to make a difference.

"I may not always be right, but I'm never in doubt. I'm not asking a question. I'm making a definitive statement, and I'm supporting that with authority," he says.

"I don't expect anyone to take my word for something, but when I cite the court of review, I expect them to take that." ■