

Rooker Report

February 15, 1994 Published by the Davidson County Circuit Court Clerk's Office Vol. 2, No. 1

Rooker Report

Credit Shock Treatment Awaits Non-Payers

New Subscriber Service To Offer 24-Hour Convenience



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Courts Prepared For Gel Implant Pretrial Activity


Early Response Chronology Powers Debt-Care Program



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GETTING FISCAL

Setting Out a Year of Change



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Traffic School A Fine Alternative

Brothers Being Praised For Debt-Care Work

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Sessions Courts Adopt 'Duty Sharing' Concept

There are no more series in Billy Chaner's mailing

Shelver Gets Trial Courts Nod



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COURTHOUSE PUTS UP ITS GUARD

Implant Settlement Talks Silence National Outcry



We're One!

Happy Birthday to us. This issue marks the beginning of our second year as a monthly newsletter publication. The Rooker Report was established in February, 1993 by the late Circuit Court Clerk George L. Rooker, who passed away approximately two weeks after the debut edition. We have expanded on his original concept in an effort to provide helpful information, as neatly packaged as possible. The front pages displayed here are reproduced as a tribute to the late clerk's foresight.

Rooker Report

Judges Find G.R.E.A.T. New Program

Pretrial Release A question of rights

Happy Thanksgiving, Here's What's Cooking



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Saying goodbye to a year of change

Retrospect Statistics Reflect Only Part of Story



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Seasons Greetings

A Nashville Christmas Story

ROOKER REPORT

GEORGE L. ROOKER: 1929-1993

Early Issues were void of computer publishing design techniques

ROOKER REPORT

Domestic Motion Decket: Cutting Through the Glass

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Anniversary Issue

Guidelines for on-the-job injury treatment

Employees injured while on duty must follow specific guidelines in order to receive full medical treatment compensation, the Metro Division of Insurance and Safety warns.

Employees requiring medical treatment for injury on the job must receive the treatment at General Hospital to have all medical expenses paid by Metro, said director Joe Clinard. "If they go to anyone other than General Hospital, except in a perceived emergency, they and their health insurers will be responsible for all costs," Clinard added.

In the case of a perceived emergency, Clinard said, the affected employee may go to the nearest health care provider

(in terms of miles to be determined by General Hospital) and Metro will pay the cost of the emergency treatment.

"As soon as they are released from the emergency provider after the initial emergency treatment," Clinard said, "the injured employee must then go to General Hospital for subsequent care. If they do not go to General Hospital for subsequent treatment, they and their health insurers are responsible for the subsequent costs."

Clinard also emphasized that the sole responsibility for determining whether injuries are job-related lies with the head of the department in which injuries occur.

Cheers...

To Circuit Court Deputy Clerk **Mike Garrett** and wife **Janice**, who became first-time parents on Jan. 28 with the arrival of **John Michael Garrett**. Master Garrett made his appearance at 9:45 p.m. at Donelson Hospital, which determined his vitals at 8 pounds-3 1/2 ounces over a 21-inch torso. We predict young Garrett will grow up to love computers... Councilman At-Large **Vic Varallo** is anxious to return to the council chambers after missing his first meeting this month. The wiry ex-prep coach says he was deluged with phone calls, mail and visitors after undergoing hip replacement surgery in late January. "The doctors said I had the body of a 30-year-old," said Varallo, who is, well, considerably older...Also recovering from recent (foot) surgery is **Robert Potts** of our traffic bureau.

...Tears

To **Tom and Emogene Price** in the Feb. 8 death of their daughter, **JoAnn Milburn**, who passed away at Baptist Hospital where she had been in a coma for about a month following a mysterious illness. Mrs. Milburn, 43, had been employed by Broadcast Music, Inc., for 24 years. Her parents are both retired employees of the Circuit Court Clerk's office. She is survived by her husband **William** and two children, who have our deepest sympathy...We are also saddened by the recent death of former General Sessions Court Officer **Jimmy Wright**, who succumbed to a heart attack in late January. Mr. Wright was popular among his peers and had been in the prayers of many since suffering a stroke a few years ago. During his career, Mr. Wright served under former General Sessions Judge **Robert Murphy** and for a brief time was employed by the Juvenile Court Clerk's office. He shall be missed.

Oops! Make That January, 1994

The headline on the front page of our January issue read, "Saying goodbye to a year of change."

Our readers probably thought we were saying goodbye to a whole year altogether, since the dateline on all four pages declared it to be January, 1993.

The error wasn't noticed until several days after the newsletter had been distributed--obviously, too late to correct.

Such a mistake is common at the beginning of a new year, but that argument might not sell too well in the future when someone wants a copy of our January, 1994 edition only to learn that none

bearing that date can be located.

Because of that possibility, we suggest that you clip this piece and retain it for reference, just in case.

There are two things to remember:

- 1) **The Rooker Report wasn't in existence in January, 1993;**
- 2) **The January, 1993 edition is actually the January, 1994 edition.**

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P.S. Thanks, readers, for not emphasizing our carelessness.

An Intoxicating Case

Judge: "How do you plead to the charge of public drunkenness, sir?"

Defendant: "I plead the fifth, your honor."

Judge: "I'm not asking you for incriminating testimony, sir. Are you drunk or sober?"

Defendant: "Well, your honor, without the fifth, I'm not capable of making that determination."

Judge: "In that case, the court finds you guilty as charged and sentences you to three days in jail. The bailiff will show you to your quarters."

Defendant: "Thank you, your honor. Do you think there'll be enough quarters to buy a fifth?"

Replaces Judge Birch

Governor Picks Welles For Court of Appeals

David Welles, chief legal adviser to Gov. Ned McWherter, has been appointed to the state Court of Criminal Appeals.

Welles, a native of Dresden, replaces Judge A.A. Birch, who was earlier named to the state Supreme Court. Both appointments were made by the governor as a result of former Supreme Court Judge Martha

Craig Daughtrey being elevated to the District Court of Appeals.

Welles worked as chief clerk of the House before becoming McWherter's legal adviser seven years ago. He was one of three nominated for the appellate post, including Nashville Criminal Court Judge Ann Lacy Johns and Judge J.S. Daniel of Murfreesboro.

Welles must win voter approval in August in order to complete the remaining four years of Birch's term.

Metro Shows 6% Boost in Giving

Following a mediocre showing the year before, Metro employees rebounded with a strong \$404,000-plus donation to the Metro Employees Consolidated Charities Campaign. That was a 6 percent increase. Our offices contributed a total of \$3,419.

Women's Hands Will Build Home for Bureau Employee

Before launching into a full-blown explanation of the headline above and the photos at right, let us say that this story is predicated on a single human quality that exists only in those who dare to pursue their dreams.

That quality is persistence, a first cousin to determination, sister of relentless and the mother of accomplishment.

Persistence. It starts with "P" and that rhymes with "V" and that stands for "Vision." Right here in Music City.

This story is about how Gayle Kinzer, a single mom and computer operator with the Traffic Violations Bureau, parlayed that special human trait into realization of the American dream.

Five years ago, Gayle's personal situation dictated a natural desire to improve her lifestyle. Son Dominique had come into her life and she wanted him to have better surroundings than those offered by her small apartment. Through a friend, she learned about a program called Habitat for Humanity, an on-going national project to provide housing for special people with special needs.

A phone call to the local arm of the program got her an application, which she promptly completed and returned. When a year passed without her hearing back from the application, she called the local office to check on it, only to learn that her application could not be found. She waited a few days



"Words can't explain..."



"...Hallelujah"



"...Thank you, Jesus"

and called back. Still no application.

Instead of losing heart, Gayle asked that another application be sent. It was, and she started the process over. But this time, she left nothing to chance. Over the next four years her voice would become immediately recognizable to workers answering the phone at the local office.

"I kept calling and checking, calling and checking," she said. "They had hundreds of applicants and mine was just like any other."

During that long waiting period, Gayle landed a job with the Metro Tax Assessor's office and was earning enough money to improve her qualifications for one of Habitat's interest-free homes. Each time she would get a pay raise, she would inform the Habitat office, hoping to improve her chances even more.

She wasn't looking for a handout, just a

hand "up" to a home of her own with payments she could afford.

Gayle's needs for such a home had intensified somewhat since her reapplication, even though she had vacated her apartment for a larger duplex with the arrival of her second child, daughter Breanna. And she changed jobs last August, joining our traffic computer team.

Perhaps Gayle's persistence and determination got the attention of the Habitat's family selection committee. Or maybe her application simply proved her to be the most deserving candidate for a decent house. Only families who cannot purchase a house through conventional means are considered for the program.

Whatever the ultimate reason, Gayle's five-year adventure of frustration, prayer and outright agony came to a happy conclusion with a telephone call advising her that a sponsor had been found and she would finally become a homeowner.

Not only that, she would become the program's first Nashville applicant whose house would be built exclusively by women, which seems appropriate when you consider that Gayle's benefactor is female country music star Reba McEntire.

Not only did Ms. McEntire provide the funds for Gayle's house, hers will be among the female hands driving nails, sawing boards, etc., when the nine-day construction begins on March 19. And when 3504

(See KEY, Page 4)

Worker's House Burns; Fund Drive Helps

Deputy Probate Court Clerk Betty Hendrix has expressed her appreciation to persons coming to her family's aid in the wake of a fire that destroyed her house in the Whites Creek area.

A fund was established in the clerk's office after the Jan. 19 fire, which occurred while Ms. Hendrix was at work.

One of her four sons was at home when the fire started and reported it. But firefighting efforts failed to salvage clothing or other possessions.

Responding to the generosity of those who

contributed to the fund drive, Ms. Hendrix said:

"I would like to express my sincere gratitude to all of my Metro family.

"Through your gifts and clothing, money, etc., the pain of our tragic loss has been lightened.

"You have touched our lives individually and collectively in a way that I find impossible to express.

"Your love has truly been a stabilizing force in our emotional storm; and your continued prayers will certainly help bring us through."

Computer Enhances Probate Operations

After a successful January paralleling, our Probate office is now utilizing its new computer system for all daily caseload activity.

The system was installed and placed into service a full month before backup procedures were eliminated.

The Probate office also has expanded its computer printing capabilities and is now able to provide legal documentation giving both administrative and testamentary authority to persons appointed to administer estates. Such documentation is required for financial transactions involving transfer of assets.

The letters of administration can be obtained at the office or by mail.

March Birthdays

Circuit Court Clerk

28 Betty Murray
29 Cheryl Kennedy

Traffic Violations

3 Annetta Jones
12 Roy Bohannon

General Sessions

13 Janice Yearwood
27 Kenneth Turner

Probate

18 Roland Guff



Expanded Dial-A-Case In Full Swing



Circuit Court Cases Now On-Line to Subscribers

All the bugs have been exterminated and the Circuit Court phase of Dial-A-Case, our modem access service, is now in full operation.

Technical snarls prevented the program expansion from premiering on Jan. 3, as advertised. But the postponement was only a short one and subscribers began accessing case files before month's end.

The system now enables subscribers to electronically access civil case files in both General Sessions and Circuit Court under a single rate schedule. Before the system was expanded, charter subscribers were limited to General Sessions information. They now enjoy the broader coverage at no additional charge.

Rates are determined by a specific number of monthly hours offered in three customer package options, ranging from multiple

party to single user lines. A brochure explaining all phases of the service has been mailed to area law firms and private companies that do business with the courts on a regular basis. Other interested parties can obtain the information by contacting our office.

Dial-A-Case, which can be utilized only by persons having computer equipment capable of accessing data by modem, was implemented last September to accommodate attorneys and others as a matter of convenience. Through electronic hookup, daily updated information can be obtained without personal presence. Many law firms hailed the service as a savings on time, labor and parking. And since the service is available around the clock, information can be obtained during late evening hours and on weekends when the clerk's offices are closed.



Habitat for Humanity selectee Gayle Kinzer (front left) takes a break with fellow computer room workers (front) Robin Smith and Pat Baxter, (back row, l-r) Nancy Capps, Billye Barnard, Vickie Slate and Annetta Jones. Supervisor Leslie Allumbaugh photographed this picture and the personality shots on Page 3.

Key to Gayle Kinzer's House Is Made of Pure Persistence

(From Page 3)

Hydes Ferry Road becomes the official Kinzer residence on March 27, it will be Reba who presents Gayle with the house keys.

Gayle will spend the next 20 years making monthly payments that will go entirely toward the raw cost of the house. She won't be paying any interest, of course, but all of the money she pays will go toward making someone else's dream come true.

Gayle's presently cramped two-bedroom duplex will be replaced by a three-bedroom, 1 1/2-bath frame house on a landscaped lot surrounded by a fence and accentuated by a paved driveway.

All materials for the project will come from companies owned by women or from private female donors. Why, you ask?

"We just wanted to do something different," said spokesperson Ruth Raines of Goldner Associates, Inc. "This will be a coming together of sorts, a multi-ethnic sharing of human kindness."

Which explains this story's headline.

The photos? Gayle's reaction upon learning that dreams really do come true for those who never give up.

January Juries Favor Plaintiffs

January was not a good month for defendants in Circuit Court jury trials.

Of the 14 cases decided by jurors in five different courtrooms, only one defendant prevailed.

Eight plaintiffs in automobile accident cases received favorable verdicts, ranging from \$1,000 to \$55,000. The largest judgment was for \$850,000 in a medical malpractice trial.

Here is a case-by-case breakdown on the month's jury trial activity:

WEEK OF JANUARY 10

Case Number	Type of Case	Verdict
91C-580	Medical Malpractice	(P) \$850,000
90C-2610	Auto Accident	(P) 60,000
93C-370	Auto Accident	(P) 3,400
93C-732	Personal Injury	(P) 340,685
91C-1864	Auto Accident	(P) 4,300

WEEK OF JANUARY 18

Case Number	Type of Case	Verdict
86C-2005	Medical Malpractice	(P) \$75,000
92C-3116	Auto Accident	(P) 1,000
90C-2893	Auto Accident	(P) 9,566

WEEK OF JANUARY 24

Case Number	Type of Case	Verdict
92C-1547 & 1574	Auto Accident	(P) \$10,000
91C-304 & 1441	Auto Accident	(P) 55,000
92C-1499	Negligence/Fall	(P) 145,000
92C-544	Auto Accident	(P) 50,000
92C-1849	Contract	(P) 7,500
93C-2280	Auto Accident	Defendant

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(Estb. by George L. Rooker, Circuit Court Clerk, 1929-1993)

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