

# Rooker Report

May 17, 1996

Published by the Davidson County Circuit Court Clerk's Office

Vol.4, No. 4

**Retirements, Deaths and Elections Have Altered Makeup of the State's Judiciary**

## THE CHANGING BENCH

When Adolpho Augustus Birch Jr. assumed his new duties as chief justice of the Tennessee Supreme Court this month, it served as a reminder of the changes that have taken place in the state's judicial system in recent years.

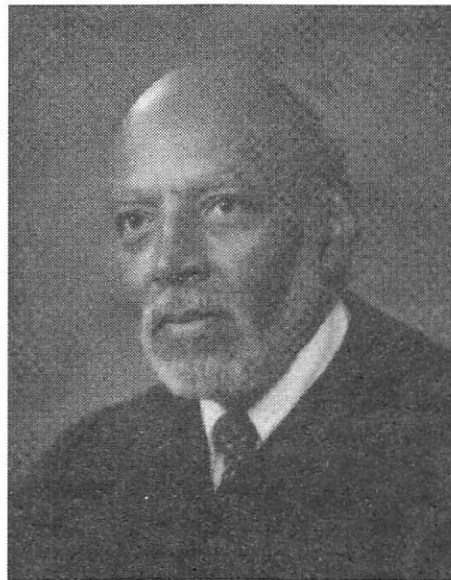
During the past year and a half alone, new faces have appeared on the benches at virtually every judicial level. And other changes are forthcoming.

Birch's selection by fellow justices to assume the high tribunal's administrative duties brings the judicial spectrum to mind because of his glowing career on the benches of most of the courts.

The 64-year-old African American spent nine years as a General Sessions Court judge and nine years as a Criminal Court judge before being chosen for the state Court of Criminal Appeals and finally the Supreme Court.

Each of those courts has undergone personnel changes in recent months for a variety of reasons. Retirements, elections and (sadly) deaths have created opportunities for many attorneys to become judges.

(Birch succeeds Justice Riley Anderson, who served as chief justice for 19 months.)



**Chief Justice A. A. Birch Jr.  
..succeeds Riley Anderson**

Following, in order of occurrence, are at least most judicial changes that have taken place since January 1995:

**January 1995** -- Court of Criminal Appeals Judge Penny White of Johnston City is appointed by Gov. Don Sundquist to replace retiring Justice Charles O'Brien on state Supreme Court. White becomes the first woman on the state's highest court...Juliet Griffin, a U. S. District Court clerk, is appointed to replace retiring U. S. Magistrate Kent Sandidge.

**February 1995** -- Gov. Sundquist appoints Chattanooga Circuit Court Judge William Barker as Penny White's replacement on Court of Criminal Appeals.

**March 1995** -- General Sessions Court Judge Donald Washburn passes away from cancer and the Metro Council appoints attorney Casey Moreland to fill the vacancy until the next primary election.

**May 1995** -- Davidson County Chancellor C. Allen High retires from the bench after 21 years and is replaced by attorney Ellen Hobbs Lyle as a gubernatorial appointment that must be approved by voters in this year's August general election.

(See JUDICIAL CHANGES, Page 2)

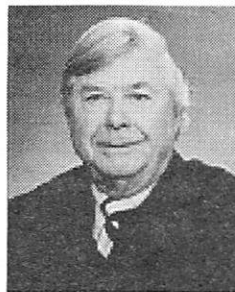
## Judge Harry Lester Served His Community Well

When former Circuit Court Judge Harry Lester passed away at the age of 81 last month, Nashville said good-bye to one of its most active citizens.

If one word were selected to best describe him, it would have to be "involved." For Harry Lester never let grass grow under his feet. He wore a beaten path from one project to another, leaving behind a lasting impression of his presence at every stop.

A man of varied interests, he held leadership positions in civic and charity organizations while pursuing a career in the legal field with experience in government and politics. As a young man, he was an outstanding athlete, lettering in three sports in high school before focusing on football in college. And he was a fighter, having served his country in World War II.

It wouldn't be until 1978 that he would add the title of "judge" to his long list of credits that included being director of the Davidson County Civil Defense and a state representative in the '50s -- the decade that he met Evelyn Sawyer, who would become his wife for the last 44 years of his life.



**JUDGE HARRY LESTER  
1914-1996**

the years.

After 12 years on the bench, he returned to limited private practice at the firm of Hildebrand and Associates where he had capped a 30-year career as a trial lawyer.

His contributions are hereby acknowledged; his absence leaves a void.

The judgeship victory was a bonus to a successful legal career that found Mr. Lester's name on the roster of every state barrister organization and beyond. He held executive positions in some, such as the Tennessee Trial Lawyers Association where he was on the board of directors.

Judge Lester's involvement with the community included leadership positions with the Elks Lodge organization at both local and state levels and both the American Legion and VFW. He gave much of his time to charities and was the first president of the local chapter of United Cerebral Palsy. He still found time for an active role in church activities at St. George's Episcopal Church where he was a member of the Sunday school class after serving in a variety of other capacities over

## Competes at Boston

### Attorney John Cannon Is Real 'Marathon Man'

You probably couldn't distinguish his face in the crowd, but Goodlettsville attorney John Cannon was among that massive throng of runners that appeared on your television screen earlier this month.

The occasion was the grueling 26-mile, 385-yard annual rite known as the Boston Marathon. And the 44-year-old Cannon covered every inch of the winding, grinding course that proved too challenging for the majority of 40,000 entrants.

His time? Five hours and 38 seconds. Or, as he puts it, "The same day before dark."



CANNON

No, he didn't come in first. But just finishing the race made him a winner.

This was Cannon's first entry into the Bean Town event, although certainly not his first marathon of the same distance. Twice before, he had competed in and completed similar distances.

In the previous marathons, Cannon's wife and law partner Grayson also competed. But she elected not to join him at Boston.

Cannon said it took him only about one week to recover from the Boston grind -- much faster

than his recovery time from the previous two marathons -- despite the fact that he had no time to train for this competition.

"I only learned in January that I was going to be in it," he said. "So, I really had no time to get in shape. I'm amazed that my recovery period was so short."

Will he try it again next year? Doubtful. He's leaning toward the more favorable altitude of Big Sur, California. Besides, he's already proved he can conquer Boston.

### **Meanwhile...Local Marchers Help Babies**

Here in Nashville, the pace was slower but the cause was important as more than 4,000 citizens hoofed a five-mile route to raise money for the March of Dimes.

As yet, no final grand total on sponsorship dollars collected, but those walking for the Circuit Court Clerk's office did quite well with \$828.50, topping last year's tally.

Kim Jackson and Ricky Deatherage of our Probate office each collected \$250, followed by Kim Davenport of our General Sessions Civil Division with \$200.50. Traffic warrant officers Carl Smith (\$94) and Joe Foster (\$34) rounded out our representatives in the WalkAmerica event, which helps finance the fight against birth defects.

At last report, the combined local effort had surpassed this year's goal of \$190,000 and money was still coming in.

### **Courthouse Clean-Up Slated for June 22**

That courthouse spring cleaning project by volunteers from the Nashville Bar Association has now been scheduled for June 22.

The publicized "one Saturday in May" event took longer to arrange than expected. But all systems are now "go" for the June date and volunteer recruiting has begun in earnest.

Professionals have been lined up to handle most of the painting. Mayor Phil Bredesen approved spending \$4,600 for paint and materials for the project. Many lawyers are expected to give of their time to handle general cleaning, brass polishing and other chores.

The clean-up project was the brainstorm of bar president Tom White, who praised the mayor for approving and supporting the idea.

"We're really pleased with the support demonstrated by Mayor Bredesen in approving the project and particularly in offering to help paint," said White.

### **It's a Record**

The longest lease ever recorded concerned a plot for a sewage plant adjoining Columb Barracks in Mullingar, Ireland. It was signed on Dec. 3, 1868 for a term of 10 million years. It is to be assumed that a future civil servant will bring up the matter for review early in A.D. 10,001,868. Leases in Ireland lasting "forever" are quite common. --Guinness book of Records.

### **Tree Planted in Honor Of Late Judge Washburn**

So that his contributions to the community will not be forgotten, the Riverwood Garden Club has planted a tree in honor of late General Sessions Judge Donald Washburn.

Approximately 100 persons were on hand to witness the planting of a Tulip Poplar at the Isaac Litton Park on April 27.

Among those attending were Tavie Washburn, the late judge's widow, and children Donna and Louis Washburn.

Attorney George Cate served as master of ceremonies and comments were offered by Sen. Joe Haynes and state Rep. Rob Robinson. Former Metro Mayor Richard Fulton and district councilman Lawrence Hart also were in attendance.

Judge Washburn died on March 15, 1995 following a lengthy bout with cancer. He was followed in death less than two weeks later by former fellow General Sessions Judge Gale Robinson, who was killed in a single car crash on Briley Parkway.

During its May 21 meeting, the Metro Council will honor both of the late judges by presenting plaques to surviving members of their families.

### **Judicial Changes**

From Page 1

**August 1995** -- Attorney George Linebaugh is appointed a General Sessions Night Court commissioner, replacing Joy Sims, who retired.

**December 1995** -- Attorney Frank G. Clement Jr. becomes judge of Probate Court after being unanimously elected by the Metro Council to fill a vacancy on the court. The appointment is effective until August of this year when Clement must be approved by the voters to complete the term, which ends in 1998.

Also in December, Gov. Sundquist named Nashville attorney Jerry Smith to fill a Court of Criminal Appeals judgeship left vacant by the retirement of Judge Jerry Scott of Waynesboro.

**January 1996** -- Nashville attorney Todd Campbell is appointed to the U. S. District Court, replacing Judge Thomas A. Wiseman, who took senior status. Campbell was sworn in by Vice President Albert Gore.

**March 1996** -- Attorney Sue McKnight Evans is elected by voters to complete the unexpired term of the late General Sessions Judge Donald Washburn, starting in September and concluding in 1998.

**April 1996** -- U. S. District Court Judge L. Clure Morton announced he would step down from the federal bench at the end of July, ending a career that included the controversial school desegregation decision.

It was also a month of sadness for the legal community, which mourned the death of former Circuit Court Judge Harry Lester.

**May 1996** -- Former Deputy State Attorney General Carolyn Piphus assumes a new assignment as a General Sessions Night Court Commissioner, replacing Kathie Leslie, who resigned to pursue a full-time private law practice.

Criminal Court Judge Ann Lacy Johns announces that she will resign from the bench on July 31 to spend more time with her family in Bedford County.

Supreme Court Justice A. A. Birch Jr., becomes chief justice of the state's highest tribunal.

## BAR ASSOCIATION ESTABLISHES COVETED JACK NORMAN SR. AWARD

During a glowing legal career spanning more than half a century, criminal defense attorney Jack Norman Sr. was a role model of excellence for his profession.

Now, more than a year after his death, the Nashville Bar Association has established an award in his name as an inspiration for others to follow.

The Jack C. Norman Sr. Award was unveiled and presented to the legendary barrister posthumously at the bar association's annual Law Day luncheon this month.

Thus, the award becomes a coveted prize for those striving to emulate the late icon.

The bar group's board of directors will determine the worthiness of future

potential recipients of the award. The criteria is intense.

To be considered for the award, criminal law practitioners must possess the same qualities as the award's namesake. Not only must they demonstrate respect for the rights of all individuals in the criminal justice system, they also must "exhibit trial advocacy skills necessary to the pursuit of justice, demonstrate an abiding respect for the law and legal profession and maintain the highest standards of professional integrity and ethical conduct."

Award recipients will also be attorneys "who contribute to the improvement of the legal profession and the criminal justice system, including uncompensated or under-compensated representation of the accused."

## Traffic Schools Under Construction

SEAT BELT CLASS TO BE CONSOLIDATED;  
SOME ENROLLMENT FEES CHANGING

Starting June 1, both the cost of tuition and the amount of classroom time for first offender traffic school students will increase dramatically.

The cost of attending the court-approved class will rise from the current \$20 enrollment fee to \$35 and the length of the driver improvement course will be stretched to two hours, or double the present classroom time.

It's all part of a makeover necessitated by recent increases in fines for major traffic violations and the effects of a watered-down penalty for seat belt violations.

The county's once-popular Buckle-Up program, which enabled seat belt violators to forego fines by attending class, has floundered since the state legislature reduced the maximum fine amount from \$50 to \$20 two years ago. It now costs no more to pay the fine than the enrollment fee for the Buckle-Up class. So, knowledgeable that seat belt violations are not charged against a driver's record, cited motorists are opting for the fine.

Under the new schedule, however, instructors will brush away the cobwebs from the Buckle-Up program and offer it as a part of the first offender course. Hence, the longer classroom time.

The higher enrollment fee is more in line with the amount charged in other counties for driving classes and should generate an appreciable amount of income to help finance Metro's extensive alternative driver program, which includes two defensive driving courses for mature motorists and a new innovative class for youngsters.

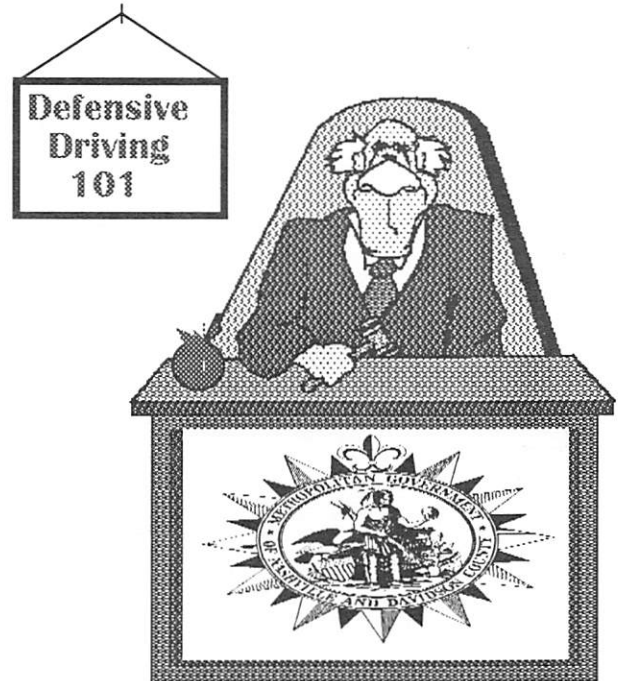
Because of the recent increase in fines for many of the county's driving ordinances, more cited drivers are expected to contest charges in court, an element that systematically will increase school enrollment for all available courses.

Metro Council is expected to give final approval this month to a new fine schedule with a penalty range of \$50 to \$500 for more serious moving violations. An ordinance establishing the \$500 maximum was enacted earlier and the pending bill sets the amounts for first and second offenses at \$50 and \$125 respectively.

Revision of the first offender program will result in only one class being held on Monday, rather than the two previously conducted. The two-hour Monday class will be held from 5:15 to 7:15 p.m., the same as on Wednesday and Thursday nights.

Terry Peaks, manager of the county's traffic school program, said the four-hour defensive driving course (DDC4) will also increase its enrollment fee from \$35 to \$40, effective June 1, but the eight-hour DDC8 class fee will remain at \$50.

The county's new "Alive at 25" defensive driving program, which kicks off June 15 for persons 16-24 years old, offers a four-hour course for \$40.



### Traffic School Information

School	Length	Day	Time	Fee
First Offender	2 hrs	Monday	5:15 p.m.	\$35
		Wed/Thurs	5:15 p.m.	
		Wed/Thurs	7:15 p.m.	
Alive at 25	4 hrs	Tuesday	5:30 p.m.	\$40
		Saturday	9:00 a.m.	
		Saturday	1:00 p.m.	
DDC4	4 hrs	Monday	6:00 p.m.	\$40
		Tuesday	6:00 p.m.	
		Saturday	9:00 a.m.	
DDC8	8 hrs	*Tuesday	6-10 p.m.	\$50
		*Thursday	6-10 p.m.	
		Saturday	9 a.m.-5 p.m.	

\*-Must attend both classes in same week.

All above classes are conducted at the Ben West Building, 100 James Robertson Parkway.

#### 55Alive

Here is the remaining May schedule for the American Association of Retired Persons "55 Alive" defensive driving program:

May 20-21 at The Cloisters, 6401 Harding Road, 10 a.m.-2 p.m. Fee is \$8. Call 297-2824 to register. Instructor: George Netterville.

May 23-24 at Vine Street Christian Church, 4101 Harding Road, 9 a.m.-1 p.m.. Fee is \$8. Call 269-5610 to register. Instructor: George Netterville.

# \$ DATA BANK

Statistics compiled for the month of April

### Case Information

#### Circuit Court

New Civil Cases Filed.....	372
Civil Cases Concluded.....	318
New Divorce Cases Filed.....	326
Divorce Cases Closed.....	281

#### General Sessions Civil

New Cases Filed.....	3,107
Executions Issued.....	2,778
Judgments Collected.....	\$547,751
Orders of Protection Petitions.....	167

#### Probate Court

New Cases Filed.....	184
Cases Closed.....	103
Cases Retired.....	0

#### Traffic Violations

Moving Citations.....	19,843
Parking Violations.....	9,396
Total Fines Collected.....	\$289,021
Nullifications.....	1,673
Nullification Fees Collected.....	\$15,057

### Circuit Court Jury Trial Verdicts

#### Week of April 15

Case	Type	Court	Verdict
94C-1905	Auto Accident	1st	Mistrial
90C-3335, 3760	Auto Accident	2nd	Defendant

#### Week of April 22

Case	Type	Court	Verdict
95C-3595	Auto Accident	5th (P)	\$100,000
93C-638	Auto Accident	1st (P)	\$5,000
94C-1757	Personal Injury	6th (P)	\$10,605

#### Correction

A wrong case number was published in last month's report. A slip/fall trial listed as case 93C-301 should have been 93C-3388. The rest of the information listed on that case was accurate. The trial was held in the Fifth Circuit Court and the jury returned a verdict in favor of the defendant.

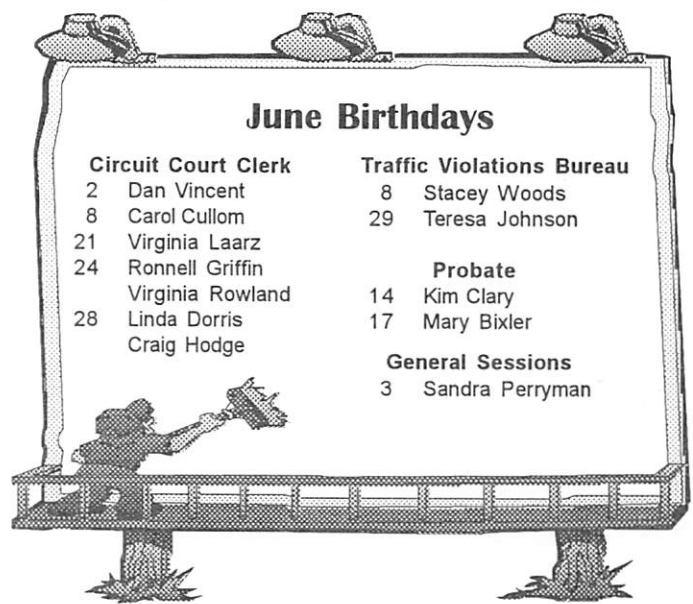
Advance postage of \$9.02 is required when filing for a garnishment execution against U. S. Postal workers and civilian employees of the U. S. Department of Defense. The amount of postage reflects the latest price increase by the U. S. Postal Service.

## 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

#### Circuit Court Clerk

- 2 Dan Vincent
- 8 Carol Cullom
- 21 Virginia Laarz
- 24 Ronnell Griffin
- Virginia Rowland
- 28 Linda Dorris
- Craig Hodge

#### Traffic Violations Bureau

- 8 Stacey Woods
- 29 Teresa Johnson

#### Probate

- 14 Kim Clary
- 17 Mary Bixler

#### General Sessions

- 3 Sandra Perryman

## Cheers...

Carolyn Piphus has assumed duties as a night court commissioner, replacing **Kathy Leslie**, who has returned to full-time private law practice. Ms. Piphus received her law degree from Howard University and has been associated with the state attorney general's office since 1993. Her most recent assignment was in Jackson, Tenn. She was selected for the night commissioner's post by General Sessions Court judges, who considered a number of applicants following Ms. Leslie's resignation. Ms. Piphus assumed her new post on May 13...Speaking of judicial posts, best wishes to Criminal Court Judge **Ann Lacy Johns**, who has announced she will leave the bench on July 31 to spend more time with her family in Bedford County. Judge Johns has served the judiciary with dignity and leaves the bench after nine years. Gov. **Don Sundquist** will appoint a replacement to finish out the final two years of the term...Best wishes also to Rep. **Bill Purcell**, who resigned this month as Democratic leader of the House after 10 years...Three familiar faces on the courthouse scene also will be missing after next month. Longtime Criminal Court Clerk's office employees **Jimmy Shea** and **Barbara Nichol** will make June 28 their last day on the job. Shea (more than 39 years) and Mrs. Nichol (37 years) are two of Metro's longest serving workers. Mrs. Nichol will get a bonus with her retirement -- husband **Steve Nichol**, who will retire from the Metro Tax Assessor's office on the same day with more than 35 years of service...Two traffic warrant office employees -- **Connie Murff** and **Wayne Elrod** -- have returned to work following hospital stints...Congratulations to Captain **Deborah Faulkner** upon being named an assistant police chief in charge of administrative services. She becomes the highest ranking woman officer in the department's history...And hats off to homicide detective **Tommy Jacobs**, who retired this month after 30 years on the force.

## ...Tears

Our deepest sympathy to the following friends and associates who lost family members during the past month:

Traffic Violations Bureau deputy clerk **Stacey Woods** in the passing of her grandmother **Mrs. Remon Woods Baker**, 89.

Circuit Court filing clerk **Craig Hodge**, whose grandfather **Charles Foster** passed away in Toledo, Ohio.

U. S. District Judge **John T. Nixon** in the death of his mother.

Attorney **Grayson Cannon**, whose father passed away.

The family of former Metro Councilman **George Darden**, who died of a heart attack while helping a friend move.