

Rooker Report

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Credit Shock Treatment Awaits Non-Payers

Could a person's failure to pay a traffic ticket prevent him from buying a new refrigerator—or an automobile? Probably not, at the present time. But it could in the near future.

The Traffic Violations Bureau, beleaguered by a black sheep clique of errant drivers, will soon strike back with a subtle but effective weapon feared most by debtors—the dreaded credit report.

Armed with a legal opinion from the Metropolitan govern-

Dial-A-Case

New Subscriber Service

To Offer 24-Hour Convenience

Active preparations are now underway for implementing a system that will allow attorneys and others to access case information without leaving their offices.

Survey questionnaires are being distributed to attorneys, collection agencies and firms having active cases in the General Sessions civil division. Results will be compiled and rolled into several packages to meet the specific needs of the respondents.

Subscribers will then be able to select the level of service that best meets their needs.

The forthcoming service will be available to parties who have computer equipment capable of accessing data by modem—a device that allows two computers to communicate via telephone lines. Subscriber rates have not yet been determined.

Customer computer terminals are currently featured on the counters of both General Sessions and Circuit Court clerks offices, providing unassisted case inquiry to those doing business with the courts. Once operative, the new modem

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Publications Consolidated

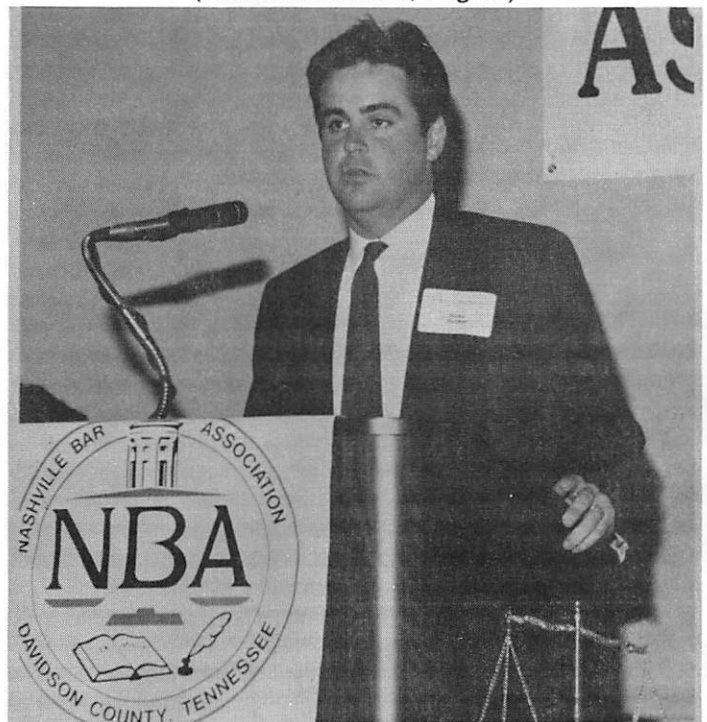
Beginning with this issue, the Rooker Report consolidates its monthly editions into a single publication featuring information about the circuit, probate, general sessions and traffic courts — all in one.

Since its inception in February, judges of the circuit and probate courts received only news affecting their operations. Ditto for general sessions, which includes traffic courts. Many of those receiving the newsletter expressed an interest in news about their counterparts, as have a large number of attorneys who practice regularly in the local courts.

ment, the traffic bureau will report unsatisfied judgments to the Nashville Credit Bureau, starting as early as next month.

Only those unpaid tickets that have exceeded the bureau's lenient grace periods and have gone into judgment status will be reported as bad debts against the defendants. However, the credit reporting will not be limited to traffic cases. Unpaid judgments in misdemeanor and environmental cases will be

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Circuit Clerk Richard Rooker accepts NBA Liberty Bell award honoring his late father, George L. Rooker, Sr.

Bar Association Honors Late Clerk For Service to Legal Community

For the better part of a quarter of a century, the late George Rooker strived to provide greater access to the civil justice system in Davidson County.

Litigant citizens benefited from his innovations and showed their appreciation by returning him to the office of circuit court clerk six times. That was the only reward he ever expected.

But the Nashville Bar Association went a step farther last month and posthumously made him recipient of its prestigious Liberty Bell award in recognition of his service to the legal community.

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Metro Traffic Violators Keep Registers Ringing At Record \$18,869 Daily Pace

IF the lobby of the Ben West Building resembled a New York bus terminal last month, there was good reason. The motoring public was there in droves for court appearances on traffic violations.

When the month was over, errant vehicle operators had made atones in an unprecedented daily volume of \$18,869—more than \$1,000 a day higher than the previous record-setting month of March.

Although the total collected fines of \$372,413 was more than \$9,000 below the \$381,699 March record, the per diem average was higher because of the shorter work month. There were 23 working days in March and only 21 in April.

Moving violations accounted for \$206,566 while parking infractions brought in another \$165,346.

The bureau turned over \$396,268 to the Metro general fund, including \$18,930 in county litigation tax and \$4,925 in non-traffic penalties.

The warrant office continued to utilize its new execution computer system with strong results. Month-end totals showed that 554 executions were issued while returns on 379 brought in 964 payments totaling \$67,290.

The office also issued 206 warrants to multiple parking offenders—23 higher than the March record in that category.

METRO TRAFFIC COURT DOCKET JUDGE ASSIGNMENTS TO JUNE 14

COURTROOM 1

(8:30, 9:30, 10:30, 12:30, 1:30, 2:30 daily)

<u>Week of</u>	<u>Judge</u>
May 17	Donald Washburn
May 24	Leon Ruben
May 31	William Higgins
June 7	Michael Mondelli
June 14	John Brown

COURTROOM II

(1:00, 2:00, 3:00 daily)

<u>Week of</u>	<u>Judge</u>
May 17	Gale Robinson
May 24	William Faimon
May 31	Penny Harrington
June 7	Phillip Sadler
June 14	Donald Washburn

Bureau's Hobson Gets 'Immaculate' Treatment

Charlene Hobson of our Traffic Violations Bureau is featured in the latest edition of "Black Yellow Pages," an independent phone directory of the black business community.

A full-page article chronicles Mrs. Hobson's persistent efforts in obtaining a historical marker for Immaculate Mother Academy, her alma mater and the state's first black Catholic high school. The school was disbanded in 1954 when the U.S. Supreme Court banned segregation.

Mrs. Hobson was successful in gaining state approval for the marker and it was unveiled at the 8th and Lafayette site in 1990.

We salute Mrs. Hobson and recommend the directory story as good reading. Pick up a copy if you get a chance.



Credit Shock Awaits

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reported as well.

The ultimate effect could be refusal of credit to a person who has failed to satisfy a driving or civil offense. Most businesses at all levels subscribe to the credit bureau's rating system in determining whether to extend or deny credit to an applicant.

"We're not out to destroy anybody's credit rating," said traffic bureau chief clerk Chuck Link. "We will simply be telling the credit bureau that these people (non-payers) owe traffic or civil fines and have not paid them. If that affects a person's ability to make a purchase, the only culprit is the person himself."

Regardless of the intent, the reporting program will undoubtedly work as a long range deterrent. An existing mountain of unpaid fines in all areas of enforcement makes a bold statement against less intense collection efforts.

Traffic violators will be affected most by the bad credit listing. Those who fail to make restitution for moving offenses already lose their driving privileges—at least from a legal standpoint. The state suspends a person's drivers license if a moving violation fine is not satisfied within a certain period of time. Of course, that is merely academic for many offenders, who thumb their noses at the law and continue to drive illegally.

For the habitual offender, there might be no salvation in the new program. But the bureau—like an angry wasp—will leave its stinger embedded in the skin of a vast majority whose sense of responsibility doesn't end when the ignition is turned off.



TWO-FACED?

How come the office clock is always fast in the morning and slow in the afternoon?

Bureaucracy 101

But, Your Honor, My Name Really IS John Hancock

Now for a lesson in filing an out-of-state congressional certificate. Please pay close attention. There will be a pop quiz later.

A congressional certificate is a legal instrument proving the legality of (and authorizing another state or country to enforce) a court judgment from the originating county. Got that? Proceed to next paragraph.

Such an instrument might become necessary if you ever are awarded a money judgment in Tennessee against a party who resides or is headquartered in, say, Reno, Nevada. Or Hong Kong, China.

Of course, you would obtain this certificate from the Circuit Court Clerk, who is keeper of the records that include the official judgment. But if your case in any way involves the federal government, bring along a thermos of coffee. Some dramamine might also be in order.

The certificate form comes in three sections. Therefore, you might think its preparation is as easy as 1-2-3. Well, it is. Sort of. About as easy as picking rhyming names for newly born triplets.

Actually, there are two certification procedures available to the applicant. The first, which we will call the "round robin," is the most frequently used and has a lower complication factor. In fact, the clerk's office will zip through this one before you can twist the cap off your thermos. The second procedure, however, might bring on the dry-land sea sickness. Let's name it the "Fed Dread." Color it nauseous.

The logistics of the "round robin" certificate (remember, this is merely a voucher that attaches to the court judgment) begins with the circuit court clerk signing his name to the first section of the document. The certificate then goes to a judge, who signs the second section certifying that, yes, the circuit court clerk is indeed the clerk.



Cheers and Tears

Our thoughts and prayers are with the family of chief probate clerk **Bob Bradshaw**, whose father is hospitalized in Lebanon following a bad fall last week. Former Wilson County Judge **Robert H. Bradshaw** suffered a broken hip in the mishap. Probate Judge **James Everett** recently underwent corrective eye surgery, but is back in full swing. **Jeff Hunnicut**, a court officer for General Sessions Judge **Donald Washburn**, is at home recovering from heart bypass surgery at St. Thomas Hospital. Traffic Bureau information clerk **Robert Potts** is recuperating at home following a stint at Donelson Hospital. Meanwhile, the bureau's computer room supervisor, **Leslie Allumbaugh**, will undergo surgery at Baptist Hospital on Monday (May 17). And congratulations to the bureau's **Julie Johnson** upon her graduation from Tennessee State University.

Guess what happens to the third section? You got it. The circuit court clerk certifies that the judge who certified him as clerk is in fact a judge of the circuit court.

Remember, they don't call this a "congressional" certificate for nothing. It was Congress that spelled out the requirements of the procedure. Obviously, the lawmakers wanted there to be absolutely no question about the legality of debt collection. They made it even more difficult when federal liens are involved. So, if you're ready, here is how the "Fed Dread" procedure works:

First of all, this certificate requires the signature of the Secretary of State and the County Clerk, in addition to the Circuit Court Clerk. It also involves the participation of a notary public.

While certification by the Secretary of State is absolutely necessary, he only has authority to certify the signature of the County Clerk and not the Circuit Court Clerk. A notary public must certify the Circuit Court Clerk's signature.

We know by now, students, that "somebody" is gonna have to certify the signature of the notary public. No signature will go uncertified. That's the certifiable truth. So, the notary's signature is certified by the County Clerk, whose own signature then must be certified by the Secretary of State.

There "can" be yet another player in this game of bureaucratic tag. The procedure allows for involvement by a notary at-large, a position of much broader sanction than the simple notary public. But since we have no such person available, there was no need to include the variables of that procedure. We opted for the "simple" explanation.

Never mind the pop quiz.

If you have gotten this far, give yourself an "A."



Late Clerk Honored

(From Page 1)

"His innovations at this post led to greater access to justice for millions of people," acknowledged bar vice president Marlene Moses in summarizing a long list of improvements instituted by Mr. Rooker before his death in March.

The award was accepted by the late clerk's younger son, Ricky Rooker, who is currently serving out his father's elected term. Also in attendance at the association's Law Week luncheon were Mr. Rooker's widow, Betty, elder son George L. Rooker, Jr., and daughter-in-law Valerie Rooker.

In accepting the plaque award, Ricky Rooker characterized it as a tribute to his father's "long and affectionate" association with the bar. He said the award would be prominently displayed in the clerk's office.

Also honored at the luncheon were attorney Richard McGee and the law firm of Waller, Lansden, Dortch & Davis for their work in representing criminal defendants.

PROBATE April Fee Total Accentuates the Positive

Normally, we follow a policy not to publish the amount of fees our departments collect as allocated commission for services. These are earnings that finance our operating budget without assistance from the taxpayers.

Collectively, the four major departments under the circuit court clerk have traditionally earned more fees than is necessary to cover overhead, and the excess is turned over to the Metro general fund on a semi-annual basis. For several years, the surplus has amounted to more than \$1 million annually.

We usually reserve our "bragging" for the May and September fund transfers rather than in piecemeal fashion. But an exception to that rule is in order after reviewing the April report of our probate clerk's office.

Mindful of the fact that our office assumed management of probate only 10 months ago, the record \$33,390 collected in clerk's fees added an exclamation point to the consistent improvements that have been achieved in virtually every area of operations in that department.

Aggregate earnings for the calendar year's fourth month reached \$41,591 with the routine tack-on commissions from tax collections and interest-bearing accounts. The bottom line was greatly enlarged by a \$2,247 interest claim against 70 staledated cases escheated to the state the previous month.

The probate caseload continued a diet-type regimen, as the "pending" balance was reduced another 24 cases to 8,512. The caseload reduction was begun last summer when we reorganized the archives and closed out more than 600 eligible cases. Our staff has steadily added to that total with

Dial-A-Case (From Page 1)

system would offer the same type of service without the inconvenience of personal presence. Those receiving the survey questionnaire must weigh the value of the service against their current costs for such incidentals as parking, travel time and labor expense.

Inquiry options available to subscribers will include almost a dozen areas, including case court dates, judgments and orders entered, information on executions and garnishments, dates and distribution of payments, current balances, and others. An additional feature of the service will be round-the-clock access. Presently, information is not available after office closing at 4:30 p.m.

An update on the progress of the program will be published in the June issue of this newsletter.

Rooker Report

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Richard R. Rooker **Circuit Court Clerk**
Gene Baker **Editor**

timely case review and notification to parties of dormant status.

Along the way, new state-ordered guidelines governing procedures for guardianships and conservatorships have been implemented; show cause orders have been issued against fiduciaries, and notices by mail have helped bring about speedier resolution of contested litigation.

Since we shared the fee total, we felt it only fair to share the reason.



HORSE THIEVES EASILY SPOTTED IN EARLY DAYS OF JUSTICE HERE

Before the turn of the century, when Davidson County was still young but aggressively striving to attain civilization among its citizenry, the one thing a man didn't do was mess around with another man's horse.

At least he didn't do it without facing the extremely high risk of getting caught. And when that happened, his chances of selling his innocence to a jury of his peers were not good. For the horse was the exclusive mode of transportation in those days and practically every juror not only owned one but considered it a major investment essential to survival.

Punishment upon conviction of horse thievery was almost biblical in nature—an eye for an eye.

One Andrew Pierce, a Robertson County laborer, made that discovery in 1800 during one of the most interesting trials in the archives of this district's court records.

Pierce was accused of stealing a \$40 sorrel mare and its one-year-old colt (valued at \$50) after first branding the letter "C" on the buttocks of the two animals. He was indicted upon evidence presented to a grand jury by John Chowning, owner of the horses, and a jury trial followed.

Twelve jurors, including one state senator, weighed evidence presented by prosecuting attorney John C. Hamilton and returned a verdict of guilty.

Pierce asked the court to "arrest" the verdict on grounds that the alleged stolen property was not described in the indictment "with the certainty that it ought to be," thereby disabling his defense.

The motion fell on deaf ears. The court upheld the conviction and ordered the sheriff of Davidson County to "immediately" impose sentencing.

Pierce was ordered taken to the town pillory, a device consisting of a wooden frame with holes in which the head and hands can be locked, "and be publicly whipped on his bare back with thirty nine well laid on lashes..."

But that was just for starters. The court further ordered that while the lashes were being administered Pierce was to have his ears nailed to the pillory "and cut off." The third phase of his punishment, then, would be an eternally visible reminder that horse thievery would be sternly dealt with in Davidson County, Tennessee.

The court ordered the sheriff to brand the letter "H" on Pierce's right facial cheek and the letter "T" on the left cheek "in a plain and visible manner." Even the size of the letters was spelled out by the court. Each letter was to be three-quarters of an inch in length and half an inch in breadth.

While the court decree failed to explain the meaning of the brand, it is logical to assume that the letters stood for Horse Thief.

And if that wasn't enough to satisfy the state's case, Pierce was also ordered to pay court costs.