

Rooker Report

December 15, 1994

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SEASONS GREETINGS

Janet Parrish, Myers Brown, Deborah Hennessee, Tracy Cartwright, Richard Hedgepath, Lori Stratton, Penny Hubbell, Betty Murray, Cheryl Kennedy, Barbara Eddings, Kelli Wilkerson, Holly Russell, Mike Garrett, Kathy Garrett, Michelle Sawyer, Jennifer Croft, Suzanne Parker, Keith Byrd, Temesia Harris, Brenda Parks, Bobbie Eden, Dan Vincent, Virginia Laarz, Ronnell Griffin, Virginia Rowland, Linda Dorris, Danny Lamb, Kathy Smith, Diane Tucker, Candy Rucker, Betty Thompson, Bill Underhill, Bill Riggs, Terry Campion, Carolyn Davis, Sandy Adams, Jeff Parkinson, Gregg Nicholson, Clay Hardin, Becky Dye, Mary Binkley, Kim Clary, Ricky Deatherage, Elizabeth Hendrix, Anne Huddleston, Anita Riggan, Kim Jackson, Casey Gibson, Mary Bixler, Susan Green, Faye Coleman, Connie Colley, Greg Jett, Gay Parker, Andy Coomer, Margaret Blair, Janice Johnson, Joyce Heinrich, Kay Nelson, Deb Mix, Denise Dill, Irene Dady, Marie Anderson, Brenda Best, Kim Davenport, Jackie Knight, Diana Reed, Sandra Crabtree, Bessie Fox, Richard Arnold, Phil York, Ron Gibson, Charlene Hobson, Lee Millsap, Marie Roberts, Kelly Hollingsworth, Nita Jones, Roy Bohannon, Janice Yearwood, Gene Baker, Will Cripps, Pete Page, Carl Smith, Beverly Swafford, Vickie Slate, Robert Coleman, Glenn Gann, Susie Mosley, Ray Fuller, Stacey Woods, Stephanie Phillips, Teresa Bryant, Steve Rose, Margie Perry, Corey Willett, Maria Harris, Michael Austin, Carlene Stoehr, Mike Fischer, Sarah Dunn, Faye White, Jean Hart, Joe Foster, Billye Barnard, Pat Trimble, Robin Smith, Annette Wheeler, Bill Cartwright, Dickey Fuqua, Earl Reed, Nancy Capps, Anita Stewart, Tony Eden, Betsy Campbell, Leslie Allumbaugh, Don Rosso, Elizabeth Harris, Lori Justice, Bobby Sory, Susan Grannis, Beverly Estes, Dixie Gibson, Patsy Jackson, Nicole Fielder, Julie Binkley, Richard Vester, Dinah Williams, Rhonda Hall, Nick Lane, Carlton Sloss, Connie Murff, Jim Moreland, Monty Russell, Jim Rusley, Lori Davis, Pat Baxter, Don Clunan, and Matt Jared.



Rule Change Coming Next Month

Circuit Court Last Stop For Sessions Appeals

Under present local court rules, General Sessions appeal cases that are dismissed in Circuit Court for lack of execution by the appellant are remanded to the lower court for collection of judgment and court costs.

Come Jan. 1, that procedure will undergo overhaul as the trial courts take another step toward improving management control over their caseloads.

For General Sessions appeals, the following procedure will be adopted:

- Cases must be set for trial within 45 days from time of filing;
- If no trial date has been scheduled within the allotted period, an order will be entered making the judgment of the General Sessions court the judgment of the Circuit Court with costs taxed to the appellant;
- Once the case has been filed, it will remain in Circuit Court for all purposes, including the collection of judgment and court costs.
- The Circuit Court Clerk's Office will give written notice of the new rule -- either to the appellant or his/her attorney -- at the time the appeal is perfected.

The rule change follows an earlier move by the Circuit Courts to bring smaller claims to speedier conclusion and allow greater focus on more complex cases. Judges hope to promote early resolution of pretrial issues and a higher percentage of settlements with the introduction of a new "expedited docket" for tort claims involving less than \$150,000.

New methods are necessary, the judges contend, to prevent a buildup of stagnant lawsuits and to force attorneys to give more immediate and thorough attention to their cases.

Governor Interviews Three for High Court

At press time, three judges -- three of them women -- were being given final consideration to fill a vacancy on the Tennessee Supreme Court.

Outgoing Gov. Ned McWherter was trying to decide between appellate judge Penny White of Johnson City, Memphis circuit court judge Janice Holder, and Richard Ladd, a chancellor from Bristol.

The vacancy on the high court was created when Chief Justice Charles O'Brien announced his retirement in October.

With all four of the remaining seats on the court being held by males, the governor had said he preferred appointing a woman. Both White and Holder were appointed to their present judgeships by the governor.

White, 38, a former criminal defense attorney, was McWherter's choice for a circuit court seat in 1990 and was elevated to the Court of Criminal Appeals two years later.

McWherter appointed the 45-year-old Holder to the bench in 1990 and she won re-election in 1992.

White, Holder and Ladd were the top choices for the post following screening of six applicants by a 15-member judicial selection committee.

Blair Accepts Bar's Education Award

Hats off to the Nashville Bar Association upon receiving an award of excellence in legal education from the American Society of Association Executives.

The award was accepted by Susan Blair, the NBA's director of Continuing Legal Education, during a management conference in the nation's capital earlier this month.

As coordinator of more than 75 annual continuing legal education seminars for lawyers, Ms. Blair has played a key role in assisting small law firms through promotion of voluntary participation. She helped the Nashville bar group capture a similar award last year.

THE BAR



CLEMENT

President
Frank G. Clement Jr.

President-Elect
Thomas V. White

Vice Presidents

First

Cliff Knowles

Second

Matthew Sweeney



WHITE

Board of Directors

(New Members)

Joe Brown, Waverly Crenshaw, John Kitch, Carol McCoy, Paul Ney, J. Randall Wyatt

TRANSITION

CLEMENT TAKES REINS; WHITE IS NEXT IN LINE

The Nashville Bar Association toasted its new leaders and honored its most deserving during the group's annual banquet this month.

Frank G. Clement Jr., a 15-year veteran practitioner, assumed the association presidency, replacing Aubrey B. Harwell Jr. as head of the 2,100-member organization.

Clement is a partner in the firm of Clement, Gibson & Gregory. He is a son of the late Gov. Frank G. Clement and brother of Fifth District Congressman Bob Clement.

Clement will serve as NBA president until next December when he will

be succeeded by attorney Thomas V. White, who was chosen as president-elect. White, a 1972 graduate of Vanderbilt University, is a partner in Tune, Entrekin & White.

The bar group elected Cliff Knowles of Bass, Berry & Sims as first vice-president, and former Circuit Court Judge Matthew Sweeney as second vice-president. Added to the 19-member board of directors were Joe Brown, Waverly Crenshaw, John Kitch, Carol McCoy, Paul Ney and Criminal Court Judge J. Randall Wyatt. Each will serve a three-year term.

The banquet was held at the Stouffer Renaissance Nashville Hotel.

In addition to the introduction of its new officers, the association presented the John C. Tune Public Service Award to the late Frank Gorrell, whose contributions during a distinguished 44-year career ended with his death last March at the age of 66.

Gorrell, a 1952 Vanderbilt graduate, spent his entire legal career at Bass, Berry & Sims and served as the state's lieutenant governor from 1967-71.

The association's Joseph G. Cummings Pro Bono Volunteer of the Year Award was presented to attorney Thomas H. Forrester of the firm Gullett, Sanford, Robinson & Martin.

Forrester, a nine-year member of the bar, was honored for his volunteer work with indigent clients. The Cummings award was established to recognize those who give of their time to help clients who otherwise could not afford legal representation.

Forrester received his law degree from the University of Tennessee in 1984.



GORRELL



FORRESTER



SUSAN BLAIR

Wrinkles in the Walls

Past, Present and Future

Why a \$2 Million Investment Merits a \$10 Million Renovation

The year was 1937.

Nashville was well on its way to becoming a major southern hub city and was sticking out its chest in pride over the unveiling of a new \$2 million architectural showcase.

For fourteen months, city fathers had panned the daily progress of block-long framework and the materialization of a sprawling fortress-like structure of implied authority.

Indeed, it was that. But it would be known by the simple, unpretentious moniker of "Public Building and Courthouse." The title fit the purpose, if not the magnificence of the structure.

Four other buildings of less magnitude, less architectural genius and less expense had preceded this new monument to prosperity on the city's Public Square. And no expense was spared to guarantee a longer existence for what was to be the city's newest business headquarters.

Now, the long months of arduous labor, of anticipation, of borrowed meeting space and fragmented disorganization were being erased by the indelible perspectives of such dedicatory speakers as then-Circuit Court Judge A. B. Neil:

"This building, magnificent in proportions and design, is not of first importance. That which goes on inside the building is of supreme importance. During the coming years the passer-by will look upon it with admiration. But what shall he say of those who administer the law as they sit here in judgment upon the rights of the citizen? No man or woman has ever seen in sculptured marble, upon painted canvas or even in nature, anything that contrasts in beauty with eternal truth and justice."

During the ensuing lapse of time, truth and justice have withstood the aging descent much better, perhaps, than their forum.

Today, more than half a century after Judge Neil's poignant oratory (the courthouse celebrated its 57th birthday without fanfare on Dec. 8) the truth is that the structure is in a state of disrepair and it will take many dollars to do it justice.

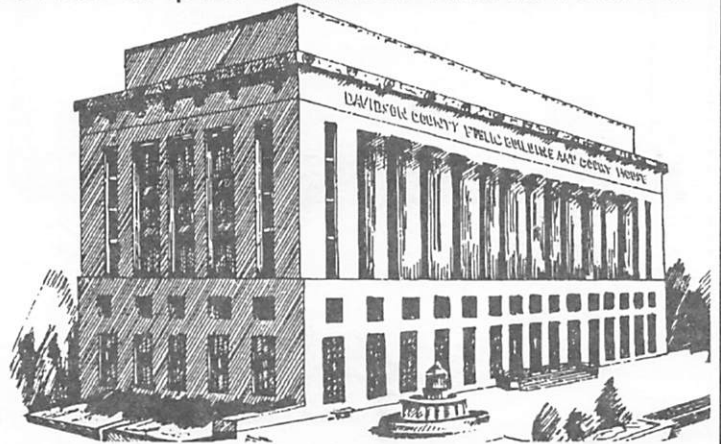
Over the next few years, taxpayer dollars totaling five times the original cost of the building will be channeled into a renovation program that will revive much of the Greek deco structure's artistic charm, reassign space allotments and upgrade moving parts. If that sounds like an inflated expenditure, consider the fact that the city's original investment of \$2 million has now ballooned to an insured value of \$56.5 million.

A variety of projects are incorporated in a general renovation plan that will be phased in as funds are available. The most expensive will be replacement of the building's climate control (HVAC) system, a two-year project that will cost about \$4 million. That project must be supported by renovation of the present electrical system at a cost of almost \$1 million.

Interestingly, the courthouse was the first commercial building in Nashville to have central air-conditioning. The unit served the occupants well for a number of years before being replaced by thermal transfer service.

Planned as part of the renovation capital note issue is early attention to the building's five public-use elevators. Officials estimate that an expenditure of about \$900,000 will be necessary to totally renovate the ancient lift mechanisms. The elevator control systems will be replaced and all the cabs remodeled as part of the upgrade.

There are other proposed changes that will benefit the totality of the building while not necessarily contributing directly to its daily functions. For example, the art glass panels over the front doors bearing etched faces of King John of England, Moses and Justinian -- the three great lawmakers -- have been under study for two years. Preservationists want to reburish



Fourth in a Series

the panes at an approximate cost of \$150,000, but such a project requires delicate treatment and glass company experts are working to perfect a method of safely removing and replacing the windows.

Several interior remodeling projects have already been completed and others -- mostly directly connected to operations of the courts -- are pending.

One of them is construction of a consolidated jury assembly room on the ground floor, utilizing space vacated by the relocation of the trustee's office and part of the sheriff's department.

The jury assembly room, currently under architectural design, will cost in the neighborhood of \$350,000, not counting furnishings, and will require council approval as part of the capital note issue.

If the wheels of progress seem to be moving slowly, perhaps it is because of speculation over the needs of the future and a reluctance to do something today that might need redoing tomorrow. Mayor Phil Bredesen has asked architectural-engineering consultants to study the long-range needs of the judiciary to ensure that future needs of the courts can be met.

There is a presumption that the building eventually will provide accommodations for only the courts. If so, administrative/legislative operations such as the mayor's office, register of deeds, finance director and the Metro Council would be relocated and the courthouse would become just what its name implies.

Meantime, however, the renovation plans retain the "public building" portion of the building's name. A departmental space shift is planned, once the jury assembly room has been completed.

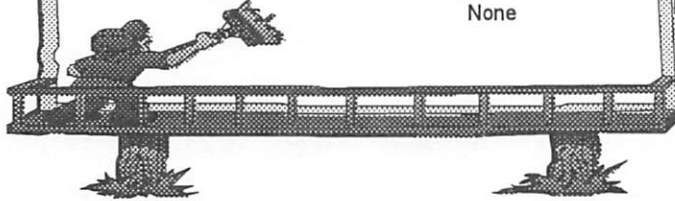
Work has already begun on reorganizing the space left vacant by the district attorney general. It will be shared by the Metro Council staff and the Metro Legal Department, which has been operating in shotgun fashion from several different places for some time.

Trial Court Administrator George Prentice, now operating from temporary quarters on the ground floor, will relocate in the present criminal court jury assembly room on the sixth floor; the Probate Court clerk's office, now on the first floor, will move to the space now occupied by Prentice, and the finance director's office will be expanded to include the space now used by probate.

The district attorney general and tax assessor offices have already relocated in other buildings. And the government recently purchased an office building on Second Avenue South to house a number of its departments.

January Birthdays

General Sessions	Traffic Violations Bureau
27 Faye Coleman	2 Bessie Fox
30 Connie Colley	Richard Arnold
Circuit Court	7 Phil York
14 Janet Parrish	15 Ron Gibson
29 Deborah Hennessee	Probate
	None



Cheers...

Congratulations to Jennifer Croft and husband Mike on the birth of their first child. Jennifer, a deputy Circuit Court clerk, gave birth on Nov. 29 to an 8-pound, 11-ounce boy. Master Colton Croft struck the tape at the 22-inch mark, to the delight of dad, who formerly was a deputy in our Probate Court clerk's office...Another former employee, Valerie Rooker, reports that hubby George L. Rooker Jr., is making steady progress after doctors at Centennial Medical Center repaired a damaged heart artery last month. George is the brother of Circuit Court Clerk Richard R. Rooker, as most folks know, and is a deputy to Metro Property Assessor Jo Ann North. Wife Valerie is a sales representative with the Crye-Leike real estate agency...Metro's judicial agencies will be pleased to know that the Justice Information System (JIS) plans to introduce a newsletter next Spring to provide regular updated reports on the system's progress. Director Dick Ashby says the newsletter will be published quarterly and distributed to all departments that will be served by the central computer system. Ashby said the publication will be produced by Jean Morris, who recently joined the JIS team..And we owe a big Christmas cheer to attorney Sue Evans, who has agreed to provide a nice country home for "Sweetie", the much-publicized potbellied pet pig of Marvin and Betty Thompson. It seems that Sweetie has reached a point where city life no longer suits her natural lifestyle. So, Ms. Evans will place the rowdy little porker in the wide open spaces of farm property she owns in Rutherford County. And the Thompsons will have unlimited visitation privileges.

...Tears

Nashville attorney Amy Hull Ransdell was in the prime of her life -- recently married and expecting her first child next Spring. But the happiness that was in the offing for her and lawyer husband William Keith Ransdell was snuffed out on Dec. 9 by an alleged intoxicated driver. Mrs. Ransdell, 31, was walking near the Church Street Centre when a pickup truck swerved onto the sidewalk and struck her, pinning her to a utility pole. She and her five-month-old fetus were killed. The driver of the truck was apprehended at the scene and faces criminal charges. We express our deepest sympathy to her husband, a member of the Bass, Berry & Sims law firm; to her father, U.S. District Judge Thomas Hull of Greenville, and to other family members and friends...Deepest sympathy also to Circuit Court Judge Hamilton Gayden Jr. in the death of his mother, Ann Dickinson Gayden, who succumbed to a lengthy illness at her home on Dec. 1. Mrs. Gayden was 81, and an avid equestrian. We acknowledge her contributions to the community and share the grief of her loving family and many friends.

DATA BANK

Statistics compiled for the month of November

Case Information

Circuit Court

New Civil Cases Filed.....	279
Civil Cases Concluded.....	273
New Divorce Cases Filed.....	293
Divorce Cases Closed.....	361

General Sessions Civil

New Cases Filed.....	2,835
Executions Issued.....	2,055
Judgments Collected.....	\$496,354

Probate Court

New Cases Filed.....	163
Cases Closed.....	99
Cases Retired.....	53

Traffic Violations

Moving Citations.....	18,083
Parking Violations.....	9,440
Total Fines Collected.....	\$272,467
Nullifications.....	1,524
Nullification Fees Collected.....	\$13,716

Circuit Court Jury Trial Verdicts

Week of October 31

Case	Type	Court	Verdict
90C-3693 ✓	Auto Accident	1st (P)	\$65,000
89C-2247	Negligence	6th	Hung Jury
94C-2178	Auto Accident	5th	Defendant
93C-2518 ✓	Property Damage	2nd (P)	\$24,000
93C-1055	Auto Accident	5th (P)	\$15,000

Week of November 7

Case	Type	Court	Verdict
93C-1313 ✓	Auto Accident	2nd (P)	\$60,000
92C-681 ✓	Auto Accident	1st (P)	\$42,000

Week of November 14

Case	Type	Court	Verdict
92C-1642	Outrageous Conduct	3rd	Defendant
93C-469 ✓	Auto Accident	5th (P)	\$12,550
90C-3706	Auto Accident	5th	Defendant
93C-2633 ✓	Auto Accident	1st (P)	\$62,000
92C-170 ✓	Auto Accident	6th (P)	\$10,864

Correction: A wrong case number was listed in our November edition. An auto accident trial in the Second court that resulted in a \$255,697 plaintiff's verdict was identified as case number 93C-2287. The case number should have been 93C-1575. We regret the error.

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