

# Rooker Report

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## Fiscal '94 Fitness

More than \$45.8 million came under the care of the Circuit Court Clerk during the 1993-94 fiscal year with all four departments reporting gains in either caseloads or generated revenue.

Buoyed by a record \$13 million-plus in child support collections, civil activity in the six circuit courts represented the lion's share of the total revenue pie with receipts of \$29.7 million. But impressive dollar figures were also recorded by the three co-departments--General Sessions Civil Division at \$8.7 million, Traffic Violations Bureau at \$4.3 million and Probate Court at \$3.1 million.

With the exception of operating expenses, all monies paid into the departments are earmarked for court-ordered disbursement, either to litigants or -- in the case of traffic fines -- to local government. The clerk has a fiduciary responsibility of carrying out the directives of the court and is held accountable for all funds under his care.

For the first time in quarter of a century, someone other than the late George L. Rooker has that responsibility. Richard R. Rooker, son of the late clerk, completed his first full fiscal year at the helm.

"I am satisfied and pleased that the business management practices of my father have been carried forward

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## SUPPORT GROWING FOR THE CHILDREN

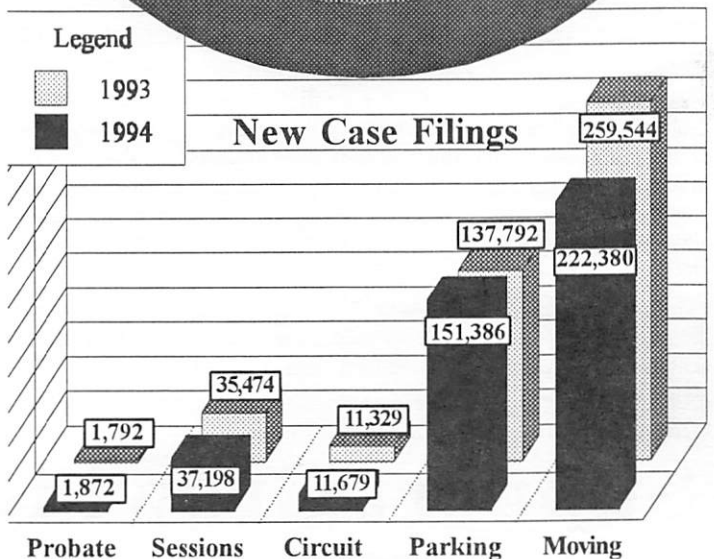
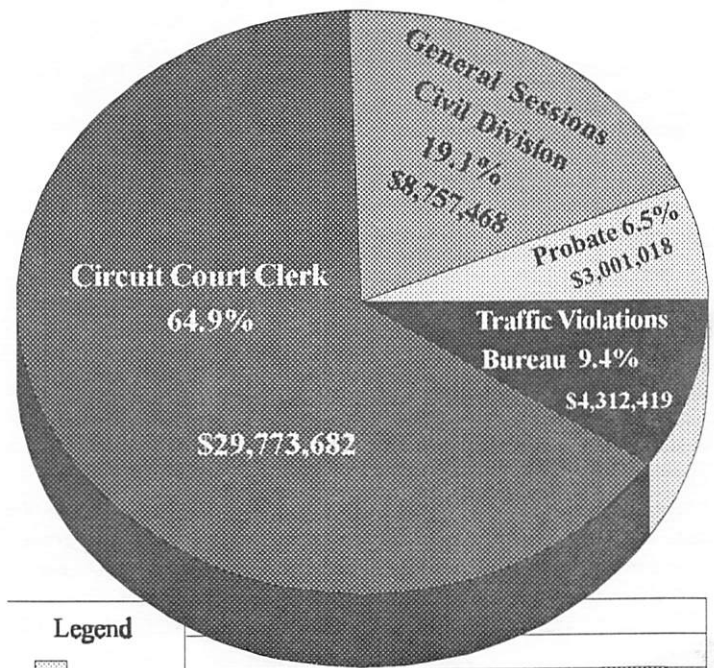
While money won't heal the emotional scars of parental separation, it is an essential medication for treating chronic financial symptoms contracted by the innocent victims of divorce.

For years, the courts have been writing prescriptions for the antidote:

"Child Support. Regular Doses. As Directed."

Those who followed the orders found the medicine to be effective and incurred no more problems. But those who failed to fill their prescriptions were required to return for increased dosages.

Yet, it was not they who were in need of the medication. The real patients were their children, remnants of failed marriages, facing uncertain futures with certain economic demands.



With support from the legislative branch, private enterprise and society in general, greater progress is now being made toward insuring at least partial fulfillment of those demands.

Indicative of that fact is the sharp increase in child support payments administered through our circuit court clerk's office during the first six months of the current calendar year. Payments disbursed to custodial parents during that period hit \$6,858,956, an increase of \$851,423 over the same period a year ago. It was the largest comparison period increase ever and pushed overall child support fiscal receipts beyond the \$13 million mark for the first time.

The increase was attributed in part to a customary addition of

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## Fiscal Fitness

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and applied in a manner complementary to the instructions of the courts," he said.

Because of the diversity of the departments under the circuit court clerk, collected revenues bear many labels. Monies paid into the system are specifically channeled to such areas as child support, trust funds, investments, court costs, fines and fees. A major portion of the total revenue picture is derived from collection of judgments. During the last fiscal year, combined judgment collections for Circuit and General Sessions was \$12.5 million.

Service fees to finance overhead expenses of court clerks are set by the state legislature. Twice annually, Rooker turns over to the Metro general fund any fees that are collected in excess of budgetary expenses. During the past fiscal year, that amounted to \$1,350,000. No taxpayer money has been used to finance the circuit court clerk's office for at least the past 25 years.

Of the four departments, only the Traffic Violations Bureau showed a decline in overall case filings. But a 5.9 percent decrease in the total number of citations issued for moving violations was overcome by a sharp increase in parking violations and a concerted effort to collect past due fines. The bottom line netted out an overall 1.8 percent increase in revenue. Additionally, the bureau collected \$188,361 in nullification fees and \$91,996 in fines and costs for Metro ordinance violations.

The Traffic Warrant office was credited with making a significant contribution to the department's overall collections by tenaciously pursuing executions against persons who had long ignored paying fines.

All fines collected by the traffic bureau are turned over to Metro and earmarked for street repairs and related expenses.

## Support Growing for the Children

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new cases growing out of the 3,801 divorce actions receiving disposition during the fiscal year. No immediate determination had been made as to how many of the divorces involved children. There are currently 7,656 active child support cases under clerical supervision of our office.

Several other factors have contributed to the improvement of support collections, ranging from a tougher stance by the courts to wage assignment to the privatization of enforcement.

Companies such as Maximus, under state contract to bring Davidson County's deadbeat parents into compliance, have sprung up across the nation in recent years and are having an impact on the system. It's big business with high profit yield from the pure numbers of bounty.

The primary target of the private companies tends to be the hard core eluder with unstable employment history, virtually impossible to effectively apply controls of wage assignment. Historically, absent parents with solid wage-earning credentials are more apt to stay gainfully employed, despite forced employer involvement by the courts.

Therefore, wage assignment perhaps has been the single most effective method of enforcement. And a new state law that went into effect this

The number of new case filings increased in both General Sessions and Circuit courts, rebounding from a rather slow 1992-93 period at both levels of civil litigation.

General Sessions showed the biggest increase with 37,198 new cases representing a 4.6 percent improvement over the 1993 figure. And while the office issued slightly fewer garnishments than the previous year, judgment collections hit \$5,519,145—an increase of almost 2 percent. Only cases involving claims of less than \$10,000 fall within General Sessions jurisdiction.

The civil trial courts also experienced a busy year, concluding 11,004 cases while 11,679 new ones were being filed—350 more than originated during the same period a year ago. Of the concluded cases, the majority (7,445) were domestic related, including 3,801 divorce petitions.

The number of new divorce petition filings was actually 163 fewer than last year at 3,713.

Circuit courts also had their share of cases involving domestic violence during a period when national attention was focused on spousal abuse. Prior to June when primary jurisdiction over order of protection petitions was transferred to General Sessions, all such matters were determined by the circuit judges. During the final 12 months of operating under the old rule, the trial courts disposed of 766 order of protection cases.

Since the new law went into effect, only those petitioners who are party to pending divorce cases may apply for protection orders through the circuit courts. All others must seek relief through the lower court system, which has criminal prosecution authority. The legislature also has authorized imposition of a \$50 civil penalty against violators with the total amount going into a special fund to finance anti-domestic violence programs.

The outcome of civil lawsuits in Circuit during the fiscal year spelled big money for winning litigants. The clerk's office collected \$6,977,560 in judgments against the losers.

It was our second year of operating the Probate Court Clerk's office and the results were respectful with gains in every statistical area. New case filings increased by 4 percent and the 1,909 concluded cases was 18.6 percent higher than the previous fiscal year. Too, the number of pending cases dropped from 8,485 to 8,448, and the office generated more than enough fees to pay its own way.

Efficiency in the probate office reached a new level with the installation of computer terminals to accommodate upgraded technical programs.

month extends its application by requiring income attachment unless the court finds "good cause" to order alternative arrangements in the child's best interest.

Wage assignment not only keeps the paying parent out of hot water with the courts, it allows for speedier payment to the custodial parent. Because the payment is in the form of a company check, the clerk's office gives same-day disbursement, avoiding a 10-day waiting period policy applied to personal checks.

During the past fiscal year, our office processed 101,604 checks—a daily average of 408 representing \$52,976 in child support payments per diem. That was 5,497 more checks than were issued the previous fiscal year and helped increase daily support payment receipts to \$54,872, or \$6,424 more than the daily average a year ago. In fact, the monthly average of support payments (\$1,143,159) was \$36,365 higher than the largest single month of fiscal 1993.

The clerk's office was able to meet the sharply increased workload demand without adding to the size of its staff. Employee experience and a sophisticated computer system made that possible and, no doubt, will be the combination necessary for meeting even greater demands of the future.

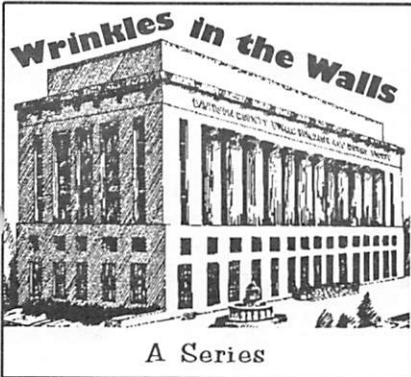
## First Installment

# Lady Justice & The New Kid

*A curtain of summer haze lazily drapes itself over the Nashville skyline, creating an almost-eerie distant illusion for the thousands of early morning motorists making their routine daily trek into the city.*

*Few of the downtown buildings are clearly visible through the wispy fog that seems to selectively veil the shortest of structures, unable to rise to the heights of modern-day architecture.*

*But for Capitol Hill, the governmental district, long considered the city's welcome mat to those arriving from the eastern arteries, will only be identifiable from close range on this hot, sultry July morning.*



*Sitting in traffic on the Victory Memorial Bridge not only puts one in visibility range, it provides an awesome view of contrasting architectural accomplishments of yesterday and today. Each with its own character and personality. Both ingenious. A mere stone's throw apart.*

From this vantage point, the new South Central Bell building exhibits an overpowering presence, rising proudly in sentry over a historical district in renaissance. The new structural kid in the 'hood, a study in modern architectural genius, prods the imagination toward thoughts of Batman in protective stance over a new Gotham.

In contrast to its more stoic point of comparison, the new architectural monument is progressive western swing and rock. The Courthouse is undeniably Tennessee Waltz.

Together, however, they are in perfect step with the city's penchant for preserving the past and embracing the future.

Perhaps no other building better represents the past than the sprawling limestone edifice that occupies the major portion of what officially is Public Square. Even though its middle age does not span the pages of Nashville's rich history, it is a fourth generation descendant of the first courthouse to occupy the same location 210 years ago.

Dedicated in 1937, the present courthouse and public building was hailed for its simplistic and efficient design, despite its Art Deco style, accentuated by 12 Doric columns that add a touch of authority to the frontal facade.

### Double Ring Entendre

If Seven-Eleven merged with Majik Market, would you call it a marriage of convenience?



LESLIE ALLUMBAUGH PHOTO

Placement of the building was carefully planned to provide unobstructed exposure to persons approaching downtown via the Woodland Street Bridge. Later, as the Public Square property was divided to accommodate greater access, the rear of the building shared visual billing with persons entering on Victory Memorial Bridge.

Artistically, the interior of the courthouse is a showcase of colorful paintings and murals that have been preserved with the Tennessee Marble walls that embrace them. All lend perfect complement to the plethora of other remembrances to be found both inside and out.

In a later installment, a more justifiable description will be given of this temple of local justice. Why was it built? Who designed it? How much did it cost? What were the labor costs? What is being done to bring it up to today's standards?

But to be logistically correct, the stories of the three previous courthouse buildings—when they existed, and what happened to them—should first be told. Next month's installment will focus on those eras.

### Order of Protection Docket Times

Order of protection hearings on petitions issued by the General Sessions courts will be held on Monday afternoon for the remainder of this month, then will move to Tuesday beginning in August.

The hearings will begin at 1:30 p.m. in Courtroom II of the Ben West Building. The starting time will remain the same after the date change.

Circuit Court order of protection dockets are held in Fourth Court on Thursday and Second Court on Friday for cases involving pending divorces.





## DATA BANK

Statistics compiled for the month of June

### Case Information

#### Circuit Court

New Civil Cases Filed.....	322
Civil Cases Concluded.....	250
New Divorce Cases Filed.....	348
Divorce Cases Closed.....	309

#### General Sessions Civil

New Cases Filed.....	3,622
Executions Issued.....	2,979
Judgments Collected.....	\$508,147

#### Probate Court

New Cases Filed.....	175
Cases Closed.....	135

#### Traffic Violations

Moving Citations.....	15,745
Parking Violations.....	11,267
Total Fines Collected.....	\$304,442
Nullifications.....	1,527
Nullification Fees Collected.....	\$13,743

### Circuit Court Jury Trial Verdicts

#### Week of June 13

Case	Type	Court	Verdict
92C-3359	Auto Accident	1st (P)	\$6,000
91C-141	Auto Accident	6th	Defendant

#### Week of June 20

Case	Type	Court	Verdict
87C-181	Condemnation	1st (D)	\$1,759,778
92C-2372	Auto Accident	6th (P)	\$550,000
93C-625	Auto Accident	3rd (P)	\$2,500
93C-1904/3540	Auto Accident	2nd (D)	*\$500
91C-3008	Slip/Fall	3rd (P)	\$65,000
93C-2635	Contract (Appeal)	6th (P)	Directed

\*--Counter action.

#### Week of June 27

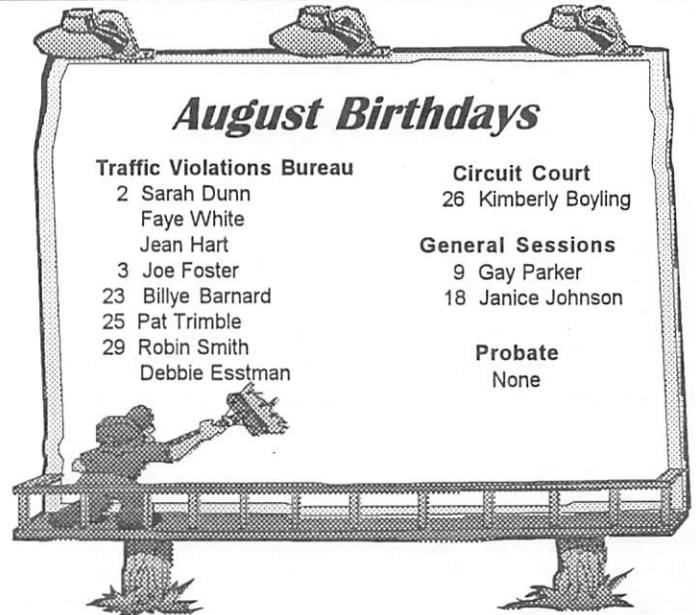
Case	Type	Court	Verdict
91C-1958	Med. Malpractice	2nd	Defendant
93C-2268	Auto Accident	5th (P)	\$16,000
92C-854	Auto Accident	6th (P)	\$ 5,875
88C-3930	Assault	3rd (P)	\$29,000

## Rooker Report

Published by the Davidson County Circuit Court Clerk's Office  
506 Metro 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



## August Birthdays

#### Traffic Violations Bureau

- 2 Sarah Dunn
- Faye White
- Jean Hart
- 3 Joe Foster
- 23 Billye Barnard
- 25 Pat Trimble
- 29 Robin Smith
- Debbie Esstman

#### Circuit Court

- 26 Kimberly Boyling

#### General Sessions

- 9 Gay Parker
- 18 Janice Johnson

#### Probate

- None

## Cheers...

If Marian Kohl ever decides to run for office, she will probably get there before her opponents. Ms. Kohl, a law clerk for Circuit Court Judge Barbara Haynes, ran off with the first place trophy in the women's 5K challenge during the Tennessee Bar Association's annual convention last month in Memphis...Chelsea Willett, four-year-old daughter of traffic warrant officer Corey Willett, is making "great progress" following recent spinal surgery to correct a walking defect...Congratulations to General Sessions Civil deputy clerk Diana Sprows on her recent marriage to Nashville car dealer Buddy Reed. The couple tied the knot on June 18 and jetted to Cancun, Mexico, for their honeymoon...General Sessions docket clerk Andrew Coomer and fiancée Melissa Stauder have stepped up their wedding plans. Instead of a fall wedding, the couple will be united on July 30 at Beacon Baptist Church...Probate Court Officer William Clary is recuperating at home from injuries he received in an automobile accident last month. We cheer the fact that he survived another driver's apparent carelessness that totally destroyed two vehicles and threatened the lives of three persons, including himself.

## ...Tears

Thomas Wardlaw Steele, who succumbed to cancer last month at the age of 72, left behind a rich legacy that will be permanently inscribed in the pages of Tennessee legal history. It was his ruling while serving as a Davidson County chancellor that struck down the 1901 Tennessee Apportionment Act and paved the way for the "one-man-one-vote" doctrine. But he was equally adept on the other side of the bench, establishing a reputation as one of Nashville's brightest barristers and serving his community in a variety of civic leadership roles. His passing leaves voids in all aspects of his involvement and in the hearts of those whose lives he touched...We also extend deepest sympathy to General Sessions docket clerk Jackie Knight in the death of her mother.

### Want Back Issues? Here's the Procedure

Back issues of the Rooker Report are available upon request at no charge.

Persons should notify our office in advance and specify the particular month and year of the newsletter they wish to obtain. The reports will be reserved for pickup at our office unless the request is accompanied by a self addressed stamped envelope.

Back issues also are maintained by the Metro Archives, 1113 Elm Hill Pike.