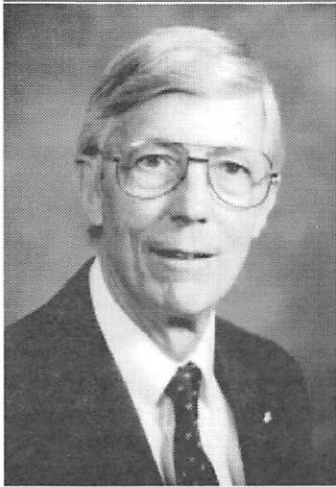


# Rooker Report

May 15, 1995

Published by the Davidson County Circuit Court Clerk's Office

Vol.2, No. 4



Chancellor C. Allen High

## A SEASONED JURIST RETIRES HIS GAVEL

The legal community this month toasted the illustrious career of Chancellor C. Allen High, sending him into a self-imposed retirement that surely represents the most difficult decision of his many years on the bench.

The celebrations were in tribute to the veteran jurist, who determined his own fate with the same diligence that marked his allegiance to equity throughout a 45-year legal career, divided almost equally between private practice and the bench.

Mostly, his peers turned out to praise the 21 years in which he presided over Chancery Court and to support his decision to retire midway of his third eight-year term.

It was inside his own courtroom that the silver-haired chancellor said goodbye to droves of friends and admirers during a two-hour reception on his final day of service.

In an earlier tribute dinner at the prestigious Cumberland Club, fellow trial judges -- both past and present -- voiced praise and admiration for the judge who championed the right to a free, public education in one of his most memorable rulings.

Circuit Court Judge Thomas Brothers likened High's judicial qualities to those espoused by the philosopher Socrates: "...to hear courteously, to answer wisely, to consider soberly and to decide impartially."

No doubt, High will continue to apply those standards as he enjoys retirement with his wife and grandchildren.

## Is new seat belt plan paying off? It's hard to tell

(First of two parts)

When the legislature revamped the penalty phase of the state's seat belt law a year ago, somebody forgot to establish a system to analyze the financial effects of the change.

Now, with neither the state nor the county realizing any tax revenue from the fines and with there being no separate accounting system to distinguish seat belt offense revenue from other monies generated by traffic offenses, no one knows if the change was helpful or not.

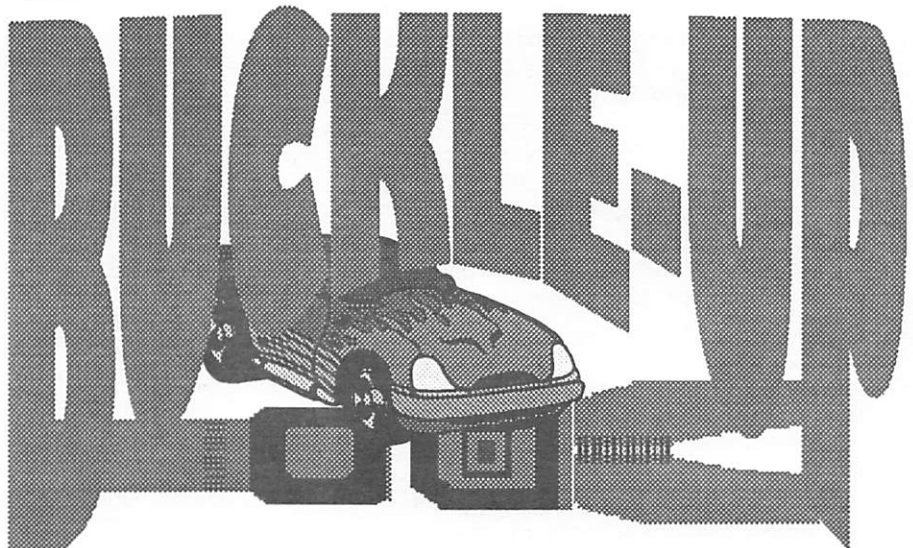
Trying to figure out the effects of the revision is like fitting the pieces of two mixed-up jigsaw puzzles of the sky and the ocean.

For sure, overall litigation tax revenue has decreased since the amended law went into effect in April of last year, imposing a \$10 fine for first time offenders and limiting subsequent offenses to \$20.

Just one year earlier, when the fines for second and subsequent seat belt offenses ranged from \$25 to \$50 and the state and county charged \$13.75 each in litigation fees, overall litigation taxes paid into the state coffers by Davidson County's traffic administrators was \$239,902. During the 12-month period under the new law, that figure dropped to \$202,467, a decrease of 15.6 percent.

Metro's combined litigation tax collection from traffic offenders during the same periods dropped

(See SEAT BELT, Page 2)



## ...If You've Got 'Em, That Is

"Okay, fellows, listen up. You played a good game tonight and your old coach here is proud of you.

"As a little special treat for winning the title in your little league division, I'm gonna personally chauffeur you first stringers to the Dairy Delite where the shakes and burgers are on me.

"Now, seven of you hop in the back seat and the other two can ride up front.

"Hey, hey, hey...hold it right there just a minute. You boys in the back draw straws to see who get the seat belts. You others are on your own if we get stopped by the cops."

That scenario could escape the boundary of fiction in months ahead as the state's new child restraint statute extends driver liability

in a most peculiar manner.

The new law, which goes into effect on July 1, holds drivers responsible for the safety of child passengers between the ages of 4 and 12 -- an eight-year extension of current child restraint provisions.

However (now, here's the clinker) the driver is not responsible for the safety of unbelted passengers "if all seat belts or other passenger restraints...are occupied" by other riders.

Uh, okay. But isn't there a law that limits the number of passengers to the number of seat belts available?

Wait a second. The new code says this criteria applies only to the "back seat." Maybe that explains it. Or maybe the law

(See NEW STATE LAWS, Page 2)

## New State Laws Target Drivers

(From Page 1)

makers are saying, "we don't care how many kids you cram into the back seat, but if all the seat belts back there are not in use when you're pulled over, you can be fined between \$10 and \$20 for each one not being used."

That being the case, our little league coach has no sweat. Three of the seven boys in his back seat are wearing the manufacturer-installed belts and the other four are exempt from the law.

Except...wonder what would happen if there were an accident? Oh, well. That's why lawsuits were invented.

Obviously, there were good intentions on the part of the legislators who passed the new law. It would be presumptuous to suggest otherwise. The change was made in the interest of public welfare, based on due consideration and thorough examination of existing conditions.

Yet, local judges who weigh the evidence in such cases continue to be frustrated by the lack of consultation between the legislative

and judicial branches. General Sessions Judge Leon Ruben is perhaps the most vocal when it comes to criticizing what he calls "surprise" changes in judicial guidelines.

Ruben said he learned of last year's legislative amendments to the seat belt fine structure "after" the bill had been signed by the governor. And, he said, the same was true with the child restraint amendment. "I wasn't aware that they (legislature) were even considering it," he said.

Did both of the seat belt amendments, as passed, fail to go far enough in their penalty phases?

Under existing child restraint laws, for example, violators must pay a minimum \$25 fine for failing to secure children under four years of age. The extension of liability for other pre-teens merely provides the customary \$10 fine for first offenders and \$20 for multiple offenses. Some court observers believe the fine should have been commensurate with the child restraint penalty.

"After all," one person noted, "they're still children."

### Seat Belt

(From Page 1)

from \$222,956 to \$188,549, or 15 percent. However, there is no way to pin the decrease on seat belt fines because other variables come into play. For example, there were 21,706 fewer traffic tickets written during the 12 months after the new law went into effect, making an accurate comparison virtually impossible.

But some attribution can be derived by matching percentages of decline. While the decrease in the number of total traffic tickets was 8.9 percent, the number of seat belt citations fell by 13.3 percent. That would seem to indicate that more motorists are buckling up.

When the seat belt statute was amended, there was concern that the county's popular "Buckle-Up" school program might become obsolete. It was logical to assume that offenders would forego the alternative classes when the amount of the fine was no higher than the school enrollment fee of \$20. But while enrollment declined by 18.4 percent, the loss of revenue was at least partially offset by a 5.3 percent increase in the number of persons attending another class that offers seat belt safety tips in association with other designated classes.

Still, the drivers' school program continues to feel the crunch of declining ticket issuances. The grid below reflects the trend.

**Next month: A closer look at the traffic school program and the difficulty in tracking individual offenses to gauge the effectiveness of statutory changes.**

## ...and Walkers

Members of the world's oldest profession soon may face a tremendous increase in the cost of doing business -- provided they can find a spot to solicit customers.

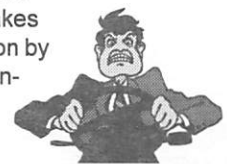
A new state law that goes into effect July 1 mandates a minimum seven-day jail sentence and a fine of at least \$1,000 for persons found guilty of committing prostitution within 1 1/2 miles of a private or public school or church.

That would seem to eliminate most of the available sidewalk space in Nashville, the obvious goal of the bill's co-sponsors, local Rep. Ben West Jr., and Sens. Thelma Harper and Joe Haynes.

Not only does the new mandatory sentencing apply to prostitutes, but to patrons as well.

There is one technical glitch, however. Writers of the bill failed to include the word "church" in the penalty section language, an omission that could cause jurisdictional challenges in court.

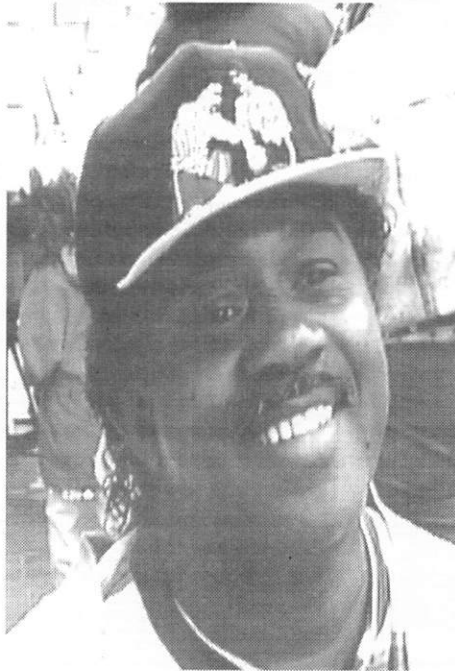
The courts already are empowered to impose comparable penalties as a matter of independent case discretion, regardless of where the offense takes place. But the new law dilutes that discretion by mandating minimum sentencing upon conviction.



### The Numbers on Seat Belt Activity

MONTH	TOTAL *MOVING TICKETS ISSUED		SEAT BELT TICKETS ISSUED		REFERRED TO SCHOOL		ACTUALLY ATTENDED		BUCKLE-UP SCHOOL ONLY	
	'93-94	'94-95	'93-94	'94-95	'93-94	'94-95	'93-94	'94-95	'93-94	'94-95
April	23,982	18,822	3,900	2,929	308	277	179	166	57	71
May	19,543	17,734	3,204	2,644	326	315	152	175	47	87
June	24,313	15,745	3,527	2,209	601	321	352	183	121	47
July	21,410	18,786	3,451	1,935	289	187	159	115	77	85
August	22,535	19,382	3,466	3,001	394	257	254	160	108	44
September	19,471	18,488	2,801	2,885	358	244	149	152	51	45
October	15,976	18,570	2,668	2,878	313	376	178	234	78	44
November	19,228	18,083	2,698	2,592	458	346	267	230	131	58
December	17,118	14,473	2,335	2,408	250	306	87	195	7	38
January	17,053	18,795	2,419	2,484	232	444	139	277	81	68
February	15,879	16,773	2,518	2,490	258	314	153	213	48	85
March	21,409	21,055	3,056	2,774	264	347	152	245	89	58
Totals	237,917	216,706	36,043	31,229	4,051	3,734	2,221	2,345	895	730
*-- All offenses except parking	-21,211 -8.9%		-4,814 -13.3%		-317 -7.8%		+124 +5.3%		-165 -18.4%	





**ROY (BO) BOHANNON II**  
*Living dream through his son*

# BO KNOWS BOXING

## *Warrant Officer Will Be In Son's Corner at Olympic Trials*

Without even asking, you know just by looking at Roy Bohannon that he has spent some time in the boxing ring.

Maybe it's the way his broad shoulders never seem to droop, despite the gravitational pull of muscular arms that appear to be chiseled from granite.

Or maybe it's a flat abdomen that obviously has eluded the muscle-mushing punches of Father Time.

Even though the customary signs of a pugilistic background are absent -- cauliflower ears and crooked nose -- there is an undeniable aura that identifies the stocky traffic warrant officer with the sport of boxing.

Indeed, he is a disciple of the game.

Circumstances of life and the passing sands of time have forced him to change directions, but he has remained loyal to the sport and now devotes his energies to helping others achieve their childhood dreams.

Things might have been different for the man known simply as "Bo" had he been born a bit later in life.

But at the height of his passion for boxing he was called to serve his country in the preservation of peace.

A tour of duty in Viet Nam became his only bout against international competition.

He didn't win a medal, but he served his country with dignity and got enough fighting to last a lifetime.

It was in 1975 that Bo finally laid down the gloves for good and turned his attention to helping other youngsters pursue their boxing goals. He didn't have to look far. There were plenty of young "Sugar Rays" to be developed.

Bo accommodated a number of hopefuls at both the amateur and professional levels. Perhaps the most recognizable was Frankie Swindell, who ran the gamut of weight divisions before finally giving up the sport.

### **The New Bohannon Climbs Into Ring for Dad**

Now, Bo has a new protege who not only is catching the eye of the amateur boxing world, but who just might finally make Roy Bohannon a champ. Roy Bohannon III, that is.

At the near-perfect boxing age of 19, Bo's oldest son has been commanding ink on a lot of sports pages throughout the country. He recently earned a berth in the National Golden Glove Championships in Lowell, Mass., by easily cruising through regional and southern championships in Chattanooga and Knoxville respectively.

Young Bo, as we will call him, took his first two fights in the 132-pound division of the nationals only to finally be eliminated in a controversial decision that drew boos from the crowd. "There was no doubt about who won the fight," said the elder Bohannon. "The judges up there just didn't seem to like Southerners." The winner of that bout was Willieson Spann of New Jersey.

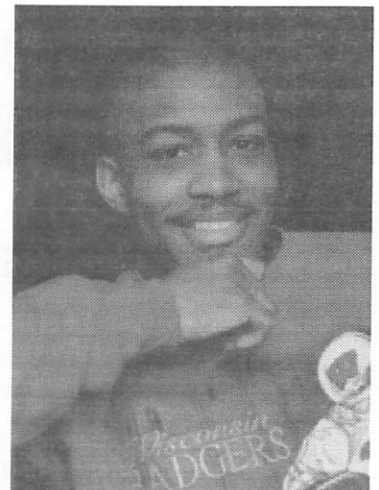
Thanks to local sponsor Jack Tyrell of Richard's Ventures, Bohannon was financially able to be in his son's corner for all three of his fights in the nationals.

Bo also hopes to be on hand when young Bo returns to the ring in the Police Athletic League Championships in Texas next October. A win there would put the Nashville youngster in a box-off for a possible spot in the 1996 Winter Olympics in Atlanta.

The boxing Bo was graduated from Stratford High School last year. He has twin brothers -- Terrance and Terrell -- but their athletic interests are in football rather than boxing. They are five years younger than Bo, who had already developed strong boxing skills at their age. "At 16, he fought and beat some 25 and 26-year-olds," says a proud father, adding that the younger Bo's strongest weapon is a biting jab that "will sting you bad."

Young Bo's lifetime record now stands at 32-7.

And big Bo is standing about ten feet tall.

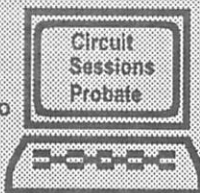


**ROY (BO) BOHANNON III**  
*Eyes spot on Olympic team*

### *Dial-A-Case Update*

## Probate Files Now On Line

Dial-A-Case, our electronic public access service, is being expanded to include case data from Probate Court.



Final touches are being made that will broaden the customer base of the existing service, which provides modem access to Circuit Court and General Sessions Civil case files.

Probate data could be ready for customer access sometime this month. When the new service goes on line, current subscribers will see an additional menu option on their screens allowing access to the Probate data.

There is no additional charge to customers already on the system.

New customers will benefit from access to data from all three courts at the same base rate as previously offered for the two-court plans.

The service offers plans ranging in computer time from 4 to 40 hours per month. Brochures explaining the various options of the program are available in each clerk's office.

## Cheers...

Top billing this month goes to **Michelle Sawyer**, whose candid assessment of bossman **Richard Rooker** not only entertained a local radio audience but also won her a pair of free passes to the Sara Lee Golf Classic. In case you missed it, Ms. Sawyer was among several secretaries who were interviewed by radio talk show host **Bill Boner** on Secretary Day. As an incentive to extract interesting commentary, Boner offered the Sara Lee passes for the best evaluation. That would turn out to be none other than our own Girl Friday, who teased about Mr. Rooker's age ("Why, I'm older than he is.") and his failure to use the intercom when summoning her ("He just hollers out my name.") But it was all in good, clean fun. Wasn't it, Michelle?...Traffic Violations Bureau cashier **Teresa Bryant** is all asparkle these days after beau **George Johnson** presented her with an engagement ring earlier this month. The couple plan to tie the knot in the fall, but a definite date has not been set. They are kind of disorganized at this point, seeing as how neither has ever gotten married before...Applause for **Harold (Buster) Boguskie**, who has joined the staff of Probate Court Judge **Jim Everett** as a court officer after serving the community as a charter member of the Metro Council for 32 years. Boguskie joins former Nashville Banner executive **Jack Gunter** as recent additions to Everett's staff. Gunter accepted a post with the judge after retiring from the newspaper late last year...Mayoral assistant **Rip Ryman**, recovering from heart bypass surgery, reportedly is getting antsy to return to work. But doctors say he must wait a few more weeks...**Edwin Hart**, husband of Traffic Violations Bureau bookkeeper **Jean Hart**, is doing fine after receiving a pacemaker this month...Congratulations to **Juli Layne**, a former employee of our Probate office, upon her graduation from Belmont University this month. Juli received a degree in elementary education...A tip of the hat also goes to five of our staffers who participated in the March of Dimes Walkathon, raising a total of \$737 to help fight birth defects. Those hoofing the five-mile route were **Ricky Deatherage**, **Kim Jackson** and **Kim Clary** of our Probate office, **Brenda Best** of our General Sessions Civil Division, and **Becky Dye** of our Circuit bookkeeping department. Deputy circuit clerk **Mary Binkley** also qualified for the walk but was unable to participate because of her maternal condition...And employees of the Traffic Violations Bureau computer room toasted fellow worker **Betsy Campbell** earlier this month, wishing her the best at her new job in the music business...Finally, a tip of the hat to eleven members of the Metro fire and police departments for their medal-winning efforts in the World Police and Fire Games in Melbourne, Australia. The Nashville delegation brought home one gold, three silver and three bronze medals in the olympics style competition that attracted 7,000 competitors from around the world.

## ...Tears

Deepest sympathy to **Criminal Court Judge Ann Lacy Johns** in the tragic death of her husband.

Our prayers are with Traffic Violations Bureau continuation clerk **Charlene Hobson**, who remains a homebound cancer patient. Mrs. Hobson has undergone radiation treatments and presently is receiving chemotherapy.

## 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

**June Birthdays**

<b>Traffic Violations Bureau</b>		<b>Circuit Court</b>
8 Stacey Woods		2 Dan Vincent
29 Teresa Bryant		21 Virginia Laarz
		24 Virginia Rowland
<b>Probate</b>		Ronnell Griffin
14 Kim Clary		28 Linda Dorris
		<b>General Sessions</b>
		3 Sandra Crabtree

**DATA BANK**

### Statistics compiled for the month of April

#### Case Information

##### Circuit Court

New Civil Cases Filed .....	278
Civil Cases Concluded .....	287
New Divorce Cases Filed .....	273
Divorce Cases Closed .....	366

##### General Sessions Civil

New Cases Filed .....	2,735
Executions Issued .....	2,263
Judgments Collected .....	\$489,245

##### Probate Court

New Cases Filed .....	176
Cases Closed .....	91
Cases Retired .....	3

##### Traffic Violations

Moving Citations .....	18,859
Parking Violations .....	9,453
Total Fines Collected .....	\$299,013
Nullifications .....	1,535
Nullification Fees Collected .....	\$13,815

#### Circuit Court Jury Trial Verdicts

##### Week of April 17

Case	Type	Court	Verdict
89C-2581	Medical Malpractice	6th (P)	\$500,000
94C-849	Auto Accident	5th (P)	\$60,000
93C-1415	Auto Accident	1st (P)	\$586.00
94C-4008	Auto Appeal	1st	Defendant
94C-3196	Auto Appeal	5th (P)	\$2,083

##### Week of April 24

Case	Type	Court	Verdict
91C-3042	Medical Malpractice	2nd	Defendant
92C-2583	Slip/Fall	1st (P)	\$55,000
90C-2705	Auto Accident	1st (P)	\$10,000