

Rooker Report

September 15, 1995



Published by the Davidson County Circuit Court Clerk's Office



Vol.3, No. 8

LEADING WOMEN of the courts

Penny Harrington knew a full year in advance that she would become the first woman to preside over the nine-division General Sessions Court.

So, when her turn at bat rolled around on Sept. 1, she was already standing at the plate, ready to take a swing at some of the policy pitches of the lower court system.

It was obvious that her presence in the game would produce notable statistics.

Several days before her presiding role had become official, she exerted her forthcoming authority by dismantling the court's jail overcrowding committee and ordering that jail dockets be resumed during the Christmas and New Year holidays.

Fellow judges and court observers alike viewed the preliminary decisions as merely a warmup for a year of expected overhaul by a reform-minded jurist whose first term on the bench has been marked by challenges to the status quo.

Indeed, Harrington admits to being a bit iconoclastic, but only because she believes many areas of the local judiciary are outmoded, yet tolerated to avoid a breach of tradition.

(See HARRINGTON, Page 2)



JUDGE PENNY HARRINGTON

For the first time, women judges have been selected to preside over both levels of the county's court system during the same year. Not surprising, since female membership now represents more than one-fourth of a local barrister population once heavily dominated by males. And almost one-third of all the county's judgeships are held by women. The two who will manage the affairs of the tribunals during the current year are both outspoken and reform minded. The following profiles provide an insight into how each judge views her challenge.



JUDGE BARBARA HAYNES

Outside the courtroom, Barbara Haynes does not fit the stereotypical image of a judge. Anything but.

She whistles and sings in the courthouse hallways as she greets each day with bubbly enthusiasm that contrasts the norm.

She delights in mingling with fellow college alumni, grungily clad, to root her favorite football team to victory.

Her favorite color is Big Orange and, were it not for the dignity of her judicial position, might consider it as a replacement for her traditional black robe.

She not only is comfortable in a roomful of politicians, she is a source of reference for settling their debates.

Haynes is a communicator whose skills have placed her in such strong demand by the local media that she must reject more requests than she accepts.

But her flamboyant lifestyle is set aside once the workday begins and she assumes the official judicial responsibilities incumbent upon her as judge of the Third Circuit Court. Levity is set aside for long hours of serious concentration required by the bottomless stack of civil cases awaiting disposition.

(See HAYNES, Page 2)

Getting Up To Speed!

It now appears likely that Metro's antiquated fine schedule for fast drivers will be brought up to speed, but the vehicle for reaching that destination has been forced to the slow lane.

The Metro Council has final say on whether speeding fines should be increased and, if so, by how much. But because the council is in the midst of changing drivers, there is a necessary delay in starting the engine. Kinda like waiting for an ordered part.

Once the mechanism is in place, however, everything should run smoothly and the new fines should sputter into the book of codes sometime around Thanksgiving.

It is generally believed that current fines of \$25 and \$50 are ineffective in deterring speeding motorists on the county's highways and byways. Officials think that much higher penalties would deflate the present driving mentality and result in fewer road deaths.



Since the county and state strive for uniformity in most areas of enforcement, it is logical to assume that the state's existing penalty schedule will command close scrutiny by those restructuring the county fines.

Motorists who are ticketed by state troopers on interstate highways face a fine range of \$69-113.50, depending on their speeds. The maximum amount is applicable on secondary roads and in construction zones.

Metro already has increased ten-fold the maximum fine in seven specific areas of traffic enforcement. But in so doing, the council unwittingly opened a can of worms by including the county's most cited code (12.20.30) for routine speeding offenses.

The obvious intent of the council was to provide more severe punishment for motorists who ignore speed limits in specially posted areas, such

(See SPEEDING, Page 3)

Harrington Term to Focus on Lower Court Changes

(From Page 1)

"There is a wrongful assumption, in my opinion, that just because something has always been done a certain way, it should not be changed," she says in defense of her position. "What is wrong with looking for better, more efficient, more effective ways?"

Therein lies the agenda for the lower court's first woman presiding judge, only the second of her gender to wield a General Sessions gavel.

The daughter of a former judge (her father, the late J.L. Harrington Sr., was city judge in the family's hometown of Jackson, Tenn.), Harrington won a place on the nine-division court by defeating the venerable incumbent Robert Murphy in 1990. The groundwork for her election victory was laid via an impressive eight-year track record in both private law practice and public service work that helped showcase her legal expertise. During that period, she served as general counsel to the state Department of Conservation, the state Historical Commission and the Tennessee Oil and Gas Board.

Following her graduation from Middle Tennessee State University in 1967, Harrington was employed as a teacher of French and English courses at Hillsboro and Cameron high schools, leaving the school system in 1970 to become editor of *The Tennessee Report*, a statewide newsletter on Tennessee government, politics and economy. That position led to a position as administrative aide to then-state representative Ned Ray McWherter and, later, press secretary to Lt. Gov. John Wilder.

After earning her law degree from the Vanderbilt University School of Law in 1982, Harrington entered private practice, specializing in administrative law and government relations. She was a partner in the law firm of Thompson and Bussart immediately prior to her positions with the state.

Since 1985, Harrington has been included in "Who's Who in American Law" and has racked up an impressive list of other honors, including selection to the Tennessee General Assembly's task force on judicial reform.

Soon to celebrate her 50th birthday, Harrington balances her professional career with being a wife and step-mother. She married Vanderbilt University philosophy professor Michael Hodges a short time after her election. Hodges, her second husband, has two children. Her first marriage to Nashville attorney E.E. (Bo) Edwards lasted 15 years.

Because of her past associations with the media, Harrington is often sought out by the press for clarifying and expressing her stance on court-related issues. Consequently, the media has become an effective vehicle for delivering her pleadings for change, whether it be a personal indictment of government building conditions or critical review of how existing laws discriminatively affect poor people.

Now, as the person in charge of managing the courts' business, she has an opportunity to invoke her ideals with more direct authority. She has announced her intentions to do just that in a number of specific areas, including civil case management, criminal prosecution procedures and traffic court accommodations.

Harrington has asked fellow judge Casey Moreland to develop an updated civil case management plan "so that lawyers and witnesses don't have to wait to have their cases heard." She contends that a central civil settlement docket that will offer mediation of disagreements "is the modern way to handle small claims" because "lawyers who know their cases are going to trial need to have a special date and time set for a hearing with no waiting."

On the criminal side, Harrington is adamant about changing the current system of issuing arrest warrants at the mere request of individuals. "This process is very expensive to our government and damaging to our citizens," she said, adding that each warrant request should be investigated by the police or district attorney to determine its merits.

Harrington has often openly expressed her dislike for hearing traffic cases, a complaint predicated on her opinion that enforcement procedures are unjustly tilted toward economics rather than the promotion of safe driving. She said she would continue to pursue a separate safety center building to house traffic courts and traffic safety schools, together with a requirement that *everyone* convicted of a moving violation attend a four-hour or eight-hour defensive driving course.

Harrington also favors a comprehensive program enabling persons cited for traffic offenses to mail in their fines, driving class enrollment fees or other requirements relative to their citations. That change, she said, would require a redesign of the traffic tickets now being used to include a suitable envelope and "clear language" as to the procedure.

Harrington also hopes to produce written rules of procedures "that can be understood by everyone who comes to General Sessions Court, including non-lawyers" during her one-year term. And, as the judge who created the court to adjudicate environmental infringements, she wants the government to provide greater resources for enforcement. But that's another story.

Haynes: No Changes For Now; State Report on Courts Awaited

(From Page 1)

For the next 12 months, Haynes will be fulfilling the assignment of presiding judge over all the county's 14 trial courts, a prestigious position that will complement her already lengthy list of judicial credits. She becomes the third woman judge to hold the position, which is one that eluded her during her eight-year term as the first female judge of the General Sessions Court system.

Now that she is responsible for maintaining an equitable distribution of the trial court workload, overseeing budget matters and reducing docket delays, the outspoken jurist is taking a conservative approach to change, declaring that any new procedures will come as a result of collective input by all her fellow judges.

Toward that end, she said, the circuit court judges will hold a workshop session on Oct. 18 for the purpose of reviewing existing procedures and discussing the merits of possible changes. But no concrete action is expected, she said, until the results of a two-year study is turned over to the Tennessee Supreme Court by a statewide commission. Recommendations by the commission will be considered by the high court as criteria for promulgating new rules of procedure. "We are all anxious to know what that report will say," Haynes said.

Since being elected to the judgeship in 1990, replacing Matthew Sweeney, Haynes has been an innovator of concepts that have helped expedite caseloads and streamline overall operations of the courts. Her idea of requiring pre-trial settlement conferences for all new cases assigned to her court has met with such success that other judges now are beginning to copy it as an effective means of reducing courtroom trial time.

Haynes is convinced that the settlement conferences not only are beneficial to lawyers and their clients, but save a lot of taxpayer money as well.

A recent insurance case expected to last eight days if tried by jury was settled in much less time in conference, resulting in monetary savings for all parties and freeing up the court for other matters.

As mentioned earlier, the frivolities are set aside when Haynes gets down to business. She has proved her mettle in a number of areas over the years, including a stint as chairperson of the Tennessee Sentencing Commission that revised the state's criminal code seven years ago. She had a tad of influence with the state legislature that adopted the code. One of the lawmakers was Sen. Joe Haynes, her husband of 36 years.

But Judge Haynes should never be confused with Senator Haynes. Each is totally independent of the other in career accomplishment. Judge Haynes has carved her own niche in her chosen field, accumulating all the honors available to a lawyer-turned-judge. Among other things, she is a past president of the Tennessee General Sessions Judges Association, a charter member of the Tennessee Women Forum and holds memberships in every prestigious barrister organization, including the Lawyers Association of Women and the National Association of Women Judges.

While she is a leader among women, her favorite female role is that of grandmother. Three tots call her by that name, the same number that identifies her as "mom."

Domestic Violence:

Every month in Davidson County, an average of 168 individuals--mostly women--utter sworn accounts of horror stories that take place within the family unit.

They are the victims of what has become one of society's most common crimes, impacting an estimated 4 million women in the United States every year.

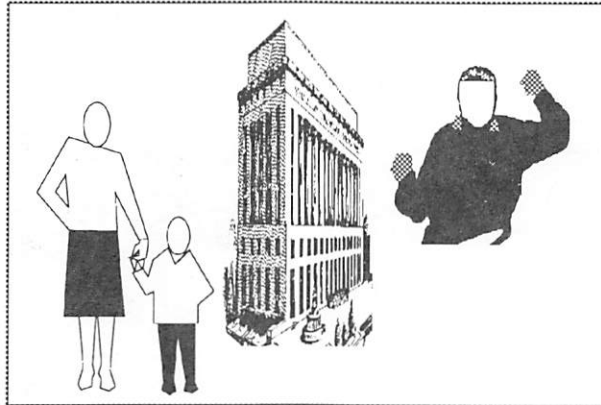
Battery is the single major cause of injury to women, occurring more often than muggings, automobile accidents and rape combined, according to a recent report by the Tennessee Task Force Against Domestic Violence.

That characterization is necessarily based on statistics derived only from reported cases. There is no way to gauge the number of unreported incidences. But a more accurate picture is coming into focus as more and more victims are coming forward under the protection of new laws and an increasing number of public support programs.

There are now at least three dozen victim shelters in the state (six of which are located in the immediate Nashville area) and special police units have been established to deal exclusively with domestic violence. In Davidson County alone, more than 12,000 victims utilized the police domestic violence unit during the first six months of operation. That glaring statistic came on the heels of a year in which 28 percent of all homicides in the county were domestic related.

The level of public awareness has been raised

The Beat Goes On



dramatically by national media exposure of events linked to domestic upheaval. Televised courtroom proceedings, such as the protracted double-murder trial of celebrity O.J. Simpson, have encouraged many victims to pursue legal remedies. And legislative bodies have provided the courts with extended punishment powers to keep perpetrators within arm's length of the law.

Jurisdiction over the majority of spousal abuse cases was transferred from the civil courts and placed under the umbrella of General Sessions Court more than a year ago, thereby allowing for criminal disposition that had not been present under civil rule. That, too, has contributed to a significant increase in the number of requests for temporary orders of protection.

A weekly court docket is held to determine if the orders should be made permanent and, if so,

Local Courts Face Growing Caseloads

to advise defendants of their restrictions and the punishment for noncompliance.

The number of temporary protection orders has steadily grown to the point that a second special docket is a possibility for the near future.

Docketed cases for the first six months of the current calendar year rose by 140 percent over the previous six-month period when the lower courts first assumed jurisdiction. And the number of hearings rose to a record 230 during the most recent month of August.

(This publication now includes orders of protection on a monthly basis in the Data Bank report.)

Studies have shown that spousal abuse escalates sharply when married couples separate. Up to 75 percent of domestic assaults reported to police are said to occur after separation and it is generally believed that women are most likely to be killed when attempting to leave their husbands or to report abuse.

While between 15-25 percent of battered women are pregnant at the time, the most dire effect of domestic violence is on young children exposed to the parental abuse. A major study of children at battered women's shelters found that nearly 70 percent were victims of physical abuse and that 30 percent had been sexually assaulted.

Tennessee shelters continue to provide services to more than 3,000 victims each month and more effective solutions wait to be discovered.

SPEEDING FINE REVISIONS MOVING SLOWLY

(From Page 1)

as school and construction zones. But the same code that includes those zones also provides blanket prohibition in "any area where official signs are posted, depicting safe maximum or minimum speeds."

Consequently, drivers cited under that code for open road speeding are now legally subject to being fined between \$25 and \$500 if they choose to appear in court and place themselves at the mercy of a judge. And while there has been no case in which such severe punishment has been handed out, the mere possibility promotes anxiety and a sense of coerced admission of guilt for those offenders knowledgeable of the fine structure.

Adding to the confusion has been repeated newspaper errors regarding the amount of fine for alleged speeders who challenge tickets in court. Repeated news accounts have indicated that paying a ticket prior to court date will cost the violator \$25, but that the fine automatically increases to \$50 if the driver goes to court.

Actually, the amount of fine levied against persons found guilty in court is determined by the judge hearing the case and can range from no fine at all to the *maximum* of \$500. An additional \$27.50 in state and county litigation taxes becomes additional cost to persons found guilty in court.

Not everyone is entitled to pay a \$25 advance fine to avoid court appearance. The \$25 amount is only for those who have no other moving viola-

tions on their driving records during the previous 12 months. The fine for second and subsequent offenses under present law is \$50 if paid prior to court date. And, of course, the court has the discretion of offering defensive driving classes in lieu of fines.

Fine amounts can be changed only through ordinance amendment, meaning that a proposed increase must pass three readings in the council. As it so happens, the council is not meeting at all this month because 1) not all members had been duly elected for the first meeting date, and 2) council chambers will be closed for remodeling prior to swearing-in ceremonies on Monday, Oct. 2. The "new" council will convene for its first meeting at that time because the regular Tuesday meeting date falls on Yom Kippur, a Jewish holiday.

So, Oct. 2 will be the first available date for introducing new speeding fine legislation. That would allow second reading at the following October meeting, but a third and final reading would be delayed until late November because the council's first meeting in odd months is limited to zoning matters.

In the meantime, judges and other court officials plan to confer with the Metro legal department to determine a proper course of action -- not only for bringing speeding fines in line with the times, but also for steering clear of ordinance ambiguities that drive everyone mad.

\$ DATA BANK

Statistics compiled for the month of August

Case Information

Circuit Court

New Civil Cases Filed	311
Civil Cases Concluded	268
New Divorce Cases Filed	306
Divorce Cases Closed	345

General Sessions Civil

New Cases Filed	2,592
Executions Issued	2,653
Judgments Collected	\$551,763
Orders of Protection Petitions	230

Probate Court

New Cases Filed	175
Cases Closed	168
Cases Retired	68

Traffic Violations

Moving Citations	20,634
Parking Violations	9,920
Total Fines Collected	\$314,363
Nullifications	1,765
Nullification Fees Collected	\$15,885

Circuit Court Jury Trial Verdicts

Week of August 21

Case	Type	Court		Verdict
94C-1221	Auto Accident	6th	(P)	\$21,000
93C-398	Auto Accident	2nd	(P)	\$900
95C-671	Auto Accident	5th	(P)	\$3,289

Week of August 28

Case	Type	Court		Verdict
94C-544	Auto Accident	5th	(P)	\$8,000
94C-922	Auto Accident	5th	(P)	\$18,500
89C-2464	Auto Accident	6th	(P)	\$75,000
92C-3067	Auto Accident	5th	(P)	\$11,613

Moreland Selected Presiding Judge-Elect

Judge Casey Moreland has been selected presiding judge-elect of the General Sessions Courts.

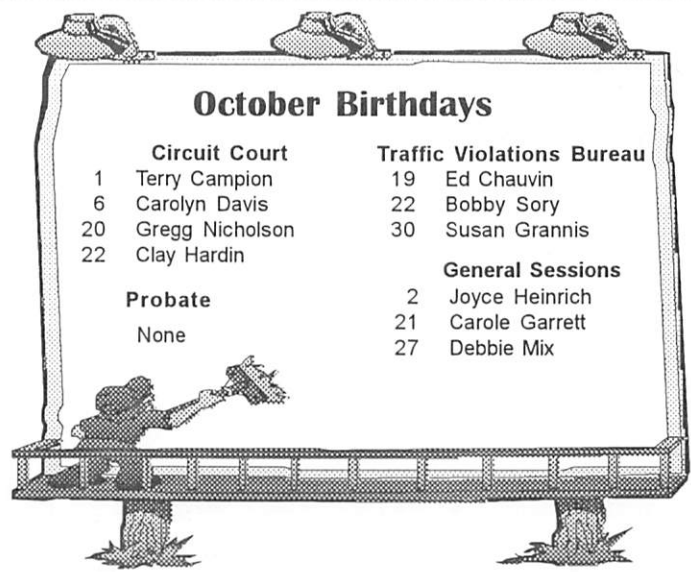
Moreland is scheduled to assume the presiding judgeship on Sept. 1 of next year, replacing Judge Penny Harrington. Ironically, the effective date comes after the county election in which Moreland must be approved by the voters to keep his job.

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



October Birthdays

Circuit Court		Traffic Violations Bureau
1 Terry Campion		19 Ed Chauvin
6 Carolyn Davis		22 Bobby Sory
20 Gregg Nicholson		30 Susan Grannis
22 Clay Hardin		
Probate		General Sessions
None		2 Joyce Heinrich
		21 Carole Garrett
		27 Debbie Mix

Cheers...

There was both sadness and joy in the Traffic Violations Bureau during the past few weeks. The sadness came when fellow workers said goodbye to Lori Justice, who resigned after 12 years to accept a job with County Clerk Bill Covington. Lori was given an appropriate send-off breakfast and staffers chipped in for a gift to show appreciation for her many years of dedicated service..Meantime, one of Lori's co-workers was showing off a "gift" of her own. Stacey Woods was wearing hers on the second finger of her left hand. Yep, she done gone and got herself engaged -- big time, if the size of the ring is any indication. The lucky man has been identified as Michael Poole, a private investigator for a national insurance fraud agency. All Stacey will say is that the wedding will be on June 29 at a site to be named later..Deputy clerk Bill Underhill is back on the job after taking time out to walk down the aisle. Bill and Deana Nicole Bundy were married on Aug. 26 in an outdoor ceremony at the Buchanan Log Home ...If you have been having trouble finding Circuit Court judges Tom Brothers and Barbara Haynes recently, it's because they have moved into temporary quarters while their offices are being remodeled. Brothers says he is extremely pleased with his temp space in the Stahlman Building. "This is better than the courthouse," he told an elevator companion. No official rating from Haynes on her makeshift office on the ground floor of the courthouse...Speaking of the courthouse...Have you noticed that several of the old drinking fountains have been replaced? The new ones are state-of-the-art, but the water is on the tepid side. Gulp!

...Tears

The preservation of history is a tedious assignment of importance that appeals to very few journalists. Even fewer have the ability to relate their documentation in a style capable of holding a reader's interest to the end.

Louise Littleton Davis was one of those rare individuals who could do that, not only with the written word but through verbal conveyance as well. Either way, her audiences were always assured of getting a true accounting, presented with the artistry of a master painter.

When she succumbed to cancer earlier this month, she left behind an important piece of history that was herself. It will be difficult for future generations to portray her contributions with the same imagery found in her own gifted expressions, permanently preserved at the Metro Archives she so strongly supported.

Walter Glymp, one-time court officer for the late General Sessions Judge Gale Robinson, passed away on Sept. 8. He was 77 years old and a retired Greyhound bus driver, in addition to six years of service in the courts.