

Rooker Report

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Changing a Child's Name:

A NEW OUNCE OF PROTECTION

When Jane Doe married for the second time, she wanted to share her new last name with her minor son. Her reasons were more therapeutic than selfish.

She didn't want her child to be subjected to relentless teasing from his peers or to endure other psychological trauma associated with having a step-parent.

So, she filed a petition with probate court asking that her son's surname be legally changed. It was a simple procedure, one that didn't even require an attorney. She merely had to complete a simple form, provide a photostatic copy of the child's birth certificate and wait for a hearing date.

It was not necessary for the child's biological father to join in the request. He would be notified of the mother's request and his consent would be assumed unless he filed an objection by the date of the hearing.

(It should be noted that the biological father's legal obligations to his child are not voided by the name change approval.)

Jane Doe is one of about five parents who petition probate court here each month to change the surnames of their minor children. The number is much higher for children who have reached the age of consent and other adults who change their names for a variety of reasons.

The above Jane Doe scenario is an example of how the system has worked in the past for cases involving minor children. But a changing society has caused Probate Judge Frank Clement to reevaluate the procedure and make appropriate alterations to prevent possible abuses.

The new procedure has already been put into effect.

◆ No longer will the court accept minor name change applications from just one of the child's natural parents. Both biological parents must procure the name change petition and avow their consent in open court. Requests by only one parent will be referred to juvenile court.

◆ The child's original birth certificate, or a copy certified by the Tennessee Department of Vital Statistics, must accompany the application.

◆ Parents must provide the minor's social security card and a recent photograph of the child.

◆ Petitioners should be represented by an attorney.

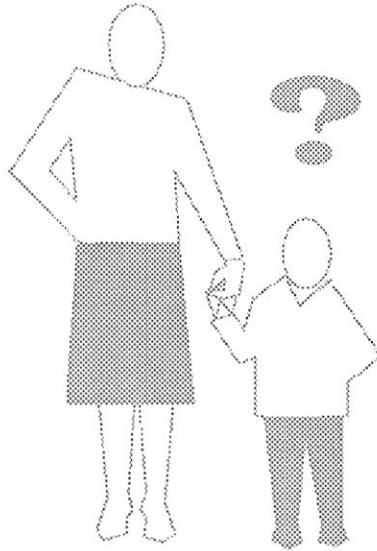
Sound too stringent? Go back to the Jane Doe story.

>Are you sure her motives were genuine?

>Was she *really* the natural mother of the child?

>Did she have to prove how she got possession of the birth certificate?

Scary, isn't it?



SPECIAL JUDGES:

The time-worn issue over special judges just won't go away.

No one seems to agree on who should be allowed to replace elected judges when they can't sit for themselves.

It's a dilemma that has been around for as long as memory serves. And solving it is about as easy as folding a fitted sheet -- the ends just don't want to come together.

Consequently, the issue has spawned much debate and dissatisfaction among the state's judiciary.

While one segment feels justified in utilizing private attorneys, another wants substitute judges to be of the same judicial cloth, either active or retired. There is no compromise available, yet the legal community insists on uniformity.

Capitol Sends Out Solution Team

Earlier this year, the state legislature attempted to resolve the issue by enacting a standard procedure for both general sessions and trial courts. Under the proposal, absent judges at either level could appoint practicing attorneys to substitute in their courts provided the attorneys possessed expertise in the court in which they were appointed.

When the dust settled, however, only the trial courts were affected as general sessions judges were exempted for the purpose of providing their own remedy. Once again, efforts to achieve uniformity had hit a snag unless the sessions court trial program produced a concurring result.

That trial program, adopted by the Tennessee General Sessions Judges Conference and requiring special judges to be other general sessions

(See JUDGES, Page 2)

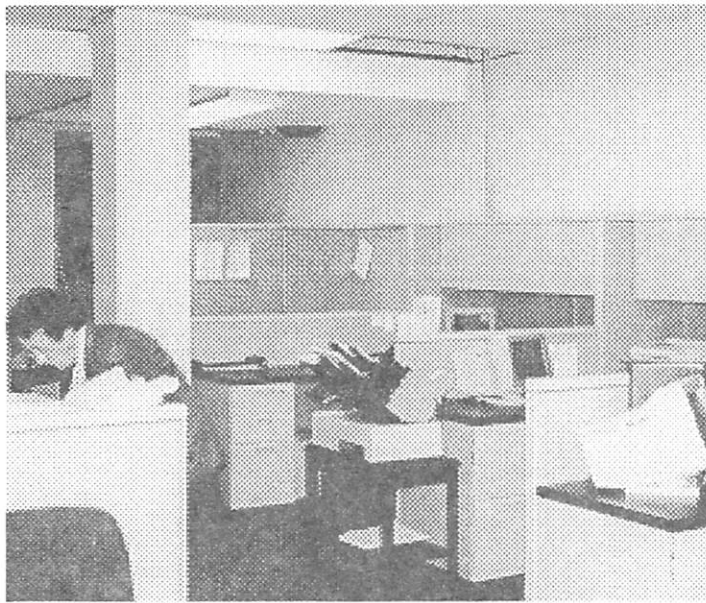


Photo by Carole Garrett

Welcome to the 'New' Probate Clerk's Office

Have you seen the probate clerk's office lately? If not, you might have trouble in recognizing it. Freshly painted walls, new carpet and modern furnishings (including computer terminals and lektreiver filing systems) have improved both appearance and efficiency. In photo above, new modular work stations are visible in the background as Chief Clerk Ruth Lester checks over one of the many petitions filed daily in the office, located on the first floor of the courthouse. The probate office may eventually relocate on the ground floor.

SPECIAL JUDGES

RUBEN, RAMSAUR ON STATE COMMITTEE SEEKING REMEDY TO ANCIENT DILEMMA

From Page 1

judges, is now nearing the end of a three-month run. There has been no indication as to how effective the procedure has been overall, but local adherence has not been 100 percent.

Meanwhile, the state legislature has appointed a 15-member special committee to study the entire process and recommend corrective legislation. The study, to be completed by next February, was authorized by a Senate joint resolution citing abuses of existing statutory provisions.

Judge Leon Ruben will represent general sessions judges on the blue ribbon panel, which includes representatives from each level of the judiciary and lawyer organizations, as well as both houses of the legislature.

Coincidentally, Ruben co-chaired the state judges special task force committee that adopted the current test program for general sessions courts. As luck would have it, he had to appoint a special judge to replace him while he attended the new panel's first meeting.

The only other local representative on the new legislative committee is Allan Ramsaur, executive director of the Nashville Bar Association.

If the panel can find a common ground -- one that is acceptable to all parties -- perhaps the issue that has cast a long shadow on the integrity of the state's judiciary can be eliminated once and for all. And the subject of special judges will no longer be accentuated by words such as "debate" and "dissatisfaction."

Or "frustration."

CHARITIES

Autumn is Coming...So Is Employee Charity Drive

If robins are the harbingers of Spring, then the Metro Employees Consolidated Charities Campaign must represent the beginning of Autumn.

That fact will soon be evidenced when government workers receive more than salary checks on payday.

As always, pledge cards for Metro's annual charity campaign will accompany paychecks, starting as early as this week. But this year's "package" will be somewhat larger than in years past.

Employees will be asked to select specific charity organizations to which they wish their contributions to be directed. And the three funding federations governing those organizations have prepared brochures explaining which charities would benefit should you designate them to receive your gift. The brochures will either be included in the paycheck package or will be made available to workers on a request basis.

Employees have always had the option of directing their gifts to individual agencies. A major difference this year is the plethora of information being provided to help donors make more intelligent choices. In a way, the charities are competing for your dollars.

Each employee will have an opportunity to channel his or her gift to one of three general funds -- Combined Health Appeal of Tennessee, Community Shares or United Way of Middle Tennessee's Community Solutions Fund.

As mentioned earlier, each of those organizations has provided a listing of the agencies it serves, along with an explanation of the services provided. Should you wish your contribution to be distributed to a particular charity, you would select both the general fund and the individual agency. Otherwise, your contribution would be distributed equally among the agencies served by the general fund you selected. However, there is an option that allows workers to identify a particular agency they wish to exclude from their contribution. That option is recognized by all federations except Combined Health Appeal.

Metro employees contributed more than \$400,000 in last year's campaign, making a strong impact in the fight against such social ills as AIDS, hunger, child abuse, substance abuse, lack of health care and illiteracy.

Wanted: Walktoberfest Walkers

Proceeds From Murfreesboro Event Help Fight Diabetes

Virginia Laarz, a cashier in the circuit court clerk's office, is looking for people to join her in the upcoming Walktoberfest to benefit the American Diabetes Association.

The five-mile event will take place on Saturday, Oct. 5 at the Middle Tennessee State University Murphy Center in Murfreesboro. Check-in time will be 10 a.m. and the starting gun will be fired at 11 a.m.

Laarz said the event is similar to the March of Dimes Walkathon with entry fees being collected from sponsors. Participants collecting \$50 or more in sponsorship donations will receive a commemorative tee shirt, sweatshirt, windbreaker or other clothing.

Almost 80 percent of every dollar raised funds diabetes prevention and research, Laarz said.

Persons wishing to walk in the event or to sponsor someone should contact Laarz at 862-5181.

The Year Ahead for Trial Courts

Presiding judge focuses on settlements, divorces, extra court

During his 18 years on the Circuit Court bench, Hamilton V. Gayden Jr. had been approached by some of his fellow judges in the past to preside over the state trial courts. But it was a job that never appealed to him and he successfully resisted -- until this year.

"A consensus of judges asked me to take it this year and I relented," said the soft spoken veteran jurist, whose freshman term in the administrative post began this month and will run for at least one full year.

Gayden hit the ground running, firing off memos to fellow judges outlining initial organizational plans, emphasizing areas of greatest concern and making new committee appointments. The broad scope of his agenda bore strong evidence that he had done his homework and possessed the knowledge to bring about a productive year for the county's upper court system.

Focal points: Maintain and increase an already successful pretrial settlement conference program; relieve the caseload burden in Probate Court; solicit more funding for continuing legal education expenses for judges; and consider the need for an additional Circuit Court.

Those specific programs, and others, will be discussed later this month when the trial judges meet jointly to set the year's agenda for Circuit, Criminal, Chancery and Probate courts.

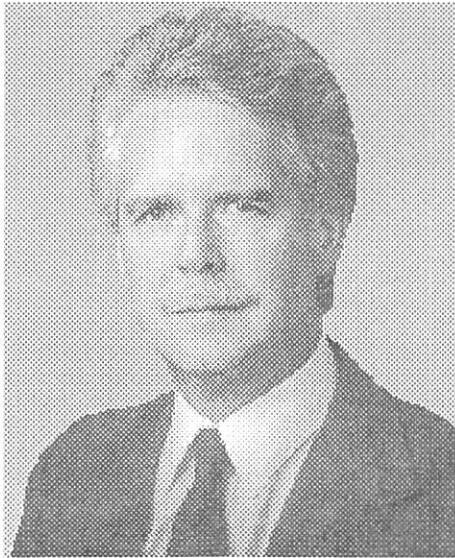
Gayden says an extraordinary amount of energy will be devoted to embellishing the Alternative Dispute Resolution program, which has become a model for the state's civil courts. Through pretrial mediation, judges have strongly reduced the necessity of many potentially protracted trials, thereby bringing about less expensive conclusions to disputes.

Gayden credits much of the settlement program's success to fellow circuit judges, especially Barbara Haynes, last year's presiding judge who was instrumental in promoting the mediation idea and who has established an outstanding track record in pretrial conference litigation.

"Judge Haynes has built a reputation as an excellent mediator," Gayden said. "She will be our head settlement judge because she's good at it."

Gayden should know. He was the benefactor of Haynes' skills earlier this year when she brought resolution to a major case that could have taken up to three months to conclude through courtroom trial.

While Gayden is looking to Haynes for leadership in the pretrial phase, all other civil judges will share equal participation. Each judge, Gayden said, will serve one week per month in settlement conferences.



Presiding Judge Hamilton Gayden
...advocates broad agenda

Gayden plans to implement a screening process whereby cases eventually will be assigned to mediation as they are filed with the clerk. "This might not come about during my term," he admits, "but it appears to be the most effective method of coping with caseload growth."

Presently, five of the six Circuit Court divisions handle approximately 4,000 civil complaints per year, a significant number to evaluate for settlement possibilities. But the recent hiring of a case coordinator should help ease the burden.

Megan Gregory, a former supervision coordinator for the sheriff's community corrections program, has already assumed the case management position. She was chosen for the job by former State Trial Court Administrator George Prentice before his departure for a federal job in Iowa. A successor to Prentice is expected to be named this fall.

Gayden said Gregory's primary duties would be to coordinate settlement and mediation conferences and to keep records and statistics on all functions of the trial courts. She will also manage proceedings involving the judicial appointments of outside mediators, Gayden said, explaining that representatives in many areas of law, such as family matters, are not required to be attorneys.

In regards to civil caseloads, Gayden sees the need for an additional Circuit Court but is not sure at this point whether he is supported in that assessment. The last time the state legislature created an additional Circuit Court for Davidson County was in 1965 and there have been no requests for one since that time.

"We must figure out how to use available resources and at the same time ask for another court"

Should the judges request and receive an additional court, it probably would be known as the 8th Circuit Court in light of previous legislation upgrading the current Probate Court to Circuit status in 1998.

Gayden says the courts are "going through growing pangs," a reality that presents the challenge of "how to use available resources and at the same time ask for another court."

If the circuit courts are operating at maximum caseload capacity, says Gayden, the probate court is inundated. "Judge (Frank) Clement has got to have some relief," he says in explaining the upcoming rescheduling of divorce cases presently assigned to probate.

The trial courts' case management committee has recommended that the probate domestic docket be reassigned and distributed evenly among the First, Third, Fifth and Sixth circuits. The Second and Fourth circuits already have regular domestic dockets.

Gayden said standing committees appointed by the previous presiding judge would remain the same, with the exception of members who no longer hold judgeships. He appointed one judge from each division to serve as liaison officers to the committees in their categories -- Chancellor Irvin Kilcrease for Chancery, Judge Thomas Brothers for civil courts and Judge Randall Wyatt for Criminal.

GAYDEN'S NEW COMMITTEES

Three new committees were created for dealing with areas not previously covered. They are:

ALTERNATIVE DISPUTE RESOLUTIONS -- Circuit Judge Marietta Shipley, chairperson, and circuit judges Barbara Haynes and Walter Kurtz, members. A representative of Chancery Court to be named later.

COURTHOUSE SECURITY -- Circuit Judge Muriel Robinson, chairperson, and Probate Judge Frank Clement and Criminal Court Judge Cheryl Blackburn, members.

CONTINUING LEGAL EDUCATION/PROFESSIONAL DUES -- Criminal Court Judge Seth Norman, chairperson, and Circuit Judge Muriel Robinson, and criminal judges Randall Wyatt and Thomas H. Shriver, members.

Cheers...

After four years in the circuit court clerk's office, **Richard Hedgepath** has accepted a position as law clerk to Second Circuit Court Judge **Marietta Shipley**. His timing was perfect. For the day after fellow workers in the clerk's office gave him a grand send-off, wife **Julia** presented him with a baby daughter, the couple's second child. **Maggie Rebecca Hedgepath** arrived at Baptist Hospital on Aug. 31, weighing 8 pounds, 5 ounces and measuring 20.5 inches in length. The cigars were appreciated. Richard's anxiety is not yet over, however. He's still pacing the floor, waiting for the results of his state bar exam...Circuit Judge **Barbara Haynes** and senator hubby **Joe** are also sporting happy faces following the Aug. 20 arrival of their fourth grandchild. Daughter **Amanda Young** and husband **Stephen** made the presentation, a 6-pound-13.5-ounce boy who shall be known as **Madden Haynes Young**. The couple's first child covered 19.5 inches of space in the Baptist Hospital nursery...Traffic docket clerk **Beverly Swafford** also became a grandparent for the fourth time, compliments of son **Chris Swafford** and wife **Katherine**. The couple's second child, born at Hendersonville Hospital on Sept. 4, will bear her mom's middle name. Miss **Alexandria Day Swafford** weighed a healthy 7.5 pounds and stretched the tape to 20 inches...While fellow employees in the Traffic Violations Bureau were congratulating Mrs. Swafford on her new grandbaby, they were wishing a speedy recovery to co-worker **Maria Harris**, who is recuperating at home following recent major surgery...**Forrest Garrett** has been hired by Judge **Leon Ruben** to fill a court officer vacancy on his staff. You will recall that court officer **Sonny Lyons** resigned last month to accept a job with the Metro Personnel Department. Garrett formerly worked for sessions judge **Casey Moreland**...Hats off to four of our employees upon being recognized for their long terms of public service, among them **Elizabeth Harris**, who finally received official recognition for her 35 years of service in the traffic violations bureau. Mayor **Phil Bredeesen** presented Mrs. Harris with a service pin and a certificate during ceremonies honoring Metro workers with at least 25 years service. Mrs. Harris turned her 35th year about a year ago. Also honored were general sessions clerks **Margaret Blair** and **Irene Dady** and circuit deputy **Terry Campion**, each with 30 years of service...Appropriate recognition also came last month for retired Chancellor **C. Allen High** when his portrait was hung in the courtroom that was his domain for 21 years. High retired last year after serving the legal community for 45 years...That big Labor Day picnic hosted by Judge **Bill Higgins** is being touted as a big success. An estimated crowd of 1,500 turned out for hot dogs, cokes, hayrides and live musical entertainment at Richland Park. Court officer **Don Corn** said there was plenty of food to go around, but only because a rainstorm late in the afternoon sent guests scurrying...Speaking of crowds...so many people turned out for the swearing-in ceremonies of new judges **Carol McCoy** and **Sue McKnight Evans** that only about two-thirds of the guests managed to fit into the Metro Council Chambers. Those lucky enough to find standing room witnessed the first joint induction of two women judges here...General Sessions Judge **Mike Mondelli** has been named committee vice chairman of the Criminal Justice Information System. Mondelli will assist in facilitating the use of computer information within the criminal justice system.

October Birthdays

Traffic Violations Bureau	Circuit Court Clerk
1 Benny Rigby	1 Terry Campion
4 Joe Hurt	6 Carolyn Davis
5 Kim Smith	20 Gregg Nicholson
19 Ed Chauvin	22 Clay Hardin
22 Bobby Sory	
30 Susan Grannis	General Sessions
Probate	8 Kay Nelson
None	21 Carole Garrett
	27 Debbie Mix

DATA BANK

Statistics compiled for the month of August

Case Information

Circuit Court

New Civil Cases Filed	347
Civil Cases Concluded	314
New Divorce Cases Filed	275
Divorce Cases Concluded	366

General Sessions Civil

New Cases Filed	3,246
Executions Issued	3,198
Judgments Collected	\$557,345
Orders of Protection Petitions	195

Probate Court

New Cases Filed	172
Cases Closed	141

Traffic Violations

Moving Citations	20,978
Parking Violations	9,435
Total Fines Collected	\$288,448
Nullifications	1,742
Nullification Fees Collected	\$15,678

Circuit Court Jury Trial Verdicts

Week of August 19

Case	Type	Court	Verdict
94C-2155	Medical Malpractice	5th	Defendant
94C-3455	Auto Accident	1st (P)	\$25,165
95C-4056	GSA Auto Accident	2nd (P)	\$6,176
95C-1702	Auto Accident	6th (P)	\$90,000

Week of August 26

Case	Type	Court	Verdict
95C-1497	Auto Accident	2nd (P)	\$42,500
95C-3333	Auto Accident	6th (P)	\$1,550
93C-886	Auto Accident	1st (P)	\$100,000

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