

Rooker Report

February 15, 1995

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WEE, THE JURY

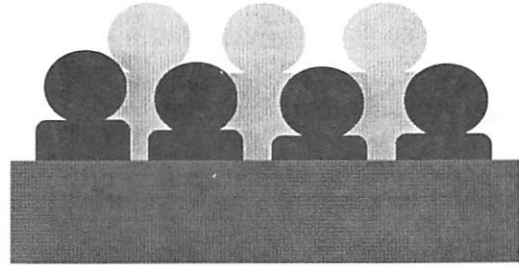
Okay, don't go jumping to conclusions. This is not a story about the downsizing of juries, or a jury panel made up of all tiny people.

It's simply a report on how well the county's new unified jury system fared during its first month with fewer people being called into service.

So, now that we have your attention, maybe you will stay tuned by learning that the new system not only functioned well, it did so on fewer of your tax dollars.

Unbureaucratic, you say? Perhaps. But definitely a boon to relations between the courts and the citizens who previously likened jury duty to a root canal.

For the first time, there was no obvious pain. Those who qualified to serve fulfilled their responsibilities in a one-week period - many of them without leaving home and others in the comfort of



the Metropolitan Council chambers, which is serving as temporary jury assembly quarters.

Of course, those who utilized the new daily "call-in" service to learn their services would not be needed, were not paid and were free to work at their regular jobs. In the first week alone, that

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Anniversary Edition

With this issue, we begin our third year as a monthly publication.

Since inception in February 1993, the goal of the Rooker Report has been to provide a bridge of communications between the circuit court clerk's office and those it serves -- judges, attorneys, employees and the public.

We have strived to make the report both informative and entertaining within the boundaries of pertinence. Hopefully, the result has been a better understanding of how each of our four departments functions and the role each plays in serving the community's judicial interests. Positive feedback from readers indicates that those endeavors are being met.

The report is produced totally in-house and is offered free of charge through countertop circulation in each of our departments. There are no subscriptions offered, but back issues are available upon request.

The newsletter was established by the beloved late clerk George L. Rooker, who passed away shortly after the first issue was published. We proudly dedicate this second anniversary issue to his memory.

Thanks for reading.

Meeting Federal Mandate

Child Support System Becomes State Model

With millions of dollars in federal matching funds at stake, Tennessee is working feverishly to meet an October deadline for having a uniform state-wide child support collection system in place.

More specifically, the state is under a mandate to "recover" a greater portion of the dollars it pays out to custodial parents through government assistance programs. That means devising a systematic method of tracking case principals and ensuring maximum fund reimbursement.

After many months of searching for the ideal way of achieving this goal, officials found the closest thing to remedial perfection already in full operation -- right inside our department.

Now, seven months from target, the race is on to adapt our system to less sophisticated programs within the county-to-county network.

The state is offering a less attractive alternative, but a number of court clerks from the state's most

populous counties have already opted for our model system, indicating an eventual plurality for the program.

Deputy Circuit Court Clerk Jeff Parkinson, who has been chiefly responsible for coordinating the packaging effort, noted that clerks in Shelby, Knox, Hamilton and Sumner counties were among 19 already committed to the system conversion.

Parkinson noted that the system should be just as appealing to smaller counties because of its adaptability. "Once the system is operational," he said, "it should be a very good alternative for any clerk's office, regardless of the size of their overall operations."

Because the model system relies heavily on advanced technology important to network access, the state will supply personal computers to the offices using the system. The equipment will in-

(See STATE, Page 2)

Harrington To Preside

Judge Penny Harrington will assume the role of presiding judge over the nine-division General Sessions Court in September.

Harrington was elected to the administrative position by fellow judges during a February meeting. She will succeed Judge Gale Robinson.

Among other responsibilities, the presiding judge coordinates the business functions of the multi-million-dollar lower court system.



HARRINGTON

State Adopts Our Child Support System as Model

(From Page 1)

clude servers with mirror imaging capabilities, network software and individual workstations equipped with word processing software. Clerks who are already on computer systems will have their current information converted to the new model interface. "This will allow clerks to continue to do their work as usual and transmit the payment information to the state on a daily basis," Parkinson said.

Amanda Hughes, former bookkeeper of our child support division and now court clerk liaison for the state Supreme Court, is providing training assistance to those adopting the model system.

Q--What makes our system so unique?

A--First of all, it is a proven method of ensuring current accountability. Each time a case is displayed in our system, arrearages are figured up to the minute. Plus, it is very user friendly with a minimum number of screens and ease of use. Secondly, the productivity level is astounding when you consider the fact our child support collections have risen 60 percent since 1989 with no increase in personnel.

(For the record, our monthly child support collections in the last year

before the system was converted was \$757,670 spread over 6,585 payments. In 1994, that average rose to \$1,189,165 and 8,828 payments.)

Q--Which specific features make our system ideal?

A--Our automated bank reconciliation, a very accurate record-keeping and reporting system and our Telephone Voice Response System, which handles all aspects of the clerk's functions.

(The automated phone system accommodates more than 350 access callers per day with up-to-the-minute case information, including date of last payment, arrearage figures and other pertinent data.

Q--Since the automated phone system is designed to accommodate a high volume of inquiries, would the equipment and operating expenses be feasible for smaller counties?

A--Once the basic elements of the model system are in place, other counties will have the ability to utilize similar telephone programs compatible with their own information catalogs. From a budgetary standpoint, the system is very cost effective because it provides information electronically that otherwise would require the services of clerks whose time can be utilized on other projects.

Wee, the jury

(From Page 1)

feature saved the courts \$900 in juror fees and administrators think the annual savings will cut somewhere between \$12,000 and \$25,000 off the government's \$225,000 annual jury expenditure.

But the new system wasn't designed merely as an economic measure. The greatest consideration was given to providing a more organized procedure with less inconvenience to the serving public.

During the debut month, more than 2,000 prospective jurors responded to summonses by mail, minus the previous hassle of doing so in person. Of that number, 637 were found to be qualified to serve and 520 of them actually did so, either by personal appearance or by making themselves available to the venire.

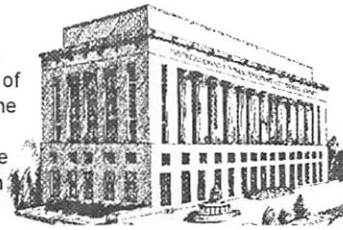
Because trial activity is routinely light during January, there were only 15 cases that went to trial, requiring the services of less than 200 total

Courthouse Facts

Cornerstone laid August 10, 1936.

A copper box containing articles of historic interest was sealed inside the cornerstone.

Inside the box was placed a picture of the previous courthouse, which was torn down to make way for the new one; a picture of the City Hall; a list of county officials serving at the time; a list of city officials since 1806; a copy of the city charter; some typical old city records; a copy of a resolution adopted by the Board of Public Works authorizing contract with the county for space in the new building; a photograph of then-Mayor Hilary Ewing Howse and the Board of Public Works at the unveiling of a portrait of the mayor, and copies of that day's editions of the two local newspapers, the Banner and the Evening Tennessean.



jurors for criminal and civil cases combined. There were no jury trials in Chancery Court, but jurors were selected for seven cases in Circuit Court and eight in Criminal Court, including DUI trials in Probate Court.

Under the new system, prospective jurors are consolidated into a single pool and are subject to serving on both criminal and civil trials.

Trial Court Administrator George

Prentice, who helped devise the new system along with Circuit Court Judge Barbara Haynes, said the only glitch was the much-publicized incident in which a death row inmate falsified summons information and was momentarily listed as a qualified juror.

It seems that the timing of the man's murder conviction failed to legally exempt his voting rights, therefore keeping him on the jury mailing list.

WHERE THERE'S A WILL: LOCAL PROBATE FORMS CITED AS LEGAL GUIDES

As any attorney knows, the mother reference book on probate matters in Tennessee is "Pritchard on Wills and Administration of Estates."

That's why members of our Probate Court Clerk's office were so flattered when the latest edition of the publication chose a number of their form designs as preferred guidelines for attorneys to follow.

"It is an honor to have some of our

forms appear in such a prestigious (publication) which is utilized by virtually everyone in the legal profession in the state of Tennessee," said Probate Master Bob Bradshaw.

Among the locally drafted forms used as examples in the current issue are those for the following applications: affidavit of small estates, application for letters, cost bond, claim form, notice of hearing, instructions for personal representatives,

inventory, estate closings and detailed accounting.

The publication was donated to our office by attorneys Jack W. Robinson Sr. and Jeffrey Mobley, members of the Gullett, Sanford, Robinson and Martin law firm and authors of the Pritchard volume.

Bradshaw noted that the Pritchard volumes are a reliable and often-used reference source for probate clerks throughout the state.

Biography of a 'Failure'

- >Difficult childhood
 - >Less than one year of formal schooling
 - >Failed in business '31
 - >Defeated for legislature '32
 - >Again failed in business '33
 - >Elected to legislature '34
 - >Fiancee died '35
 - >Defeated for speaker '38
 - >Defeated for elector '40
 - >Married, wife a burden '42
 - >Only one of four sons lived past age 18
 - >Defeated for Congress '43
 - >Elected to Congress '46
 - >Defeated for Congress '48
 - >Defeated for Senate '55
 - >Defeated for Vice President '56
 - >Defeated for Senate '58
- "When you think of a series of setbacks like this, doesn't it make you feel small to become discouraged, just because you think you're having a hard time in life?"

"This is the story of a man who never stopped trying, even though his failures were many and his successes were few. He is today one of the most beloved Americans and you will certainly know him when one more item is added:

>Elected President 1860

"The 'failure' was, of course, Abraham Lincoln."

Gerald H. Daleidan
Success Magazine

Editor's Note: Thanks to deputy circuit court clerk Holly Russell for sharing this bit of inspiration.

Robinson Appointed to Judiciary Court

General Sessions Judge Gale Robinson has been appointed to the Court of the Judiciary, a prestigious statewide panel that fields complaints against judges at all levels.

Robinson was the state Supreme Court's choice to replace Judge Jane Wheatcraft of Gallatin, who became ineligible to continue service when she was elevated from General Sessions to Criminal Court judge.

State law requires the 14-member review court be comprised of one General Sessions judge from each of the three grand divisions, three state trial judges, three appellate judges, three practicing attorneys and two appointed members who are not judges.

Because Wheatcraft was serving as a Middle Tennessee representative of General Sessions, she could not complete her four-year term on the judiciary court once her status changed.

As her replacement, Robinson will serve until 1998. By coincidence, that is the same year he will end his first eight-year term as a General Sessions judge. Odds favor his reelection to both posts.

Appointment to the judiciary court comes on the heels of an eventful year for the charismatic Robinson, whose popularity with fellow jurists gained him the role of presiding judge of the nine-division General Sessions court. His stock continued to rise as well in the Al Menah Shrine Temple where his election as Oriental guide put him in line to become potentate in 1999.

While Robinson becomes the newest addition to the court, another Nashvillian, attorney Julie Jones, has only recently celebrated her first anniversary as a member.

Ms. Jones, of the Bass, Berry and Sims law firm, was appointed to the court to replace fellow attorney Aleta Trauger, who was elevated to a federal bankruptcy judge early last year.



JONES



KILCREASE

Only three other Nashville judges have served on the court since it was created by the state legislature in 1979. The first was then-General Sessions Judge J. Randall Wyatt, who served three years as a charter member before having to vacate his seat upon becoming a Criminal Court judge. He was replaced on the court by General Sessions Judge Leon Ruben, who completed Wyatt's term and went on to serve two more four-year terms, the statutory maximum.

Chancellor Irvin H. Kilcrease Jr. rounds out the list of Nashville court members. Appointed to the court in 1987 and its presiding



LESLIE ALLUMBAUGH PHOTO

General Sessions Court Judge Gale Robinson
...fourth Nashville judge to serve on prestigious panel

judge for two years, he will vacate his seat in June of this year.

The court meets in regular session twice a year to hear formal complaints against judges. In essence, the court is to the judiciary what the Board of Professional Responsibility is to the bar association. Alleged improprieties are given full review by the court, which has the power to reprimand and, in some cases, recommend impeachment from the bench.

Judicial complaints come in many forms, from simple disagreements of bench decisions to personal vendettas and demands for ouster. The court must consider them all, provided they are submitted in proper written form.

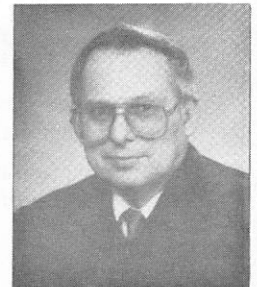
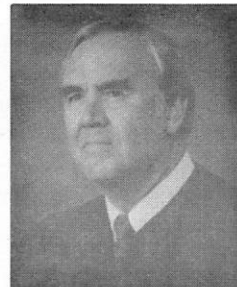
During his tenure on the court, Ruben said he was involved in one impeachment case. After a full-blown trial of a Memphis judge, he said, the court recommended impeachment and the state legislature affirmed the findings.

So, the power of the court is evident. And its existence provides a democratic recourse for those who feel they were treated unfairly in their quest for courtroom justice.

Robinson is viewed as an "excellent choice" for the court. Fellow General Sessions Judge William Faimon, who has held similar appointments with the state Judicial Council and the Judicial Ethics Council, said Robinson's tenacity and likeable personality were qualities that would well serve the court.

When the court vacancy occurred, Robinson's name immediately came to mind for Supreme Court Justice A.A. Birch, who, as a lower court judge, had given the young Robinson a job as a law clerk. Birch reportedly was as impressed with Robinson as he had been with his father, E. Gale Robinson, when the two of them were working together as General Sessions judges.

Nashville judges J. Randall Wyatt (left) and Leon Ruben (right) are former members of the prestigious Court of the Judiciary.



Court of the Judiciary

*Sheila Cunningham	Attorney	Memphis
Hon. W. Frank Crawford	Court of Appeals	Memphis
Ferd R. Fisher III	Private Citizen	Covington
Hon. Houston M. Goddard	Court of Appeals	Knoxville
Hon. Richard S. Holcomb	General Sessions	Chattanooga
Julie Jones	Attorney	Nashville
Hon. Irvin H. Kilcrease Jr.	Chancellor	Nashville
Hon. Gale Robinson	General Sessions	Nashville
Barbara Walls	Private Citizen	Sommerville
Hon. Jerry Scott	Criminal Appeals	Waynesboro
Hon. Joe G. Riley Jr.	Circuit Court	Ridgely
Hon. Ann Lucas Pugh	General Sessions	Memphis
Raymond H. Moseley	Attorney	Chattanooga
Hon. Richard E. Ladd	Chancellor	Bristol

*Presiding judge

March Birthdays

Circuit Court	Traffic Violations Bureau
10 Penny Hubbell	3 Nita Jones
28 Betty Murray	6 Matt Jared
29 Cheryl Kennedy	12 Roy Bohannon
General Sessions	Probate
6 Janice Yearwood	None

Cheers...

We thought we would *never* get to announce the arrival of the boss' new baby son, **Richard Logan Rooker**, who was born between editions. But it was pretty clever of the little tyke to time his arrival for our anniversary issue. Congratulations to **Richard and Cheryl Rooker**. Their first child made his debut at 7:35 p.m. on January 24 at Baptist Hospital. The latest addition to the Rooker family came in at 7 pounds, 6 ounces, stretched over a 20-inch frame. Mom is doing fine and dad reportedly is trying to master the art of diaper changing...Congratulations also to **Mike Fischer** and wife **Lisa** on the January 17 birth of a son. Mike has been bending the ears of fellow Traffic Violations Bureau warrant officers about **Patrick Lee Fischer**, who surprised mom and dad by arriving six weeks earlier than scheduled. Still, he weighed six pounds and was 17 3/4 inches long when he arrived on January 17. Patrick is doing fine, thank you...**Gov. Don Sundquist** has appointed Chattanooga Circuit Court Judge **William Barker** to the state Court of Criminal Appeals. Barker replaces Judge **Penny White**, who was elevated to the Tennessee Supreme Court in December...**Earl Reed** is back on the job in the Traffic Violations Bureau following surgery and fellow worker **Lori Davis**, who also underwent an operation, is recovering at home...We are also pleased to report that General Sessions Court Judge **Donald Washburn** is resting at home following a recent hospital stint. His presence is sorely missed in the courts and at the Ben West Building where he maintains an office. We wish him a speedy recovery.

...Tears

Deepest sympathy to the family of prominent Nashville attorney **Phillip Grant Davidson III**, who passed away late last month of cancer. Mr. Davidson was 67 years old and was managing partner of the law firm **Waller, Lansden, Dortch & Davis**. Outside the courtroom he was an avid outdoorsman and a skilled furniture maker. His civic contributions were countless, including service to the United Way, Salvation Army, Chamber of Commerce and Metro Housing and Development Authority. He will be greatly missed.

Rooker Report

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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

DATA BANK

Statistics compiled for the month of January

Case Information

Circuit Court

New Civil Cases Filed.....	263
Civil Cases Concluded.....	390
New Divorce Cases Filed.....	319
Divorce Cases Closed.....	352

General Sessions Civil

New Cases Filed.....	3,119
Executions Issued.....	2,393
Judgments Collected.....	\$519,596

Probate Court

New Cases Filed.....	185
Cases Closed.....	110
Cases Retired.....	16

Traffic Violations

Moving Citations.....	18,795
Parking Violations.....	11,525
Total Fines Collected.....	\$305,646
Nullifications.....	1,647
Nullification Fees Collected.....	\$14,823

Circuit Court Jury Trial Verdicts

Week of January 3

Case	Type	Court	Verdict
93C-1265	Medical Malpractice	1st (P)	\$221,000
93C-1526	Medical Malpractice	1st (P)	\$75,000

Week of January 17

Case	Type	Court	Verdict
93C-466	Auto Accident	6th (P)	\$785

Week of January 3

Case	Type	Court	Verdict
92C-1357	Medical Malpractice	6th	Defendant
92C-2762	Dog Bite	2nd (P)	\$21,000
93C-1482	Contract Appeal	5th (P)	\$15,500
92C-3099	Personal Injury	3rd	Defendant
94C-422	Auto Accident	5th (P)	\$37,390

Federal Employee Garnishment Information

Routing instructions now required on executions of garnishment against U.S. Postal Service workers and civilian employees of the U.S. Department of Defense:

<p>U.S. POSTAL SERVICE Manager, Payroll Processing Branch, 1 Federal Drive, Ft. Snelling, MN 55111-9650.</p>	<p>DEPARTMENT OF DEFENSE Defense Finance and Accounting Service, Cleveland Center, Office of General Counsel, Code L, P.O. Box 998002, Cleveland, OH 44199-8002.</p>
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Advance postage payment of \$9.02 (includes recent increase in postage rates) must also accompany filing of process. Checks should be made payable to the U.S. Postmaster.

Offices to Observe Presidents Day

Offices of the Circuit Court Clerk, General Sessions Civil Division, Probate Clerk and Traffic Violations Bureau will be closed on Monday, Feb. 20 in observance of Presidents Day. Normal business hours will resume on Tuesday, Feb. 21.