

Rooker Report

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SUPPORT

The county's noncustodial parents contributed a record amount of dollars to the welfare of their children during the past year, continuing a trend of growing compliance but at a slower rate.

While the \$17,898,714 in support payments administered by the circuit court clerk's office was \$1.5 million higher than the previous year, it fell short of the \$2 million growth rate of the two prior years during the initial phases of a crackdown on deadbeat parents.

Still, all other barometers of effective collection methods remained intact with only a fractional shift being noted in the number of wage assignment cases. Sixty five percent of all child support payments made through the courts were through wage assignment, either at the request of payors or by court order.

Presiding Judges Make Cases for Expansion

ARE MORE COURTS IN COUNTY'S FUTURE?

◆ FIRST OF TWO PARTS

It has been more than a quarter of a century since the county's court systems at the general sessions and circuit levels have required expansion.

Despite tremendous caseload growth in many areas of jurisdiction and innovative approaches to dispute resolution, the same number of judges has managed to keep pace with demand. But the strain is finally taking its toll and the judges say it is time for some relief.

During the current year, both court systems will take their cases to state and county lawmakers in quest of that relief -- approved funding for the creation of additional courts in 1998.

The torches will be carried by the current presiding judges of each court -- Hamilton Gayden for circuit and Leon Ruben for general sessions. Both possess the power of persuasion and the statistical ammunition to support their positions.

They also have father time as an ally. The local civil courts have functioned with the current makeup since 1966 and there has been no expansion of general sessions since it became a nine-division court in 1971.

Ruben's task will be to convince the Metro Council that a bill passed by the state legislature in 1994 enabling the creation of two additional general sessions courts should be ratified by the local governing body.

As a former councilman himself, Ruben realizes his presentation must be thorough, totally informative and expressive of the urgent nature of existing conditions. After all, county taxpayer dollars must finance operations of the sessions courts and it is the council's responsibility to ensure the money is spent wisely.

From the financial standpoint, Ruben estimates the addition of two courts would cost the county an additional \$650,000 a year in immediate personnel salaries, excluding the impact on outside court-related support agencies. Then there is the question of space accommodations, which already

1995 \$16.3 Million

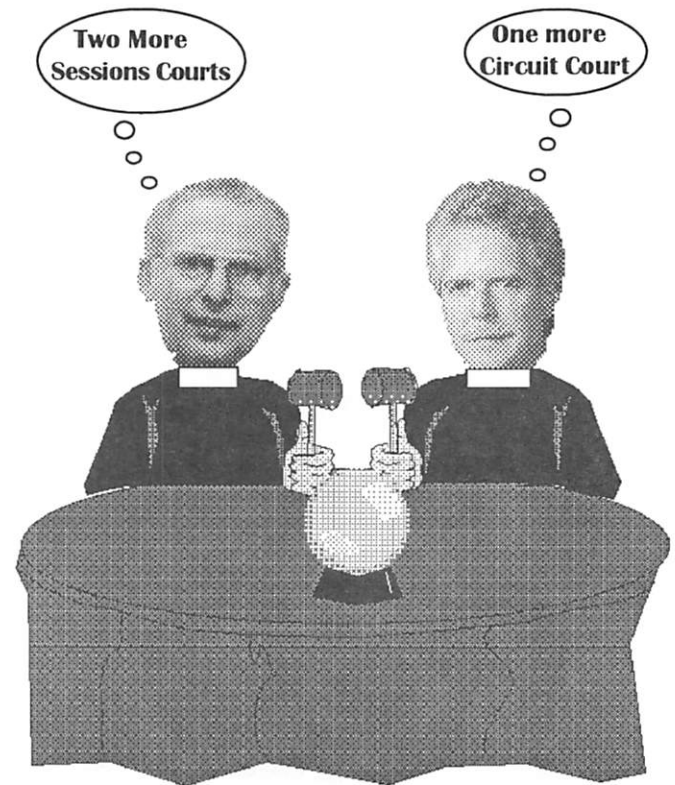
1996 \$17.9 Million

◆ COURTING THE NINETIES: How other departments fared. Page 3

The percentage of payments of a voluntary nature fell slightly from 36 to 34 during the calendar year.

With three years remaining in the current decade, annual support collections through circuit court are projected to exceed \$25 million by the turn of the century. Additional millions are paid annually through the juvenile court system and by private transactions not routinely monitored by the judiciary.

Despite the continuing increases, the circuit court clerk has managed to keep pace without additional personnel by utilizing a self-designed computer program and bookkeeping system that has become a model for other court operations across the state. The system effectively coordinated 121,910 payments during the past year alone.



are under strain from a lack of permanent judicial office space. But the expansion proposal would address that problem, along with provisions for the extra courtrooms that would be required, said Ruben, who emphasized that the space dilemma was secondary to the caseload crunch that continues to intensify with each passing year.

The phenomenal growth rate of some of the greatest affected dockets will be explored in our next installment, along with other factors in the expansion request.

For Gayden and the circuit courts, the problem is not so much one of space or statistical caseload growth but of the need to accommodate a

(See COURTS, Page 4)

Reflecting on the Year Past

Here is a capsulated look at some of the events that made news on the judicial front during the past year.

* * *

JANUARY--Richard Vester retires as supervisor of Traffic Violations Bureau's warrant office after 20 years of service and is replaced by understudy Bill Cartwright.

FEBRUARY--Rooker Report kicks off its fourth year of publication... Circuit Court Clerk Richard Rooker announces a major rate slash for the electronic program known as Dial-A-Case, making it more affordable for attorneys and others to access files in circuit and general sessions courts.

MARCH--Former schoolteacher Sue McKnight Evans scores election victory to become only the third woman in history to serve on the General Sessions Court... Attorney Carol McCoy leaps first hurdle in effort to replace retired Chancellor C. Allen High.

APRIL--Legal community says goodbye to former Circuit Court Judge Harry Lester, who passes away at age 81... Traffic courts give greater impetus to youth driving safety by kicking off enrollment for a new defensive driving class known as "Alive at 25." ...State trial courts inaugurate new computerized juror selection program designed to take sting out of jury duty.

MAY--State's highest tribunal takes on new leadership with the selection of Adolpho Augustus Birch Jr. as chief justice of the state supreme court, replacing a retiring Riley Anderson.

JUNE--Nashville Bar Association members don work clothes for "Operation: Paint Brush," a volunteer project to brighten the courthouse interior... General Sessions judges elect Leon Ruben to an unprecedented fourth term as presiding judge, effective at the end of Penny Harrington's reign in September. Ruben's selection comes as the nine-division court grapples with a test program addressing the appointments of special judges and a new, higher fine schedule for traffic offenders.

JULY--Circuit Court Clerk announces fiscal year collections of \$50.5 million, including record \$17 million in child support payments. It is the second straight \$50 million year for the clerk's four departments... Chancellor Bob Brandt announces he will take senior judgeship status in September, following the exit of Criminal Court Judge Ann Lacy Johns, who stepped down as the sole female judge of the criminal courts.

AUGUST--Uncertainty over judicial vacancies is removed as Carol McCoy wins election to High's vacant Chancery Court seat and longtime Nashville prosecutor Cheryl Blackburn is sworn in to replace Johns on the criminal bench. Evans makes it a trifecta for the women as she is administered the oath as general sessions judge... Circuit Court Judge Hamilton Gayden gets the nod to preside over the state trial courts for the first

time... And George Prentice resigns as trial court administrator to accept a federal clerking position in northern Iowa.

SEPTEMBER--Probate Judge Frank Clement Jr. adopts new rules to guarantee greater protection for minors whose parents seek to change their names. With abduction statistics on the rise, Clement installs new guidelines requiring more proof of natural parentage in name change applications, including approval from both mother and biological father... Judge Gayden sets out the trial court agenda for the year ahead, including a desire to create an additional circuit court... Capitol Hill names a solution team to help remove the dilemma of appointing special judges in the sessions court system.

OCTOBER--Circuit Court Judge Muriel Robinson provides remedy to a Probate Court case overload by agreeing to assume jurisdiction over 250 pending divorce cases... Circuit Court Clerk Richard Rooker ends one-year term as president of the State Court Clerks Association, passing the role to fellow Circuit Clerk Janice Jones of Gibson County.

NOVEMBER--The judicial system continues to make advances in computer technology as local rules of procedure become available on the internet for the first time, allowing attorneys the convenience of obtaining finertip access to both criminal and civil guidelines.

DECEMBER--Gov. Don Sundquist ends speculation over who will replace Penny White on state supreme court by naming Circuit Judge Janice Holder of Shelby County. Holder becomes only the third woman to serve on the high court and faces confirmation by the voters in two years... The female leadership presence continues with the installation of attorney Gail Ashworth as president of the Nashville Bar Association, succeeding Tom White in ceremonies that saw attorney Gregory Smith receive recognition for his relentless pursuit of parental rights in a pro bono case spanning four years.

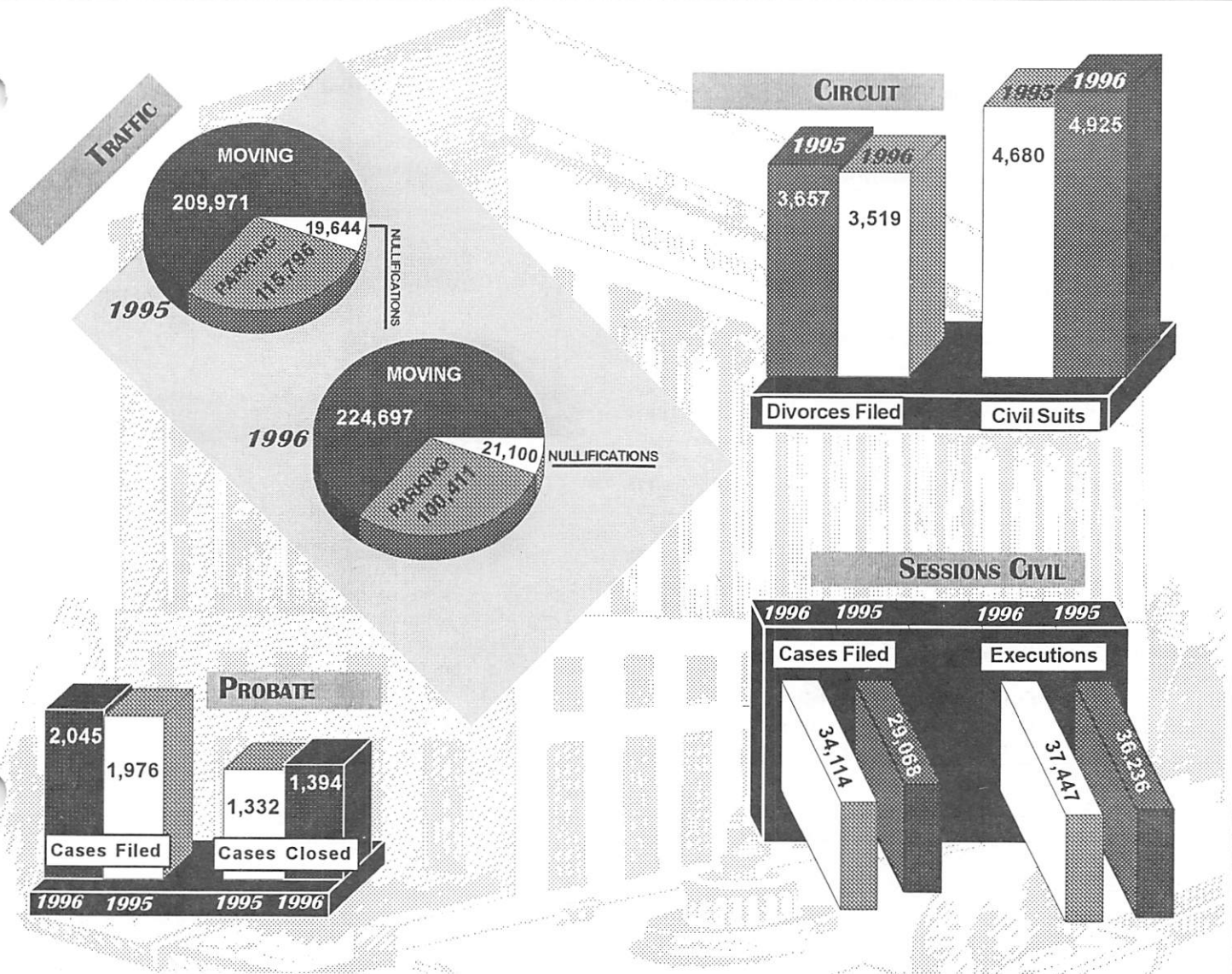
FINAL BOWS

In addition to the passing of Judge Harry Lester, the community lost some of its most influential legal and civil leaders during the year, including those listed below:

ATTORNEYS--Harold (Buddy) Collins, 64; Walter M. Parrish Jr., 53; William Leech Jr., 60, former state attorney general; David Pack, 74, former state attorney general; Jordan Stokes III, 90, the city's oldest practicing lawyer who also held the distinction of being the youngest barrister at age 19; Tyree Harris, 75, retired after 52 years in practice; Russell B. Ennix, 52; Joseph Vaulx Crockett Jr., 88; Cyril Vaughan Frazer Jr.; Ben Roskin; and Philip Carden.

EMPLOYEES--Earl Reed, a deputy clerk in the Traffic Violations Bureau; and Danny Lamb, 41, circuit archives filing clerk.

OTHER--Pioneer cultural and political leader Harold Love Sr., 76, who served on the old city council and the Metro Council before devoting 24 years as a member of the state House of Representatives; and former Metro Councilman Sanders Anglea, 83.



Courting the Nineties

YEAR >>>	1990	1991	1992	1993	1994	1995	1996	Change
CIRCUIT COURT								
Civil Suits Filed	4,615	4,609	4,306	4,389	4,594	4,680	4,925	+245
Adjudicated	4,482	5,297	4,632	4,676	4,516	4,801	4,785	-16
Divorce Cases Filed	3,860	3,884	4,013	3,753	3,793	3,657	3,519	-138
SESSIONS CIVIL								
New Cases Filed	41,490	37,511	35,804	35,740	37,198	36,236	37,447	+1,211
Executions Issued	25,800	27,091	29,826	31,225	29,588	29,068	34,114	+5,946
Garnishment Receipts	42,735	46,841	46,705	43,862	44,233	46,532	46,237	-295
TRAFFIC (MOVING)								
Tickets Issued	223,913	225,822	243,888	248,421	214,424	209,971	224,697	+14,726
Adjudicated	95,952	83,293	87,293	86,222	82,653	86,030	78,685	-6,345
TRAFFIC (PARKING)								
Tickets Issued	148,715	134,151	125,904	151,188	140,602	115,796	100,411	-15,385
Adjudicated	121,306	106,834	95,845	111,396	98,921	89,231	76,186	-13,045
PROBATE								
Original Filings	N/A	N/A	N/A	1,760	1,961	2,045	1,976	-69
Cases Closed	N/A	N/A	N/A	1,859	1,392	1,332	1,394	+62
Cases Retired	N/A	N/A	N/A	N/A	407	1,025	N/A	N/A

\$ DATA BANK

Statistics compiled for the month of December

Case Information

Circuit Court

New Civil Cases Filed.....	311
Civil Cases Concluded.....	297
New Divorce Cases Filed.....	226
Divorce Cases Concluded.....	250

General Sessions Civil

New Cases Filed.....	2,880
Executions Issued.....	2,602
Judgments Collected.....	\$543,850
Orders of Protection Petitions.....	193

Probate Court

New Cases Filed.....	125
Cases Closed.....	81

Traffic Violations

Moving Citations.....	17,338
Parking Violations.....	8,782
Total Fines Collected.....	\$268,676
Nullifications.....	1,993
Nullification Fees Collected.....	\$17,937

Circuit Court Jury Trial Verdicts

No jury trials were held in December other than those reported in our last issue.

COURTS (From Page 1)

relatively new and highly successful approach to civil dispute resolution.

While the number of new cases has climbed predictably over the past three years, the demand for pretrial settlement conferences continues to increase at a rate that causes concerns of future strain unless remedial action is approved.

Gayden said alternative dispute resolution conferences have become popular for both attorneys and litigants because they provide more predictable and less costly results in shorter time than formal trials. A bill will be introduced in the General Assembly asking that an additional judgeship be approved for the purpose of placing one judge on permanent and exclusive assignment to the ADR program. Ideally, that assignment would go to Third Circuit Judge Barbara Haynes, who has played a key role in the development of case settlement.

An additional courtroom would not be necessary for that particular phase, Gayden noted, who explained that a conference room and adjoining offices could be located outside the courthouse.

Gayden said the proposal would be presented to the Tennessee Judicial Council in February for endorsement consideration. Regardless, the proposed legislation will be co-sponsored in the legislature by Sen. Joe Haynes and Rep. Tim Garrett, he said.

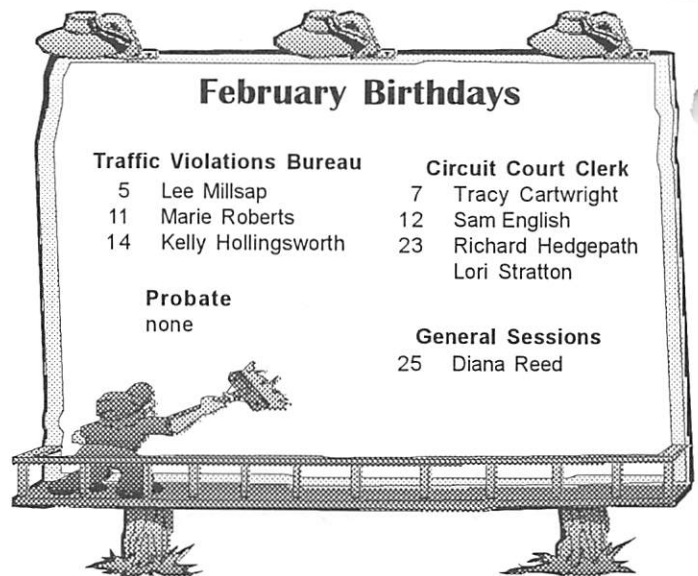
Data compiled by the civil courts in support of the expansion request will be examined in our February report.

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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



Cheers...

Traffic Violations Bureau data entry clerk **Kelly Hollingsworth** graduated from Middle Tennessee State University on Dec. 14, receiving a degree in political science. A pretty smart Christmas present...**Doug** and **Libby Crow** (he's a court officer for General Sessions Judge **Sue Evans**) are expecting their first child in July. The couple married last year...Traffic data entry clerk **Billye Barnard** is back on the job following gallbladder surgery...Wedding bells will soon be ringing for General Sessions Civil Division deputy clerk **Brenda Best**, who announced she would become Mrs. **Dereck Osborne** on April 5. He is a local contractor. The couple will be married at Ravenwood Country Club, then head out on a honeymoon trip to a location yet to be decided. Sure, Brenda...This just in; Chief general sessions civil clerk **Jeff Filson** will become a father in May. Wife **Alison** is excited that the newborn to be in attendance when the couple celebrates their first wedding anniversary...Postal employee **Billy Chunn**, who delivered the mail to courthouse offices for many years before being stricken by illness, will be honored this month at a retirement party. The event will be held at the **Metro Postal Service** in the Stahlman Building at noon on Jan. 20. Friends are invited to attend...Hats off to the **Nashville Bar Association** for its open support of the **Nashville School of Law's** mission to continue providing legal education at affordable cost. The endorsement came at a time when the **State Board of Law Examiners** is considering requiring that anyone taking the state bar exam be graduated from a regularly organized law school accredited by the **American Bar Association**. Such a requirement would have excluded about 20 percent of Nashville's attorneys and half of its state court judges from attaining their current professional status. The Nashville School of Law is the state's only parttime night law school and offers tuition at a rate working people can afford...The state **Supreme Court** issued an important decision earlier this month in adopting a rule allowing television and still cameras to record proceedings in both trial and appellate courts. The new policy should help the general public better understand how the legal system works.

...Tears

Deepest sympathy to former traffic warrant officer **Bill Harper** in the death of his wife **Helen Marie Dillon Harper**, who passed away on Jan. 3 at the age of 65.

Condolences also to the family of retired Metro police captain **Alton V. Barnhill**, who died on Jan. 9. Captain Barnhill had an outstanding career with the department and served his community with dignity. He was a kind and gentle human being whose service and friendship will long be appreciated. He was 72.