

Rooker Report

April 15, 1994 Published by the Davidson County Circuit Court Clerk's Office Vol. 2, No. 3

The Changing Jury System

Taking the Sting Out of Serving

Jury service--that civic duty we all are obligated to perform but few of us welcome--could become an easier pill to swallow in the near future.

Not that it's a bad dose right now, but a summons in the morning mail always seems to bring on a bad case of nausea for the rest of the day.

Suddenly your job gets higher priority than you ever gave it before.

Those old war injuries scream out for immediate medical attention.

And, as luck would have it, the discount on that Florida condo is good only during the dates on your summons.

You are, after all, only human with a natural resistance to breaking daily routine. The fact that you've never served on a jury before doesn't mean you have a fear of the unknown. Right?

Well, okay, so you're a little scared. Get over it. Do you think you're the only one who got called to serve?

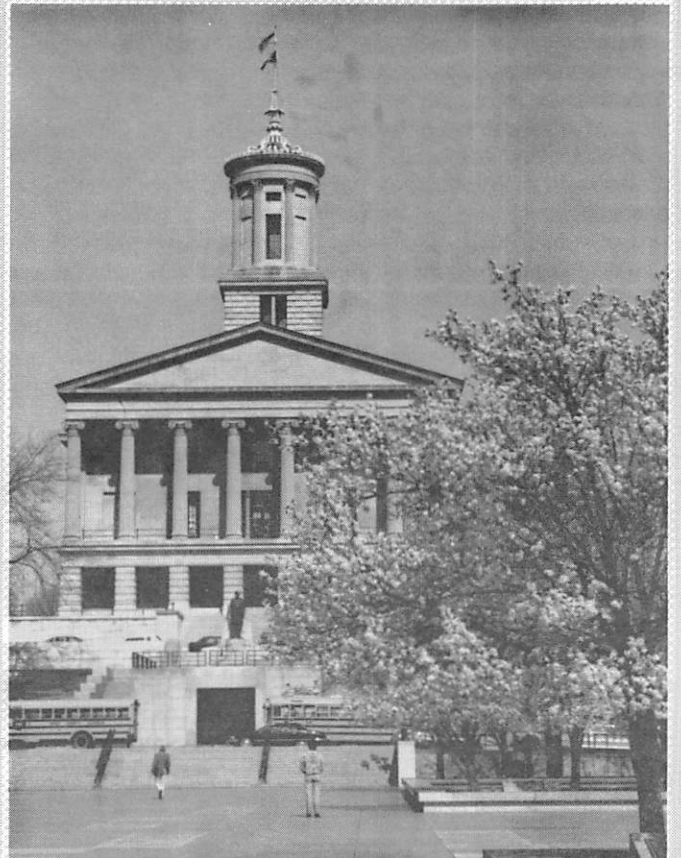
Truth is, the court system understands your apprehension and is sympathetic to at least a portion of your reluctance. Not the part about carrying out your civic duty, mind you. Judges are adamant about responsibility fulfillment. But they are working to remove the stigma that has been attached to jury duty. They want to make it an educational and gratifying experience.

In order to arrive at such a formula, the courts must first learn just what elements of jury service the citizenry finds the most bothersome, or distasteful, and--if possible--correct or eliminate them from the process in favor of more acceptable methods.

Who better to provide those answers than the jurors themselves? Enter the Juror Exit Poll, a printed questionnaire that allows venire persons to end their terms of service by telling

(See JURY REFORMS, Page 2)

Will New Law Unbuckle Seat Belt Students?... 3



Leslie Allumbaugh Photo

Full-Court Press

Waiting for the acts to fall from the Hill

With the current session of the General Assembly winding its way toward conclusion, the legal community is keeping an eye on several pending amendments that could change the way courts conduct their business.

Some of the proposals probably will get lost in the last-minute shuffle and will require future resuscitation, but those toting the strongest punch are expected to find their way to the governor's desk for enactment before month's end.

Of primary interest are proposals affecting child support payments, garnishments, civil complaint confidentiality, order of protection jurisdiction and property holding rights of minors and disabled persons.

These, and other pending bills, have a direct influence on the operations of the circuit court clerk's office. Their progress is being monitored and their ultimate status will be explained in the May issue of the Rooker Report.

Jury Reforms Supported by Testy Venire

(From Page 1)

the system what they think about it.

Approximately 40 percent of the citizens pulling jury duty during the month of March did just that. And while the comments were generally predictable, they provided a collective foundation for upcoming reforms to the jury system.

Those reforms will include the consolidation of criminal and civil jury panels into a single unit, development of new operating procedures and the procurement of a jury coordinator to manage the system. Groundwork has already been laid to transfer administrative duties from the circuit court clerk to the trial courts, pending budget approval by the Metro Council.

Plans also have been announced to provide a new jury assembly room on the ground floor of the courthouse--one that will accommodate the physical demands of a consolidated venire with refreshment and pastime amenities.

So, the new jury system pot is simmering, but a few more ingredients must be added before bringing it to a boil. George Prentice, recently brought on board as trial court administrator, is wearing the chef hat and must blend the spices from a large rack of offerings before declaring it ready to serve.

Which brings us back to the jury exit poll, considered by Prentice as a vital barometer for enhancing the quality and efficiency of the system. So convinced of the importance of juror input, Prentice has recommended that similar polling be continued on a permanent basis.

The initial survey was built around aspects of the system deemed by court officials as being most germane to local conditions. It was designed to measure attitudes toward serving and to gather data regarding facilities, treatment and procedures during the jurors' terms of service.

As mentioned earlier, much of the aggregate response was expected. But individual comments from many of the respondents revealed an attentiveness to detail that indicated an overall genuine understanding of the mechanics of the process.

Somewhat surprising was the number of jurors claiming to welcome the opportunity to serve. Of those responding, 73 percent indicated a favorable attitude upon receiving the initial summons. And of that number, 29 percent was even more favorable after having served. But 30 percent said they would be more reluctant to serve after having been exposed to the process.

As expected, attitudes were affected by whether or not the respondents were selected as jurors in actual trials. Those selected for courtroom proceedings were more impressed with the system than those who were not chosen. However, of those respondents who never were considered for a trial panel, 57 percent said their impression of service was still favorable.

Poll results showed that only 32 of the 86 respondents were selected for jury panels during their average of 3.5 days at the courthouse. This left 61 percent who were never selected to hear cases.

Jurors Speak Out

Chancery Court

"The courtroom was too cold."

"I could not understand or hear all that the judge explained during his charge address to the jury."

"I think jurors should be screened more carefully and more skillfully."



Circuit Court

"Why do you need to have so many people report and then do nothing? I had hoped to be a part of everything, not in a cramped space for hours and see or do nothing."

"Summon fewer potential jurors so that the process of waiting for so many is diminished."

"Need a larger waiting room, more comfortable chairs and possibly a coke and snack machine in the room."

Criminal Court

"Waiting for jury picks is boring."

"You need a bigger waiting area and eating area."

"Your directions need to be rewritten so that they adequately advise of all the requirements."



As a result, prospective jurors generally were left with plenty of idle time--time to become familiar with the facilities. It was this area of the questionnaire that brought out the most significant backlash.

While judges and court staff received a super high rating for their roles in accommodating the jurors, the congenial treatment wasn't enough to overcome the discomfort of cramped assembly rooms, boredom and a shortage of eating places.

Random comments from those polled on these factors as they applied to each court division are featured elsewhere on this page. They were selected from a documented report submitted by Prentice in support of his proposal for reform.

"Our efforts to create a unified jury system should produce more efficient methods and reduce some of these concerns," Prentice wrote.

He should get no argument, since the people with the power to make it happen will be filling out the same questionnaire themselves somewhere down the line.

New Seat Belt Law to Close Safety Class?

State lawmakers apparently have rung the "school's out" bell for Davidson County's Buckle-Up program, the classroom alternative to fines for repeat seat belt law offenders.

A proposal designed to make first time violators pay a token fine rather than get off with a warning sped through both houses and under the pen of Gov. Ned McWherter before local judges could start their engines.

"The first I heard about the bill was when I received a copy in the mail," said General Sessions Judge Leon Ruben almost three weeks after the new law went into effect on March 23.

Imposition of a \$10 fine for first offenders was not what drew the objections. It was the trailing mandates that upset Ruben and fellow judges.

The bill sets a maximum fine of \$20 for second and all subsequent seat belt violations and prohibits the collection of litigation taxes in cases of conviction and default judgments. Both aspects apparently will result in lost revenue to both levels of government.

Prior to the new law, persons found guilty or failing to appear in court on seat belt charges were assessed litigation taxes totalling \$27.50, equally divided between state and local governments. There was no immediate indication as to how much annual revenue the tax has generated.

The real knockout punch from the bill is the \$20 maximum fine dictated by the legislation. That is the same amount now being charged to enroll in the county's seat belt safety classes, sponsored by the courts.

"Why would anybody pay \$20 to come to class and learn the importance of wearing a seat belt when they can pay the same amount and stay at home?" Ruben asked.

Before being rewritten by the lawmakers, the bill required the issuance of a warning to first-time seat belt violators, but imposed a fine of \$50 for each subsequent violation.

That made enrollment in the Buckle-Up program a monetary bargain and was viewed as a promotion for safer driving habits. All fees from the school program were used to finance its operations. During the first two months of this year alone the classes brought in about \$10,000.

Since the new law is already in effect, both the judicial and administrative branches are now left scrambling to make necessary adjustments.



Leslie Allumbaugh Photo

Circuit Court Clerk Richard Rooker presents a 20-year service pin to Jo Ann Lewis during her retirement party.

Retiree Will Rock, Alright But Bureau's Lewis Won't Need a Chair

By the time you read this story, Jo Ann Lewis will be two weeks into retirement, several games into the spring softball season and chomping at the bit to hop on the back of her hubby's motorcycle for a Florida vacation.

After 23 years and seven months of bringing home a paycheck from Metro, the spunky employee of the Traffic Violations Bureau has joined her already-retired better half for a turn at "the good life."

Fellow workers wished her a fond farewell at a retirement party on March 31, the final day of an unplanned career that began and ended in the same "direction."

Mrs. Lewis came to Metro in September 1970. She took a job as a school patrol mom because she wanted to be active and involved in the daily routine of her four school-aged children. By the time they all had graduated 11 years later, she had become supervisor over 38 other patrol mothers, a

position she held for five years.

Following a short stint at cafeteria work at Dalewood Elementary School, she landed a job with the Traffic Violations Bureau in 1982. For the next dozen years, she would handle warrants and garnishments and talk sports with the male employees--especially sports involving Vanderbilt, "her" team.

Now, at 66 years of age and six grandchildren to root for on the fields, Mrs. Lewis looks forward to "a whole lot of basketball and softball games" and the fulltime attention of husband Herb, who retired three years ago from Midstate Paper Notions after 40 years of service.

"It's time to let the young folks take over the jobs now," she smiles. "It's time to get out while I'm healthy and can enjoy life."

With her energy and wide-eyed approach to life, you can bet that Jo Ann Lewis won't be hitting the rocking chair. That is, unless Herb's motorcycle has one attached.

May Birthdays

Probate
17 Kim Jackson

General Sessions
None

Traffic Violations
2 Beverly Swafford
6 Vickie Slate
8 Robert Coleman
11 Glenn Gann
16 Susie Mosley
30 Ray Fuller

Circuit Court Clerk

4 Kathy Garrett
7 Michelle Sawyer
10 Kim Lowe
Suzanne Parker
22 Keith Byrd
25 Temesia Harris
27 B renda Parks
29 Bobbie Eden
30 Richard Rooker

IMPLANTS: Will \$4 Billion Settle Health Issue?

Despite an announced forthcoming record settlement in the silicone breast implant controversy, some regional cases could still wind up in circuit court here for resolution.

Even though funds have been underwritten to pay out more than \$4 billion to some 7,000 women who claim their health was harmed by the implants, the settlement offer could be withdrawn if an unacceptable number of the women accept the deal.

In that event, anything short of a revised settlement figure would apparently signal the start of case-by-case hearings under an organized regional court procedure announced last year. Circuit Court Judge Marietta Shipley would preside over pretrial matters involving all cases filed in Middle Tennessee and individual trials

would be assigned to courts of case origination.

Such a turn is not expected, however. The settlement offer by Dow Corning Corporation and affiliates represents the highest single product liability agreement in U.S. history, providing between \$200,000 and \$2 million to each woman with health problems caused by the implants. Additionally, women with implants who have no health problems now can receive benefits if they develop implant-related illnesses within the next 30 years.

The settlement offer was hammered out over a two-year period after a national outcry that prostheses ruptures allowed silicone to leak into patients' bodies, causing a variety of health problems.

Some 20 cases have been filed in Davidson County alone.

Cheers

As if you haven't seen it already on all three local television channels, **Gayle Kinzer** moved into her new Habitat for Humanity house last month. It was built entirely by women, as advertised, including benefactor **Reba McEntire**, who presented the Traffic Violations Bureau employee with the house keys a mere nine days after groundbreaking ceremonies. Despite rainy weather, it was a big media event. Gayle and her two children are settling in very nicely, thank you...Someone else who is settling in is **Diana Sprows**, the newest member of our General Sessions Civil Division staff...Speaking of "new members," we congratulate Probate Deputy Clerk **Casey Gibson** and wife **Deana** upon the birth of a 7-pound-7 1/2-ounce baby daughter. **Miss Kelsie Paige Gibson** arrived on Dec. 12. For some reason, we failed to pick up on the news at the time. Sorry for the oversight, Casey. Want to give us another shot sometime soon?...We didn't fail to notice the recent absence of the boss' secretary, **Michelle Sawyer**, who was off her feet for about a week following some outpatient surgery. She's back and we're glad.

SPRING ODYSSEY

Cotton candy clouds float lazily across the April sky in perfect harmony with the swinging boughs of a weeping willow. It's God's merriment on display; His way of relieving man of his wintry punishment of visual drabness and arthritic discomfort.

He has proclaimed the season of awakening; of glorious colors; of freshly mowed grass that penetrates the nostrils to provoke preliminary thoughts of watermelon in the park.

And as a child rolls giggling in the grass, he is circled by a playful puppy, hassling for ventilation and happily reflecting his elation with a laughing face.

Two young lovers support themselves against a dazzling Dogwood tree, their romantic mood enhanced by white blossoms that symbolically prophecise raiments of rice and wedding attire.

Nearby, a pair of Robins peck at the soil and survey their surroundings to acknowledge the trespassment of creatures who, like Pied Piper's mice, are magnetically drawn to the trumpeteers of the new season.

Oh, Spring. It is so good to see you again. Embrace us all and instill once again the spirit of appreciation. For we are a truly selfish people with sinful weaknesses that overcome our gratitude when flesh becomes discomforted in monotonous days ahead.

But for now, we sing your praises with hayfevered harmony and we enjoy your beauty through pollenated eyes. Recognize our tinted skin as an open expression of tempered pleasure.

We bask in your warmth. We rejoice in your calm breezes. Your potpourri fragrance awakens our senses. And to your return we proudly shout in unison--AMEN!

Circuit Court Jury Trial Verdicts

WEEK OF MARCH 14-16

Case Number	Type of Case	Verdict
91C-2719	Negligence	Dir. Verdict
91C-2041	Negligence	Defendant
93C-1576	Auto Accident	(P) \$8,850

WEEK OF MARCH 21-23

Case Number	Type of Case	Verdict
92C-1380	Auto Accident	(P) \$225,000
90C-2029	Auto Accident	(P) \$ 28,600

WEEK OF MARCH 28-30

Case Number	Type of Case	Verdict
92C-30	Auto Accident	(P) \$21,000
90C-3533	Negligence	(In Progress)
92C-1412	Auto Accident	(P) \$17,500
91C-2755	Auto Accident	(P) \$163,000
92C-2274	Auto Accident	Defendant
91C-2565	Auto Accident	(P) \$3,000

Rooker Report

Published by the Davidson County Circuit Court Clerk's Office
506 Metropolitan Courthouse, Nashville, TN 37201

Established by **George L. Rooker (1929-1993)**,
(Circuit Court Clerk, 1968-1993)

Richard R. Rooker Circuit Court Clerk
Gene Baker Editor