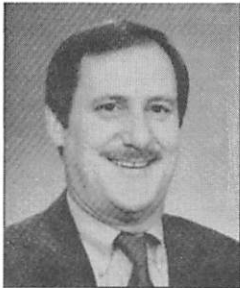


Rooker Report

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'We've just gotten too big to run a \$6 million business in 90 minutes a month'

--Presiding Judge Michael Mondelli

Sessions Courts Adopt 'Duty Sharing' Concept

Michael Mondelli assumed the role of presiding General Sessions judge this month and he did it with unprecedented flair that changes--at least during his term--the manner in which the lower court system conducts its business.

Moreover, his proposal to redefine the position and share duties through committee involvement received unanimous endorsement from his eight fellow judges. It was a unique result for a unique approach with unique possibilities, predicated on increased demands of a judicial system wrought with diversity.

Mondelli's plan for coping was anchored to the statistics boldly reflected in that diversity: more than 80 employees helping to generate revenues in excess of \$6.6 million through 10 different offices dealing with at least a dozen areas of judicial authority.

Traditionally, the group of judges elect one from among themselves to be the ultimate authority figure over all matters related to those areas.

"To saddle the individual lucky enough to be so honored is not only unfair and unduly burdensome," Mondelli said, "but also unwise and largely indicative of poor business practice and hugely wasteful of untapped advisory and supervisory talents available within the department."

He got no argument from his fellow judges, most of whom have previously

(See MONDELLI, Page 4)

Shriver Gets Trial Courts Nod

Criminal Court Judge Thomas H. Shriver will preside over Davidson County's 14 trial courts, but has made no announcement of changes to the way those courts conduct business.

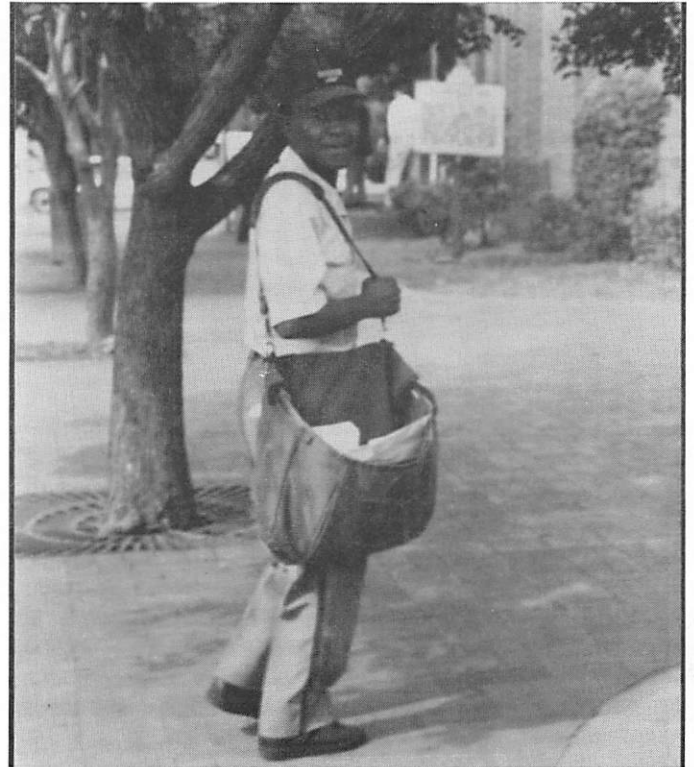
Shriver succeeds Circuit Court

Judge Thomas Brothers, who served two one-year terms as presiding judge.

The presiding judge of the trial courts is selected from circuit, criminal, probate and chancery courts collectively.



SHRIVER



There are no sour notes in Billy Chunn's mailbag

Twice each working day, Billy Chunn appears in office doorways throughout the courthouse and the Ben West Building, his assigned "beat" as a Metro postman.

But Billy delivers more than the mail. His most important package is a glowing smile and an enthusiastic attitude that somehow always seems to minimize the dreadful task of sorting through the huge stacks that mark his visits.

"Billy's our little ray of sunshine. No matter how tough a day he's had, he is always the same--always smiling and chipper. It rubs off on other people."

Those words from a courthouse secretary pretty much size up the way the diminutive Chunn has been perceived ever since he started making the mail rounds in 1974 when the Metro Postal Service was created. It's hard to not like a person who can smile for that long a time.

There are days when one must wonder how the little guy can tote a sack of mail that seemingly weighs more than he does. Even on a rainy day, the 5-foot-3 Chunn can barely push a scales needle past the 120-pound mark. But if you're amazed at his ability to carry a mail sack, read on for even greater surprises.

(See BILLY CHUNN, Page 2)

Probate revises dockets for expected 'deadbeat' case rush

If you have business with the probate court, you might want to arrange your schedule to conform to new hearing dates that go into effect this month.

Probate Judge Jim Everett, anticipating an influx of new domestic contempt cases, has rearranged his court docket schedule to accommodate the expected demand. The changes went into effect Sept. 15, but for the most part will not begin until the following Monday.

The idea behind the schedule change, according to Everett, is to

Billy Chunn:

From Notes to Letters

(From Page 1)

You see, before he began delivering letters locally, Chunn delivered notes nationally. The notes were those of the musical variety, however, and the addressees were the millions of television viewers tuned in to the Ed Sullivan Show on June 12, 1956.

Had you been watching that night (or more recently in reruns) you would have seen and heard Chunn at the peak of a promising singing career. You would have been impressed not only by his talent, but by the pride with which he accepted, on air, an award from legendary composer Irving Berlin.

Chunn was a member of a popular military quartet known as the FA Gospel Singers (the FA stood for Field Artillery).

He formed the group upon entering the armed forces in 1955. The quartet had such a good sound that soon it was invited to entertain at USO shows for fighting men in the fields. When the singing group won an All-Army Entertainment Contest, it was invited to appear on Sullivan's live television show from New York.

The studio audience gave rousing applause to Chunn's group for its rendition of "You May Go On," a gospel standard penned by the Old Golden Gate Quartet, which gave written permission for its performance on the show.

Chunn and his singing friends were on their way to making it in show business. They appeared in numerous shows in and around their Fort Lewis, Washington base. A couple of them in the San Francisco area were emceed by the great Mickey Rooney, who offered to provide financial backing for the group. But a couple of the quartet members just wanted to go back home, despite a movie offer, and Chunn sent out the white flag.

Chunn later went to Arizona and formed a country music group that gained less impressive popularity. Yes, country! He grew up with the Grand Ole Opry, since he was born in nearby Shelbyville, and still uses the shower at his Madison home to mimic the styles of his favorites, Porter Wagoner and George Jones.

Chunn, who recently celebrated his 40th wedding anniversary with childhood sweetheart Annette Campbell, doesn't play a musical instrument. He took up the guitar early in his career, but lost the little finger on his fret hand while working for the RC Bottling Company.

Today, applause for Billy Chunn comes in the form of friendliness from appreciative office workers. But we wonder if his constant smiling face is reflective of lingering memories of his times on stage or in the boxing ring.

Oh, did we forget to mention that he was once a boxer too?

make the court available on Thursdays for child support cases expected to spill over from the docket of Circuit Court Judge Muriel Robinson Rice as a result of intensified enforcement efforts against deadbeat parents.

Everett said the caseload for support contempt matters could grow by as much as 100 cases per week, based on information provided by Maximus, the private firm now under contract to bring non-paying parents into compliance.

Such rapid growth would further burden the already heavy workload of Judge Robinson Rice, who holds primary jurisdiction over domestic cases. Hence the assistance from Everett.

Under the new probate schedule, some estate hearings will still be held on Thursday, but the bulk will be docketed for Monday and Tuesday with Friday set aside for hearing motions. There will be no estate hearings on Wednesday, as there had been in the past. All hearings on conservatorship and guardian matters will be scheduled on Tuesday.

Everett said that DUI pre-settlement conferences, previously held on Wednesday, will now be moved back to Tuesday and settlements and motions in those cases will be set for Wednesday. All DUI-related trials will be specially set by the court, he said.

The bulk of Thursday's docket time will be devoted to domestic contempt and show cause hearings with trials in those specific cases being specially set by the court. Domestic motions will be heard on Friday, following the estate motion docket, Everett said.

The new schedule in capsule form:

MONDAY--Estate hearings.

TUESDAY--Estate, conservatorship and guardianship hearings.
DUI pre-settlement conferences.

WEDNESDAY--DUI settlements and motions.

THURSDAY--Estate, domestic, contempt and show cause hearings.

FRIDAY--Estate and domestic motions.

Circuit Court Jury Trial Verdicts

<u>CASE NUMBER</u>	<u>TYPE OF CASE</u>	<u>VERDICT</u>
Week of August 16		
91C-3437	Personal Injury	Hung Jury
92C-1158	Auto Accident	(P) \$4,000
91C-3574	Auto Accident	(P) \$3,800
92C-886	Auto Accident	Defendant
Week of August 23		
90C-523	Negligence	Dismissed
88C-3042	Medical Malpractice	(P) \$250,000
92C-1284	Paternity	(P) Verdict
Week of August 30		
90C-2733	Slip / Fall	(P) \$80,000
93C-1483	Auto Accident	Hung Jury
92C-3362	Contract	Defendant
91C-142	Auto Accident	(P) \$3,656
91C-2399	Contract	(P) \$147,374
90C-3156	Legal Malpractice	(P) \$30,000
90C-2522	Auto Accident	Hung Jury
92C-2033	Auto Accident	Hung Jury

Breathing New Life Into a Needy Program

Name Your Charity; It's That Time Again

The leaves have started to turn on another fund-raising season.

Pledge cards have been distributed to the government's work force, kicking off what had been an exclusive drive for United Way before inception of a new approach designed to help a broader range of organizations while providing givers more choices.

The rules are the same. Only the name has been changed to project the needy.

Now known as the Metro Employees Consolidated Charities Campaign (MECCC), the fund raiser hopes to collect \$418,000 through payroll deductions and cash donations. Last year, when the changeover was just taking legs, employees pitched in with \$410,000. And that was during a dry year for government workers, who had been waiting three years for pay raises.

Across-the-board salary hikes this year, although being realized only freshly as the campaign begins, offer encouragement that the goal will be reached.

The four departments under the Circuit Court Clerk have always responded well to the campaign. Donations fell only slightly last year from the \$5,136 contribution made by our workers in 1991. No

departmental goal has been set for this year's campaign, but Circuit Court Clerk Richard Rooker said he hoped for 100 percent employee participation in the program.

Mayor Phil Bredesen instigated a consolidated campaign in hopes of accommodating deserving organizations that were not funded by the United Way program. Some of the outside organizations had been allowed to solicit Metro workers independently in the past, creating a fragmentary situation that placed high demands on the workforce.

Under the consolidated format, employees can designate the charity of their choice for a one-time contribution that can be--on the giver's authority--deducted in installments from their paychecks in amounts they choose.

In addition to United Way agencies, organizations on the approved list this year include The Combined Health Appeal of Tennessee, Community Shares, Nashville Child Advocacy Program, Police Athletic League and Andrew Jackson Police Youth Camp.

Because of its experience in managing campaigns of this magnitude, United Way has been selected to supervise the Metro drive.

October Birthdays

Traffic Violations

- 1 Lori Justice
- 13 Terry Roberts
- 19 Ed Chauvin
- 22 Bobby Sory
- 30 Susan Grannis

General Sessions

- 2 Joyce Heinrich
- 8 Kay Nelson
- 28 Deb Phillips

Circuit Court Clerk

- 1 Terry Campion
- 19 Dana Ballinger
- 20 Gregg Nicholson
- 21 Carole Garrett
- 22 Clay Hardin
- 30 Valerie Rooker

Probate Clerk

- 19 Elizabeth Hendrix

What it really means is...

Phrase: "In line for a raise."

Definition: Waiting for an elevator at the courthouse.

Cheers...

Congratulations to **Robert Potts** and wife **Sarah** on their 40th wedding anniversary Sept. 4. Mr. Potts is information clerk for the Traffic Violations Bureau...Deputy Circuit Clerk **Richard Hedgepath** and wife **Julia** could be parents before the ink dries on this newsletter. Doc tells them their first child should arrive on Sept. 22. The Hedgepaths have not learned in advance the sex of their baby, but the rocking chair gift they received recently seemingly will accommodate either one...Speaking of new arrivals, welcome aboard to new employees **Penny Hubbell** (Circuit), **Casey Gibson** (Probate) and **Pat McNaney** (General Sessions)...And welcome back to **Maria Harris**, who has returned to the Traffic Violations Bureau after an extended leave of absence resulting from back surgery...**Terry Peaks** has been employed by the General Sessions courts as an administrative assistant. Peaks, who recently retired from the Air Force, has been assigned to the court-administered traffic school program. He is a native of Nashville.

...Tears

The passing of attorney **Dan Garfinkle** leaves a major void in the courthouse scene and we join the legal community in saying goodbye to a distinguished colleague. Mr. Garfinkle had retired from active law practice only a few months before his death at the age of 81. He served his profession well and he shall be greatly missed.

**NEXT
MONTH**

Securing Our Hallowed Halls

Metal detectors, Cardkeys and turnstiles are coming to the Metro Courthouse as the government tries to head off the type of violence that has commanded headlines in many major cities. How the new security measures will affect all persons having business in the courthouse will be explored in our October issue.

Probate, Sixth Circuit Join Lineup of Courts

Editor's Note: The development of the court system in Davidson County began almost two centuries ago following the settlement of pioneers who realized the need for judicial equity. We have attempted to chronicle that evolution in a four-part series. In this final installment, the curtain draws to a close as the last courts are added to the county's roster.

The same legislature that created a Fifth Circuit Court in 1963 also established a court of record to be known as the Probate Court. It was given concurrent jurisdiction with the Fourth Circuit Court.

The act provided that the county judge of the Metropolitan Government of Nashville and Davidson County should serve as judge of the new court. Shelton Luton held that position from May 6, 1963 until Sept. 1, 1982.



**History of
the Courts**
Last in a Series

A Sixth Circuit Court came into being with Chapter 264 of the Public Acts of 1965, which gave the new court equal jurisdiction with the others.

James M. Swiggart convened the new court on April 26, 1965 and remained on the bench for the next 24 years.

Circuit judges of the state had been given concurrent jurisdiction with the Supreme Court in all equity cases back in 1813 and the circuit clerks were made Clerks and Masters in Equity. In 1817, it was

provided that equity causes, wherein a circuit judge was incompetent, might be adjourned to the Supreme Court and there be heard on original papers as though brought there originally.

Equity jurisdiction was taken away from the circuit court in 1822 and given to the Supreme Court. Five years later, the laws giving equity jurisdiction to the Supreme Court were repealed and two chancellors were appointed to hold such courts. The state was laid off in two chancery divisions—the eastern and the western—with one chancellor for each. The chancellors were declared to be chancellors for the state and were given the authority to interchange.

The circuit court and the chancery court, by the constitution of 1834, became distinct and separate courts and have so continued to the present. While the circuit court of Davidson County has had an uninterrupted existence since 1810, the chancery court, as a separate entity, was not formed until 1846.

Prior to that time, the chancery court for this district was held at Franklin in Williamson County.

Although the criminal court of Davidson County was created by the legislature in 1842, the court was presided over by the circuit court judge until 1854. The first person to be appointed criminal court judge was W.B. Turner, who served for seven years.

The county managed with just one criminal court until 1920 when a second division was approved by the General Assembly. A third division followed in 1968. Frank M. Garard was the first judge to sit on the second court and Allen R. Cornelius, Jr., served for ten years as the first judge of the third court.

With modern-day crime statistics continuing to overload the courts at an increasing rate, a fourth division of criminal court was created to help meet the demand. That court convened in September, 1990 with Seth Norman on the bench.

Mondelli Unveils Committee Plan

(From Page 1)

experienced first hand the presiding judge syndrome. They readily accepted committee assignments that will involve each of the judges in the decision-making process.

Mondelli appointed a total of 12 committees—one for each area of concern for which the courts are responsible. Everything is covered from designated courtroom jurisdiction to physical space problems to budget negotiations. Each committee will address issues arising from its particular category and will make reports to Mondelli concerning the resolutions of such issues.

Previously, the judges attempted to address all such issues during a 90-minute meeting the first Wednesday of each month. "We've just gotten too big to run a \$6 million business in 90 minutes a month," Mondelli asserted. The regular monthly meetings will still be conducted, he said, but many of the items normally on the agenda will have been concluded through the committee system.

Among the areas of chief concern to the judges at this point is the newly acquired management of the county's pretrial release program, which was passed down from the sheriff's department. Mondelli said a concerted effort would be forthcoming to sufficiently staff the program, which now is operating with an inadequate work force.

The committee assigned to deal with the pretrial release program, as well as probation, will be chaired by Judge William Faimon, who also will head up a committee on bar liaison. Judge Penny Harrington will chair

three committees--Metro and environmental courts, traffic court and areas dealing with legislative and executive matters.

Judge Gale Robinson will chair the criminal court and domestic violence committees. Judge Leon Ruben heads up a committee on jail overcrowding and Judge John Brown is chairman of the committee on space. Mondelli will share chairman duties with Judge Donald Washburn in matters dealing with administration, personnel and the budget. Judge William Higgins will chair the emergency committal and civil dockets group.

Outgoing presiding judge Phillip Sadler was excused from chairing a committee, but will serve on two of them.



August Nullification Fees Hit \$19,539

The Traffic Violations Bureau nullified 2,171 traffic tickets in August, bringing in a total of \$19,539 in service charges ordered by the Metro Council.

The August figure brings to \$34,893 the two-month income from eligible traffic offenders who paid \$9 fees to have minor offenses nullified. The council passed an ordinance in June tacking the surcharge onto each ticket nullified, either by the court or by the bureau's nullification office.

Prior to the ordinance, tickets were nullified at no charge when violators produced proof that certain infractions had been corrected.

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Richard R. Rooker
Circuit Court Clerk

Gene Baker
Editor

506 Metropolitan Courthouse
Nashville, TN 37201