

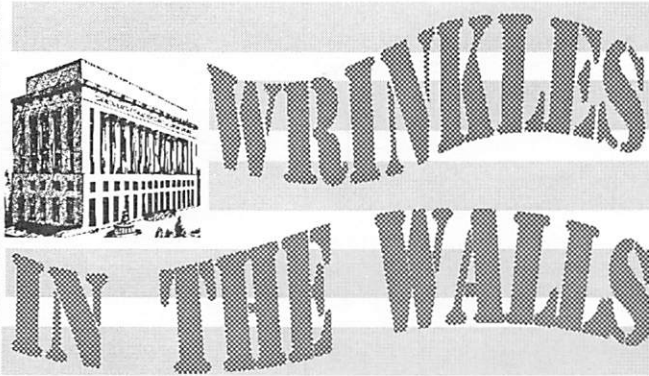
ROOKER REPORT

August 15, 1994

Published by the Davidson County Circuit Court Clerk's Office

Vol.2, No.7

Second in a Series



The Courthouse History Forgotten

The footprints of history often become distorted by the winds of time, leaving false trails for those who choose to follow and challenging those who unrelentingly pursue the truth. Fortunately, the quest for accuracy generally meets with successful conclusion somewhere along the trail and mankind's conception of the past is either reinforced or corrected.

Sometimes, however, revelations of inaccuracies fail to receive proper circulation among the masses and the findings are left without correctional impact on embedded beliefs.

Case in point is the availability of historical data pertaining to the number of courthouses that have graced Nashville's Public Square during the city's 210-year existence. Despite the fact that materials being circulated to the public proclaim that number to be "four," the organization responsible for publishing the information--the Metropolitan Historical Commission--has uncovered proof that there have actually been "five."

The commission makes the distinction in its impressive blue-line marker presentation on the courthouse grounds. Unfortunately, the correction failed to make the reprinting of the commission's historical brochure that otherwise provides a glowing, educational narrative for large numbers of courthouse visitors.

No degree of criticism should be attached to the commission's oversight. After all, it was the commission that found documentation of the "lost" courthouse--information that had been disclosed in the press in 1936, but which escaped researchers for the better part of six decades.

Among them was Nashville attorney and legal history buff David C. Rutherford, whose "Bench and Bar" book, published in 1982, echoed the four-courthouse theory at that time. The book, a product of exhaustive research and highly acclaimed as a local historical Bible by the legal community, featured a photograph of what was thought to have been the second courthouse, built in 1802.

As it turns out, the courthouse shown in the book was neither built in 1802 nor was it the city's second such building. The pictured building actually was built in about 1830 and was the "third" to house Nashville's legal goings-on.

(See WRINKLES, Page 3)

Health Threat Docket Looms

New Rule Boosts Sessions Court Role In Abating Disease Spread

General Sessions courts have been given a more prominent role in protecting the public from carriers of communicable diseases as a result of new formalized procedures adopted by the Tennessee Department of Health.

In response to legislative guidelines that went into effect July 1, judges have agreed to place committal cases on their daily jail docket until an independent docket can be arranged in their already crowded schedule. The jail docket is held at 10 a.m. Monday through Saturday in the Criminal Justice Center.

"The health schedule is tentative at this time," said Presiding Judge Michael Mondelli, who noted that health committal cases are rare at this point and probably would not merit a separate docket unless the numbers should increase dramatically.

With the recurring presence of tuberculosis and increasing numbers of reported cases of a variety of disease transmissions, state health officials are girding up to quarantine patients reluctant to treatment. New rules authorize health officials to bring noncomplying carriers before judicial inquiry as a legal means of forcing treatment when necessary.

Court intervention is applied only if authorized health officers are unable to gain testing and/or treatment cooperation from suspected carriers. Those ordered to have their status determined by the courts are entitled to legal counsel and the presentation of evidence supportive of their positions. If the court finds that a public health risk exists, the alleged carrier is committed to the custody of the state health commissioner and ordered to comply with appropriate corrective measures.

In emergency situations, the courts can order a civil arrest and examination, isolation and appropriate treatment to determine if an imminent health threat exists.

Who Is This Clown?



When not on duty as a member of the circuit court clerk's staff, this made-up dude devotes much of his time to entertaining crowds during Shrine events. His clown antics have pleased both children and adults for a number of years. Can you identify the employee and the clown character's name?

(See Page 3 for answers.)

Protection Order Transition: Bumpy But Productive

General Sessions commissioners issued 100 temporary orders, ruled on a dozen previous violations and set 43 petitions for hearings during their first month of state-ordered jurisdiction in order of protection cases.

Circuit Court, which retained authority over such cases of violence in pending divorce suits, saw its order of protection demand drop to only 14 as a result of the new procedure.

Before a new state law went into effect on July 1, all petitions for protection orders were filed in Circuit Court as civil litigation, void of criminal punishment. The change extended primary jurisdiction to General Sessions Court, which has criminal prosecution authority, thereby strengthening the effectiveness of the legal instrument.

Both levels of court have legislative approval to levy \$50 civil penalties and 10-day jail sentences for violations with the fines earmarked exclusively for funding community education programs on domestic violence.

The procedural transition was not without an anticipated presence of confusion. As with any type of change, adjustments were necessary before participants became comfortable with the new assignment. At one point, conflicting schedules forced a change of venue for some hearings that had been slated for the third floor of the courthouse. After the hearings were relocated in the Criminal Justice Center, Presiding Judge Mike Mondelli

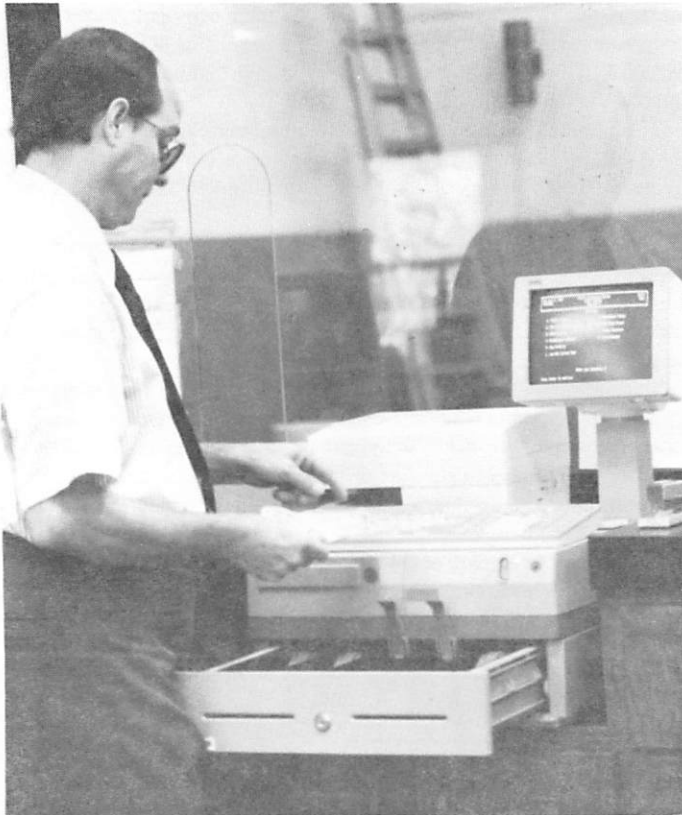
signed a scheduling order precluding such confusion in the future.

Judges William Faimon, Penny Harrington and Gale Robinson have been assigned to preside over all violation dockets on an alternating schedule at 9:30 a.m. daily. Parties will be notified as to courtroom assignment.

Hearings on petitions will be held at 1:30 p.m. each Tuesday in Courtroom 2 of the Ben West Building with all nine judges participating in those dockets in accordance with their regular work schedules.

Meantime, efforts continue outside the courtroom to assist victims of domestic abuse through community support. Late last month, Legal Services of Middle Tennessee hosted the Nashville Coalition Against Domestic Violence in an effort to identify and correct legal hurdles for victims. In addition to the cross-section of coalition members, Circuit Court Judge Muriel Robinson, General Sessions Judge Penny Harrington and Chief Circuit Court Administrative Clerk Carole Garrett discussed ways of advising victims how to get their paperwork through the system.

The coalition members also expressed concern over reports that some victims are required to wait long periods of time to obtain ex parte orders because of prioritized arraignment dockets. But weak points in the system are expected to find remedy as efforts to end family violence continue to intensify at all levels of society.



Leslie Allumbaugh Photo

Cashier Monty Russell enters a customer transaction into one of the Traffic Violations Bureau's new computerized cash registers. Installed last Spring, the high-tech machines help provide speedier service while producing records of transactions for greater book-keeping efficiency. The computer registers are capable of incorporating multiple traffic offenses in a single process while providing an immediate breakdown of charges and issuing a customer receipt. The same, efficient method is applied to large numbers of parking tickets by a single violator. The registers accommodate batch entries as single transactions. Before the new registers were installed, clerks had to enter each offense separately, resulting in longer lines at the cashier window.

George Rooker's 25 Years Set Circuit Clerk Record

Several readers have asked for a listing of the persons who have served as Davidson County Circuit Court Clerk and their length of service.

We are happy to oblige.

Although background information on each of the clerks would require extensive research and, to this point, has not been carried out, it is interesting to note from the chronology the longevity of those who served.

For instance, the first clerk served a total of 24 years -- the equivalent of six full terms -- and held the record for length of service until being topped by George L. Rooker, who served 25 years before his death last year.

Richard Rooker, son of the late clerk, is the 19th person to hold the office. When he completes his first elected term in 1998, he will have served five years, which will surpass the terms of five previous clerks and equal the span of another.

Twelve clerks served at least two consecutive terms and half of that number succeeded in winning third terms.

Here is the history of the office:

Clerk	YEARS	SPAN
1. Randall McGavock	24	1810-1834
2. Jacob McGavock	2	1834-1836
3. Robert B. Turner	8	1836-1844
4. Thomas T. Smiley	14	1844-1858
5. David C. Love	12	1858-1870
6. Albert Akens	4	1870-1874
7. Nat F. Dortch	8	1874-1882
8. J.E. Aldrich	8	1882-1890
9. B.R. Webb	4	1890-1894
10. A.J. Harris	4	1894-1898
11. Walter S. Rainey	3	1898-1901
12. Ben R. Webb	5	1901-1906
13. Lewis M. Hitt	8	1906-1914
14. W.B. Cook	10	1914-1924
15. W.H. Lingner	11	1924-1935
16. Hugh Freeman	16	1935-1951
17. Alf Rutherford	17	1951-1968
18. George L. Rooker	25	1968-1993
19. Richard R. Rooker	--	1993- ????

WRINKLES IN THE WALLS

The Courthouse History Forgot

(From Page 1)

Again, the published information was based on records to be found at the time. And the newspaper accounts of 1936 simply were not found—not by Rutherford or the variety of historical sources who supplied information for the book.

Had it not been for the curiosity of a state appellate judge, knowledge of the "lost" courthouse's existence might still be awaiting discovery.

Judge John H. De Witt of the Tennessee Court of Appeals and president of the Tennessee Historical Society at the time, was among many who wondered how a novice settlement could produce such a pretentious building as the three-story brick courthouse proclaimed to have been built just 18 years after their first hewn log creation.

De Witt's suspicions were confirmed following a diligent search of records on file in the Carnegie library. The domed brick structure had been preceded by yet another courthouse that had failed to claim its place in the pages of recognized history.

Perhaps the omission was intentional. For the documentation uncovered by De Witt left no doubt about the building's lack of stability. Records revealed that the courthouse had become so dilapidated by 1825 that steps were taken to build a new one.

"We hope to see the old courthouse demolished soon—very soon," said a government official at the time. "The building really is unfit for use."

No building specifications were found to indicate the size of that courthouse or the type of materials used in its construction. Because of the particular historical period, it is assumed that the building was made of wood.

Surely the ill-fated structure was considerably larger than the town's very first courthouse. That accommodation, erected in 1784, was not much bigger than many of today's residential family rooms. The main trunk consisted of only 18 square feet, flanked by a 12-foot courtroom on one side and a small but sturdily built prison on the other side. Notably, the prison featured a loft and flooring and was built on a rock, apparently to impede escape efforts.

The log courthouse was destroyed by fire of suspect in 1796, but not before launching the career of the country's seventh president, Andrew Jackson.

At the age of 21, Jackson came here from North Carolina to become Davidson County's first district attorney. His arrival was bad news for those who would not pay their debts, because during



This photograph purports to be the second in the succession of Davidson County courthouses. Actually, the brick structure was the third of five courthouses that have occupied space in the city's public square since 1784. The existence of a second courthouse was discovered in 1936 but the disclosure has eluded historians until recently. Photo courtesy of David C. Rutherford's "Bench and Bar" publication.

his first 30 days of service, Jackson enforced 70 writs of execution. Two years later, when Tennessee became a federal district, Jackson was named the first United States Attorney.

While the rest of Jackson's career is legendary, perhaps a share of his fiery determination was inspired by his introduction to that first little courthouse, which he found to be filthy and in disrepair upon his arrival. Such an indication of disrespect for the law by inhabitants of the frontier town might have been a formative factor in the grit of a man later known as "Old Hickory."

When the log courthouse was leveled by fire 13 years after it was dedicated, the state legislature reacted by passing legislation to give relief to persons suffering from loss of records in the blaze. The lawmakers noted that "many persons are or may be injured..." by the incident, an indication

that arson was suspected, but not verifiable during that period.

It is interesting to note that the first courthouse occupied a spot within a four-acre site designated as Nashville's public square, and that the entire town covered only 200 acres in area.

It is commonly believed that the second courthouse was erected on the same spot, but that others to follow would be located elsewhere within the square. That theory is supported by old County Court records showing that the second building was repaired and kept in use while the more modern brick structure was being built.

Obviously, no photographs exist of the first two courthouses. The camera at that time was a long way from being perfected. The written word, however, paints a pretty clear picture of a gap in Nashville's history books that needs closing.



Leslie Allumbaugh Photo

Our "mystery" clown is none other than Richard Vester, warrant office supervisor of the Traffic Violations Bureau. Vester is a longtime member of the Al Menah Shrine Temple's Clown Unit, performing under the name of "Shakey." His disguise changes from time to time. Our front page photo features one of his earlier faces.



DATA BANK

Statistics compiled for the month of July

Case Information

Circuit Court

New Civil Cases Filed	326
Civil Cases Concluded	282
New Divorce Cases Filed	292
Divorce Cases Closed	254

General Sessions Civil

New Cases Filed	3,256
Executions Issued	2,297
Judgments Collected	\$412,072

Probate Court

New Cases Filed	164
Cases Closed	146

Traffic Violations

Moving Citations	18,786
Parking Violations	10,152
Total Fines Collected	\$275,370
Nullifications	1,238
Nullification Fees Collected	\$11,142

Circuit Court Jury Trial Verdicts

Week of July 18

Case	Type	Court	Verdict
93C-2128 ✓	Dog Bite/Appeal	5th (P)	\$2,500
90C-4021 ✓	Med. Malpractice	6th (P)	\$3,500,000
92C-1468 ✓	Slip & Fall	1st (D)	Directed
89C-337 ✓	Fire	5th (P)	\$90,733
92C-512 ✓	Auto Accident	1st	Defendant

Week of July 25

Case	Type	Court	Verdict
93C-670/1748 ✓	Auto Accident	5th (P)	\$576
93C-2335 ✓	Personal Injury	1st	Defendant
93C-3155 ✓	Auto Accident	2nd (D)	Directed
92C-1697 ✓	Slip & Fall	3rd (D)	Directed
94C-1311-1312 ✓	Auto Acc. Appeal	5th	Defendan

Week of August 1

Case	Type	Court	Verdict
92C-1631 ✓	Contract	6th (P)	\$6,200
93C-1236 ✓	Medical Neglect	1st	Defendant
91C-2592 ✓	Dental Malpractice	3rd	Mistrial
90C-3498/92C-632 ✓	Auto Accident	2nd	Defendant
90C-3150/3175 ✓	Auto Accident	5th	Defendant
90C-3572 ✓	Auto Accident	1st	Mistrial

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

September Birthdays

Traffic Violations Bureau

- 5 Annette Wheeler
- 11 Bill Cartwright
- 15 Dickey Fuqua
- Earl Reed
- 20 Nancy Capps
- 21 Tony Eden
- 22 Betsy Campbell
- 27 Leslie Allumbaugh
- Don Rosso
- 28 Elizabeth Harris

Circuit Court

- 1 Danny Lamb
- 3 Kathy Smith
- 18 Diane Tucker
- 23 Candy Rucker
- 29 Betty Thompson

General Sessions

- 21 Stephanie Phillips

Probate

- 5 Anita Riggan
- 18 Robert Bradshaw, Jr.
- Ricky Deatherage

Cheers...

It's nice to see Judge Mitchell Van Zicarelli back in circulation. Many courthouse officials became concerned when he failed to make his routine rounds of the courts for several weeks. He normally visits several of the judges on a regular basis, a tradition he has maintained since the old days when he was a general sessions judge. As it turns out, Judge Z spent an extended period of time in a Birmingham hospital, suffering from a number of ailments, including gout. But he's back now, a little thinner but sporting a nice tan...Speaking of judges, congratulations to General Sessions Judge **Leon Ruben**, who quietly welcomed birthday number 60 on July 30...And did you hear about General Sessions Judge **William Higgins** getting trapped inside another elevator? You will recall his predicament last May when a courthouse elevator door wouldn't open and Circuit Court Judge **Muriel Robinson** came to his rescue. Well, this time the judge and his two court officers, **Don Corn** and **Bob McClain**, were on duty at Central State Hospital when the elevator they were riding stopped several feet short of a door opening. It was 28 minutes before maintenance personnel were roused to the scene and opened the elevator door. Only the feet and legs of the judicial trio were visible. With assistance, they climbed safely from their lofty perch. So, if you see the good judge getting on an elevator, you might want to wait for the next one...**Terry Roberts** will be missed in our Traffic Violations Bureau. Terry, who joined the staff in December 1990, is moving to Chattanooga at the end of this month to be with her husband, who was transferred there by his employer.

...Tears

Our deepest sympathy goes out to **Betty Rooker** in the July 22 death of her mother **Ruth C. Johnson**, who passed away at the age of 85. Mrs. Johnson, grandmother of Circuit Court Clerk **Richard Rooker** and **George L. Rooker Jr.**, was preceded in death by her husband **Virgil Johnson**...We also are saddened by the passing of **Jeanette Rubin**, sister of General Sessions Judge **Leon Ruben**. Mrs. Rubin, 71, succumbed to cancer at her home on July 21...**Garney Plumley**, husband of former circuit court aid **Key Plumley**, passed away at the family residence on Aug. 6. He was 82 years old. Many courthouse employees were acquainted with Mr. Plumley as a result of Mrs. Plumley's many years of service under Circuit Court Judge **Benson Trimble**. We share their grief in the loss of a friend.