

Rooker Report

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A Word About Child Support

New methods of collecting and distributing child support payments are just around the corner.

>The Tennessee General Assembly this year enacted legislation making wage assignments mandatory for all applicable domestic cases filed after July 1.

>The Department of Human Services will unveil a statewide information network in October of next year with an eye toward improving support collections for children on welfare.

>Clerks of court will be required to conform to stringent regulations or face policy controls from the state.

>A number of enabling amendments faced scrutiny by state lawmakers during the 98th assembly. Some were enacted with contradictory language.

In the interest of accuracy, the Rooker Report has opted to delay publishing analyses of the amendments until further review can be completed.

The collection and distribution of child support payments through the circuit court clerk's office amounts to more than \$12 million a year.

Traffic Tickets Out of Uniform

There's an old saying around this part of the country that if you don't like the weather, just wait a few minutes and it will change.

The same adage might also apply to driving laws and the penalties for violating them. It is the one area of social interaction that is under constant review by state and local governments as they try to balance public safety and the cost of providing it.

But one must question the degree of consistency when the penalty for not wearing a seat belt is about the same as the fine for illegal parking. And then there is the matter of economic feasibility that comes into play when new legislation necessitates costly alterations to hundreds of thousands of traffic tickets bearing preprinted fine information.

When this year's legislature suddenly changed seat belt fine amounts, our Traffic Violations Bureau was caught with 112,000 preprinted tickets bearing what had suddenly become obsolete information. The cheapest remedy (but one that will tax the labor force for months to come) was to print stick-on labels to advise defendants of the new fine amounts.



Confusion in the Passing Lane

Status Quo

For the record, Metro has opted not to participate in the uniform traffic ticket act.

Major design changes within recent years, providing multiple offense listings on a single ticket, have reduced time in the field for officers, lowered printing expenses and proved more convenient for the general public.

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Orders of Protection Passed to Sessions

Effective July 1, orders of protection --for the most part-- will come under the jurisdiction of General Sessions courts for the first time in Davidson County.

A legislative amendment transferred primary authority over the orders from Circuit Court to the lower court system, which hears both civil and criminal cases. Protection orders are issued as an outgrowth of threats or violence, elements that lend themselves to criminal punishment not within the purview of the civil courts.

Under provisions of the amendment, Circuit Court retains concurrent jurisdiction over protection orders growing out of a pending divorce action and has authority to impose a \$50 civil penalty for violations.

At present time, Circuit Court has exclusive jurisdiction over the issu-

ance of orders of protection in Davidson County. Until the new law takes effect, only domestic relations courts of record has such jurisdiction in counties with populations above 200,000. General Sessions is not a court of record.

With the change, persons seeking protection orders will make application through a night commissioner, similar to the method utilized for restraining orders.

Details for implementing a docket for the newly inherited cases are still to be worked out by the General Sessions judges. An alternating schedule is expected to be adopted for the weekly docket.

Persons obtaining temporary protection orders must pay a fee to cover court costs and are entitled to a hearing within 10 days of service.

Dormant Funds On Way to State Coffers

Unclaimed funds from more than 300 probate, civil and domestic cases are being transferred to state coffers this month during a spring house-cleaning dictated by changes in Tennessee's property laws.

Chances are, most of the total \$69,676 being surrendered by our departments will wind up as continuous interest-bearing funds—a new, mini-windfall to the state's economy.

Prior to the passage of a statutory amendment during last year's General Assembly session, courts were required to hold unclaimed funds for a period of seven years before escheating them to the state. The amendment reduced the period to a single calendar year, thereby mandating the release of monies being held prior to this past January.

With similar turnovers taking place throughout the state's court systems, cumulative funds should amount to a tidy sum that will manifest itself through interest earnings that are shielded from subsequent successful claims.

Previously, entitled parties received 95 percent of interest monies earned on their invested funds. But the new guidelines limit claims to the principal amount once the funds have been escheated to the state.

Because of wide time lapses and, in some cases, insignificant amounts, most of the escheated cases in our offices are not likely to attract claims at the state level. Cases from which the funds are derived date as far back as 1974 and range in value from as little as four-cents.

The bulk of our dormant funds comes from the

Probate Court system where \$60,180.94 was netted out from 57 different cases. That would appear to be a significant amount, but pales in comparison to the \$174,945 escheated during our first year of managing the office.

There are a variety of reasons for the accumulation of unclaimed funds. In Probate, virtually every such case involves the absence of heirs in estate settlements. In Circuit and General Sessions, funds stagnate from condemnation cases, uncashed checks and the like.

There were 90 such cases escheated by our Circuit Court office with the highest case value being \$315 and representing almost 10 percent of the total \$3,292.62 conveyance. General Sessions surrendered \$6,202.47 from 193 cases ranging in value from \$22.50 to \$840.41.

Child Support Tops Legal Priority List

As powerful as it is, the federal government can't touch wages that have been attached for child support.

Circuit Court Judge Muriel Robinson provided that information in response to an inquiry from our office recently.

"Wage assignment for child support takes precedent over everything, including the Internal Revenue Service," the judge said.

Of course, the judge clarified her statement by noting that wage assignments are applicable to a person's net income and cannot include any portion of federal withholding taxes. But, she noted, neither can a federal tax lien absorb any portion of monies earmarked for child support through wage assignment.

Judge Robinson is the county's primary domestics jurist.

"She also is a good person to know if you get stuck on an elevator," says General Sessions Judge William Higgins.

Higgins ought to know. When a courthouse elevator he was riding stuck between floors recently, it was Judge Robinson who detected the dilemma of her fellow judge and went for help. Undeterred by the fact that courthouse maintenance personnel was unavailable, Judge Robinson simply called the fire department and the story had a happy ending.



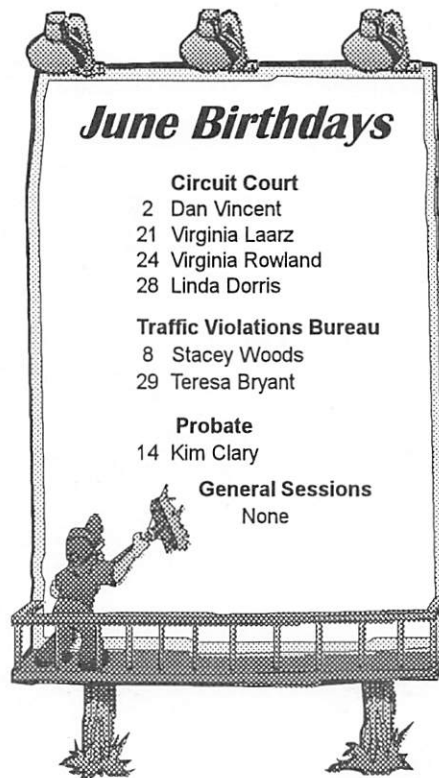
ROBINSON



HIGGINS

Cheers...

Jimmy Hawkins, head of operations for Metro's General Services and father of Circuit Court calendar clerk **Lori Stratton**, is recuperating at home following lung surgery at Baptist Hospital. Despite the seriousness of the operation, Hawkins spent a mere four days in the hospital. At that rate, he probably will be back at his desk long before the normal six-week recovery period...**Julie Binkley** was welcomed back to the Traffic Violations Bureau last month after taking a hiatus to earn a degree from Belmont University. Julie will be trying for a law degree this fall when she will enroll in the Nashville School of Law...Also back on the job in the Bureau is information clerk **Robert Potts**, who is slow-walking recovery from recent major surgery...No slow-walking where **Susan McDonald** is concerned, however. The General Sessions Civil Division employee announced in March that she would wed **Douglass Green** in October. Guess what? The wedding took place on April 16. Something was said about no reason to delay the inevitable...**Kathy Langford**, a deputy in our Circuit Court office, says she will follow Susan's lead. She will marry Metro Police Detective Sgt. **William Smith** on May 28. The vows will be repeated at 3 p.m. at the Cornerstone Church in Madison, then it's off to Gatlinburg for the honeymoon...Traffic Bureau clerk **Susie Mosley** has a new son. **Erial Orient Mosley** made his arrival on May 7 at Baptist Hospital, tilting the scales at 6 1/2 pounds...Belated congratulations to **Candy Rucker**, calendar clerk for Circuit Court Judge **Hamilton Gayden**, upon giving birth to a 7 1/2 pound baby girl. **Lauren Elizabeth** is the apple of dad **Larry Rucker's** eye... Former circuit deputy clerk **Rita (Petty) McBroom** has our admiration upon her graduation with honors this month from Vol State Community College. Rita is pursuing a teaching career with the blessings



of attorney hubby **Jim McBroom**...Recent Traffic Violations Bureau retiree **Jo Ann Lewis**, enjoying her hard-earned freedom, writes to thank fellow workers for the going-away party last month. "I hope each of you get to join the ranks of the retired folks soon. It's great!!!" Uh, thanks, Jo Ann, but some things are best saved for the imagination.

...Tears

Deepest sympathy to **Sarah Dunn** of our Traffic Warrant Office in the tragic April 26 death of her brother **Troy Wade**...Our heads also remained bowed in memory of the late **Richard Nixon**, whose contributions to his country as president should always be placed above the scandal that brought him down.

Confusion in the Legislative Passing Lane

(From Page 1)

Because of the triplicate copy design of the tickets, the chore of attaching the labels is a tedious and time-consuming one. The label is necessary only on the defendant's copy. And guess where it is located? Right. Dead center of the batch.

Perhaps the task will be easier to swallow, though, in light of what happened with the new uniform traffic ticket law that goes into effect next Jan. 1.

After passing the act during the first session of its assembly, the lawmakers returned for their second session to learn there was major resistance from local governments across the state. Not surprising, since each agency operates under its own set of rules that are difficult and expensive to change.

No problem. Substitute the words "may use" for "shall use" and give everybody a choice of conforming or keeping what they have. And it was done. So, the uniform traffic ticket act will go into effect for some, but not for others.

Why is a uniform traffic ticket necessary? Your guess is as good as ours. Long-range computer tracking, perhaps. We must assume that it's a good bill because the statute says "the public welfare requires it."

The same footnote accompanies each piece of legislation that hits the table on Capitol Hill. It was present when the original seat belt law gave penalty reprieve to first time violators and imposed maximum fines for

repeat offenders. But its sincerity was diluted this year when the law was amended.

First-time seat belt violators now receive fines rather than warnings while repeat offenders get off a lot cheaper than before.

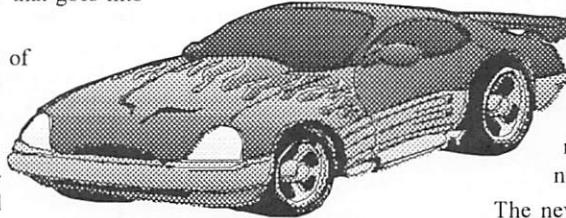
Seeing no need to confer with the judicial branch, legislators hit the passing lane with the seat belt amendment. It was passed by both houses and under the pen of Gov. Ned McWherter before judges or court administrators spotted it in their rearview mirrors. With an immediate effective date of March 23, there was no time for clerical preparation.

The new edict established a \$10 slap-on-the-wrist for first-time seat belt infractions and limited subsequent offenses to \$20, an obvious deficiency to revenue collections and a coup de grace to seat belt school programs.

Buckle Up classes are now virtually obsolete because it costs no more to pay a seat belt fine than it does to enroll in the school. And since the violation is in the non-moving category, it doesn't appear on a person's driving record.

The question now is, will the next legislative session try to recoup the losses by making another change in the fine amounts? And, if so, will it prompt even more new rules for local thoroughfares?

Motorists hardly know which way to turn.



Detour Takes Warrant Officer to Aid of Accident Victims

Had there not been an accident that bottlenecked traffic on his regular route home from work, it would have been an ordinary day for traffic warrant officer Corey Willett.

As it turned out, his alternate route to avoid one accident led him to another and the opportunity to be an angel of mercy to a child and her mother.

Willett, who lives in Hermitage, was approaching the I-40 East entrance ramp off Second Avenue South when he heard a crash and looked to see a car spinning its way into a ditch. The car had been struck as it merged from the interstate exit ramp into the path of a van traveling north on the one-way Second Avenue.

Realizing the seriousness of the situation, Willett jumped from his pickup truck and ran to the car to offer assistance. What greeted him was not a pretty sight.

The driver of the car, 36-year-old Mable Sowell, was in shock; her torso slumped over the passenger's seat, her feet lodged under the brake pedal. The point of impact had demolished her side of the car and broken glass was scattered throughout the interior, including the floorboard of the passenger's side where Willett spotted the woman's three-year-old daughter Orleta, dazed and peering through a face of blood.

As Willett rushed to check on her condition, the child stood and cried out for her mother, who was trying to lift her head from the seat but was instructed by Willett to remain still until medical help arrived.

Meantime, the loss of blood by the child was taking its toll and she "started to fade," said Willett, who administered CPR techniques to keep her awake. "I was talking to her, but she wasn't responding," he said. "It scared me."

The driver of the van that collided with the car was right behind Willett throughout the ordeal. He peeled off his tee-shirt and gave it to Willett to wipe the blood from the child's face and head, revealing the severity of

the blow she had received. The driver of a delivery truck telephoned 911 and emergency medical crews were en route within minutes, Willett said.

As sirens whined in the distance, Willett said the little girl became scared. "I asked her if she ever watched 'Rescue 911' on television," said Willett, himself the father of two small children. "She said she had, so I told her that Rescue 911 was on the way to help her and her mother. She was alright after that."

At last report, the woman and her child were in satisfactory condition at Vanderbilt Hospital. Willett checks on their condition often and keeps his fingers crossed that his service to fate was concluded on May 9.

HOLIDAY CLOSING DATES

Following are the dates our offices will be closed in observance of holidays during the balance of this calendar year. No business will be conducted on these dates in the Circuit Court Clerk's Office, the Probate Office, General Sessions Civil Division and the Traffic Violations Bureau.

<u>Date</u>	<u>Day</u>	<u>Holiday</u>
May 30	Monday	Memorial Day
July 4	Monday	Independence Day
Sept. 5	Monday	Labor Day
Nov. 11	Friday	Veterans Day
Nov. 24-25	Thursday/Friday	Thanksgiving
Dec. 23-26	Friday-Monday	Christmas

Garnishments

Game Rules Change For Debt Collections

Judgment debtors can expect their paychecks to come up short for up to twice as long starting in July, but greater preparation by creditors will be necessary to initiate garnishment liens.

Two amendments to the state's garnishment law cleared the legislature this year, including a compromise on a previous clerical error that would have made paycheck liens valid until retirement of claims, without regard to time limits.

As a corrective alternative, the lawmakers increased the validity period from three to six months with little or no objections. But they also altered another section of the law to require the listing of a debtor's social security number on lien executions.

The latter provision apparently was enacted to prevent claims of misidentification at the time of legal proceedings. Although most retailers gather such information as routine business practice, other types of creditors --like the court systems -- could face problems in conforming.

Clerk Considers Policy Change

Because monetary obligations, such as court costs in civil lawsuits, are not determined until cases are concluded, clerks responsible for collecting the fees are often without personal information on all litigants. This is especially true when judgments go against defendants.

Circuit Court Clerk Richard R. Rooker said the new requirement might necessitate a policy change regarding original case filings. One possibility, he said, would be for plaintiff attorneys to furnish the courts with the required information at the time complaints are filed. That practice is not common under present operating procedures, but lawyers representing plaintiffs are required to sign as surety for court costs and law requires them to pay if the clerk is unable to collect from the litigant.

The six-month validity period of garnishment liens will strongly reduce the amount of paperwork for creditors and allow them to recover a larger portion of judgments before renewing liens. On the other side of the coin, however, other creditors seeking settlement of judgments against the same debtor must wait twice as long for their garnishment to take effect.

Rooker Report

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

Richard R. Rooker..... Circuit Court Clerk
Gene Baker..... Editor

Data Bank

Statistics compiled for the month of April

Case Information

Circuit Court

New Civil Cases Filed	289
Civil Cases Concluded	227
New Divorce Cases Filed	321
Divorce Cases Closed.....	344

General Sessions Civil

New Cases Filed	3,254
Executions Issued	2,530
Judgments Collected	\$462,307

Probate Court

New Cases Filed	146
Cases Closed	102

Traffic Violations

Moving Violations	18,822
Parking Citations	12,715
Total Fines Collected	\$316,877
Nullifications	1,619
Nullification Fees Collected	\$14,571

Circuit Court Jury Trial Verdicts

Week of April 18

Case	Type	Court	Verdict
89C-24	Med. Malpractice	2nd	(P) \$4,000,000
93C-1312	Auto Accident	1st	(P) 10,000
93C-2634	Auto Accident	6th	Def. Verdict
91C-537	Paternity	1st	Pltf. Verdict

Week of April 25

Case	Type	Court	Verdict
90C-3764	Med. Malpractice	6th	Def. Verdict
91C-330	Auto Accident	2nd	(P) \$312,000
91C-2312	Negligence	1st	(P) 26,600
92C-995	Auto Accident	1st	(P) 4,400

Week of May 2

Case	Type	Court	Verdict
88C-3822	Med. Malpractice	2nd	(In progress)
92C-2348	Negligence	1st	(P) \$10,942
93C-1706	Auto Accident	6th	(P) 30,000
93C-3120	Auto Accident	5th	(P) 6,080
92C-2542	Auto Accident	3rd	*(P) 30,000
90C-3765	Prop. Damage	5th	(P) 2,800
91C-437	Dental Mal.	6th	Def. Verdict
94C-70	Auto Accident	1st	(P) 8,200
92C-2589	Auto Accident	1st	Def. Verdict

*--Verdict favored only one of three defendants.

Case Update

The following case was in progress at press time of our April edition.

Case	Type	Court	Verdict
90C-3533	Negligence	1st	Def. Verdict