

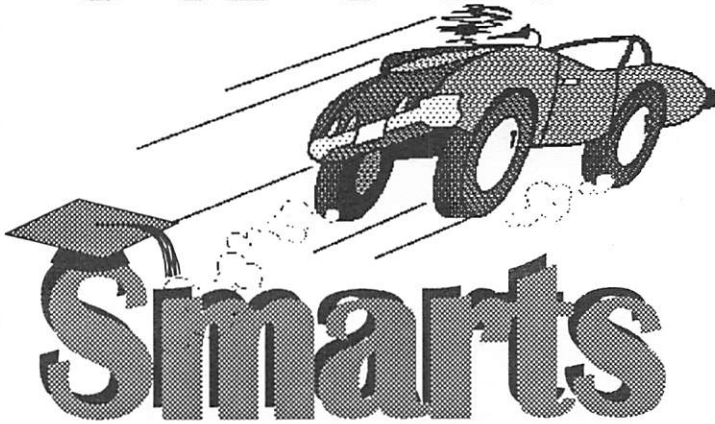
# Rooker Report

April 18, 1996

Published by the Davidson County Circuit Court Clerk's Office

Vol.4, No. 3

## Street



## Smarts

### Introduction

It has long been known that people's driving habits vary according to age. It is a fact reflected in adjusted insurance rates and -- more dramatically -- in newspaper photographs of twisted steel and tearful faces of grieving survivors.

Although accidents can happen to drivers of any age, statistics reflect a lesser incidence among more mature operators who have developed greater respect for the rules of the road. Call it education, if you will.

For years, local governments have acknowledged this deficiency and, through the court systems, have attempted to promote better driving skills by providing safety classes to those in need of refresher courses. In so doing, those who administer the programs received a bit of education themselves. They learned that techniques effective for "students" of some ages do not necessarily strike a responsive chord with fellow classmates of another generation.

With cold, hard statistics bearing out their conclusions, an innovative program was developed by the National Safety Council to appeal more effectively to the mentality of younger drivers who constitute the highest risk to road safety.

Enrollment has already begun here for the June 15 inaugural class of "Alive at 25," a separate class for errant drivers between the ages of 16 and 24. If the name of the program rings a familiar note, credit the American Association of Retired Persons, which brought us "Alive at 55," a unique driving program for motorists at the other end of the age spectrum.

In both programs, the operative word is "Alive," the central theme of what the courses offer and the ultimate goal for everyone who negotiates the distance between two points.

While the aforementioned courses are not the only driver education forums currently being offered to the public or which are in the planning stages for later introduction, we have chosen to feature them because of recognition accorded them by the local courts as alternatives to more drastic penalties for driving infractions.

### 'Alive at 25'

|                  |         |
|------------------|---------|
| Age Group        | 16-24   |
| Length of Course | 4 Hours |
| Enrollment Fee   | \$40    |

Developed by the National Safety Council only last year, this defensive driving course is so academically oriented that some school systems in other states have adopted it as part of their curriculums and the program is presently under consideration by at least one school here.

Unlike other defensive driving courses, "Alive at 25" incorporates a group participation phase, allowing students to interact among themselves in small groups. This approach ideally provides a more relaxed venue while eliminating possible intimidation from someone outside the students' age group. (Psychological studies have shown that young people are more comfortable when expressing their views with persons of their own ages.)

Of course, the program is not without supervision and instruction. Certified instructors facilitate the classes from beginning to end and evaluate the progress of each individual student. Certificates of completion are extended only to those who satisfactorily complete the course. Those not completing the course will be required to pay fines for the infractions that brought them to court.

Metro has two certified instructors -- Willie Lovejoy and Barrett Battle -- who will teach twice-a-month Saturday and Tuesday evening classes at the Ben West Building, starting June 15.

Traffic School Program Manager Terry Peaks estimates that about 50 percent of the total tickets issued in Davidson County are to drivers in this age group, not only as first offenders but repeaters as well.

(See 'ALIVE AT 25,' Page 2)

### '55 Alive'

|                  |         |
|------------------|---------|
| Age Group        | 50 Up   |
| Length of Course | 8 Hours |
| Enrollment Fee   | \$8     |

A product of the American Association of Retired Persons, this program for "mature" drivers is not directly affiliated with the court system, but is often recognized as a certified equivalent course for eligible traffic offenders.

Much of the program's success (more than 8,000 graduated from the course in Tennessee last year) has hinged on the insurance industry's policy of giving rate discounts to persons completing the course through their own initiative. Those same discounts are legally prohibited for persons completing the course as a result of court referral.

Hence, "55 Alive" has remained somewhat obscure as an option for judges weighing fine alternatives for senior drivers. But some General Sessions Judges, like Penny Harrington, Leon Ruben and Mike Mondelli, frequently utilize the program and other judges admit they simply don't think of the privately operated school when eligible defendants appear before them.

Still, Davidson County's court referral rate is higher than most other jurisdictions in Tennessee, says Bernard Gustafson, a state coordinator for the program.

(See '55 ALIVE,' Page 2)

## '55 Alive'

### Mature Drivers' Course

From Page 1

Since the program relies on sponsors to provide classroom space, instructional sessions are held in various geographical locations. But the courts maintain an updated list of meeting dates and locations. Often, the course is offered at more than one location on the same dates.

A chief sponsor of the program is the American Red Cross, which hosts the sessions every other month at their facility on Charlotte Avenue, said Gustafson.

The unusually low enrollment fee of \$8 is used to pay incidental expenses for the trained instructors, who volunteer their time and services. There are 100 such instructors statewide.

What that \$8 fee gets the mature driver is perhaps the most thorough refresher course being offered today. Eight hours of classroom instruction over two half-day sessions is designed to refine existing skills and develop safe, defensive driving techniques. The program offers everything from handling adverse conditions to learning about the effects that aging and medications have on driving.

Enrollees are challenged to answer such relevant questions as:

- What is the recommended way to determine safe following distance?
- Which drugs and medications could cause problems for you behind the wheel?

## 'Alive at 25'

From Page 1

The high-risk factor is dramatically emphasized in the instruction manual distributed to class participants, who are encouraged to realize that people in their age group are more likely than anyone to be hurt or killed in a car crash. That observation is supported by the following statistical data:

--28 percent of all collisions are caused by drivers in this age group, despite the fact that only 15 percent of all drivers are between the ages of 16 and 24.

--24 percent of the people who die in collisions with other vehicles are in this age group.

--34 percent of the people who die in collisions with fixed objects are in this age group.

--33 percent of noncollision crashes (car rolling over, leaving road, etc.) involve people in this age group.

--30 percent of the people who die in collisions with railroad trains are people in this age group.

The course addresses each of those facts, as well as pointing out others that bring the message home. Students might be surprised to learn that people in their age group wear safety belts less than people in other age groups; that 49 percent of all traffic fatalities involving 16 to 24 year olds are alcohol related, and that 13 of the 26 people in that age group who die on the roads every single day involve alcohol consumption. (Worthy of note is that both Lovejoy and Barrett also are certified substance abuse counselors.)

These sobering facts are presented both visually and verbally in a unified classroom setting, establishing the chilling consequences of careless driving habits. One of the videos in the curriculum presents teens in wheel chairs and others who are obviously brain damaged telling their DUI collision stories -- vivid illustrations of life before, during and after collisions.

Then, the class is splintered into smaller groups for discussion sessions on what has been presented and how to best achieve solutions. This hands-on method helps to model positive behavior by examining and shaping driving attitudes. The young drivers learn to act responsibly and to control their behavior as well as their vehicles.

Much of the course concentrates on defensive driving skills, defined in the program workbook as "driving to save lives, time and money, in spite of the

--When are you expected to yield the right of way?

--How can you best respond to adverse driving conditions, such as snow, ice, rain, fog and dark of night?

--Where are the danger spots on a parking lot?

--At what temperature is an icy road most slippery?

--What are the recommended ways to compensate for hearing loss when driving?

--How does the narrowing peripheral vision and declining depth perception that we all acquire with age affect situations in the driving environment?

--What are the safety rules for making a left turn?

--Why do drivers ages 55 and over have more accidents per mile driven than drivers aged 30-54?

It's obvious that the sponsors have left no stone unturned in evaluating the shortcomings and remedies for drivers of this age group.

A nine-chapter training manual focuses on vital elements related to operating a vehicle -- including self assessment and a series of physical calisthenics.

Little wonder that the courts acknowledge the program as effective retribution for offenders.



## A Unique Program for Young Drivers

conditions around you and the actions of others." The course provides a collision prevention formula in which students learn to recognize hazards in advance and to know how to respond correctly. Hazards are not limited to road conditions, but can include peer pressure to do unsafe things in the car. Students learn how to recognize the dangers of such pressure and to handle it effectively if it occurs.

There are many other areas of safety covered by the program, including proper vehicle maintenance and proper response to emergency situations.

Despite the thoroughness of the program, there are no plans to replace the long-standing driving classes currently offered by the courts. If anything, "Alive at 25" could serve as an extension of the traditional first offender and two defensive driving classes in cases where the courts determine that both programs are necessary. At any rate, the new course for younger drivers provides the courts with yet another remedy to an illness that can affect us all, regardless of age.

## New Probate Accounting Rules Cited

Attorneys now must provide an itemized accounting of the time they spend on probate cases in support of their requests for service fees.

The new procedure is one of several changes adopted by Probate Judge Frank Clement Jr.

The attribution rule, which also applies to fee requests on Veterans Administration conservatorships, means that lawyers no longer can expect compensation for time spent unless a detailed accounting is included in fee affidavits. Clement said he would request additional information before approving incomplete fee requests.

Additionally, inventories and routine interim accountings in probate cases are being reviewed for approval by Probate Master Bob Bradshaw before being recorded. Questionable accountings and those closing cases are being forwarded to Judge Clement for approval.

Chief Probate Clerk Ruth Lester said notices of deficiencies are being issued to personal representatives and fiduciaries who file incomplete or questionable accountings. Deficiencies must be corrected, she said, before accountings can be approved for recording.

## Genealogy

# Pages of Life

Pete Page Jr. had never thought much about his family roots until two years ago when his teenaged son started asking questions he couldn't answer.

That prompted the traffic warrant officer to embark on a research project to satisfy his son's curiosity. But the more he dug, the more he realized that his own curiosity was becoming his greatest motivator.

During the months to follow, he would devote every spare minute to following paper trails that would link previous generations of his family and provide thumbprints of the lives they led.

Today, a huge brown suitcase and cardboard boxes house the evidence of his research, representative of long, diligent hours spent in local libraries and archives and dollars spent on xerox copies.

Although he would like to have his findings published in book form, Page realizes that his own exhilaration over the project probably would not be shared by the general public. Personal gratification and insight into his family's history are perhaps his only rewards.

Not that his ancestors didn't play an important role in the early development of Nashville. Through land deeds and other



PAGE AT ANCESTOR'S GRAVE SITE IN WARNER PARK AREA

public records, Page has traced family real estate holdings as early as the late 1700s. Relatives on his father's side were early settlers in the Belle Meade area where a road today bears the family name and headstones can be found in old cemeteries memorializing their presence.

As he wades through the mountain of documents he has collected, Page proudly singles out one of his late mother's ancestors as representative of the family's early involvement in the area. He reads from a clipping that Thomas Sharpe Spencer, more commonly known as "Big Foot," was a continental guard in the revolutionary army and was believed to be the first white man in Sumner County.

The fact that he has been bitten by the ge-

*When Pete Page Jr., became curious about his ancestry, an ensuing investigation stirred an exhilarating passion beyond his wildest dreams. Now, after two years of diligent research, he finds himself closing the gaps on a genealogy project he doesn't want to end.*

nealogy bug is evidenced by the excitement in his voice and the machine gun-like references to one document after another. The project has taken him back in time to 1798 -- just two years short of qualifying for a free entry in this year's Tennessee Bicentennial celebration and recognition of the state's first families by the Tennessee Historical Society.

Page explains that the deadline for that honor was Jan. 1. Ironically, on that date his father Pete Page, Sr., passed away following an illness that demanded much of the younger Page's time that would have otherwise been spent on research.

The senior Page, a former race car driver and political candidate, was born in a log cabin in the Belle Meade section that would become known as the Page Road area.

Page's mother, Mary Thoni Page, was a longtime employee of the traffic warrant office. She died on Jan. 23, 1988 before her son was hired as a warrant officer.

To date, Page has devoted an average of 20 hours per week to the genealogy project. If nothing else, his new-found passion will provide many hours of pleasure for his brothers and his son Robert, a 14-year-old freshman at Father Ryan High School.

But there are still gaps to be filled and with the discovery of each new piece of documentation there will be new leads to be pursued, other connections to be made... other Pages to be turned.

## *...and here's the rest of the story*

Our story in last month's edition on the Nashville Bar Association's forthcoming project to spruce up the Metro Courthouse had a glaring deletion of words because of a technical foul-up, which we would like to explain at this time.

A major portion of a paragraph was omitted in which an explanation was being offered regarding the effectiveness of the county's DUI public service program.

The story had stated that routine maintenance of the courthouse and other Metro buildings has slackened in recent years because of an alternative personnel replacement program that has failed to live up to expectations. It further explained that about 30 General Services employees and a half-million dollars worth of janitorial services contracts had been released under the previous administration in favor of utilizing DUI defendants for public service work, mostly in housekeeping jobs.

The idea behind the DUI program was to accomplish the same work at no expense to taxpayers, the story continued, with a following disclaimer from General Services Director Sam McPherson. The next sentence in that paragraph, as printed, stated:

"...But McPherson said the pro..." The rest of the sentence was to be continued on the next page, but failed to be printed. If not for the technical miscue, the sentence and the rest of the paragraph would have read:

"But McPherson said the program hasn't attained the desired results and that the payroll savings are reflected in negligence to the buildings. When started, the program was drawing 175-200 probationers per day, but that number now falls under 30, according to McPherson."

Hopefully, the omitted explanation did nothing to dilute the credibility of the report. We regret having made the technical error.

And that, as Paul Harvey would say, is "the rest of the story." Goodday.

# \$ DATA BANK

Statistics compiled for the month of March

### Case Information

#### Circuit Court

|                              |     |
|------------------------------|-----|
| New Civil Cases Filed.....   | 378 |
| Civil Cases Concluded.....   | 336 |
| New Divorce Cases Filed..... | 324 |
| Divorce Cases Closed.....    | 309 |

#### General Sessions Civil

|                                     |           |
|-------------------------------------|-----------|
| New Cases Filed.....                | 2,822     |
| Executions Issued.....              | 2,624     |
| Judgments Collected.....            | \$505,085 |
| Orders of Protection Petitions..... | 161       |

#### Probate Court

|                      |     |
|----------------------|-----|
| New Cases Filed..... | 163 |
| Cases Closed.....    | 116 |
| Cases Retired.....   | 0   |

#### Traffic Violations

|                                   |           |
|-----------------------------------|-----------|
| Moving Citations.....             | 16,955    |
| Parking Violations.....           | 8,759     |
| Total Fines Collected.....        | \$291,278 |
| Nullifications.....               | 1,749     |
| Nullification Fees Collected..... | \$15,741  |

### Circuit Court Jury Trial Verdicts

#### Week of March 4

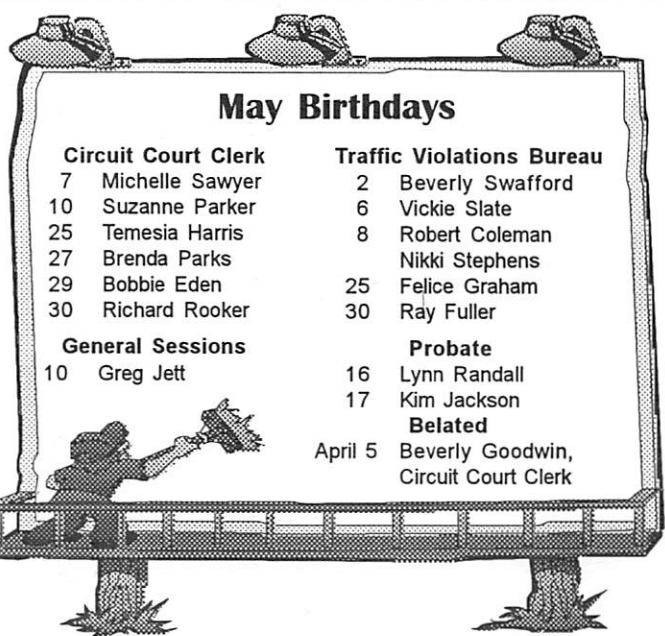
| Case             | Type            | Court   | Verdict   |
|------------------|-----------------|---------|-----------|
| 93C-2159/94C-391 | Auto Accident   | 6th     | Defendant |
| 94C-1120         | Property Damage | 6th (P) | \$5,800   |
| 94C-3445         | Auto Accident   | 1st     | Hung Jury |
| 93C-301          | Slip/Fall       | 5th     | Defendant |
| 92C-1644 >       | Auto Accident > | 6th (P) | \$1,385   |
| 92C-1644 >       | Auto Accident > | 6th (D) | \$2,500   |

#### Week of March 18

| Case     | Type               | Court   | Verdict   |
|----------|--------------------|---------|-----------|
| 93C-1863 | Auto Accident      | 6th (P) | \$3,500   |
| 94C-3835 | Insurance Contract | 5th     | Defendant |
| 92C-2535 | Auto Accident      | 2nd (P) | \$35,000  |
| 94C-3064 | Auto Accident      | 1st (P) | \$10,200  |

#### Week of March 25

| Case     | Type          | Court   | Verdict   |
|----------|---------------|---------|-----------|
| 94C-463  | Auto Accident | 1st (P) | \$8,600   |
| 94C-2787 | Auto Accident | 5th (P) | \$250,000 |
| 93C-2196 | Auto Accident | 6th (P) | \$4,000   |
| 94C-3379 | Auto Accident | 2nd     | Defendant |
| 94C-1822 | Slip/Fall     | 1st (P) | \$66,000  |
| 95C-615  | Fraud         | 6th     | Defendant |



### May Birthdays

|                            |   |
|----------------------------|---|
| <b>Circuit Court Clerk</b> | <b>Traffic Violations Bureau</b>                |
| 7 Michelle Sawyer          | 2 Beverly Swafford                              |
| 10 Suzanne Parker          | 6 Vickie Slate                                  |
| 25 Temesia Harris          | 8 Robert Coleman                                |
| 27 Brenda Parks            | Nikki Stephens                                  |
| 29 Bobbie Eden             | 25 Felice Graham                                |
| 30 Richard Rooker          | 30 Ray Fuller                                   |
| <b>General Sessions</b>    | <b>Probate</b>                                  |
| 10 Greg Jett               | 16 Lynn Randall                                 |
|                            | 17 Kim Jackson                                  |
|                            | <b>Belated</b>                                  |
|                            | April 5 Beverly Goodwin,<br>Circuit Court Clerk |

## Cheers...

Hats off to the Metro Parks and Recreation Department for an outstanding landscaping job on the grounds around the Ben West Building... There are some improvement projects going on inside the building as well. Employees of the Traffic Violations Bureau got new, more comfortable chairs this month and renovation of the traffic warrant office on the ground floor got underway with a new coat of paint. New carpet will soon follow, along with modular work stations and new computer units that will be compatible with the forthcoming Justice Information System network... Audit clerk **Janice Yearwood** says she is happy to be back on the job following a hospital stint and "cabin fever" syndrome... Metro mailman **Billy Chunn** continues to recover slowly at home from surgery in March to correct a brain passage blockage... Congratulations to Officer **Charles Smith** on his promotion to assistant police chief. Smith was commander of the West Sector before being selected by Chief **Emmett Turner** to replace veteran assistant chief **Johnnie Griggs**, who retired after 35 years on the force... There's an update on that scary jetliner ride endured by several courthouse employees on their return trip from a Colorado skiing vacation in February. Probate Master **Bob Bradshaw**, one of the scarees, has learned that the airlines jet actually sustained a crack in the fuselage, causing a sudden 25,000-foot drop. "That explains the draft we all kept feeling," he says. The jetliner has now been taken out of service for repairs. Meantime, a member of Bradshaw's party reportedly is considering legal action as a result of a confrontation with one of the airlines' employees inside a terminal. No one can say *that* was a boring trip!

## ...Tears

Condolences to four of our government family members who mourned the deaths of close relatives in recent weeks. Our deepest sympathy to...  
 --Circuit Court Cashier **Richard Hedgepath Jr.**, whose grandfather **Vernon Howard Hedgepath** passed away. Mr. Hedgepath was the father of attorney **Richard Hedgepath Sr.**  
 --General Sessions Court Officer **Jack London**, whose father **Virgil London** died at the age of 100 in his hometown of Lewisburg.  
 --Traffic Warrant Officer **Carl Smith** on the passing this month of his brother **Ed Smith**.  
 --Metro Court Docket Clerk **Margie Perry**, whose mother **Odell Hart** of Springfield succumbed to a stroke at the age of 89.

## Rooker Report

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Richard R. Rooker ..... Circuit Court Clerk  
 Gene Baker ..... Editor