

# Rooker Report

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## Saying goodbye to a year of change

With the refrains of Auld Lang Syne still echoing in the background, we bid a belated adieu to 1993, a year of indelibly etched tragedy, but one of smooth transition and reflective progress.

We welcome 1994 not in terms of relief that a year has passed, but with excited anticipation of a great year ahead. Many unfinished projects will be brought to fruition and others will be given birth as we strive to affirm the adage that the only thing constant is change.

But as we prepare to fulfill our obligations to the future, we must acknowledge the accomplishments of the past and credit the foundation on which progress has been built.

No accomplishment of any magnitude could erase the pain brought

on by the passing of our beloved veteran clerk, George L. Rooker. The gains that unfolded during the last three quarters of the year were made possible only through the innovative projects he introduced during a distinguished 25-year public service career. We acknowledge his contribution and dedicate our progress to his memory.

In this edition, marking the end of our first year in publication, we look back on some of the projects that reached fruition during the 12-month cycle just passed. It is a twist of irony that the documentation is provided by this newsletter, itself an example of the past year's achievements.

### New Programs Boost Efficiency

## Statistics Reflect Only Part of Story

The synopsis at left reflects, in numbers, the activities of the Circuit Court Clerk's office over the past four years--cold, bare statistics that summarize "quantity" without consideration to "quality."

Although necessary as audit items and accountability, figures alone represent only the end result of functional expertise that can't be defined in column rows.

While numbers are important in justifying the existence or demise of certain programs, the quality with which those programs are administered is of equal or greater importance. This is especially true in service-oriented programs, such as those provided by government.

In terms of civil litigation, for example, there are no controls over the number of lawsuits that will be filed in a given year. The challenge is to handle the ones that are filed with the proficiency to which the litigants are entitled, and in the most efficient manner possible.

To this end, constant changes are not only ideal, they are absolutely necessary. Fortunately, advancements in technology have provided the tools for making these adjustments.

As a self-sufficient operation, the Circuit Court Clerk's office has been blessed with the resources to keep pace with the dictates of the nineties. Computerization is evident in virtually every area of our four departments and continues to

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## Child Support, Traffic Produce Record Totals

From a statistical standpoint, most of our departments maintained business as usual during calendar year 1993.

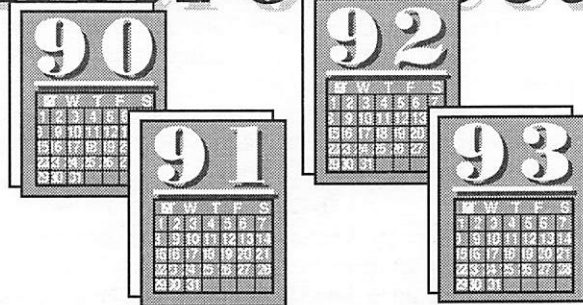
But it was an unusually busy year for child support disbursement and traffic fine collections. Both established records.

Child support collections and disbursements topped the \$12 million mark for the first time, distributing \$12,339,669 to custodial parents in 7,200 cases--also a record.

Increased support payments were attributed to greater enforcement efforts against deadbeat fathers, a firmer stance by

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## Retrospect



Here's an overview of how caseloads have evolved in our departments during the first four years of the nineties. Probate wasn't under our supervision until July 1992, preventing early year comparisons.

| CIRCUIT COURT        | 1990    | 1991    | 1992    | 1993    |
|----------------------|---------|---------|---------|---------|
| Civil Suits Filed    | 4,615   | 4,609   | 4,306   | 4,389   |
| Adjudicated          | 4,482   | 5,297   | 4,632   | 4,676   |
| Divorce Cases Filed  | 3,860   | 3,884   | 4,013   | 3,753   |
| SESSIONS CIVIL       | 1990    | 1991    | 1992    | 1993    |
| New Cases Filed      | 41,490  | 37,511  | 35,804  | 35,740  |
| Executions Issued    | 25,800  | 27,091  | 29,826  | 31,225  |
| Garnishment Receipts | 42,735  | 46,841  | 46,705  | 43,862  |
| TRAFFIC-MOVING       | 1990    | 1991    | 1992    | 1993    |
| Tickets Issued       | 223,913 | 225,822 | 243,888 | 248,421 |
| Adjudicated          | 95,952  | 83,293  | 87,293  | 86,222  |
| TRAFFIC-PARKING      | 1990    | 1991    | 1992    | 1993    |
| Tickets Issued       | 148,715 | 134,151 | 125,904 | 151,188 |
| Adjudicated          | 121,306 | 106,834 | 95,845  | 111,396 |
| PROBATE              | 1990    | 1991    | 1992    | 1993    |
| Original Filings     | N/A     | N/A     | N/A     | 1,760   |
| Cases Closed         | N/A     | N/A     | N/A     | 1,859   |

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## Search for local record uncovers plenty of others

When a child and her mother were tragically killed in a bizarre traffic accident last November, it took Nashville attorney Jim Omer only two days to prepare and file a wrongful death lawsuit.

The promptness in which the legal action was taken caused local courthouse observers, upon reading of the suit in the morning newspaper, to search their memories for a response of equal swiftness. None could be recalled.

Undoubtedly, Omer had legal reasons for filing the complaint so quickly and had no interest in providing fodder for the courthouse talk mill.

But the freakishness of the accident itself, in which a seven-year-old girl and her mother were buried alive under an errant truckload of hot asphalt, was still fresh on people's minds. So, the reaction was a natural evolution.

The father of the little girl immediately employed Omer to recover \$5.1 million from the driver of the truck and his employer. And while the complaint was filed in an unusually speedy

manner, it was treated in accordance with local court rules and subjected to the customary court assignment rotation.

Still, the question of whether Omer's quick action in the case had ever been equalled or beaten continued to be the topic of conversation in the courthouse halls. Some research was in order.

Since there was no immediate local documentation to be found, thoughts turned to a broader source. The Guinness Book of Records, reputed to be the most complete collection of astonishing authenticated facts and figures from around the world, was the obvious choice.

Sure enough, Guinness featured an entire section on judicial records. But there was not a category on the fastest filed lawsuits. So, efforts to answer our question failed.

However, some of the judicial information provided by Guinness is worth printing. We offer the following record-setting activities as evidence of our research.

## Court records you've always wondered about, but were too shy to ask

### Greatest Damages For Personal Injury

The greatest personal injury damages ever awarded were \$78,183,000 to the model Marla Hanson, 26, on Sept. 29, 1987. Her face was slashed with razors in Manhattan, New York City, in June 1987. The award was uncontested and included \$4 million in punitive damages. The three men convicted and now serving 5-15 years have no assets, but Miss Hanson is entitled to 10 percent of their post-prison earnings.

The greatest sum awarded in compensatory personal injury damages was \$65,086,000 awarded on July 18, 1986 to Mrs. Agnes Mae Whitaker against the New York City Health and Hospitals Corporation for medical malpractice. A misdiagnosis of food poisoning led to major surgery and severe disablement.

The compensation for the disaster on Dec. 2-3, 1984 at the Union Carbide Corporation plant in Bhopal, India was set at \$470 million. The Supreme Court of India passed the order for payment on Feb. 14, 1989 after a settlement between the corporation and the Indian government, which represented the interests of more than 500,000 claimants, including the families of 3,350 people who died--figures that ultimately rose to 4,000 dead, 20,000 injured and 60,000 claimants.

### Civil Damages

The largest damages awarded in legal history were \$11.12 billion to Pennzoil Company against Texaco Inc. concerning the latter's allegedly unethical tactics in January 1984 in attempting to break up a merger between Pennzoil and Getty Oil Company. The verdict was handed down in Houston, Texas on Dec. 10, 1985. An out-of-court settlement of \$5.5 billion was reached after a 48-hour negotiation two years later.

### Longest Hearing

The longest civil case heard before a jury is Kemner v. Monsanto Co., which concerned an alleged toxic chemical spill in Sturgeon, Missouri in 1979. The trial started on Feb. 6, 1984 in Belleville, Illinois and ended on Oct. 22, 1987. The testimony lasted 657 days, following which the jury deliberated for two months. The verdict was returned on Oct. 22 when the plaintiffs secured sums of \$1 nominal compensatory damage and \$16,250,000 punitive damage.

### Largest Divorce Settlement

The largest publicly declared settlement, achieved in 1982 by the lawyers for Soraya Khashoggi, was (the equivalent of) \$950 million plus property from her husband Adnan.

Mrs. Anne Bass, former wife of Sid Bass of Texas, was reported to have rejected \$535 million as inadequate to live in the style to which she had been made accustomed.

### Largest Suit

The highest amount of damages ever sought to date is \$675 trillion (then equivalent to 10 times the national wealth) in a suit by Mr. I. Walton Bader brought in the U.S. District Court, New York City, on April 14, 1971 against General Motors and others for polluting all 50 states.

### Highest Costs

The Blue Arrow trial, involving the illegal support of the company's shares during a rights issue in 1987, is estimated to have cost the equivalent of \$60 million. The trial at the Old Bailey, London, Great Britain, lasted a year and ended on Feb. 14, 1992 with four of the defendants being convicted. They were subsequently given suspended prison sentences.

The highest costs for a case in the United States is credited to the McMartin Preschool case in Los Angeles, California, which is estimated to have costs \$15 million. The trial, concerning the alleged abuse of children at the school in Manhattan Beach, California, had begun with jury selection on April 20, 1987 and resulted in the acquittal on Jan. 18, 1990 of the two defendants on 52 counts of child molestation and conspiracy.

### Wills: Shortest and Longest

The shortest valid will in the world consists of the words "Vse zene," the Czech for "All to wife," written and dated Jan. 19, 1967 by Herr Karl Tausch of Langen, Germany. President Calvin Coolidge, who was known for his taciturn nature, left a will of 23 words: "Not unmindful of my son John, I give all my estate both real and person to my wife, Grace Coolidge, in fee simple."

The longest will on record was that of Mrs. Frederica Evelyn Stillwell Cook (born in U.S.A.), proved in London, Great Britain on Nov. 2, 1925. It consisted of four bound volumes containing 95,940 words, primarily concerning some \$100,000 worth of property.

## Who Should Write A Will? Well, Almost Everybody

Where there's a will there's a way--your way. Without a will, the state will have its way in the event of your death.

Unless your assets are worth less than burial expenses, say authorities, you should prepare a will designating who will inherit your property. If not, your possessions will be distributed by the state without regard to your wishes.

Lawyers say a will should be prepared by all persons 18 or older or anyone under 18 who has a child. A will should name someone who will carry out the wishes of the will itself; name a guardian and a backup to care for children; give details on the disposal of property;

include the signatures of two witnesses and be notarized; establish your state of residence, especially if you own houses in more than one state; and include a clause to cover other things not specifically mentioned, such as solely owned property acquired after the will was prepared.

Because a will can't speak until there's a death, directions about how you want your life managed should not be included. You also can't use a will to disinherit a spouse, because state law entitles a spouse to part of your estate. Don't include burial expenses; a will might not be found in time to carry out those instructions.



### Adopted Christmas Family

Shane Sams, 20 months, tears into one of his many Christmas presents while Mom, Tanya Sams, secures 10-month-old sister, Hannah. The Sams family received toys, food, clothing and gift certificates from employees of the Traffic Violations Bureau as part of a government-sponsored project to bring Christmas to needy families.



### Circuit Court Jury Trial Verdicts

| Case Number | WEEK OF NOV. 29<br>Type of Case | Verdict      |
|-------------|---------------------------------|--------------|
| 92C-3067    | 202 Hold<br>Auto Accident       | Defendant    |
| 89C4083     | 8<br>Auto Accident              | (P) \$32,500 |
| 92C-1268    | 513<br>Assault                  | (P) \$2,000  |
| 93C-1905    | 0<br>Auto Accident/Appeal       | (P) \$2,195  |

| Case Number | WEEK OF DEC. 6<br>Type of Case  | Verdict           |
|-------------|---------------------------------|-------------------|
| 89C-2728    | 8<br>Auto Accident              | Defendant         |
| 90C-2195    | 0<br>Medical Negligence         | Settled           |
| 90C-2432    | 1081 Hold<br>Property Liability | (P) \$105,000     |
| 90C-542     | 764<br>Auto/Wrongful Death      | (P) \$32,500      |
| 92C-1717    | 516<br>Auto Accident            | *Directed Verdict |

\*No Damages Awarded

## Cheers...

It would be difficult for anyone to top the Christmas gift received by General Sessions clerk **Kenneth (Dodge) Turner** and wife **Menica**. The Turners became the adopted parents of a beautiful young daughter just weeks before Christmas, ending a frustrating three-year effort at adoption. But the wait was worth it, says Kenneth, now that **Jessica Renee** shares the Turner household in Old Hickory. Jessica turns seven years old on Jan. 17, an event that is sure to get the attention of her first-grade classmates at Andrew Jackson Elementary School...**Deb Phillips**, who also works in the General Sessions Civil Division, will soon be adding to her family as well. She has announced her engagement to **L.J. Mix** of Brentwood. Both Deb and L.J. have two children by previous marriages--all teenagers. Would you call this a Mix match?... Retired Traffic Warrant Officer **Clyde Waynick** expresses his appreciation to all those who gave prayer during his recent surgery to remove a lung tumor. At the time of this report, Clyde was recuperating at St. Thomas Hospital in hopes of going home soon.

## ...Tears

Condolences to **Betty (Mrs. George) Rooker** for the loss of her father, **Mr. Virgil Johnson**, who passed away earlier this month. Mr. Johnson was 89 years old and was the grandfather of Circuit Court Clerk **Richard Rooker**... We also extend our sympathy to the family of **Norman Paul Felts**, a retired General Sessions court officer who passed away on Jan. 5 after an extended illness. Mr. Felts had served under former General Sessions Judge **John Boone**... Sympathy as well to **Brenda Best** of our General Sessions Civil Division in the Dec. 26 death of her stepfather, **Mr. Thomas Crouch**.

## February Birthdays

### Circuit Court Clerk

7 Tracy Cartwright  
11 Mary Stoneman  
23 Richard Hedgepath  
Lori Stratton

### Traffic Violations

2 Charlene Hobson  
4 Gayle Kinzer  
11 Marie Roberts  
14 Kelly Hollingsworth

### General Sessions

None

### Probate

1 Anne Huddleston

*Valentine Day would be much easier to negotiate without that darn arrow sticking in your heart.*



## Nullification Fees Just Short of \$100,000

The Metro Council's mid-year decision to impose a service charge on nullified traffic tickets proved to be a profitable move.

Perhaps the word "profitable" is inappropriate in the sense that government does not function for the purpose of turning a profit. But since it also can't operate at a loss, let's say that the nullification fee ordinance served its purpose in "defraying and recovering" costs of a heretofore free service.

From the time the new fee law went into effect on July 1 until the closing of the books at year's end, a total of 11,033 persons paid \$9 each to have minor, corrected traffic offenses stricken from their driving records. That netted out to \$99,297 in compensation for the service.

Traffic Violations Bureau personnel estimate that about the same number of nullifications were recorded free of charge during the six months prior to the surcharge law taking effect. And, since the number of nullifications was considered to be about normal, future annual income from the fees is projected to be in the \$200,000 range.

The service charge must be paid by all drivers qualifying for nullification, except those deemed by the courts to be financially unable to pay. The fee is still considered to be less than the actual cost of handling the transactions. The cost of materials and manpower was originally estimated at something over \$12.50 per ticket, but the council agreed on the \$9 figure as a fair compromise.

## Reflecting on the '90s

(From Page 1)

command top priority in plans for future improvements.

During the past year alone, courtroom activities were dramatically affected by new computer-generated programs that enhanced the efficiency of motion dockets in both domestic and civil procedures. The improved services were not detectable in year-end statistics, but represented a slice of a huge quality pie distributed throughout our operation.

In the Traffic Violations Bureau Warrant Office, new computer software was utilized to cope with a perpetual mountain of garnishments and executions that previously deluged manual methods.

The General Sessions Civil Division, the trailblazer in our commitment to computer streamlining, carried technology a step beyond the norm by introducing a new electronic access service, enabling law firms and others to review case files without leaving their offices. The subscription modem service, known as Dial-A-Case, has since been expanded to include review of Circuit Court cases as well and promises to be the wave of the future for those bent on convenience and afterhours work habits. The service is available around the clock, seven days a week.

Countertop computer terminals in both circuit and general sessions offices have been in place for some time and have helped provide speedy reference to self-helpers while freeing up clerks for other chores.

As the year ended, the Probate Court Clerk's office climaxed a lengthy overhaul by gearing up its new computer system, featuring instant reference to all pending and newly filed cases. The system has worked flawlessly through the testing period and soon will alleviate a major portion of manual procedures altogether.

Since inheriting the probate office on July 1, 1992, cooperative staff efforts have led to a complete reorganization of both physical facilities and clerical procedures to make it conform to new operational policies.

Like the changes made in the probate office, many improvements throughout our four departments have been internal in nature and have resulted in hidden benefits. Changes that affect personnel in a positive manner invariably lead to greater efficiency at the customer counter, however.

In testimony to that premise is the popularity of our Voice Interactive Phone System (VIPS) which continues to ease clerking workloads by electronically providing child support information to more than 7,000 custodial parents. The computerized system has seldom stopped ringing since it was installed in October 1991 with complete updated case information being provided to some 345 callers daily.

With that introduction of statistics, your attention is now called to the numbers appearing elsewhere in this publication--bottom lines to the information you have just read.

## Support, Traffic

(From Page 1)

the courts and a natural growth rate in divorces. The number of cases assigned for payment through the clerk's office rose by 850 over the previous year. The \$871,169 one-year increase in payments was in line with previous annual gains.

Fewer marriages were on the rocks during 1993. The 3,753 divorce cases filed during the year represented the lowest number of complaints during the current decade. Last year's 4,013 was the highest.

Nashville motorists found themselves being scrutinized closer than ever last year. The result was a record number of tickets being written--both for moving and sitting still.

The greatest concentration was focused on parking violators, who found themselves paying higher fines for overstaying their welcome at parking meters when the Metro Council increased penalties earlier in the year. Rebounding from a so-so 1992 when only 125,904 parking citations were issued, meter patrol personnel wrote a record 151,188 tickets that brought in a record \$1,585,719 in revenue.

At the same time, a record 248,421 drivers were cited for moving violations. And while the amount of fines paid for those offenses failed to set a standard, the \$2,330,764 collected helped establish an overall traffic fine record of \$3,916,483. That was 12.6 percent higher than the previous year.

Included in the record traffic total was \$99,297 in nullification fees collected since July 1 when a city ordinance went into effect taxing a service fee to minor offenses corrected prior to court dates. There were 11,033 of them during the six-month period.

In addition to the nullifications, the courts disposed of another 27,097 cases by allowing violators to attend driving schools. Only 86,222 of the total charged actually paid fines during the calendar year. About half of the total tickets written are still awaiting disposition.

In other departments, stable figures were the rule. The number of new civil cases in Circuit Court (4,389) was up slightly from the 4,306 filed the previous year. General Sessions Civil Division recorded 35,740 new cases, 64 short of the 1992 filings. There were 1,760 original filings in Probate Court, but no comparison could be made because the department wasn't under our office until July 1, 1992.

## Rooker Report

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