

# Rooker Report

## GETTING FI\$CAL

### Netting Out a Year of Change

The curtain has been drawn on another fiscal year--a year not unlike those of the past in many respects, but uniquely characterized by events of sadness and adaptation to change.

It will forever be remembered as a period of loss and emergence of new leadership, of technical advancement and unrestrained determination to fulfill the goals inherent to the passing of the torch.

It was an unusually busy year, not necessarily because of increased workload activity, but because of a cohesive effort to successfully complete technical concepts left unfulfilled by the death of the beloved clerk, George L. Rooker.

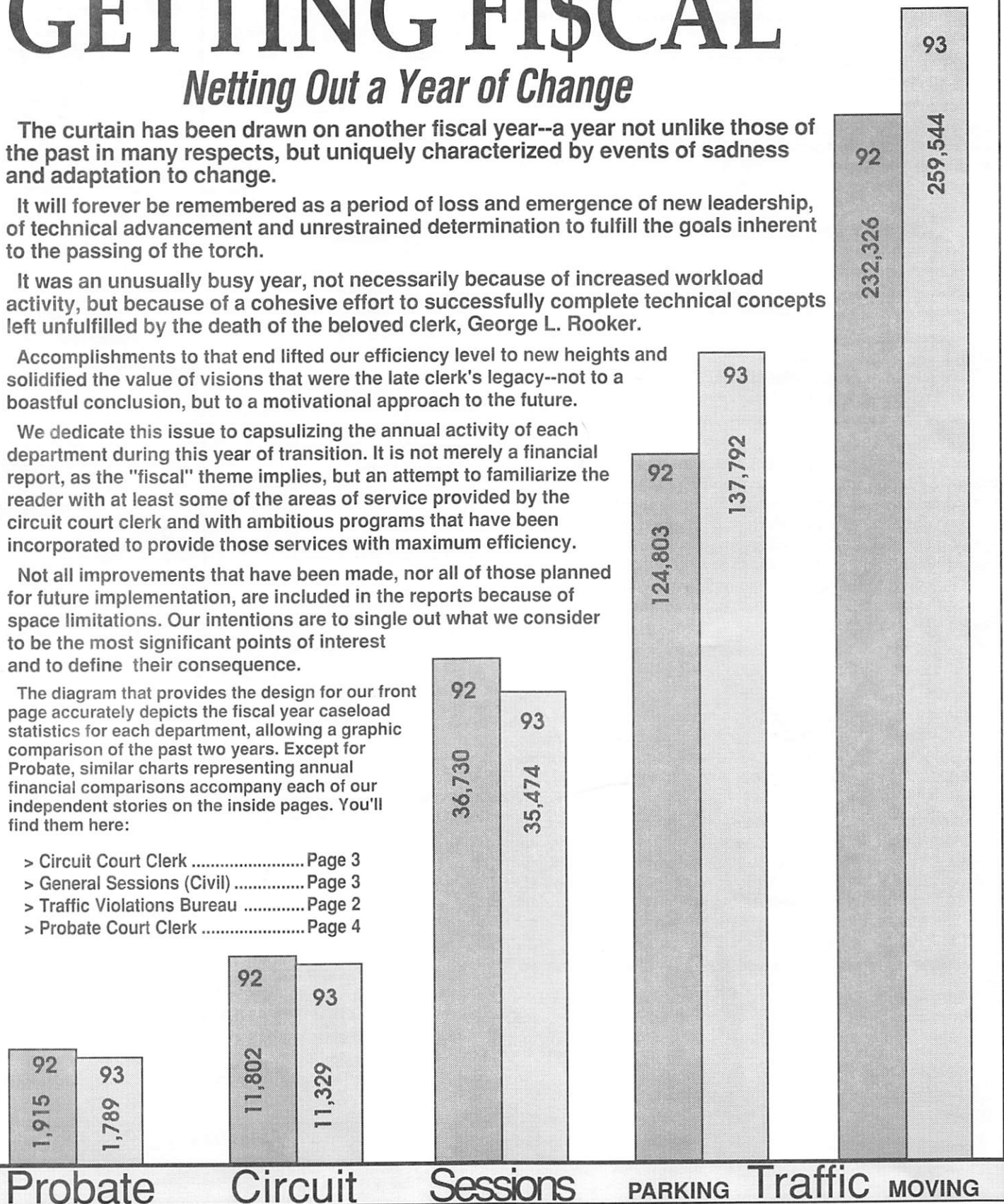
Accomplishments to that end lifted our efficiency level to new heights and solidified the value of visions that were the late clerk's legacy--not to a boastful conclusion, but to a motivational approach to the future.

We dedicate this issue to capsulizing the annual activity of each department during this year of transition. It is not merely a financial report, as the "fiscal" theme implies, but an attempt to familiarize the reader with at least some of the areas of service provided by the circuit court clerk and with ambitious programs that have been incorporated to provide those services with maximum efficiency.

Not all improvements that have been made, nor all of those planned for future implementation, are included in the reports because of space limitations. Our intentions are to single out what we consider to be the most significant points of interest and to define their consequence.

The diagram that provides the design for our front page accurately depicts the fiscal year caseload statistics for each department, allowing a graphic comparison of the past two years. Except for Probate, similar charts representing annual financial comparisons accompany each of our independent stories on the inside pages. You'll find them here:

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## Traffic Revenue Yields to Revved-Up Caseload

Figures don't lie, but they sometimes paint a perplexing picture.

The annual report of the Traffic Violations Bureau is a good example. It shows that the county's traffic patrol was busier than ever during the past fiscal year, but at less profit to the government's coffers.

For while the number of driver infractions increased by more than 10 percent, revenue for the category was down by almost 2 percent.

Officers wrote 259,544 citations against errant motorists between June of last year and July of this year, grossing the government \$2,310,384 in collected penalties. The number of citations, which included both moving and non-moving types, was a record. But the dollar count was \$38,974 less than taken in a year earlier on 27,218 fewer cases.

Before we attempt to explain that disparity, it should be noted that parking fines brought in more than enough to compensate for the "misleading" deficit. With meter fine amounts being about twice what they were a year earlier, the aggregate revenue figure was higher than ever at \$3,742,241.

An explanation of the dollar shortfall in driver citations can't be made with precise accuracy, pending final fiscal accounting by those who keep records of related traffic programs. But it is safe to say that a balance will be reflected in funds garnered by the county's four safe-driving classes, administered by the courts at a profit to the government.

Enrollment in the classes--first offender, seat belt and two in defensive driving--reportedly hit an alltime high during the past year. And while citations against the enrollees are reflected in our caseload report, no fines are collected from them. Instead, enrollment fees are collected by those supervising the classes and reported via a separate account. Enrollment fees are \$20 for first offender and seat belt classes, \$35 for a four-hour defensive driving class and \$50 for an eight-hour course--all subject to approval by the judges hearing the individual cases.

Citations against those completing the courses are dismissed and do not count against their driving records.

In addition to the traffic schools, another factor in the bottom line fine total is the nullification of minor non-moving violations after cited offenses have been corrected. Although a final fiscal tally has not yet been completed, the number of nullifications granted during the 92-93 period will surely be the highest ever. (See related story, this page.)

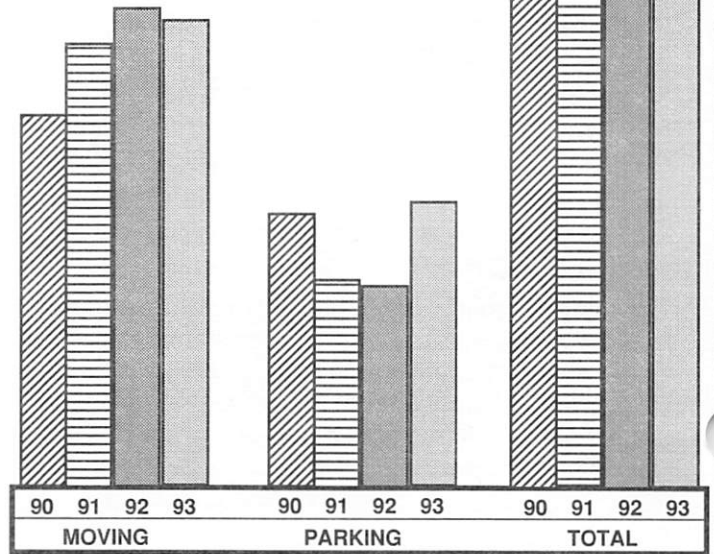
This was the first full year for increased parking meter fines and the effect was reflected in a 41 percent hike in revenue in that category. It was in April of last year that the fine for expired meter parking was raised from \$5 to \$10 and overtime meter parking went from \$8 to \$15. During the past 12 months, 137,792 tickets were issued for illegal parking, bringing in fines totaling \$1,431,857. That was \$417,752 better than the previous fiscal year.

The increases in both caseload and revenue categories were about twice as high as had been established in a steady growth pattern over the past three fiscal years. Again, the credit goes to the higher parking fines imposed on a higher number of tickets.

There were 12,989 more parking tickets issued during the past fiscal year than in the previous 12-month span when a four-year low of only 124,803 were cited.

**TRAFFIC VIOLATIONS BUREAU**

Revenues	90	91	92	93
Moving	\$1,830,173	\$2,222,190	\$2,349,358	\$2,310,384
Parking	1,351,756	1,046,350	1,014,105	1,431,857
Totals	\$3,181,929	\$3,268,540	\$3,363,463	\$3,742,241



## No More Free Ticket Nullifications As Council Okays \$9 Service Fee

Motorists who are cited for minor traffic offenses in Davidson County should no longer expect forgiveness merely by correcting their mistakes.

Metro Council, reacting to studies showing that the government was losing money by providing such a gratis service, approved an ordinance amendment late last month ordering the Traffic Violations Bureau to collect \$9 for each citation that is nullified.

The fee law went into effect on June 28.

Previously, motorists who were ticketed for non-moving infractions such as broken headlights and sundry other minor violations, could get free nullification of the charges by providing proof that the problems had been corrected. But the council said the practice was being carried out at the government's expense.

Studies showed that the total expense of nullifying a ticket is around \$12.50, a figure that passed the council's first two readings before the \$9 final amount was reached.

The fee is applicable to all nullifications, even those in which cases have been dismissed by the courts. Judges can waive the fee in cases of financial hardship, however.

    
**Going Down?**

**Employee:** "Boss, I think it's time I was paid what I'm worth."  
**Boss:** "Sorry, I have a policy against cutting wages."

### August Birthdays

**Circuit Court**

None

**General Sessions**

- 9 Gay Parker
- 18 Janice Johnson

**Probate**

None

**Traffic Violations Bureau**

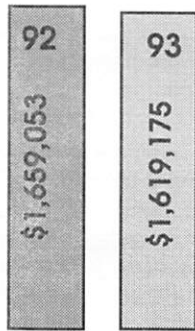
- 2 Sarah Dunn
- Faye White,
- Jean Hart
- 3 Joe Foster
- 23 Billy Barnard
- 25 Pat Trimble
- 29 Robin Smith
- Debbie Boucher

## Sessions Office Buzzes As Civil Claims Beehive

To conduct business with the civil division of the General Sessions clerk's office, one must stroll down a long corridor in the basement of the Ben West Building.

Once there, a proverbial beehive of activity usually can be seen through the double glass doors. For this is the office where the majority of civil actions in Davidson County are given birth and nurtured through arduous stages of clerical preservation before leaving their legal nests. It is here that so-called "court of first resort" transactions are tracked and recorded, from the time they are filed as lawsuits until their ultimate conclusion and beyond.

All civil litigation involving dollar amounts under \$10,000 are funneled through the office to be recorded and enforced as to their eventual fate in the courts. During the past fiscal year, that meant the filing of 35,804 new cases, issuance of 31,234 garnishment executions and distribution of 45,245 garnishment payments.



**Sessions Fees**

It also meant the receipt and distribution of a record \$5,532,589 in judgment payments made through the office, representative of cases adjudicated by the courts through earlier hearings as well as those during the past year. The judgment collections were 2 percent higher than the previous year's record of \$5,415,269.

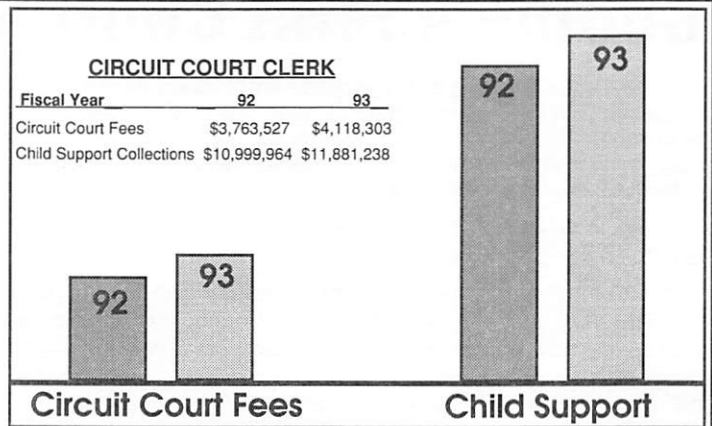
Overhead costs were defrayed from the \$1,619,175 share of clerk's fees accumulated as payments for services over the 12 months.

Just as they did in circuit court, the number of original lawsuits decreased at the lower court level, following a trend that has prevailed during the early years of this decade. However, this year's decline of 1,256 cases came at a less descending rate than the two preceding years. The biggest drop was in fiscal 1990-91 when 4,074 fewer cases were filed than the year before. Fluctuation numbers generally reflect the state of the economy.

General Sessions was the first office under the umbrella of our overall operations to install computer programs for greater efficiency in high volume phases of daily routine. One of those programs provided self-serve countertop terminals for law firms and other companies doing business with the office on a regular basis. Others were adapted to bookkeeping and customer service.

### Circuit Court Jury Trial Verdicts

CASE NUMBER	TYPE OF CASE	VERDICT
<b>Week of June 14</b>		
89C-2397	Medical Malpractice	(P) \$42,000
89C-3487	Auto Accident	(P) \$2,500
90C-1977	Auto Accident	(P) \$15,000
88C-2784	Auto Accident	(P) \$10,342
91C-2622	Condemnation	(P) \$25,000
<b>Week of June 21</b>		
90C-3294	Medical Malpractice	Defendant
91C-3400	Auto Accident	(P) \$12,500
92C-1487	Auto Accident	(P) \$9,250
91C-2613	Personal Injury	Defendant
<b>Week of June 28</b>		
90C-105	Medical Malpractice	Mistrial
90C-517	Medical Malpractice	Defendant
90C-2238	Auto Accident	Defendant
90C-1845	Auto Accident	(P) \$21,500



## Circuit Computer Programs Key Workload Management

Record child support collections and the continued implementation of computerized programs highlighted an otherwise routine year in the circuit court clerk's office, which found itself at the heart of transition following the loss of its veteran leader.

Fewer lawsuits were filed than the year before, but revenue figures were higher and a greater share was foddered to the Metro general fund for use in other areas of government.

A firmer stance by the courts in dealing with deadbeat parents played the most significant role as child support payments flirted with the \$12 million mark for the first time. With the clerk's office serving as intermediary between the courts and custodial parents, paperwork became more voluminous for recording enforcement procedures, but computerized programs carried the weight without additional staffing or lessened efficiency.

The end result was an increase of almost a million dollars in child support collections over the previous year. A total of \$11,881,238 was redistributed to custodial parents after being paid into our office for record-keeping purposes, the biggest increase to date.

Computerization, initiated by the late clerk George L. Rooker, was a prevalent tool in all areas of administration. Several maiden programs interrupted by the clerk's death in March have since been completed and others are progressing according to plan under the guidance of Richard Rooker, who succeeded his father as clerk.

There were 11,329 new cases filed for litigation by the six circuit courts, which brought almost that many--11,187--to conclusion during the 12-month fiscal period. Both figures were down from the previous year when 11,802 were filed and 11,502 were concluded. No analytical conclusions were drawn from the decrease.

Perhaps worthy of note from the statistical report was the fact that family disunity has a double-seasonal disruptive factor. Of the total 2,992 domestic relations cases before the courts last year, the summer month of July led the filings with 343. And the 368 divorce cases filed during the spring month of March represented the highest number out of 3,876 marital breakup suits.

Using that rationalization as a barometer, harmony in the household is at its peak during the other two seasons. Our figures would seem to support that theory. The autumn month of September produced the fewest domestic suits (180) and the winter month of November the lowest number of divorce actions (226).

Again last year, no taxpayer dollars were needed to finance operations of the clerk's offices, which more than paid their way with state-regulated fees. Those fees totaled slightly more than \$4 million, resulting in a surplus of \$1,265,000 that was turned over to the general fund--a \$65,000 increase over last year's donation.

## County's First Court 'Inferior' in Name Only

**Editor's Note:** The story on the development of the courts in Nashville continues. The second installment, among other points, depicts the birth and jurisdiction of the first "inferior court of pleas." This after a hardy band of pioneers from North Carolina settled here, concluding a diligent search for a new home.

The date was May 17, 1783 when a four-year effort to create a county government came to fruition.

Included in the municipal acts was the creation of an "inferior court of pleas and quarter sessions for Davidson County, N.C." Under that section, the governor of North Carolina was vested with the power of appointing four citizens to form the new court. Isaac Bledsoe, Samuel Barton, Francis Prince and Isaac Lindsay were selected to the commission, which chose justices without respect to any divisions

### Changes Mark First Year At Helm of Probate Office

In addition to many other events, fiscal 1993 will be remembered as the year we got into the probate business.

Our office assumed guardianship of the probate household on July 1, 1992 and immediate changes were implemented to align operational procedures with those that had proven successful in our other departments. A consistent accounting program would be essential to future high-efficiency advancements already underway.

The revamping literally began from the ground up. The archives, located on the lower level of the physical facility, were totally reorganized during a case-by-case review that enabled disposition of many dated files. Not only did this project make the filingsystem more functional, it enlightened our agenda for improvements to other areas.

While many of the procedures address themselves merely to office management and offer no informational value to the general public, the effects of their implementation will be reflected in overall efficiency granted to those who do business with the office.

Chief Administrative Clerk Carole Garrett has helped supervise the transition, along with Probate Court Master Bob Bradshaw and Chief Probate Clerk Ruth Lester.

All changes were not dictated by our preference of clerical method. Amendments to existing statutes had been approved on Capitol Hill and demanded urgent attention. With the new guidelines having already become law, notices were drafted and hurriedly distributed. They would later produce appearances by guardians and conservators armed with newly required accountings of their case activities.

Before the 12-month period was over, similar notices had gone out to 2,110 estate representatives to provide final accountings for the purpose of closing their cases or to show cause for not having complied with procedures. Second notices were necessary in 281 cases and another 481 were cited to explain their shortcomings.

The bottom line of all that activity was a respectable showing in the "cases closed" category. A total of 1,554 files were brought to conclusion from an existing caseload count that was unavailable at the beginning of the fiscal year but which stood at 8,633 following a manual count in early February. In addition, unclaimed funds from 70 case accounts were escheated to the state with the earned interest helping to boost our annual fee collections to \$316,304.61.

As old cases became history, new ones were born. There were 1,789 fresh cases added to the dockets during the 92-93 span, bringing to 8,485 the number we will be dealing with in our fiscal report a year from now.



### History of the Courts - Part 2

in the area. Later, military districts were formed with two justices being selected from each district.

This was Davidson County's first court and it was vested with broad powers, covering a wide range of subjects. The court had jurisdiction over all legal, judicial, legislative, executive, military and prudential affairs of the county. The court evolved into our county court, which now functions as probate court.

*It should be noted that Tennessee did not become a state of its own until 1796 when it was adopted by a constitutional committee acting upon a proposal by Andrew Jackson. The name was taken from that given to one of the state's early counties.*

*The name "Tennessee" is of Cherokee Indian origin and was originally spelled and pronounced "Tannassie." Extensive research has not established that the name has any meaning other than a proper noun.*

Six years before Tennessee became a state, Davidson County was ceded to the territory of the United States southwest of the Ohio River. It then came under the territorial government of the Mero District and remained as such until Tennessee came into existence.

Since Tennessee had not been created when the territory's first counties were developed, they were originally made parts of the adjoining judicial districts of North Carolina, the state that created them. But in 1784, the counties of Washington, Sullivan, Green and Davidson were grouped to constitute a separate judicial district, known at the time as the District of Washington.

The new district covered the whole of the territory now Tennessee. Davidson County comprised most of what is now Middle Tennessee and covered an area of nearly twelve thousand square miles. Therefore, in 1785, Davidson County was given a separate court.

**Next: First jurists ride the circuits to preside over courts.**

### Cheers.....

Welcome back to the fold a number of employees who have been recovering from surgery during the past months...**Earl Reed** and **Jo Ann Lewis** are back to work in the Traffic Violations Bureau...**Jeff Hunnicut** is again pulling duty as a court officer for Judge Donald Washburn, and **Danny Lamb** is again coordinating our circuit court archives...Longtime Metro Court docket clerk **Chris Utley** has accepted a position with the probate court.

### .....And Tears

Since our last report, a number of employees have lost members of their immediate families. We extend our sympathy to all of them. Those passing away included: **James M. Anglea**, father of circuit deputy **Tracy Cartwright** and former employee **Janice Clary**...**Ed White**, father of general sessions cashier **Janice Johnson**...**Lewis J. Hurt** of Huntsville, Ala., father of deputy auditor **Valerie Rooker** and **Jennifer Croft**...and **Kenneth Prater**, brother of computer operator **Nancy Capps**...We are also saddened by the deaths of **Paul Storey**, former general sessions chief clerk, and **Eli Miller**, retired general sessions court officer.

### Rooker Report

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