

# Rooker Report

July 1997

Published by the Davidson County Circuit Court Clerk's Office

Vol.5, No. 6

## Start Practicing Your Smile; Photo ID Badges Coming

If you're a vain person who despises the picture on your drivers license, you're probably not going to appreciate this story.

It's about something very similar that's coming to your wallet soon.

It will be of no value if you get stopped for speeding, but it *will* get you in the door of the courthouse.

It's the 1997 version of the Cardkey --that rectangular piece of coded plastic that you're always confusing for your ATM card. Or losing.

There are no guarantees that your

**Norman Robinson (right), a retired Navy security specialist, has assumed the position of chief of court security. Story on Page 3**



new card will prevent those same things from happening, but it *could* prevent someone else from using your card to breach security.

That's because your photograph will be on the new card. And although

you might anticipate poor quality of the mirrored image, you must realize that no one else will come even close to matching it.

Are you beginning to get the picture?

Those who specialize in such matters say employees need a better instrument of identification for a number of reasons; not the least of which is to prevent bad things from happening should an access card fall into the wrong hands.

One supporting scenario would be for a judge (for example) to unknowingly drop a Cardkey on the ground between the parking lot and the  
(SEE PHOTO BADGES, PAGE 2)



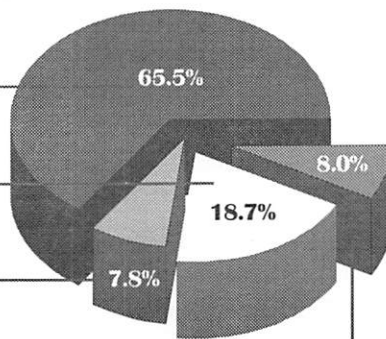
## Ca\$h Flow '97

CIRCUIT COURT  
\$34,830,727

SESSIONS CIVIL  
\$9,940,524

PROBATE COURT  
\$4,130,777

TRAFFIC VIOLATIONS  
\$4,245,296



CHILD SUPPORT \$18,439,285

### It was a very good fiscal year

Civil litigants channeled more than \$53 million through the county's court system during the past fiscal year, reflecting closure to lingering disputes and a record-breaking seeding of new ones.

With new case filings topping the 400,000 mark for the first time, the stage is set for a fourth straight year of revenue growth for the combined departments of Circuit, General Sessions Civil, Probate and Traffic Violations --all under fiduciary guardianship of Circuit Court Clerk Richard Rooker.

But lest you get the wrong impression, revenue paid into the clerk's operations is not income but merely cash flow to satisfy directives of the courts. Except for operational fees established by statute, monies paid into the system are distributed or held in trust in accordance with legal guidelines.

Because of the massive volume of litigation, total fee collections enable the clerk's office to be self sufficient without requiring taxpayer dollars. Surplus fee collections by the clerk are turned over each year to the Metro general fund for use in other areas of government services.

(SEE REVENUE, PAGE 2)

### CAPSULIZING CHANGES

## Grandparents Reach Visitation Milestone

Should grandparents who enjoy special relationships with their grandchildren be granted visitation privileges when something unfortunate happens to divide the child's immediate family?

State Sen. Haynes and his legislative colleagues think so. And they have taken steps to ensure continuation of such relationships -- with approval from the courts.

A new law that went into effect June 1 authorizes the filing of visitation petitions by grandparents who are involved in the following circumstances:

- ◆ They are related to the child through a deceased parent;
- ◆ The parents are divorced or legally separated;
- ◆ The child's parent has been missing for not less than six months;
- ◆ The other set of grandparents has been granted visitation rights.

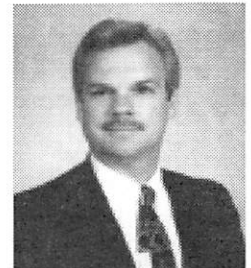
### NEW LOCAL RULES IN PROBATE

As anyone who has been there will attest, estate proceedings in Probate Court can become very complex -- *too* complex for the average lay person.

For that reason, when Probate Judge Frank Clement Jr. rewrote the local rules of practice for his court, he included a requirement that litigants in all such matters must be represented by a licensed attorney. The requirement, along with other minor rule amendments, was embraced by the Nashville Bar Association and has been in effect since April 17.

In most past instances, according to Probate Master Bob Bradshaw, persons attempting to represent themselves in estate matters usually found themselves in need of professional help during some phase of the legal proceedings. At that point, the party would be required to employ an

(SEE PROBATE RULES, PAGE 2)



JUDGE CLEMENT

# Revenue Tops \$53 Million For Fiscal Year

(From Page 1)

The highest portion of revenue is generated by the circuit court division because of the pure nature of the cases directed there. For example, the collection and distribution of child support payments is under the umbrella of the circuit office, an entity that represents more than half of that department's total cash flow.

Of the combined \$34.8 million revenue generated by the circuit office during the past fiscal year, \$18.4 million came from court-administered child support payments, a record amount that accounted for the nucleus of the office's \$2 million-plus increase over the previous fiscal year.

Traditional case filings in circuit were down by 658 cases from the previous year, indicating that the fruition of previously pending cases was chiefly responsible for the boost in general revenue. Fewer new cases, combined with a growing trend of non-court mediation services and increased monetary jurisdiction at the lower court level, could have a long-range impact on circuit revenues.

Things continued to brighten on the domestic front with the number of divorce filings declining for the second straight year, reflecting a possible benefit of society's toughened stance on accountability by noncustodial parents. While the 63 fewer divorce petitions represented only a fraction of last year's 250 drop, the continuity of a trend was considered encouraging by advocates of family unity.

Children of divorce shared in \$1.4 million more than the previous reporting period -- partially because there were more recipients on the rolls and

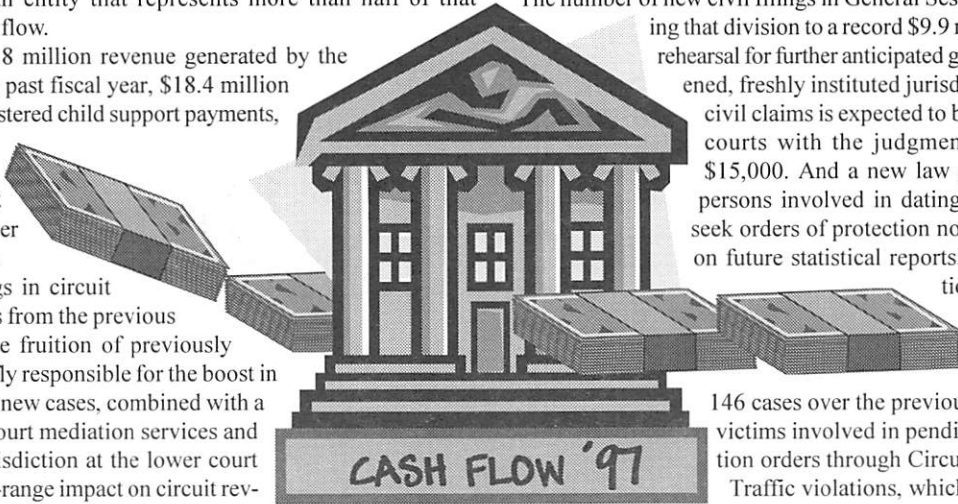
partially because of policies requiring payroll deduction to ensure compliance in all new cases of court-ordered support. Sixty five percent of all payments currently distributed through the clerk's office are tendered by employers on behalf of workers.

The number of new civil filings in General Sessions rose by 2,808, boosting that division to a record \$9.9 million and serving as dress rehearsal for further anticipated growth resulting from broadened, freshly instituted jurisdiction. A higher volume of civil claims is expected to be routed through the lower courts with the judgment limit now extended to \$15,000. And a new law giving certain minors and persons involved in dating relationships the right to seek orders of protection no doubt will have a bearing on future statistical reports. Domestic violence situations brought 2,273 victims to court in quest of court protection during the past fiscal year, an increase of

146 cases over the previous year. Another 88 alleged victims involved in pending divorces sought protection orders through Circuit Court.

Traffic violations, which constitute the bulk of the "caseload" composite (moving and parking citations are classified as cases), rebounded from a sputtering performance the previous year to post a \$407,354 increase in revenue. The \$4.2 million final accounting was complemented by the issuance of 242,621 new tickets for moving violations and 113,885 parking citations -- increases in both areas -- and the collection of \$219,393 in service fees from nullified minor offenses.

Probate Court revenue (\$4.1 million) was down from the previous year, as was the number of new filings (1,906).



## PHOTO BADGES COMING

(FROM PAGE 1)

courthouse. A person of felonious character, who might be watching, could retrieve the card and recognize it as a key for security clearance. He could then use the card to enter the building without going through security screening, therefore enabling him to brandish -- undetected -- a dangerous weapon. Anything could happen from that point.

How could the addition of a photograph prevent that from happening, you ask?

The photo alone would not make a difference. The coding on the cardkey would still deactivate the electronic locking mechanism on the door, allowing the unauthorized user to enter. But that's as far as he would get, because of special closed circuit camera equipment designed to compare the photograph with the user and display the comparison on monitors at the security stations.

Of course there are other benefits, like enabling security personnel to better recognize and familiarize themselves with those who work in the courthouse and to make more intelligent decisions when events occur beyond ordinary customs.

While no specific date has been set for phasing in the new photo badges, necessary composition equipment has arrived and photo session scheduling is being devised to accommodate each department. You'll be advised.

Now back to that vanity thing. You'll be happy to know that, unlike those one-shot drivers license photos that seem to always appear distorted, you can expect your ID badge likeness to be of top quality. A state-of-the-art digitized camera will be used to produce a series of video photos from which to select the one that best matches your face.

Can you say "cheese?"

## NEW CASE FILINGS

	95-96	96-97
Circuit Court	11,036	10,378
Sessions Civil	35,191	37,999
Probate Court	1,970	1,906
Parking Citations	101,268	113,885
Moving Tickets	206,991	242,621
Divorces	3,604	3,541
Orders of Protection	2,127	2,273

## Probate Rules

FROM PAGE 1

attorney to complete the procedure. The new rule merely accelerates the process and eliminates delays to scheduled phases of the case.

Individuals may still represent themselves in name change proceedings and simple probate procedures are continuing to be heard by the Probate Master as a matter of convenience.

Other statewide changes are forthcoming in January as a result of action taken by the last session of the state legislature.

- The limit on the amount an affiant can minister under the Small Estate Act will increase from \$10,000 to \$25,000;

- The court will be authorized to waive the filing of an inheritance tax return when the total gross estate is less than \$100,000 and there have been no taxable gifts.

# Robinson Gets Courthouse Security Post

When Norman Robinson retired from the Navy and returned to his native Nashville earlier this year, he brought with him an impressive resume of accomplishments as a specialist in both communications and security intelligence.

Now he is applying those skills to ensure the safety of persons conducting business at the Metro Courthouse.

Robinson, younger brother of General Sessions Judge Gale Robinson and nephew of Circuit Court Judge Muriel Robinson, assumed his new assignment this month as chief of court security.

Robinson, 37, was employed by Probate Judge Frank Clement Jr. and assigned to the State Trial Court Administrator's Office to handle a variety of assignments for the county's 14 trial court judges. Additionally, he has been authorized by the Department of General Services to serve as an on-site supervisor of Wackenhut Corporation personnel assigned to the court-

house. "In this capacity," said General Services Director Sam McPherson, "he will arbitrate disputes and handle complaints regarding the entrance screening process, as well as to observe how the vendor personnel execute their responsibilities." Robinson's input will help determine a final plan for courthouse security policies and procedures, McPherson added.

Robinson is the son of the late Edward Gale Robinson, a longtime judge and political figure, and Barbara Ann Robinson of Old Hickory. He is married to the former Wendy Lynn O'Donnell of Greenbrier. The couple have four children, Joseph Wayne, Nicholas Aaron, Samantha Dawn and Sarah Rae.

During his 20-year Naval career, Robinson earned numerous service commendations and served in a variety of communications and security positions, including tactics instructor of security police weapons and criminal investigator.

## BENCH

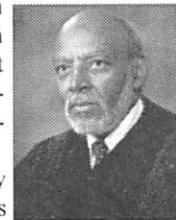
# Birch Passes Chief's Gavel Back to Justice Anderson

E. Riley Anderson of Chattanooga was sworn in earlier this month for a second term as chief justice of the Tennessee Supreme Court, succeeding the jurist who earlier succeeded him.

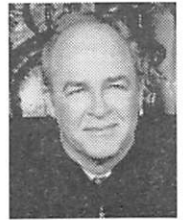
Justice Adolpho Augustus Birch Jr. of Nashville passed the gavel back to Anderson in ceremonies at the high court's Knoxville location. Birch had held the administrative post since May of last year when Anderson completed his first term, a 19-month run.

Anderson, 64, was sworn in by former Sen. Howard Baker, thus becoming the 31st chief justice of the high court. He will hold the position at least until the 1998 judicial elections. He has been a member of the high court since 1990.

Birch, who holds the distinction of being the first African American to hold the chief justice position, will continue to serve on the court.



BIRCH



ANDERSON

## GAYDEN'S GOALS: MISSION ACCOMPLISHED

Circuit Judge Hamilton Gayden, winding down his term as presiding judge over the state trial courts, says he has accomplished most -- if not all -- of the goals he hoped to achieve during his one-year reign.

Gayden set a bold agenda when he assumed the administrative position last September. And while most of his projects were directed toward the civil side where he has focused his expertise during the 18 years he has been on the circuit bench, he maintained strong support for programs favored by criminal judges.

Most notable among his list of priorities (which included further cultivation of the successful pretrial settlement conference agenda and reducing an existing caseload burden in Probate Court) was the creation of an additional circuit judgeship. Come September of next year, the county will have its first new circuit judgeship in more than 30 years to help complement the success of Gayden's other goals.

And before he turns over the presiding judge responsibilities to a successor (to be selected next month) he probably will have established a progressive pace for accommodating the newest member of the trial courts.

Gayden already has named General Sessions Judge Leon Ruben and Chancellor Carol McCoy to co-chair a committee to study the feasibility of a new courts building for the county.

### METROPOLITAN GENERAL SESSIONS COURT OF DAVIDSON COUNTY, TENNESSEE

1996 ANNUAL REPORT AND GUIDE



### INFORMATION PLUS

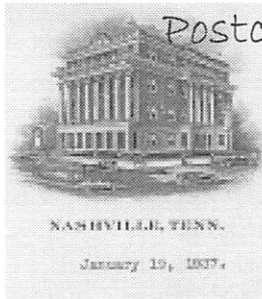
When the General Sessions Court judges decided to publish an annual report for the past calendar year, they wanted something that would be not only informative, but educational and visually appealing as well. The finished product appears to have met that criteria, packaged in a double-folded color brochure that mirrors the diverse functions of the nine-division "court of first resort." If you wish to judge the publication for yourself, free copies are available at the information counter in the Ben West Building and other General Sessions venues.

### Clerks Now Must File Notices of Appeal

An amendment to the Tennessee Rules of Appellate Procedure (effective July 1) shifts the duty of serving copies of notices of appeal from counsel to trial court clerks.

The change was made to assist the appellate court system in tracking cases post-trial. It is no longer necessary for attorneys to send courtesy copies to the appellate court clerk's office.

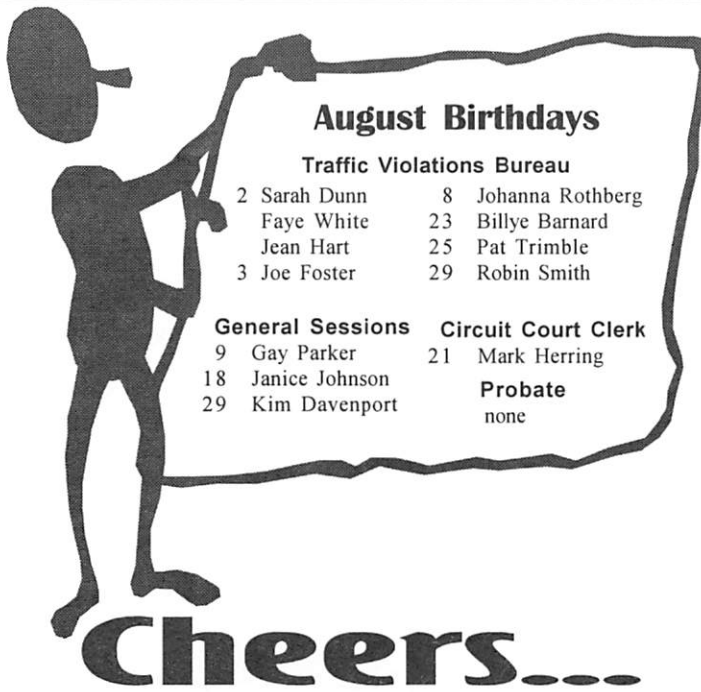
### Postcard From the Edge



Attorney/historian David Rutherford often goes digging for tidbits in the Metro archives, and seldom fails to uncover something...well, both old and new...like the photo at left of the Davidson County courthouse shortly before it was razed to make way for the existing building. Don't be fooled by the date underneath the picture. The photo actually adorned

government stationery that was used long after the old building was demolished in 1935. The current building was dedicated in 1937.





**August Birthdays**

<b>Traffic Violations Bureau</b>			
2 Sarah Dunn	8 Johanna Rothberg		
Faye White	23 Billye Barnard		
Jean Hart	25 Pat Trimble		
3 Joe Foster	29 Robin Smith		

<b>General Sessions</b>	<b>Circuit Court Clerk</b>
9 Gay Parker	21 Mark Herring
18 Janice Johnson	
29 Kim Davenport	<b>Probate</b>
	none

Cheers...

...to our own **Betty Murray** upon becoming president of the Metro Executive Secretaries Association, now in its 21st year of operation. Murray has long been a contributing member of the association, which undertakes a number of worthwhile projects each year to benefit the needy. Joining Murray as an officer of the group is **Tina Harvat** of the criminal court clerk's office who was named treasurer...

◆ **John Clemmons**, a deputy clerk in our Probate clerk's office for the past 19 months, has resigned to enter private law practice. Clemmons passed the state bar exams in February. He has joined a firm consisting of three other lawyers and will conduct a general practice with emphasis on probate matters...

◆ **Tresa Hagan**, who delivered the mail to departments in the courthouse and the Ben West Building for some time, has resigned from the government postal service to enter private business. Tresa said goodbye to fellow workers in the Metro mail room on July 15...

◆ And if it's July, then it must be time for an item on **Cory Parkinson**, the youngster who likes to spend his summers racking up baseball titles. He did it last year and he's back at it again this summer, picking up a state championship trophy for 10-year-olds in Knoxville last month and now packing his bags for the National AAU Championships in Kansas City August 2-8. He'll be chaperoned on the trip by his proud pop, **Jeff Parkinson**, systems guru of our child support division...

◆ General Sessions secretary **Becky Baron** and detective **Ray Hahn** chose the flower garden at Centennial Park as the site for their July 10 wedding. It was a private ceremony for family members only, except for former court officer and minister friend **Sonny Lyons**, who performed the ceremony...

◆ A ceremony of another type took place on July 2 when the stork paid a visit to **Doug and Libby Crow**, who happened to be at Baptist Hospital when the package arrived at 1:45 a.m. Inside the gift bundle was 20-inch-long **James Dalton Crow**, an 8-pound, 3.25-ounce scrapper. Dad, a court officer for General Sessions Judge **Sue Evans**, has been passing out some very expensive cigars.

## ...Tears

...to **Denise Dill** of our General Sessions civil division in the death of her grandmother, **Laura Brown**, who passed away one day after her 79th birthday this month. Mrs. Brown, a resident of Hendersonville, had been in declining health for some time.

# DATA BANK

Statistics compiled for the month of June

### CASE INFORMATION

#### Circuit Court

New Civil Cases Filed .....	296
Civil Cases Concluded .....	350
New Divorce Cases Filed .....	284
Divorce Cases Concluded .....	278

#### General Sessions Civil

New Cases Filed .....	3,166
Executions Issued .....	3,151
Judgments Collected .....	\$572,823
Orders of Protection Petitions .....	213

#### Probate Court

New Cases Filed .....	160
Cases Closed .....	114

#### Traffic Violations

Moving Citations .....	20,018
Parking Violations .....	9,123
Total Fines Collected .....	\$341,168
Nullifications .....	2,097
Nullification Fees Collected .....	\$18,873

**CORRECTION:**The May fine collections total was erroneously stated as \$209,539 in last month's report as a result of copying the wrong line from the monthly recap sheet. The correct amount was \$340,415. We regret the error.

### CIRCUIT COURT JURY TRIAL VERDICTS

#### Week of June 16

Case	Type	Court	Verdict
96C-2603	Medical Malpractice	6th	Defendant
95C-1706	Auto Accident	1st (P)	\$300,000
95C-2544	Auto Accident	Ch.II (P)	\$1,500
93C-1597	Auto Accident	3rd (P)	\$28,000

#### Week of June 23

Case	Type	Court	Verdict
96C-3790	GSA Auto	3rd	Defendant
94C-3644	Auto Accident	1st	Defendant
96C-742	Auto Accident	5th (P)	\$1,450
95C-3101	Auto Accident	1st (P)	\$44
96C-71	Auto Accident	2nd (P)	\$25,691
95C-3976	Malicious Prosecution	5th	Defendant

# Rooker Report

Published by the Davidson County Circuit Court Clerk's Office  
506 Metro Courthouse, Nashville, TN 37201  
Internet @ [www.nashville.org/cir/](http://www.nashville.org/cir/)

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

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