

Rooker Report

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Those Child Support Fees: Fair, Necessary to System

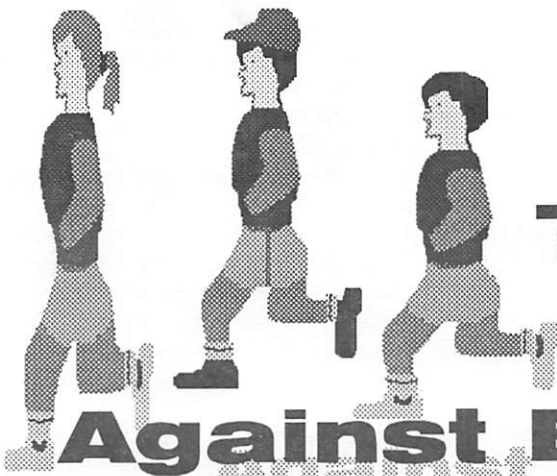
With enhanced enforcement bringing in more support dollars for the children of divorce, court clerks who administer the payments are realizing higher revenues for their services.

As a result, some of those who do the paying are questioning the method used in determining the amounts of their fees.

While the issue has long been a bone of contention -- not only in Tennessee but in just about every other state in the Union -- a fresh explanation would seem to be in order to clarify the intent and effectiveness of the system.

The main question is whether one person should be required to pay more in fees than someone else just because his child support payments are

See THOSE CHILD, Page 2)



Taking Steps

Against Birth Defects

Despite tremendous gains in the fight to eradicate life-threatening diseases, medical science continues to find itself unable to slay many of the demons that cripple or swallow human lives without regard for age, race, sex or kindness of heart.

Continued research and development will be needed for many generations to come before the clenched fist of man can be raised in victory over the dreaded enemy.

Until then, society's conscious must carry the torch of hope, lighting the way with financial contributions necessary to the development of theories and pending breakthroughs.

The heartbeat of America is constantly being elevated by pleas for help from organizations supporting their disease of choice. And while some cynics regard the amazing donor response as being no more effective than watering artificial flowers, the nucleus of the population continues to treat the symptoms with strong doses of hope and dollars.

As new diseases continue to unfold and vie for donor assistance, it becomes questionable whether there will be enough money to go around or if the widespread demand will dilute the effectiveness of all the patient causes.

One fund drive that has continuously kept a grip on the nation's conscious is the March of Dimes, which this year is celebrating its 25th year of fighting birth defects through its popular Walk

America TeamWalk campaign.

Unlike most of its counterpart agencies, the March of Dimes strives to give human beings healthier starts in life, thereby minimizing their needs for assistance in later years. Its success rate has made it the third largest voluntary healthy agency in the free world.

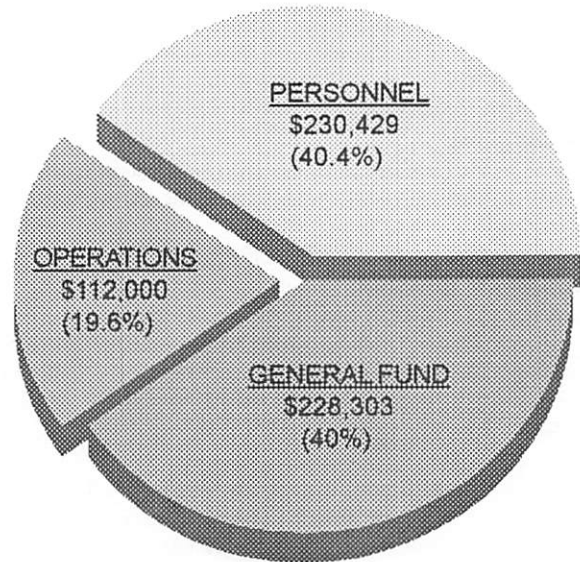
The concept of the fund drive is to provide an open display of support by walking with others in public along designated routes. In so doing, the walkers are representative of sponsorship donations they have solicited to make them eligible. The more walkers, the more money for research, education and community programs to prevent birth defects and infant mortality.

Before a new policy was initiated three years ago consolidating charity drives into a single entity, Metro government workers comprised a major entry into the agency's annual TeamWalk program each year. Involvement waned under the new procedure, but some government workers have continued to participate on their own initiative, in their own time.

Elected officials, unbound by the administration's regulations, have now picked up the ball and are encouraging participation by their own staff members. Metro Trustee Charlie Cardwell is leading the charge.

CHILD SUPPORT

FEE DISTRIBUTION



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Those Child Support Fees: Fair, Necessary to System

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higher. And does such an imposition violate his constitutional rights?

Since the fee system is mandated by the state and is not an arbitrary policy of the clerks, its merits can be examined without prejudicial effect.

First, there is the question of fairness in application; does the system penalize John and not Joe.

The state of Tennessee has devised a formula in accordance with federal guidelines that best preserves the continued customary lifestyles of children of divorce. The amount of child support payments is determined by two key factors -- the number of children involved and the earnings of the noncustodial parent.

Application of the formula sometimes must be tempered by other considerations, but generally provides a simple mathematical conclusion based on raw percentages.

Enter John and Joe. Each is a father of three children and is asking the court to determine the amount of child support he will be required to pay after divorce.

John earns \$3,000 per month in his profession while Joe's income is only half that much. There being no other circumstances to differentiate the two cases, the court equally applies the standard percentage rate (41 percent for three children). Result: John's three children will receive twice the amount of support as will Joe's three children.

Is this discrimination? Not in the eyes of the courts. The same formula was used in determining the outcome of both cases. John's payments are higher because he earns more. Joe probably would trade places in that respect.

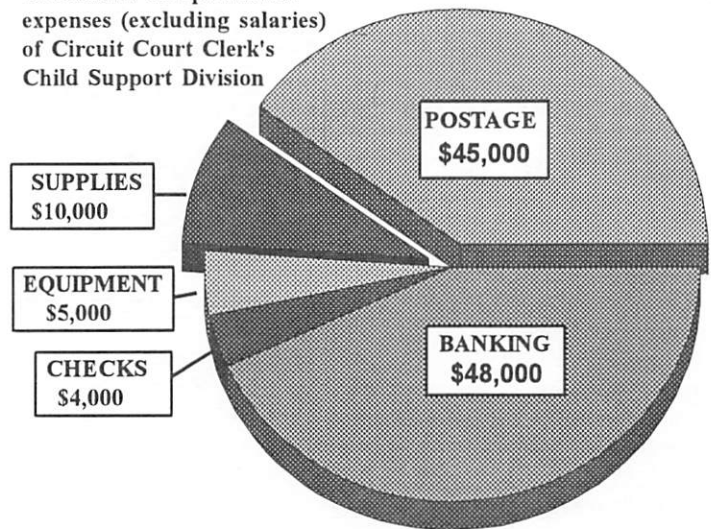
State law incorporates the same formula for covering clerical expenses associated with support cases. Again, John will pay a higher fee for the services associated with his case, but he will be paying the exact same *percentage* as Joe.

Because of the high volume of child support cases in Davidson County, coupled with staff efficiency, the system produces more than enough fees to cover overall expenses associated with the existing support cases. Excess fees are turned over to the Metro general fund and used for other taxpayer services.

As a branch of government, the clerk's office doesn't function for the purpose of making profit. But neither could it maintain its self sufficiency by operating at a loss.

EXPENSE PIE

Breakdown on operational expenses (excluding salaries) of Circuit Court Clerk's Child Support Division



During the last fiscal year, some 8,000 child support cases accounted for \$570,732 in earned commissions for the Circuit Court Clerk's office. Actual expenses attached to the collections and distribution of payments in those cases amounted to \$342,429. The pie charts give a breakdown on how the funds were disbursed.

Fees collected by the clerk represented 5 percent of the amounts received, spread over 105,936 individual payments. Had the clerk been required to operate under the suggested \$3 flat rate, the system would have generated only \$317,808 -- almost \$25,000 short of the expenses incurred by the department. Taxpayers would have been saddled with the deficit.

Overhead for our child support department has remained stable in the face of tremendous case growth. Through implementation of the latest computer technology, workload demands have been met without additional personnel.

Salaries and benefits account for more than half of the department's total outlay. Consequently, the department's expense burden faces inevitable increase as the influx of cases dictates the need for more workers.

The system now in place seemingly would best accommodate the growth.

Sessions Court Decisions Almost Always Unappealed

So, you've just found yourself on the losing end of a civil lawsuit in General Sessions Court and you're not in the mood to celebrate.

But if you're like 99 percent of the other case losers, you will accept the court's judgment and get on with carrying it out.

Statistics show that only 1 percent of litigants who receive adverse decisions in the lower court system are dissatisfied enough to appeal their cases to a higher court.

"This would seem to indicate that a great majority of people passing through the General Sessions civil court felt their side had been heard, considered and a fair decision rendered," says Carole Garrett, chief administrative assistant to

Circuit Court Clerk Richard Rooker.

During the calendar year 1994, there were 33,192 final judgments recorded in General Sessions with only 414 of those cases being appealed to Circuit Court.

The county's nine General Sessions judges preside over civil cases on a rotational basis. Their jurisdiction is limited to claims not exceeding \$10,000.

"The fact that so few litigants are sufficiently dissatisfied to pursue the appeal process speaks well for our judges," Garrett said.

Under new local court rules, cases appealed from General Sessions must be set for hearings within 45 days.

Chancellor C. Allen High Announces Retirement

After 20 years on the bench, Davidson County Chancellor C. Allen High has announced his retirement, effective May 10.

High, who said he was retiring for health reasons, is at the midway point of his third eight-year term on the bench, having first been elected in 1974.

Gov. Don Sundquist will select his replacement to serve until the next general election in August 1996 when the voters will decide who will serve the final two years. It will be the new governor's first judicial appointment in Davidson County and his choice must come from a list of nominees submitted by the state's Judicial Selection Commission.

High, 70, is perhaps best remembered for his 1991 decision that the state's public school funding formula discriminated against children in poor counties.

Jack Norman, Sr.

The Defense Rests

To say that Jack Norman, Sr. was a master of his trade would be an understatement.

He had long surpassed that level.

He was an icon.

Perhaps no other attorney earned the re-



spect of his peers with such humble acceptance as this great barrister whose ghost, no doubt, will forever roam the hallowed halls of justice as inspiration to those who would emulate him.

He actively practiced law for more years than many spend on earth and became legendary for his sly, effective courtroom demeanor that almost always befuddled adversaries and endeared jury panels.

Fellow attorneys who practiced during his era were mesmerized by his technique and seldom missed an opportunity to watch him perform his courtroom magic.

Indeed, the courtroom was his stage.

Last month, as the final curtain was drawn, an appreciative audience rose in symbolic ovation to a masterful lifetime performance.

Bravo, Jack Norman, Bravo.

Prayers Requested

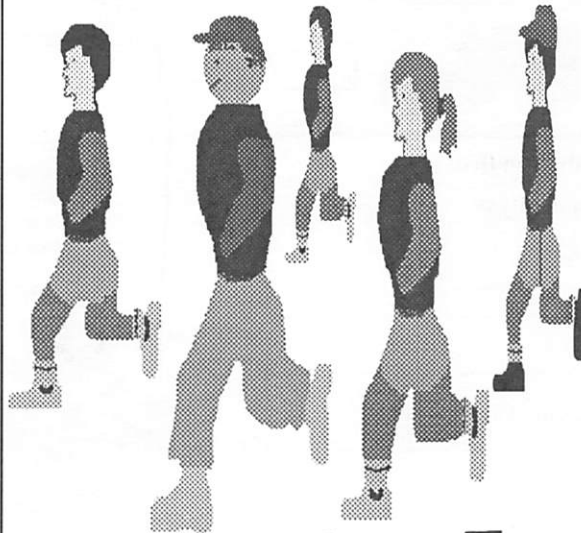
General Sessions Judge Donald Washburn and retired Traffic Warrant Officer Clyde Waynick are fighting for their lives after being diagnosed as cancer victims.

Judge Washburn is presently confined to Nashville Memorial Hospital where he was admitted five weeks ago following post-operative surgery.

Waynick, who underwent lung surgery 14 months ago, is under home health care following his release from St. Thomas Hospital earlier this month.

Circuit Court Clerk Richard R. Rooker has requested prayers for the two long-time public servants.

"Prayer can make a difference," said Rooker. "Both of these fine gentlemen are blessed with so many loving friends and family members that the power of collective prayer just might work miracles. That is my request."



Marching For Babies

Marching For Babies

(From Page 1)

Circuit Court Clerk Richard R. Rooker is encouraging his 145-member staff to consider walking or to help sponsor a participating co-worker in the upcoming Walkathon on April 30. So are Register of Deeds Felix Wilson, District Attorney General Torry Johnson, Property Assessor Jo Ann North, Sheriff Gayle Ray, Juvenile Court Clerk Kenny Norman and Criminal Court Clerk David Torrence, all of whom have named department coordinators for the event.

Nationwide, an estimated 875,000 people, including 18,000 teams from companies and organizations, will walk in 1,479 communities. That sounds like some pretty awesome figures, but the true perspective lies in the fact that a baby is born with birth defects every 3 1/2 minutes.

What are birth defects?

The March of Dimes Foundation provides these descriptions:

- ◆ Disorders that exist at birth.
- ◆ May be evident at birth, like spina bifida, or the result of environmental influences, like fetal alcohol syndrome.
- ◆ Affect one in every 14 babies born in the United States.
- ◆ Require hospital care for one million Americans and account for the deaths of 60,000 infants, children and adults in this country every year.

If those are not reasons enough to air

out the old sneakers, consider all the healthy babies that have been born to working parents within your own office during the past year. Walking might be one way of expressing your gratitude.

If those blistered feet and aching muscles of past Walkathons are still fresh in your memory, you'll be pleased to know that this year's route has been reduced to a mere five miles -- about half the distance of years past.

Originally a 10-mile stint that started during the morning hours, the rules were changed primarily to accommodate Sunday church goers. The starting time this year will be 1 p.m. at Centennial Park.

THE INCENTIVES—A minimum of \$10 in sponsorships is required to walk in the event. But there are some neat incentives to collect higher amounts. For example, a \$75 entry form will qualify a walker to receive an official commemorative WalkAmerica tee shirt bearing the Silver Anniversary emblem. In addition, that walker will receive a mobile telephone from Bellsouth Mobility with free activation (a \$50 value) at the finish line.

The individual raising the most money will get a paid trip for two to Las Vegas and a three-night stay at the Sahara Hotel & Casino.

But the most important reason to walk is the knowledge that your participation might make it possible for today's child to someday walk in your footsteps.

25th
Anniversary
March of Dimes
Walkathon
Sunday
April 30
1 p.m.
Centennial Park

\$ DATA BANK

Statistics compiled for the month of February

Case Information

Circuit Court

New Civil Cases Filed	280
Civil Cases Concluded	256
New Divorce Cases Filed	316
Divorce Cases Closed	277

General Sessions Civil

New Cases Filed	3,059
Executions Issued	2,224
Judgments Collected	\$481,362

Probate Court

New Cases Filed	178
Cases Closed	104
Cases Retired	4

Traffic Violations

Moving Citations	16,773
Parking Violations	10,693
Total Fines Collected	\$303,574
Nullifications	1,814
Nullification Fees Collected	\$16,326

Circuit Court Jury Trial Verdicts

Week of February 6

Case	Type	Court		Verdict
90C-3852	Auto Accident	2nd	(P)	\$20,000
93C-535	Insurance Contract	1st		Hung Jury
92C-2090	Auto Accident	3rd	(D)	\$10,000

Week of February 13

Case	Type	Court		Verdict
93C-3440/3556	Auto Accident	2nd	(P)	\$14,000
93C-1087	Auto Accident	3rd	(P)	\$5,423

Girls' Soccer Tourney Gets Touch of 'Magic'

Nashville Magic, an indoor under-13 girls' soccer team, geared up for its second spring season recently by taking second place in the Cobra Indoor Classic at Mount Juliet High School.

An interested observer was Circuit Court Clerk Richard Rooker, who dressed the team in tee shirts, as any good sponsor would do.

Rooker saw his team live up to its name by edging out the Donelson Cobras for second place in the tourney, only the third such event for the recently formed Magic.

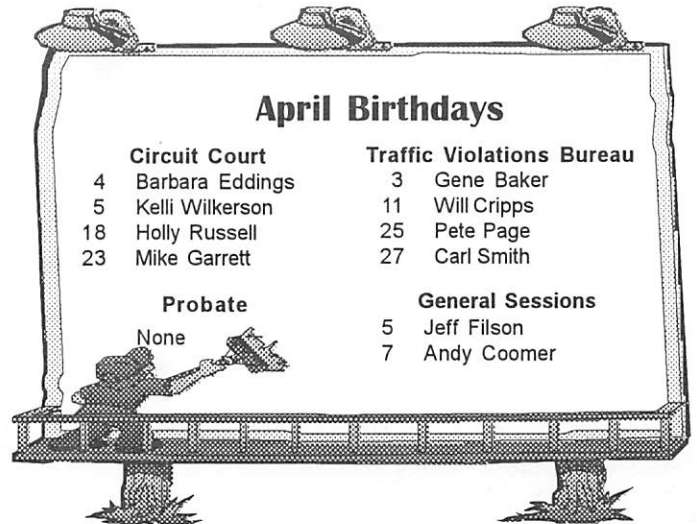
Team members are Molly Hogan, Susan Oliver, Corinne Mynatt, Page Isaacs, Jacqueline Thompson and Emily Davis. Their coach is Jim Rusley, a deputy clerk in our General Sessions Civil Division office.

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Published by the Davidson County Circuit Court Clerk's Office
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Established by George L. Rooker (1929-1993),
(Circuit Court Clerk, 1968-1993)

Richard R. Rooker Circuit Court Clerk
Gene Baker Editor



April Birthdays

Circuit Court	Traffic Violations Bureau
4 Barbara Eddings	3 Gene Baker
5 Kelli Wilkerson	11 Will Cripps
18 Holly Russell	25 Pete Page
23 Mike Garrett	27 Carl Smith
Probate	General Sessions
None	5 Jeff Filson
	7 Andy Coomer

Cheers...

We've been talking a lot about babies in this report, so we might as well keep the momentum going. We are proud to announce three new births within our employee family, starting with one we failed to recognize last month. Deputy General Sessions Civil Division clerk **Jim Rusley** and wife **Rhonda** visited the delivery room earlier than had been expected and surprised everyone with a baby daughter, their first child. **Alexandria Nicole** weighed only 2 pounds, one-half ounce upon her Jan. 27 arrival at Baptist Hospital. She has since improved to 3 pounds, 6 1/4 ounces and is about ready to be released from the hospital's special care nursery...Another employee of our General Sessions Civil Division, bookkeeper **Janice Johnson**, presented husband **Todd** with a second son on March 6. The newest member of the Johnson family was 20 inches long, tilted the scales at 7 pounds, 1 ounce and was given the name **Reed Tanner Johnson**...And our third new arrival came as a special valentine for Circuit Court deputy clerk **Barbara Eddings** and hubby **David**, who became grandparents for the seventh time with the arrival of **Shelby Danielle Layne** on Valentine Day. Daughter **Michelle Layne** delivered the 7 pound, 12 ounce bundle of joy to the delight of husband **Daniel** who, like the grandfather, is a Metro police officer...Fellow Traffic Violations Bureau employees are happy to have **Lori Davis** back at work following a five-week absence resulting from surgery...Surprisingly enough, no surgery was required for three employees who recently chose the ski slopes as holiday venues. After Chief Circuit Court Deputy Clerk **Karen Rooker** came back unscathed, the odds were strongly against fellow department worker **Jeff Parkinson** doing the same. But he returned to the office minus cast or crutch and armed with pictures to prove he was atop the snow-capped mountains with son **Cory** and tripmates **George Rooker Jr.** and son **Jonathan**...So, Probate Master **Bob Bradshaw** tried *his* luck. No broken bones for him either. Hmmm...we wonder how much time these folks actually spent on the slopes and how much time around the old lodge fireplace?

...Tears

Deepest sympathy to Traffic Violations Bureau Chief **Ed Chauvin** in the death of his brother, **Anthony Chauvin**, who passed away in his hometown of Bourg, La., on Feb. 19 following a lengthy illness. He was 57 years old...We are also saddened by the death of Mr. **John F. Jones**, father of Traffic Violations Bureau employee **Maria Harris**. Mr. Jones, 81, had been ill for several years...Sympathy as well to the family of **H. O. Proctor**, a former traffic warrant officer, who succumbed to a heart attack earlier this month... We also extend our condolences to **Gov. Don Sundquist** in the death of his father earlier this month in Moline, Ill.