

Rooker Report

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Traffic School

If continuing education is the key to a more responsible society, then the citizens of Davidson County are being well served by those who administer alternative classroom courses for traffic offenders.






At virtually every level of infraction--from embarrassment of first offense to shame of intoxication--programs are being carried out to help violators retain driving privileges in a world dependent upon mobility.

The majority of those exposed to the system take full advantage of its remedial offerings and return to the thoroughfares with cleansed records and renewed consciousness of safe driving habits. Because of the refresher courses they have been given, their awareness level reduces the odds that they will soon commit another violation.

So goes the theory behind a program that originated under a cloud of mild controversy in the '60s and has risen to a multi-faceted form of civil penitence that more than supports itself in the government's list of budgetary items.

A Fine Alternative

1992-93 REPORT CARD

 COURSE	 FEE	 REFERRED	 NO-SHOWS	 GRADUATES
FIRST OFFENDER	\$20	24,658	5,452	18,780
SEAT BELT	\$20	2,128	880	1,218
COMBINED	\$40	2,541	976	1,483
DDC-4	\$35	3,660	1,268	2,208
DDC-8	\$50	1,141	439	656
TOTALS *		34,128	9,015	24,345

*Figures do not reflect disposition of classes scheduled after June 30.

Enrollment fees during the past fiscal year ending June 30, for example, topped \$800,000, far more than was required to finance administrative expenditures.

Of course, the traffic schools are not about money. But fees are necessary to pay the bills essential to providing the existing services and to broaden areas of future development of the programs.

When General Sessions Judge Donald Washburn opened the first driving classes almost three decades ago, he did it with

volunteer personnel from the police department and a handful of judicial staff members. Today, with more than 20,000 enrollees a year attending classes six days a week, on-staff employees are needed to instruct and to maintain the mechanics of the diverse operation.

In the beginning, classes were available only to first offenders. As the driving population increased and new


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Brochure Being Readied For Dial-A-Case Market

Final preparations are being made for introduction of Dial-A-Case, the innovative modem service that will enable subscribers to electronically access General Sessions civil case files.

Technical installation phases are being completed and a brochure containing details of the total program is being readied for distribution.

The brochure provides detailed information about the program, including subscription options and technical specifications. It also provides rate information on the various service options available, as well as a clip-out subscription agreement. Circuit Court Clerk Richard Rooker said he hoped to have the service in full operation by Sept. 1.



Dial-A-Case

Updated court case information at your fingertips around the clock !!

An Electronic Public Access Service Provided by the Davidson County General Sessions Civil Division

Renewal Period Still 90 Days State Axes Changes In Garnishment Rules

An effort by the state legislature to extend time limits on garnishments has been turned back by the Tennessee Code Commission, leaving 90-day renewal guidelines intact.

Citing an attorney general's opinion, the commission ruled that changes adopted by the lawmakers earlier this year were ambiguous and subject to "three different interpretations," thereby disqualifying them for codification.

Sponsors of the bill intended to increase from 90 days to six months the length of time an employer must honor a garnishment presented against an employee. But a typographical error in the wording effectively deleted all time limitations "so that a garnishment runs until the judgment is either paid or satisfied," the legal opinion stated.

(See Garnishment, Page 3)

Traffic School: Chance for a Cleaner Getaway

(From Page 1)

traffic laws came into existence, alternative classes were added to accommodate the changes. Presently, there are five levels of instruction under the umbrella of what is classified as the "traffic safety" program, which deals exclusively with the minor, or "less serious" offender.

A more intense phase of the court-administered program is one dealing with drivers whose violations involve chemical substance abuse. The alternative remedies for those persons, who are cited under state authority, are varied and often encompass rigid treatment procedures that preclude consideration for this report.

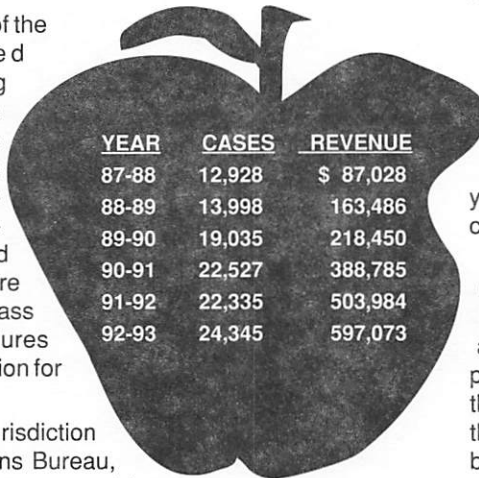
With administrative jurisdiction over the Traffic Violations Bureau, the Circuit Court Clerk is accountable for recording disposition of all business conducted in the Metro traffic courts. The driving safety classes fall within that documentation and reflect on annual caseload and financial reports. The impact of the safety program was evident in our fiscal year-end report that showed a decrease in fine revenues, despite a record number of traffic violations being written against the driving public.

A greater number of minor offense nullifications (approved dismissal of certain corrected infractions) accounted for a portion of the inequity and the balance was found in the number of classroom referrals made by the nine General Sessions Court judges, who have total authority over traffic ticket disposition. A year-end report released by General Sessions Court Administrator Warner Hassell revealed that the judges collectively had referred 34,128 individuals to the five safety classes.

Under conditions of the referrals, those who attend the safety classes are excused from paying fines and the charges that brought them to court do not appear on their driving records. Their only cash outlay is a nominal enrollment fee to cover the expense of providing the instruction. The amount of the fee varies, according to the type of class required for their specific situation. There are independent instructional classes for first offenders, for seat belt offenders and for both of those combined. Additionally, there are defensive driving courses for repeat offenders considered deserving of even more chances. They are offered in four-hour and eight-hour periods--again at the discretion of the court.

Despite the obvious benefits of being accepted to the classes, many fail to respond. More than 9,000 individuals approved for classes last year were absentees and either paid full fines and court costs or had their drivers licenses suspended for non-payment. They also subjected themselves to higher insurance premiums.

Enrollment cost for the First Offender and Seat Belt classes is \$20 for each one and the courses run about an hour in length. The price and class duration doubles for those attending a combined course of the two. The programs are designed to enhance a person's knowledge of safe driving strategies and the importance of using restraint devices. The points are expounded with firm, graphic reference to consequence via visual and verbal presentation.



YEAR	CASES	REVENUE
87-88	12,928	\$ 87,028
88-89	13,998	163,486
89-90	19,035	218,450
90-91	22,527	388,785
91-92	22,335	503,984
92-93	24,345	597,073

The eight-hour Defensive Driving Course (DDC-8) is designed for the driver who repeatedly violates traffic regulations but is considered salvageable by the courts. The course, comprised of eight 50-minute sessions, covers the spectrum of driving techniques--from attitude to collision prevention. The \$50 registration covers instruction from handbooks, videos and other visual aids. The course is available in either full one-day session or two four-hour periods on different days.

The courts added the four-hour Defensive Driving Course (DDC-4) in March of 1992 to accommodate deserving second offenders. Thus far, the number of eligible defendants has far exceeded expectations. During the 1993 fiscal year--the first full year of availability--2,208 individuals paid \$35 and completed the course, which is a mini version of the eight-hour presentation.

As mentioned earlier, traffic correctional programs are paying dividends, both in community value and government revenue. Excluding the chemical dependency programs, safety classes alone brought in \$597,073 last fiscal year and administrators are projecting combined revenue of \$925,547 for 1994 with about three-fourths of it being generated by the schools. All monies go into the Metro general fund and operational expenses are budgeted back to the program, according to Hassell.

...except for the 'no-shows' 

In spite of efforts by the courts to provide penalty alternatives whenever possible, many drivers either fail to appreciate the help or don't recognize the value of the school program.

They are "no-shows" without reasonable cause. And there are more of them than you might expect.

For instance, of the 24,658 drivers referred to first offender classes during the past fiscal year, a surprising 22 percent failed to appear on their assigned school dates. Nor did those same drivers ask that their class dates be rescheduled.

The statistics of "no-shows" for the other classes were even more grim. Forty one per cent failed to appear for seat belt classes, 39 percent for the combined course, 34 percent for the four-hour defensive course and 38 percent for the eight-hour class.

Judges have expressed dismay over the high number of absentees and are currently in the process of hiring an aide to address the dilemma, along with other related duties.

The figures are alarming when you consider the consequences. By not taking advantage of the class referrals, the violators become liable for the full amount of the fines applicable to their charges. And, because of the time lapse that has occurred from citation date, they must also pay court costs and penalties. A small enrollment fee has suddenly multiplied into a sizeable amount of money; a conviction is now on the individual's driving record, and his insurance rates are in jeopardy.

It is hardly likely that financial hardship comes into play for this segment of traffic offenders. From a standpoint of time, the violator normally can expect a 30-60 day wait before his assigned court date. Another 30 days or more will lapse before the original school date when the enrollment fee must be paid. And the courts will even reschedule the school date one time without charge.

If an individual needs more than one continuance, says administrative assistant Becky Baron, he must post a cash bond equal to the fine value of his ticket, a \$10 reschedule fee and school class fee, to guarantee his presence. The bond is refundable upon completion of the class, she said.

Cheers.....

Sometimes it is difficult to determine whether an item should be placed in the "Cheers" or the "Tears" segment of this column. For example, when employees accept different jobs or leave to further their education, we are happy for them, so we cheer. But, at the same time, we are sad to see them go. Should the item go under "Cheers" or "Tears?" We will resolve the question for this month's issue by classifying all those situations as "Cheers," thereby leaving us with absolutely no "Tears." That fact in itself deserves a unified round of "Cheers!"

The Traffic Violations Bureau said goodbye Aug. 12 to **Julie Johnson**, who vacated her computer room slot to become a temporary fulltime housewife and parttime school teacher. Julie and hubby **Larry Johnson** both graduated from Tennessee State University recently in preparation for new careers. Julie is seeking a fulltime teaching position...In that same computer room, Supervisor **Leslie Allumbaugh** returned to work on a limited basis this month following four surgical procedures at Baptist Hospital. Leslie got a warm "Welcome Back" salute from her co-workers. She hopes to be back in full swing before very long. With her spunk, you can bet on it...Belated congratulations go out to former Probate Clerk's employee **Juli Layne**, who gave birth to son **Jeremy** June 23rd...When he can talk, Jeremy will call General Services Director **Sam McPherson** "granddaddy"...Speaking of grandparents, retired Traffic Warrant Officer **Clyde Waynick** and wife **Merrill** celebrated their 33rd wedding anniversary on July 23 by dining out with General Sessions Court Officer **Opie Sory** and wife **Judy**. Both couples are well blessed with grandchildren...There were a couple of birthday celebrations in the Ben West Building in late July. One was for **Margaret Blair**, who happily acknowledged the big five-oh to fellow workers in the General Sessions Civil Division office. Her royal treatment was less animated than what was being dished out one floor up where General Sessions Judge **Leon Ruben** was celebrating his 59th. As always, he was surrounded by his famous **Mickey Mouse** collection, which grew even stronger in number with new "Mickey" gifts, including a rug bearing a likeness to the famous Disney character...We wish the best of luck to Tennessee Supreme Court Justice **Martha Craig (Sissy) Daughtrey** as she awaits confirmation on her appointment to the Sixth Circuit Court of Appeals.

Take Five

Worker: "Could you please tell me why I'm always broke?"
Co-Worker: "Maybe you're taking too many breaks."

September Birthdays

Circuit Court Clerk	Traffic Violations Bureau
1 Danny Lamb	2 Jo Ann Lewis
3 Kathy Langford	5 Annette Wheeler
18 Diane Tucker	11 Bill Cartwright
29 Betty Thompson	15 Dicky Fuqua
General Sessions	Earl Reed
21 Stephanie Phillips	20 Nancy Capps
Probate Court Clerk	21 Tony Eden
5 Anita Riggan	27 Leslie Allumbaugh
18 Bob Bradshaw, Jr.	Don Rosso
Ricky Deatherage	28 Elizabeth Harris

Rooker Report

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New Traffic Ticket Fee Law Nets \$15,354 in First Month

Metro's new ordinance requiring motorists to pay a service charge on all traffic tickets that are nullified reaped big rewards during its debut month of July.

A total of \$15,345 was generated during the initial 30-day period as the Traffic Violations Bureau nullified 1,706 tickets involving minor infractions that were corrected prior to court appearance dates of those persons cited. Each violator paid \$9, the amount established by Metro Council as necessary to defray clerical expenses for handling the transactions.

Prior to the council's action, the nullification service was offered at no cost for certain infractions that were proven to have been corrected in a timely manner. Traffic bureau personnel were authorized to nullify many of those tickets without an order from the courts, based on prior approval.

The council determined that the service should no longer be without compensation. The \$9 fee was adopted and made applicable to all ticket nullifications--even those ordered by the courts. The only exemptions are those defendants with financial hardships, as determined by the courts.

Garnishment Renewal Period Left Unchanged

(From Page 1)

Such an interpretation would be in direct contrast to the intent of the Public Acts provision covering the subject, the commission ruled.

So, until further action by the legislature, the state's garnishment laws are the same as before Gov. Ned McWherter signed his name to Public Acts 258.

Had the changes survived scrutiny, many creditors could have been restricted from access to the garnishment collection process by the mere longevity of earlier filed garnishments.

Under existing law, a creditor must file new garnishment claims every 90 days toward the total collection of judgments against a wage earner. Other creditor claims serving during that 90-day period must be honored in order of their service. Only a portion of a wage earner's disposable income can be attached by garnishment.

Law prevents a worker's wages from being attached by more than one garnishment at a time.

Circuit Court Jury Trial Verdicts

CASE NUMBER	TYPE OF CASE	VERDICT
Week of July 19		
91C-2370	Medical Malpractice	Settled
89C-2151	Medical Malpractice	Defendant
91C-3297	Auto Accident	Defendant
91C-3185	Auto Accident	(P) \$14,000
93C-822	Auto Accident	Defendant
Week of July 26		
91C-2476	Auto Accident	(P) \$106,400
92C-1861	Auto Accident	(P) \$1,300
90C-242	Auto Accident	(P) \$70,000
92C-1821	Auto Accident	Mistrial
Week of August 2		
88C-2858	Medical Malpractice	Directed Verdict
92C-705	Medical Malpractice	Defendant

First Judges Rode 'Circuit' to Hold Court

Editor's Note: Our first two installments explained how pioneers from North Carolina hoofed their way through the Smoky Mountains to settle in Nashville more than two centuries ago. As others followed, a crude form of government was formed, leading to the creation of the state's first court system. The history of Circuit Court is the focus of the third installment.

Given a separate court in 1785, the first division of Davidson County came just one year later when Sumner County was created. Then came Tennessee County, which remained intact until 1796 when it was split into Robertson and Montgomery counties.

In establishing courts for its annexed territory, North Carolina vested them with general jurisdiction in law and equity, just as it was across the mountains. But in 1787 the two-fold court of law and equity was divided and it was enacted that the Chancery branch of the court should be styled the "court of equity." A clerk and master was appointed for each division, but both courts continued to be held by the same judge.

In 1809, the superior courts of law and equity were abolished. Circuit courts were established in their stead and invested with all of their powers and jurisdiction, both at common law and in equity. A Supreme Court of Errors and Appeals was created by the same statute, to be composed of two supreme judges and one of the circuit court judges. A new act two years later would give this Supreme Court exclusive jurisdiction in all equity cases rising in the circuit courts and the right to take deposition was accorded either party equally. Previously, testimony in equity suits was generally oral.

The new act repealed so much of the 1809 act that circuit judges were authorized to sit with the supreme judges.

The circuit courts derived their name from the fact that jurisdiction extended over several counties making up a particular district or circuit created by the legislature. Both population and area had much to do with fixing a particular circuit. In holding terms of the courts in years past, the judges actually "rode the circuits."

Presently, there are 31 such judicial districts in the state. Due to density of population, the circuit courts of Davidson County have jurisdiction in the twentieth judicial district, which includes Davidson County only. However, there are other circuit courts in Tennessee which still have several counties in their circuits and under their jurisdiction.

Before Davidson County got its first circuit court, three others had already been created in other districts of the state. Then-Gov. William Blount commissioned Davidson County's First Circuit Court on Nov. 24, 1809 and it was duly organized on March 12, 1810 with Thomas Stuart, esquire, becoming the first on the bench.

Early minute books of the circuit court are fragmented and rather sketchy. And for several years thereafter the history of the court is not too well delineated. Archibald Roane and Bennett Searcy are names that appear in the early minute books as judges, but it is impossible to say whether they were duly appointed or were serving only as special judges.

It is known that a single circuit judge managed adequately to hear and determine the cases in Davidson County until the year 1895 when the load became so heavy it was necessary to give him some relief. The legislature that year created the Second Circuit Court and, on Feb. 14, 1895, Claude Waller was appointed as its judge.

The 1913 General Assembly created a Third Circuit Court and then-Gov. Ben Hooper appointed George N. Tillman as its judge, effective Sept. 23, 1913. Tillman's turn at the helm lasted only a year. He was replaced on the bench by Alf G. Rutherford, who became a



History of the Courts - Part 3

candidate for the First Circuit Court bench in 1918, was elected to it and served upon it, making him the only judge to serve on more than one of the parts of circuit court.

Senate Bill No.72 of the 1957 General Assembly established a Fourth Circuit Court, extending concurrent jurisdiction with the other three courts in all matters involving divorces, annulments, separate support and maintenance, custody, support and care of children, adoptions, actions under the Uniform Reciprocal Enforcement Act, appeals from the juvenile court and all other proceedings involving domestic matters, including the relationship of husband and wife, parent and child. Benson Trimble presided over the court as its first judge from April 15, 1957 until his retirement on Aug. 31, 1982.

A Fifth Circuit Court was created by the 83rd General Assembly and given concurrent jurisdiction with the first, second and third courts. Sam L. Felts, Jr., was appointed judge by then-Gov. Frank G. Clement. Felts served from April 17, 1963 until Sept. 1, 1974.

FIRST COURT

Judge	Year Began
Thomas Stuart	1809
William F. Brown	1836
James Bucks	1838
Thomas Maney	1839
Nathaniel Baxter	1852
Manson M. Brien	1864
John M. Lea	1865
Manson M. Brien	1866
Eugene Cary	1867
Nathaniel Baxter	1870
Frank T. Reid	1874
W. K. McAlister	1886
J. W. Bonner	1893
John W. Childress	1902
Thomas E. Matthews	1908
A. G. Rutherford	1918
Richard P. Dews	1934
Roy A. Miles	1958
J. William Rutherford	1974
Robert Lillard (March)	1978
Hamilton Gayden *	1978

(*--September 1978-Current)

SECOND COURT

Judge	Year Began
Claude Waller	1895
John W. Childress	1895
J. A. Cartwright	1902
M. H. Meeks	1908
A. B. Neil	1918
Byrd Douglas	1942
Weldon B. White (Sept.)	1942
Byrd Douglas	1943
Weldon B. White	1946
Byrd Douglas	1947
John H. Uhlian, Jr.	1965
Hal D. Hardin	1975
John T. Nixon	1977
Harry S. Lester	1978
Marietta Shipley*	1990

(*--Current)

THIRD COURT

Judge	Year Began
G. N. Tilman	1913
A. G. Rutherford	1914
E. F. Langford	1918
Henry F. Todd	1958
Don R. Binkley	1967
Joe C. Loser, Jr.	1969
Matthew Sweeney III	1986
Barbara Haynes*	1990

(*--Current)

FOURTH COURT

Judge	Year Began
Benson Trimble	1957
Muriel Robinson-Rice*	1982

(*--Current)

FIFTH COURT

Judge	Year Began
Sam L. Felts, Jr.	1963
Stephen North	1974
Rose Cantrell (March)	1982
Walter C. Kurtz*	1982

(*--Sept., 1982 to Current)

SIXTH COURT

Judge	Year Began
James M. Swiggart	1965
Thomas Brothers*	1989

(*--Current)

PROBATE COURT

Judge	Year Began
Shelton Luton	1963
James R. Everett, Jr.*	1982

(*--Current)

Next:

Legislature creates Probate Court and severs criminal cases.