

Rooker Report

June 1997

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THE STATE LEGISLATURE DEVOTED MUCH ATTENTION TO THE JUDICIARY DURING ITS LAST ASSEMBLY, TAKING ACTION ON MORE THAN 20 BILLS THAT EITHER AMENDED EXISTING PROCEDURES OR CREATED NEW ONES TO ADDRESS THE DEMANDS OF A CHANGING SOCIETY.

- ◆ MORE COURTS WERE CREATED TO COPE WITH GROWING CASELOADS.
- ◆ CIVIL SMALL CLAIM LIMITS WERE ADJUSTED TO MORE CLOSELY ALIGN WITH MODERN ECONOMIC STANDARDS.
- ◆ JURISDICTION WAS BROADENED TO PROTECT MORE PEOPLE WHO ARE PHYSICALLY ABUSED.

THE LIST GOES ON. THE FOLLOWING REPORTS REFLECT THE CHANGES EXPECTED TO HAVE THE GREATEST IMPACT ON THE LOCAL COURT SYSTEM.



Circuit's Hamilton Gayden

Will ask for additional space to accommodate new judge



Sessions' Leon Ruben

Doesn't anticipate major increase in civil caseload

New Circuit Court Coming Next Year

The timing was perfect. Had seven other judicial districts not made the same request, Davidson County's chances of landing its first new circuit judgeship in 32 years might have faltered.

But because of a common need to bring parity to the state's civil caseload ratio, the mission of presiding state trial court judge Hamilton Gayden was little more than a formality.

"If we had been required to go it alone, our chances would have been greatly reduced," said Gayden of the legislator's approval of Davidson County for one of eight new circuit judgeships.

Regardless of the reason, the county will swear in eight cir-

See CIRCUIT, Page 2

Small Claims Limit Hiked to \$15,000

With recovery costs from such things as automobile accidents and related medical expenses rising faster than the price of a loaf of bread, the \$5,000 limit increase for General Sessions civil claims was long overdue.

But it remains to be seen whether the new \$15,000 cap approved for implementation on July 1 will have much of an impact on the lower court's caseload.

During the 1996 calendar year, only 105 civil complaints filed in circuit court fell within the \$15,000 range. That number, says presiding General Sessions Judge Leon Ruben, would not have been enough to require additional civil dockets, which already total three per day. But there is no way of telling how many

See SESSIONS, Page 2

Protection Orders Extended to Minors, Daters

Recognizing that domestic violence is not limited to spousal abuse, the state legislature has given courts the right to extend orders of protection in cases that involve minors and persons in dating relationships.

The new law goes into effect on July 1 as part of a beefed-up domestic violence package that also gives the state authority to honor protection orders from other states.

Heretofore, orders of protection have been limited primarily to cases involving married couples. In Davidson County, more than 200 such petitions are sought each month. That number is expected to increase

significantly under the broadened statute, which opens the court process to both adults and minors "who are dating or who have dated or who have or had a sexual relationship," who are current or former spouses or who currently live together or have lived together in the past.

The guidelines exclude fraternization between two individuals in a business or social context, but include adults or minors who are related by blood or adoption.

Petitions filed by minors will require the signature of a parent or guardian

Ben West, Bureau Getting Dolled Up

Although most of the immediate benefits will be enjoyed by personnel, current remodeling inside the Ben West Building surely hasn't escaped the attention of the general public.

Those conducting business through the expansive glass cashier windows of the Traffic Violations Bureau can't help but notice the drastic improvements on the other side – fresh blue paint spread evenly on previously drab walls, soon to provide the backdrop for new furnishings fitting for the times.

No longer visible are the water marks of seeping outer walls, made porous with age and efforts to restore the original exterior of the history rich building. A modern day capital expenditure has prepared the domed landmark for yet another century.

In the months ahead, the grand old building will make even more adjustments to accommodate the departure of the General Sessions Civil Division clerk's office and the pending arrival of judicial offices, a tenant exchange necessitated by the growth of the courts.

New courtrooms in the Stahlman Building will be assigned exclusively to civil cases, requiring the relocation of the clerk's office for service convenience.

Improvements to the appearance of the commons area of the Ben West were made last month prior to the hosting of the National High School Mock Trials. But those were merely temporary, pending completion of an extensive project to seal the outer walls to prevent further water seepage.

The traffic bureau renovation will eventually provide modular work stations for clerks, each equipped with computer monitors to maximize efficiency.

In addition to repaired and painted walls, the bureau's data processing room has been expanded to better accommodate the dozen clerks who enter into a computer system the thousands of daily transactions that come through the office.

Evidence of the improvements can be witnessed from 7:30 a.m. to 6 p.m. Monday through Friday.

Kennedy New Jury Coordinator

Cheryl Kennedy, a seven-year employee of the circuit court clerk's office, has assumed the position of jury coordinator for the county's state trial courts.

Kennedy, who for the past few years has been assigned to Second Circuit Court Judge Marietta Shipley as minute clerk, replaces Lisa Smith in the juror management post.

Smith resigned last month following more than 10 years as a member of the criminal court clerk's office. After years of supervising criminal jury assembly, she was selected as coordinator when the county eventually consolidated criminal and civil jury service under one master plan.

Smith said she was leaving the post to devote more quality time to her family.

Kennedy's replacement as circuit minute clerk is Barbara Eddings, a deputy circuit clerk since 1973.

Here's What's Coming in July

- ◆ A look at new legislation giving grandparents the right to petition the courts for visitation rights in certain cases.
- ◆ Why state judges must now comply with interchange rules or jeopardize chances of getting new judgeships.
- ◆ An examination of some of the new local and state rules in Probate Court.
- ◆ A comprehensive report on the Circuit Court Clerk's fiscal year.

GENERAL
SESSIONS

CIVIL
DIVISION

Claim Limit

~~\$10,000~~

\$15,000

Sessions

(From Page 1)

other borderline cases would have opted for the less expensive venue had the existing \$10,000 claim limit been higher.

For example, during that same 1996 period, there were another 125 circuit cases with claims of \$20,000. Litigants in many of those cases conceivably could have lowered their claims in exchange for faster resolution and lower trial costs.

Civil claims accounted for 12.3 percent of the total sessions caseload in 1996 with 45,091 complaints being filed. A portion of that total involved lawsuits not restricted by the \$10,000 limit.

Any dramatic increase to the lower court's caseload would probably be absorbed by the addition of two new judges in September 1998. Additional courtroom facilities are scheduled to be built in the Stahlman Building to accommodate the expanded court. Ruben said the new facilities will be dedicated exclusively to civil cases.

The legislature increased the claim limit for sessions courts in all but one of the state's 95 counties. Hamilton County remained at \$10,000. Populous Shelby County was allowed to increase its limit to \$25,000.

Circuit

(From Page 1)

circuit judges instead of seven in September 1998, joining a General Sessions court expansion that will bring two other additional judgeships into existence.

Along with the new circuit court will come the need for additional accommodations. Gayden anticipates a request for another courtroom, but says that decision will rest with all the circuit judges with strong input from the Alternative Dispute Resolution committee.

Because of the growing trend of successful pretrial mediation, the need for physical facilities could become focused on a conference room rather than a full courtroom, he said. And if that is the case, the space would not necessarily need to be in the courthouse where the other circuit courts are located.

"For sure, we will need at least one conference room with a recorder," Gayden emphasized.

The Stahlman Building would be a likely prospect for alternative location since Metro has relocated most of the building's tenants and is in the process of converting the second floor to courtroom and clerical space for the General Sessions civil division.

Because the legislature also approved Probate Court for circuit court status (while retaining exclusive jurisdiction over probate matters) the new court will be known as the eighth division. Voters will select a judge for the new court at the same time all judicial posts are determined next year.

DIAL-A-CASE OFFERS LOWER RATES, SHORTER WAITS

The second significant base rate reduction in four years and less waiting time for modem access will greet subscribers to our Dial-A-Case service starting July 1.

The improvements were announced by Circuit Court Clerk Richard Rooker, originator of the electronic public access service, who emphasized that the lower rates would be applied to both existing and new subscriber accounts.

"This is the second sizeable rate reduction since we kicked off the service in 1993," Rooker said, adding that even more cuts are likely in the future as the number of users increases to absorb the program's expense.

The latest change will reduce from \$50 to \$40 a month the standard rate for basic party line subscribers while lowering the excess time per-minute surcharge rate from 48 cents to 21 cents.

Deluxe party line users will realize a \$30 per month savings on their base rate -- from \$150 to \$120 -- and a 30-cent per minute

drop in their additional time usage rate.

The most significant decrease is being offered to premium package subscribers, whose bills will be cut in half from \$400 to \$200 monthly base and from 32 cents to 9 cents per additional minute.

For their money, subscribers have round-the-clock computer access to civil case files in circuit, general sessions and probate courts, eliminating costly and inconvenient trips to the courthouse.

The more attractive rates are expected to attract new subscribers, thereby creating a higher demand for modem access time. To compensate for the increase and to better accommodate current users, a new central phone line has been installed with the capability of transferring requests to available modems without requiring the subscriber to call back.

Rooker said letters have been written to all subscribers advising them of the new rate structure and access number. The changes also will be reflected in brochures being printed for distribution.

The New Way Of Getting In

Inconvenience attached to current improvements being made to the Metro Courthouse has some regular visitors singing the blues.

Because the most popular entrance on the north (rear) side of the building has been closed to allow removal of debris from the elevator renovation project, normal daily routine has necessarily been altered.

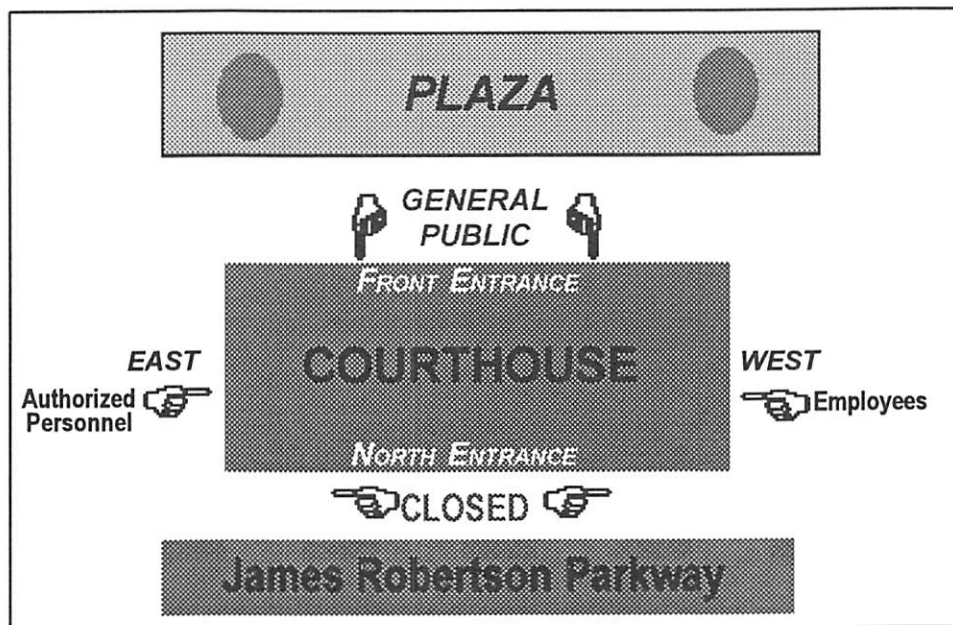
That means further walks around the sprawling structure to gain entry for the majority of patrons who must park their vehicles closest to the affected entrance.

It also means going through security -- even for most personnel who possess cardkey exemption. So, between inclement weather, greater risk of job tardiness and the hassle of clearing metal detectors, many workers are not all that pleased with the new arrangement.

But project supervisors say some phases of the new procedure are only temporary and will return to normal in due time. Other phases, however, are probably here to stay in the name of better crowd management.

For example, access through the rear of the building will be permanently eliminated and the existing doors will be converted for "exit only" purposes. Officials contend this will ease congestion in a perennially crowded area which is in close proximity to the elevators. Because no security checkpoint will be necessary, there will be more available space for the public.

That portion of the long term plan conveniently coincided with the start-up of the \$1.6 million elevator renovation project, said General Services Director Sam McPherson, who noted that clo-



sure of the rear entrance at this time was dictated by safety precautions precipitated by the presence of construction crews.

The initial phase of the renovation, McPherson said, involves the extension of four existing elevator shafts -- a project that will enable all six general public elevators to reach all seven floors of the building. Currently, only two elevators go beyond the fifth floor. Criminal Court operations are located on the sixth floor and advance preparations are being made for possible expansion to the seventh floor, which now houses prisoner holding cells and records archives.

As a result of the shaft extensions, much structural debris must constantly be removed from the building through the rear entrance, McPherson pointed out, creating an unsafe environment for public admittance there.

Courthouse employees previously issued cardkeys programmed for entry at the rear door are now being required to enter at the west end of the building where security stations have been relocated. Although there is a cardkey reader at

that location, McPherson said current cardkey holders must be reapproved by their department heads before security exemption can be granted.

The west entrance will remain the permanent official entrance for most cardkey approved employees with the east entrance available only to police personnel, elected officials and authorized staff members. The general public will be required to enter through the main doors in front of the building.

While the inconvenience of change invariably evokes a natural response of human resistance, progress somehow always eradicates the bothersome memories and replaces them with a sense of pride.

As legal historian David Rutherford reminds us: "The courthouse didn't even have an east entrance until Beverly Briley was elected mayor in 1963. He had it put in so he could come and go without having to fight the crowds."

The poetic justice of that executive privilege so many years ago surely wasn't achieved with the same unanimous blessing it enjoys today.

DATA BANK

Statistics compiled for the month of May

CASE INFORMATION

Circuit Court

New Civil Cases Filed	320
Civil Cases Concluded	311
New Divorce Cases Filed	282
Divorce Cases Concluded	302

General Sessions Civil

New Cases Filed	3,109
Executions Issued	2,548
Judgments Collected	\$512,002
Orders of Protection Petitions	198

Probate Court

New Cases Filed	145
Cases Closed	145

Traffic Violations

Moving Citations	21,154
Parking Violations	9,968
Total Fines Collected	\$209,539
Nullifications	2,273
Nullification Fees Collected	\$20,457

Circuit Court Jury Trial Verdicts

Week of May 5

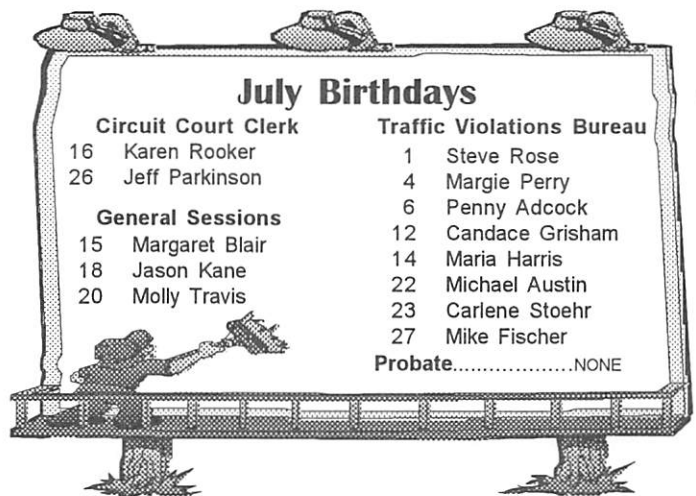
Case	Type	Court	Verdict
96C-573	Auto Accident	3rd (P)	\$470
95C-13	Landlord/Tenant	1st	Mistrial
94C-4027	Auto Accident	5th	Defendant
94C-1510	Auto Accident	1st (P)	\$22,500
96C-3173	Gen. Sess. Appeal	5th (P)	\$6,000

Week of May 12

Case	Type	Court	Verdict
95C-58	Medical Malpractice	1st	Hung Jury
96C-1990	Auto Accident	5th	Defendant
94C-1050	Negligence	6th	Directed
95C-3266	Auto Accident	3rd (P)	\$3,000

Week of May 19

Case	Type	Court	Verdict
94C-3929	Auto Accident	1st (P)	\$4,000
94C-1304	Auto Accident	5th (P)	\$22,032
94C-2023	Medical Malpractice	2nd	Defendant
95C-1620	Auto Accident	3rd	Defendant
96C-1241	Personal Injury	1st	Hung Jury
96C-2935	GSA/Auto Accident	6th (P)	\$500



July Birthdays

Circuit Court Clerk

- 16 Karen Rooker
- 26 Jeff Parkinson

Traffic Violations Bureau

- 1 Steve Rose
- 4 Margie Perry
- 6 Penny Adcock
- 12 Candace Grisham
- 14 Maria Harris
- 22 Michael Austin
- 23 Carlene Stoehr
- 27 Mike Fischer

General Sessions

- 15 Margaret Blair
- 18 Jason Kane
- 20 Molly Travis

Probate.....NONE

Cheers...

Kim Smith, who presented hubby Skip Smith with a beautiful baby girl on April 23, has returned to work in the Traffic Violations Bureau. The gleam in her eye is for Miss Cheyenne Lee Smith, who continues to progress beyond her 5-pound, 10-ounce birth weight...Also back from maternity leave is deputy circuit clerk Mary Binkley. Traffic Violations Bureau bookkeeper Jean Hart and Rooker Report editor Gene Baker have also returned to the fold following recent surgeries...Hats off to General Sessions Judge Mike Mondelli and his wife upon the wedding of their daughter Carmen Nicole, who became Mrs. Anthony Robert Lux on June 7... Rita McBroom, formerly of our fifth floor office, has received a bachelor's degree from Cumberland College where she was president of the Honor Society. That report from hubby Jim McBroom, the attorney who walked her down the aisle six years ago...General Sessions Judge Leon Ruben treated his wife Myra to a bit of nostalgia on the couple's 41st wedding anniversary on June 10. Being somewhat of a romantic, the good judge escorted his lady to a popular Bellevue restaurant where the couple enjoyed their first breakfast together on their wedding day in 1956. Well, not exactly. This time around, the restaurant (a link in a popular franchise chain) was housed in a brand new facility. Management accommodated the couple by serving up a double plateful of memories.

...Tears

Condolences to retired Circuit Court Judge Joe C. Loser, Jr., now dean of the Nashville School of Law, in the death of his mother, Pearl Dean Gupton Loser, who passed away on May 19 at the age of 100. Mrs. Loser was the widow of U. S. Rep. J. Carlton Loser, former Davidson County district attorney general, who died in 1984.

Fyke Farmer Sr., 96, whose 60-year career as an attorney was highlighted by his persistent representation of convicted spies Ethel and Julius Rosenberg, died on May 23. He began his career with Bass, Berry & Sims before forming his own firm of Farmer, Denney and Leftwich. Although he failed in his efforts to prevent execution of the Rosenbergs (they were put to death in 1953 for committing wartime espionage by selling atomic secrets to the Soviet Union) he spent more than 30 years in unsuccessfully trying to avenge their deaths. Survivors include a son, Fyke Farmer Jr., also an attorney, and two daughters of Nashville.

Nelson McCoy, 79, father of Chancellor Carol McCoy, passed away on May 22 at his home in Tampa, Florida. He was a retired Air Force officer who served in World War II and a direct descendant of Randolph McCoy of the famous Hatfield and McCoy feuding families.

Condolences to Brenda Kirk of the Metro Clerk's Office in the death of her husband Benjamin Kirk, the Tennessee State University music director who was gunned down at his home last month.

Attorney/journalist Donald Gregory, 65, former administrative assistant to Congressman Richard Fulton, passed away June 14 of an undisclosed cause. There were no immediate survivors.

Patricia Faye Street, daughter of retired Traffic Violations Bureau employee Bob Rucker, succumbed to a massive heart attack on June 18. She was 49.

Rooker Report

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Richard R. Rooker Circuit Court Clerk
Gene Baker Editor