

# Rooker Report

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## THE WEDDING OF DIVORCES

### A Spunky Lady Judge Says 'I Do' to Probate Caseload

As the county's primary divorce case judge, Muriel Robinson determines the legal consequences of most failed marriages in Nashville.

It's not an envied job. Nor is it pleasant. But, for sure, it is repetitive.

Each year more than 3,500 local couples ask for legal dissolution of their wedding vows. And, under a long-standing agreement, at least half of those cases end up in Robinson's Fourth Circuit courtroom for adjudication.

Until recently, the balance had been divided between Second Circuit Court and Probate Court. But a growing drunken driver program, coupled with a routinely heavy slate of probate litigation, has left Probate Court with an overburdened calendar and a need to rid itself of divorce case responsibility.

With some 250 inherited divorce cases still under assignment to new Probate Judge Frank Clement, the question was not *whether* to transfer them to other courts but *how* to do it equitably without creating similar problems for the other circuit judges. For not only did the dilemma apply to current pending cases in Probate, consideration had to be given to future filings.

With an admonition from presiding judge Hamilton Gayden that "Judge Clement has got to have some relief," fellow judges gathered to address the problem last month. But, as Gayden would later explain, the matter was quickly resolved when Robinson announced that, "I'll take them."

The reassignment order that followed would seal the deal, leaving only those divorce cases that had been transferred by reason of recusal and those already set for trial as Probate Court's final participation in divorce case arbitration.

For Robinson, it meant a tome of extra case files and even more time in the courtroom that has been her second home for the past 14 years. It is those years of experience, perhaps, that

braced her confidence to tackle the additional caseload.

Although all of the probate divorce cases have exceeded final decree status, they remain open for further legal action on such issues as child support, custody rights and alimony payments. Post-divorce hearings already are being scheduled on some of those cases and are being incorporated in Robinson's regular dockets.

The question now becomes whether Robinson can accommodate the volume of new case filings. An additional 25 percent on top of an already bulging workload could give impetus to Gayden's belief that an additional circuit court should be created.

Despite tremendous strides being made in the area of pretrial settlements and other alternative dispute resolutions, the civil courts continue to lag behind in non-jury matters such as worker's compensation cases.

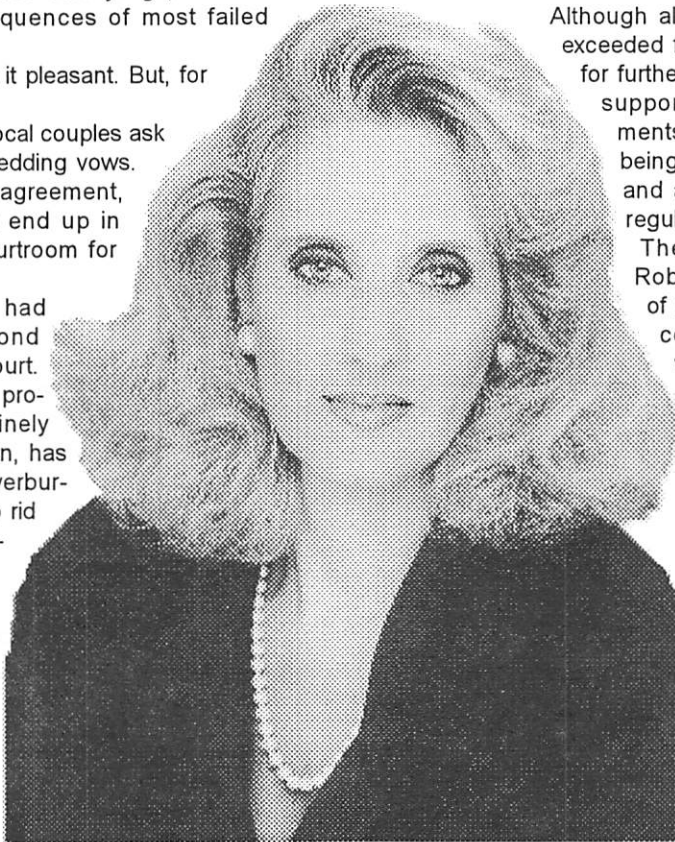
Concerned over the backlog growing even larger as a result of the city's present prosperity, Gayden has discussed the possibility of seeking assistance from General Sessions judges. "That's only in the discussion stage at this point," he said.

Meantime, sessions judges have been making changes of their own

in an effort to expedite dockets. Most significantly: new scheduling procedures for criminal cases.

Judges unanimously adopted a uniform procedure requiring persons charged on state citations to appear before a night court commissioner the day after they are cited for the purpose of having their cases set for an initial court appearance. At that time, the case can either be settled or be scheduled for a trial date before the same judge taking the plea.

Presiding sessions judge Leon Ruben said all cases will be finalized on their trial dates with no continuances being granted. Therein lies the beauty of the new plan, he said, noting that repeated trial continuances in the past have proven to be inconvenient to all parties and especially costly to the government in terms of paying police officers for time spent in court.



CIRCUIT COURT JUDGE MURIEL ROBINSON

## LEGAL COMMUNITY CELEBRATES BRANDT'S SERVICE AS CHANCELOR

Before taking senior status recently, Chancellor Bob Brandt served the legal community admirably for two decades, earning the respect of fellow barristers along the way.

Earlier this month, many of those lawyers who practiced before him turned out to show their appreciation for the job he did on the bench. They were among a crowd of about 250 people, including friends and associates, who attended a reception for Brandt at the Tennessee State Museum.

The event was hosted by "Lawyers for Brandt," a group of anonymous donors. And, as Chancery Court Clerk and Master Claudia Bonnyman said: "It wasn't a roast; it was a celebration."

The reception was held amid the museum's exhibit of Elvis (Presley) and

Marilyn (Monroe), two cultural icons. Entertainment was provided by attorney Blaine Sprouse of the Tuke, Yopp and Sweeney law firm.

Among those attending were Nashville Bar Association president Tom White, Chancellor Irvin Kilcrease, Circuit Court Judge Walter Kurtz and Chancellor Ellen Hobbs Lyle, who was appointed last month to replace Brandt.

White presented Brandt with a plaque commemorating his 20 years on the bench.

In addition to his judicial service, Brandt is a published author of two guidebooks on Middle Tennessee, based on his personal experiences of hiking, photography and writing.

### AROUND THE COURTS

#### Sessions Staff Cited for Domestic Case Work

The General Sessions Civil Division was among numerous government agencies receiving certificates of appreciation earlier this month from the Nashville Coalition Against Domestic Violence.

In ceremonies conducted on the Metro Courthouse Plaza, citations were handed out to department heads in recognition of cooperative efforts extended in the war on domestic violence.

Chief Clerk Jeff Filson accepted the general sessions certificate from Chris Ferrell, chairman of the coalition. It was inscribed "for your dedication and service to victims of domestic violence."

The citation reference was to the department's efficiency in processing orders of protection petitions and bringing claims to quick conclusions. The office handled 2,127 order of protection cases during the past fiscal year and has averaged 190 new cases per month since the June 30 fiscal cutoff date. A data information form was also designed and produced by office personnel to expedite record entries by the police department.

Mayor Phil Bredesen was on hand for the presentations, along with coalition co-chairs Whitney McFalls and Melissa Wilson.

#### Judge Gayden's 'Special' Enlightenment

When Circuit Court Judge Hamilton Gayden agreed to fill in for General Sessions Judge Phil Sadler recently, little did he realize how educational the one-day stint would be.

It had been years since Gayden had presided over a General Sessions docket, but he didn't expect it to be much different than when he was on the court in 1978.

Perhaps it was the criminal dockets that changed his mind. "I didn't realize how bad the drug problem has become," said the veteran jurist afterwards.

Incidentally, Sadler couldn't be on the bench because he and fellow judges were attending the General Sessions judges' convention in Memphis.

#### Check Out These Office Moves

Administrative offices of the Metro Traffic Safety Center (also known as the DUI School) have moved from the Ben West Building to the 222 Building, located between Union and Church streets on Third Avenue North.

Persons having business with the safety center will find the offices (Suite 10) in the basement of the building.

Driving classes offered by the center continue to be held in courtrooms at the Ben West Building.

General Sessions Court Administrator Warner Hassell also has relocated.

Hassell's office is now located on the second floor of the Stahlman Building, rather than on the third floor of the courthouse.



Photo by Carole Garrett

Three new Lektriever filing units have been installed in the General Sessions Civil Division, replacing outmoded metal filing cabinets that required more floor space and failed to meet caseload growth. Each of the new electronic units has several times the capacity and provides greater efficiency. Files are cataloged by type – orders of protections, civil cases and detainer warrants – providing faster location and, consequently, speedier customer service.

#### State Clerks Association

### Rooker Ends Term as President

Circuit Court Clerk Richard Rooker ended his one-year term this month as president of the State Court Clerks Association.

Rooker was succeeded by Circuit Court Clerk Janice Jones of Gibson County, who was sworn in during the association's annual convention in Memphis.

The clerk's organization has 220 members -- all elected judicial officers -- representing all 95 counties. Business meetings are held three times a year for the purpose of discussing new and pending legislation affecting the judicial community served by the clerks.

Installation of new officers traditionally is held in conjunction with the annual convention of the County Officials Association of Tennessee (C.O.A.T.), which was held in the western section of the state this year.

Rooker was the second Nashville clerk to serve as association president. He was preceded two years earlier by Juvenile Court Clerk Kenny Norman.

## Don't Forget to Vote on November 5

**W**hen a local newspaper writer recently expounded on the merits of preparing a will, the story was accompanied by a cartoon depicting a person's desire to bequeath all his worldly possessions to his dog Peanut.

The story followed a serious theme throughout, diligently examining the question of who needs a will and who doesn't -- based on their individual situations.

However, some readers probably failed to get the connection between the story and the illustration, which alluded to eccentricities not covered in the written text. The cartoon, one might suspect, was merely an exaggerated figment of the artist's imagination, cleverly designed to portray an extreme interpretation of misplaced human priority.

In actuality, the graphic depiction was not all that exaggerated. Family pets are commonly remembered by their owners come time to provide legal distribution of their estates. After all, animals -- and even inanimate objects -- often are regarded as family members through years of loyal attachment.

Evidence of such endearment can be found in the embodiment of many wills that have been probated and available for public viewing.

One testator instructed that \$36,000 be placed in trust for "support, maintenance and burial" of his pet dog with the money being paid in monthly installments to the person given custody of the animal.

Another expressed his love for his pet cat by providing funds to employ a caretaker "to provide such services as may be necessary to care for the cat," including hospitalization expenses.

To guarantee that his pet dog would be "cared for in the same manner that she has been cared for during my life," another compassionate testator directed that \$5,000 per year be expended from his estate for the animal's maintenance. An unusual condition was included in the testator's instructions; the dog "shall not be put to death for merciful reasons or otherwise, out if necessary shall be kept sedated until she dies of natural causes."

Such expressions of kindness are both admirable and thoughtful, removing any doubts about the testator's wishes and providing guidelines of adherence by the administrator of his or her properties.

While the state law of intestacy provides for equal property distribution

when no will exists, most everyone has specific belongings for which they wish extended control in the event of their death. Often, a handwritten testament will suffice when properly witnessed and filed with the courts.

The adage that "one man's trash is another man's treasure" could be considered apropos when applied to many items given inheritance importance by testators. Everything from clothing to toys to live-in servants have shown up on inventory listings.

Frequently, a testator will modify his original will to include newly acquired possessions or some forgotten the first time around. One such codicil was made when a male testator (obviously a sports fan) determined that specific instructions should be left regarding his Vanderbilt basketball and football season tickets. He included a provision giving control of the tickets to his wife with the understanding that all his sons "may see at least one of the important games."

Idealism often plays a part in determining how one wishes to dispose of his property. One extreme example involved a man of obviously strong political leanings. He directed that none of his real property be sold or in any other manner disposed of "during such time as the president and vice president of the

United States shall be members of the Republican party." He added, however, that the sale could proceed should a Republican administration exist for more than 20 years after his death.

A woman testator ordered that her beneficiaries forfeit their benefits if they initiated or participated in a plan to have her placed in a nursing home. Then, too, irony can come into play in the writing of wills.

On April 22, 1961, country music legend Patsy Cline penned a five-page final will and testament while in-flight on a commercial airplane, using letterhead stationery provided by the airlines. The same mode of transportation would carry her to her death on March 5, 1963.

Premonition could have been the motivator for another woman, who decided to write a "temporary" will before leaving on a trip. "If I am lucky enough to return safely (I) hope to write a 'real' one," she stated.

After penning two paragraphs of a simple will, another woman testator wanted her simplicity taken at face value. She concluded the document with an undeniable wish: "This language should be plain enough and I hope no judge or court will interpret the wording otherwise."

And that, as they say, is will power.

# WILL POWER



## Take it Back!

Remember that hour of sleep you lost back in April? Well, it won't be long until you can reclaim it. Daylight Savings Time ends at 2 a.m. on Sunday, Oct. 27. That means you should set your clocks back one hour before going to bed the night before. As always, it will require some getting used to, but eventually your body will adjust. It's just a matter of time.

## Cheers...

A standing O for three of our former employees for passing the state bar exams. **Richard Hedgepath**, now a law clerk for Circuit Court Judge **Marietta Shipley** after four years on our cashier's counter; **David Kennedy**, who once occupied a desk in our probate clerk's office; and **Bill Underhill**, former Fourth Circuit Court law clerk, were among 128 Nashvillians on the latest list of graduates...Congressman **Bob Clement** doubted that he would be selected as a panelist when he responded to a summons for jury duty. But, after being accepted in an auto accident case and participating in the process, said he thoroughly enjoyed the experience. It was the congressman's second time to pull jury duty. Circuit Court Judge **Walter Kurtz** and new Criminal Court Judge **Cheryl Blackburn** also had agreed to serve during the same week as Clement but both were allowed to postpone their services because of trials in progress in their courts...Congratulations to General Sessions Judge **Leon Ruben** and wife **Myra** upon attaining grandparent status. Daughter **Renee Geltzer**, a former clerk in our general sessions civil division, gave birth to a 7-pound, 13-ounce boy. Father **Scott Geltzer** was pacing the Baptist Hospital waiting room floor on Sept. 1 when son **Jacob Ruben Geltzer** made his arrival...Just 40 years earlier, that same scene was close to being played out by the parents of General Sessions Judge **Gale Robinson**, who would make his debut on Sept. 20, 1956. And to commemorate that big event, secretary **Joyce Searcy** and wife **Nancy Robinson** plastered the judge's office with signs and humorously captioned pictures depicting various stages of his "development" years.

## ...Tears

Our thoughts and prayers are with three members of our probate clerk's office staff who lost family members during recent weeks. Deepest sympathy is extended to **Sue DuMont** in the passing of her father **Elmer Tomlin**, who was also the grandfather of traffic clerk **Stacey Poole**; to **Ricky Deatherage** in the death of his uncle **Bill Deatherage**; and to **Kim Jackson**, whose grandmother **Ruby Ward** passed away at the age of 81...Sympathy as well to traffic secretary **Dinah Williams**, whose grandmother **Nelle Williams** passed away at the age of 99...Condolences also to retired traffic clerk **Jo Ann Lewis** in the death of her father **Henry A. Justice**, and to General Sessions court officer **Forrest Garrett**, whose mother **Katie Garrett**, 81, expired in Guthrie, Ky., followed a few days later by a four-week-old niece who died from heart failure...Our prayers are also with the families of Nashville attorneys **Ben Roskin** and **Philip Carden**, who passed away this month...We are saddened, too, by the untimely death of former General Sessions civil division clerk **Kenneth Dodge Turner**, who succumbed to a heart attack at his home in Jamestown.

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Established by George L. Rooker (1929-1993),  
(Circuit Court Clerk, 1968-1993)

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

### November Birthdays

Traffic Violations Bureau	Circuit Court Clerk
12 Beverly Estes	11 Bill Riggs
Dixie Gibson	27 James Collier
13 Patsy Jackson	<u>Belated</u>
20 Amy Norman	Oct. 9 Sandy Adams
24 Dinah Williams	<b>Probate</b>
26 Rhonda Hall	1 Ruth Lester
Nick Lane	
	<b>General Sessions</b>
	None

## DATA BANK

Statistics compiled for the month of September

### Case Information

#### Circuit Court

New Civil Cases Filed .....	320
Civil Cases Concluded .....	306
New Divorce Cases Filed .....	313
Divorce Cases Concluded .....	358

#### General Sessions Civil

New Cases Filed .....	3,055
Executions Issued .....	2,815
Judgments Collected .....	\$533,678
Orders of Protection Petitions .....	160

#### Probate Court

New Cases Filed .....	143
Cases Closed .....	114

#### Traffic Violations

Moving Citations .....	20,372
Parking Violations .....	8,928
Total Fines Collected .....	\$290,413
Nullifications .....	1,869
Nullification Fees Collected .....	\$16,821

### Circuit Court Jury Trial Verdicts

#### Week of September 9

Case	Type	Court		Verdict
95C-457	Auto Accident	2nd	(P)	\$2,000
92C-2740	Medical Malpractice	6th		Defendant
91C-2875	Medical Malpractice	1st		Mistrial
95C-1226	Mal. Prosecution	2nd	(P)	\$21,000

#### Week of September 16

Case	Type	Court		Verdict
95C-959	Auto Accident	2nd	(P)	\$5,750
94C-2307	Assault	5th	(P)	\$5,000
95C-1136	Dog Bite	1st		Defendant
94C-1782	Auto Accident	2nd	(P)	\$10,000