

Rooker Report

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FED 'X'

GARNISHMENT RULES CHANGE FOR POSTAL, OTHER WORKERS

The U.S. Postal Service has designated a single agent to receive wage attachment orders against its employees, creating new guidelines for the service of process regarding both civil and domestic debt collections.

The new regulation, which takes priority over state and local laws because of its federal application, went into effect on Oct. 1, following a similar procedure established earlier by the U.S. Department of Defense for its civilian workers.

In abiding by the new guidelines, both the Circuit Court Clerk's office and General Sessions Civil Division have applied a per-case charge of \$8.19 to cover postage required in effecting service of process.

All wage garnishment actions against postal employees now must be directed to the manager of the postal service's payroll processing branch in Ft. Snelling, Minnesota. "Other postal service employees are not authorized to receive process, nor are they permitted to transmit process to the authorized agent," the order states.

Heretofore, postal workers were treated no differently than employees of any other company in legal debt matters. Garnishments were served at the local level and channeled to the proper paying authority by immediate supervisors.

There was no clear explanation as to

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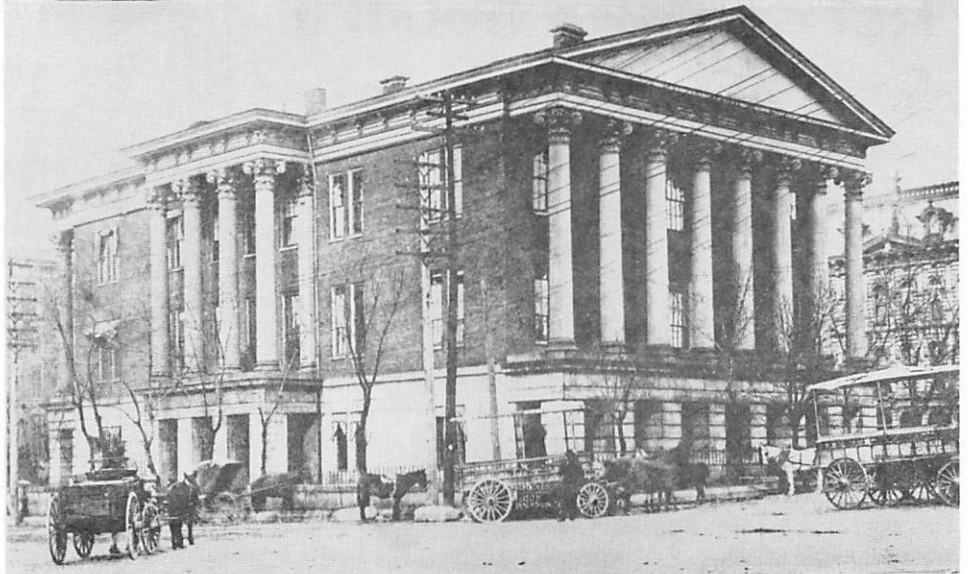
ROUTING DIRECTIONS, FEE REQUIRED

The following routing information is now required on executions of garnishment against U.S. Postal Service and civilian employees of the Department of Defense:

U.S. POSTAL SERVICE -- Manager, Payroll Processing Branch, 1 Federal Drive, Ft. Snelling, MN 55111-9650.

DEPARTMENT OF DEFENSE -- Defense Finance and Accounting Service, Cleveland Center, Office of General Counsel, Code L, P.O. Box 998002, Cleveland, OH 44199-8002.

Advance postage payment of \$8.19 must also accompany filing of process.



Long Ago and Before Parking Meters

Davidson Countians seemed to always have plenty of parking spaces when conducting business at the courthouse during the Nineteenth Century. This photo from David Rutherford's "Bench and Bar" book shows the mode of transportation during that era. This courthouse, the county's fourth, was erected in 1857 and is featured in our continuing series 'Wrinkles in the Walls' on Page 2.

CHANGES

Cost Bond Limit Removed in Civil Cases

Effective Nov. 1, plaintiff attorneys in civil lawsuits will become liable for the entire unpaid court cost bills accumulated against their clients.

Clerks of both Circuit and Chancery courts in Davidson County have agreed to remove the current \$500 cost bond limit and require attorney surety on actual costs for the life of their cases.

The new rule was adopted in an effort to recover ongoing costs in cases where the bond limit is exceeded through protracted activity.

Both of the clerks' offices have been handicapped in their efforts to collect unpaid cost bills from case litigants, primarily because there is no rule requiring submission of personal information on the trial principles.

Plaintiff attorneys are required to sign as surety for the costs, but are forced to pay only after efforts to collect from the client have been exhausted. And then, the attorney is liable for only the first \$500 of the outstanding cost. Clerks say if the situation reaches that point, there is small chance of collecting any balance. Hence, the new no-limit cost bond.

The new rule will apply only to surety cases. Cash bonds for litigants will remain at \$500 and appeal bonds for General Sessions cases will still be \$250. Probate Court is unaffected.

Protection Order Violators to Face Criminal Hearings

Defendants violating order of protection conditions will be treated as criminals starting Nov. 1.

Even though orders of protection are issued as civil instruments of restraint and are subject to civil penalties, state law gives local courts the option of treating violations as criminal contempt. General Sessions judges here, in cooperation with the Criminal and Circuit Court clerks, have elected to proceed under that option.

Under the new procedure, violators can be sentenced to a maximum of 10 days in jail. It was not clear whether the existing civil fine penalty could be imposed as well. But the violation would be reflected as a criminal conviction on the person's record. There have been 37 contempt hearings since jurisdiction was extended to General Sessions courts on July 1.

State Judicial Meet Here Draws Record

A record number of lower court judges were on hand as Nashville hosted the Tennessee General Sessions Judges Conference last month.

Only five of the state's total 134 sessions judges failed to register for the three-day conference at the Holiday Inn Crown Plaza, according to Judge Leon Ruben of Nashville, president of the association.

The annual meeting is designed to update the state's judges on statutory revisions and to promote an exchange of ideas regarding procedures and other matters affecting the courts at both criminal and civil levels.

Knoxville attorney Donald Paine, former president of the Tennessee Bar Association, conducted a two-hour seminar on legislative changes that have gone into effect this year, including increased penalties for DUI offenders.

Much attention was devoted to the incidence of domestic violence and the courts' growing role in dealing with the aftereffects. To emphasize the impact of the social disease, Kathy England, head of the Tennessee Task Force on Domestic Violence and a formerly abused person, related her personal experiences. And Sgt. Mark Wynn, a forerunner in establishing a domestic violence division of the Metro Police Department, related his childhood experiences with an abusive stepfather.

On a related subject, Circuit Court Judge Muriel Robinson explained the mechanics of the state's new order of protection statute, which extended jurisdiction to General Sessions Courts on July 1. That revision gave the lower courts primary issuance and enforcement authority over battered person cases for the first time, beefing up penalties for violations.

Judge Robinson, Davidson County's primary domestic relations jurist, pointed out the continuing role of the trial courts in order of protection cases involving pending divorce and child custody matters.

Socially, the state judges were treated to a reception at the governor's mansion on opening night of the conference. Gov. Ned McWherter and Nashville Mayor Phil Bredesen were in attendance. Republican gubernatorial candidate Don Sundquist was invited but did not attend.

Noting that it was a work productive conference, Ruben said he initiated a new procedure for regathering delegates after recesses. "We rang a big cow bell in the hallways to let everybody know that recess was over and it was time to get back to work," said the popular Nashville judge.

Just one week earlier, Ruben attended the convention of the American Judges' Association in Las Vegas.

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(From Page 1)

why the procedure was changed by the postal service. Presumably the new method will provide greater confidentiality and a more consistent, expeditious relationship with the courts.

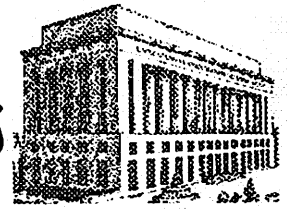
The defense department adopted its new procedure for those reasons after citing an increasing number of commercial court judgments being received at independent payroll offices, only to be forwarded to its central accounting office for legal clearance. "To continue this method of processing would create a burden for the payroll offices and delay the collection process," the department said.

The broadness of the new federal procedure incorporates "any order for child support or alimony...arising under the law of any state, territory, or possession, or the order of a court of competent jurisdiction."

Firms initiating judgment collections in such cases are now required to designate the authorized agent for which wage attachments are being sought. Process must also be accompanied by the mail-forwarding fee.

Wrinkles in the Walls

Third in a Series



Davidson County's fourth courthouse rose from the ashes of an ill-fated predecessor and served the community for 68 years before crumbling to the wrecking ball of progress.

That was 57 years ago. Now the structure that represents the product of that progress is showing her age and awaiting corrective surgery on many of her body parts. Just what those symptoms entail and how they are being addressed will be explored in future installments.

Of the four buildings that previously headquartered county government operations, two were destroyed by fire, one was leveled because it was dilapidated, and the other -- the fourth in line -- was torn down because it no longer could accommodate the county's growth.

After an early Sunday morning fire on April 13, 1856 razed the brick structure that had stood since 1830, county fathers sought out an architect of masterful skills and imagination to design a replacement. They found him in the person of W. Francis Strickland, son of the famous Philadelphia architect William Strickland, who was the designer of the Tennessee state capitol.

Because the "W" in his name appeared on documents related to the courthouse project, historians later would credit the father with designing the courthouse. The record was finally set straight many years later when researchers learned that the father had died three years before the courthouse was built.

Francis Strickland was paid "the princely salary of \$1,000 a year" under the terms of his contract with the county. In earning his pay he provided drawings for a three-story Corinthian style structure, similar in many ways to the capitol building his father had designed and an increasingly popular pattern for public buildings in the South during that period.

Strickland's plans provided for the courthouse to be 118 by 72 feet in size, dimensions the county building committee reckoned to be "nearer the proper size and containing the most suitable internal arrangements." Of the layout, the committee noted that "the rooms certainly are not too large, for it is believed a half century will nearly or quite fill up some of them with books and papers of great value to the public."

The committee hit the nail on the head, for exactly 50 years later the courthouse had become so crowded that a fourth story was added to the original design.

It is difficult to ascertain from conflicting accounts the exact cost of the Strickland-designed courthouse, but the correct figure is located somewhere between \$70,000 and \$120,000. Both figures are quoted in old news clippings. It is generally believed that the original cost was \$60,000 for the building, plus an additional \$10,000 for a terrace. The balance of the higher cost figure could have been represented by the fourth-floor addition in 1909.

What is clearly documented is the amount of insurance money received from the previous courthouse that burned. The Tennessee Marine and Fire Insurance Company paid the county \$12,000. The claim settlement was applied to the cost of the new courthouse.

When the courthouse was demolished in 1935 to make way for one twice as big, First Circuit Court Judge Richard P. Dews purchased most of the salvageable materials and built a house on the Cumberland River.

Grazing

The Nashville Bar Association's new, updated handbook on domestic relations is now available for the asking in the Circuit Court Clerk's Office.

The handbook, featuring guidelines and practice tips to assist the court and those involved in domestic relations litigation, addresses a full spectrum of case elements, including rule changes that have gone into effect since the handbook's previous printing.

Among the new information, practitioners will find additional guidelines adopted by the Second and Fourth circuit courts, which hold jurisdiction over the county's domestic cases. The 71-page guide features 13 separate sections, covering everything from adoptions to trial procedures, plus reference materials on filing fees, child support payments and other helpful instructions.

"These are set forth as guidelines and are not hard and fast commandments, except in certain areas, such as special language to be included in orders," says the handbook's introduction, adding that practitioners should also refer to local rules of practice for related procedures.

Neatly packaged between attractive powder-blue covers, the handbook is pre-punched and ready for insertion in three-ring legal binders. A must for domestic relations attorneys.

Just for the record, hearings for those persons brought before General Sessions Court on health committal requests are conducted in *advance* of the jail docket.

Our story in a recent issue might have been confusing in that it included the health cases as *part* of the jail docket.

The Monday-through-Saturday jail docket begins at 10 a.m. Health issue cases are placed ahead of the jail cases, starting at 9 a.m.

Judges say they consider the health cases as a part of the same docket because they are heard by the same judge presiding over the jail docket. Technically, however, they are two separate dockets.

The giving season is upon us again and, accordingly, employees are being asked to be both generous and prompt.

Pledge cards for the Metro Employees Consolidated Charity campaign should be submitted by Oct. 26. Special attention should be given to properly completing the cards since contributors have the option of directing their gifts to individual agencies. Donor signatures also are required for payroll deduction pledges.

Metro hopes to raise \$425,000 in this year's drive.

And even though it is listed as one of the designated agencies in the United Way-managed drive, the Second Harvest Food Bank is conducting its own, independent campaign again this year.

Employees are asked to donate non-perishable food items to help feed the thousands of hungry families in the immediate area. The food will be collected on Nov. 17 at three different government buildings -- Metro Courthouse (8:30-9:30 a.m.), Stahlman Building (9:00-9:30 a.m.) and Howard Office Building (10:30 a.m.-12:30 p.m.).

Last year's drive provided food for 29,000 families in emergency need.

The Ben West Building remodeling project scheduled to take place during the last week of September did not take place after all. So, those of you needing phone numbers off the walls in the hallways (along with sundry other graffiti) can still tap the source.

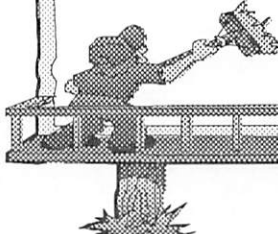
As we announced last month, the wall improvements were strategically scheduled to coincide with the absence of court activity during a judicial conference. Theoretically, there would be less people traffic to interfere with the workers during that time, allowing completion of the long-delayed remodeling phase. But project supervisors said new leaks had developed in the building's roof, causing the walls to become too moist to cover.

There's a country song in there somewhere.

November Birthdays

<p>General Sessions</p> <p>13 Renee Ruben</p> <p>Circuit Court</p> <p>11 Bill Riggs</p>	<p>Traffic Violations Bureau</p> <p>12 Beverly Estes Dixie Gibson</p> <p>13 Patsy Jackson</p> <p>14 Nicole Fielder</p> <p>15 Julie Binkley</p> <p>23 Richard Vester</p> <p>24 Dinah Williams</p> <p>26 Rhonda Hall Nick Lane</p> <p>Probate</p> <p>1 Ruth Lester</p>
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Sorry, Sandy!
Oct. 9 Sandy Adams





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DATA BANK



Statistics compiled for the month of September

Case Information

Circuit Court

New Civil Cases Filed	365
Civil Cases Concluded	317
New Divorce Cases Filed	321
Divorce Cases Closed	351

General Sessions Civil

New Cases Filed	3,131
Executions Issued	2,646
Judgments Collected	\$457,331

Probate Court

New Cases Filed	156
Cases Closed	149
Cases Retired	178

Traffic Violations

Moving Citations	18,488
Parking Violations	12,847
Total Fines Collected	\$283,678
Nullifications	1,464
Nullification Fees Collected	\$13,176

Circuit Court Jury Trial Verdicts

Week of September 12

Case	Type	Court	Verdict
92C-740	Auto Accident	6th	Hung Jury
93C-1611 ✓	Medical Malpractice	5th	(P) \$1,186,000
92C-1435 ✓	Auto Accident	3rd	(P) 30,000
91C-2564 ✓	Slip/Fall	1st	(D) Directed

Week of September 19

Case	Type	Court	Verdict
92C-3156 ✓	Legal Malpractice	3rd	(D) Directed
89C-4159 ✓	Auto Accident	1st	(P) 3,500
93C-1454 ✓	Condemnation	2nd	(P) 30,000

Autumn's Rainbow

A small child watches in amazement as a leaf from a giant oak tree slowly gravitates to the ground to unite with others in a cluster of colors resembling lava from a pot of gold.

How apropos. For the young witness has just been exposed to autumn's rainbow, a sight he will grow to appreciate even more as the annual ritual marks his maturity.

For now, the child's infatuation is one of outdoor adventure. He crouches his small torso and tilts his head to catch sight of both sides of the falling leaf. Almost gamelike, the leaf tilts from side to side and descends to a point that causes the tot to tumble forward, joining the heap -- himself becoming a symbolic remnant of summer's hand-me-downs.

Mother Nature, fickle lady that she is, has tired of the monotonous sunrays of summer. Her wardrobe of predominate green has become boring and she is ready to unfold a more colorful array of brilliance. She will harmoniously blend reds, yellows and oranges for a short respite; then, like a shameless stripteaser, fling their faded hues to the earthen stage around her.

It is an almost illiterate act. For when the last article has been shed, she will be left standing nude to shiver in the cold winds of a fast-approaching winter, yet another of her schizophrenic personalities.

Logic, however, is of no consequence. Only the seasonal transition is of importance; only the pleasure of the moment has significant appeal to the skin that only recently perspired profusely through humidity activated pores; only the panoramic beauty filling the perimeters of the eye is now worthy of consideration.

Oh gentle breezes, caress my parched being and instill in me once again a deep appreciation for God's tender touch. Permit me to show proper respect for His wisdom in quieting the turmoil of a one-dimensional intelligence that cries out for pleasure and stands void of tolerance for uncomfortable environment.

Dreamy thoughts fill my mind of the year's third season. Visions of trampling, crunching, through summer's once radiant remnants that now have oxidized to form a brownish carpet for the barren earth.

Soon, a coating of white will layer the landscaping to accentuate the black limbed fingers that rise from their trunks and contrast the wintry skies above.

The rainbow of autumn will fade to memory and become a mere segue to the seasonal heir apparent. But the mind never fails to retain life's pleasures. And although the soul of autumn will vacate a physical presence, its spirit will live on in the minds of man until its reincarnation as spring.

Cheers...

When the late famous author/riverboat captain Irvin S. Cobb was informed that a golf tournament had been named after him, he responded by saying: "I bestow my pious blessings upon the losers; the winners can bless themselves." That being the case, we hereby extend Mr. Cobb's quote to those disappointed barristers-in-waiting who struck out during the July state bar exam. But we also acknowledge the blessings of the 394 who were successful. Three of those are currently employed by our own courts and we proudly single them out for proper recognition. Cheers to **James Robin McKinney, Jr.**, law clerk for Probate Court Judge Jim Everett; **Byran Pieper**, law clerk for Sixth Circuit Court Judge Thomas Brothers, and to **James Schley Sadler**, court officer to General Sessions Judge Phil Sadler...Congratulations to General Sessions Civil Division employee **Denise Dill**, who presented hubby **Ed** with a 5-pound, 8-ounce son on Sept. 27. His name is **Christopher Steven Dill** and he occupied nursery space at Tennessee Christian Medical Center before being introduced to his permanent home...Traffic Violations Bureau docket clerk **Beverly Swafford** became a grandmother twice in less than two weeks during the month of August. Son **Jason** and his wife **Dusty** presented **Justin Tyler Swafford** on Aug. 6. Then almost before you could change a dirty diaper, son **Chris** and his wife **Katherine** duplicated the event with son **Christian Zachary Swafford**. For the record, **Justin** weighed in at 7 pounds, 6 1/2 ounces and **Christian** tilted the scales at 9 pounds, 8 ounces...**Charlene Hobson** is back on the job in the Traffic Violations Bureau following an extended medical leave that involved multiple surgical procedures...Criminal Court deputy clerk **Jimmy King** says he can sympathize with Mrs. Hobson. He, too, is back at work following more than one major surgery...And you can blame the tardiness of this month's newsletter on the editor, who needed several days to recover from an angioplasty procedure...Meantime, former Probate deputy clerk **Roland Guff** is soaking up sun rays in Boca Raton, Florida, following his retirement in September. **Roland** was forced into retirement by a rare, degenerative back problem. He served the office for 11 years...And the final cheer this month goes to "**Sweetie**" the pot-bellied piggy pet of **Marvin** and **Betty Thompson** for his safe return home from an adventure that landed him in the pokey. While the Thompsons were at work one day recently, **Sweetie** was allowed to stay inside the family's fenced-in back yard with his two Poodle "siblings." But when the garbage man neglected to close the gate, the dogs strayed outside and **Sweetie** followed. The Poodles later returned, but **Sweetie** continued to bask in the freedom and was "arrested" by a dog catcher. **Marvin**, a General Sessions court officer, rescued the pig from the dog pound and changed garbage collection companies.

...Tears

We are deeply saddened by the death of **Mitchel Van Zicarelli**, the court scene oldtimer who maintained a constant presence long after his official status had been forgotten. Few people realized that the nondescript character in the mismatched clothing, seen almost daily making his way between the courthouse and Ben West Building, had once presided over General Sessions Court or had been a candidate for a seat in the state legislature. And the shy and polite lawyer with no office from which to practice and no clients for whom to practice, seemed to enjoy the anonymity, satisfied with being accepted by his legal peers. He never married and had no blood relatives in Nashville. But the legal community that embraced him feels the loss of a family member...We also extend our sympathy to **Ed Colley**, husband of General Sessions Civil Division cashier **Connie Colley**, in the death of his mother. **Lena Colley**, 83, passed away of natural causes at a Ridgeway nursing home on Sept. 13.

Rooker Report

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Established by **George L. Rooker (1929-1993)**,
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