

# Rooker Report

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## Norman, Evans Assume Presiding Roles Next Month

# New Court Leadership

### **Seth Norman** **State Trial Courts**

Seven years ago, when Seth Norman was elected to a new judgeship on the county's criminal court, he found himself without a courtroom.

For the first 18 months of his term, he held court in a makeshift courtroom in the Municipal Auditorium while proper accommodations were being prepared in the courthouse.

The experience of that unconventional beginning might finally be put to good use when Norman assumes the presiding judgeship of the state's trial courts on Sept. 1.

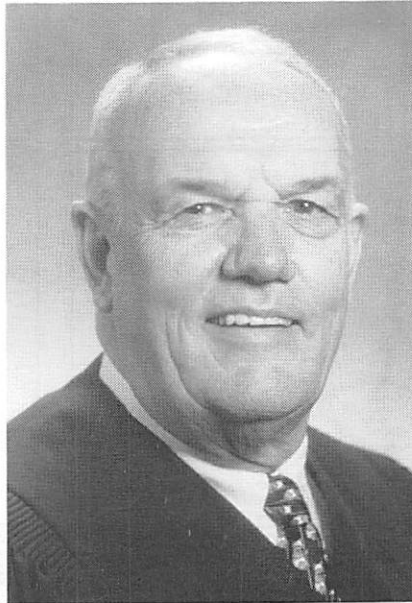
For among the items on his agenda is the forthcoming expansion of the circuit court, a project that will require additional physical facilities of proportions yet to be determined.

The current seven circuit judges reportedly are close to deciding if an additional courtroom with full amenities will be needed, or if smaller quarters will suffice as a result of the growing trend in non-courtroom mediation and settlement conferences.

Norman says his role as presiding judge is not to become involved in the judges' decision-making process, but to be supportive and work with all parties to achieve their goals. But he does have an opinion about one element of the forthcoming expansion.

"Even if they decide to go with a settlement judge, that person will *have* to

(See NORMAN, Page 2)



### **Sue M. Evans** **General Sessions**

Just over a year ago, Sue McKnight Evans was practicing law and seizing every opportunity to sit as a special judge in General Sessions Court.

Today, she not only is an elected member of the court but reigns as its presiding judge.

Evans assumes management of the nine-division court on Sept. 1, succeeding Judge Leon Ruben, who will reclaim the position next year when the court welcomes two new judges.

Evans inherits the responsibility of making that transition a smooth one. And, as has been her trademark, she is taking the challenge very seriously.

"My first priority is to work on a schedule for 11 judges," she says with conviction. "We must have everything in order-- work schedules, new dockets and courtroom assignments -- in advance of the elections next August."

The two new judgeships were approved by the Metro Council earlier this year in the face of growing criminal case dockets. Additional courtroom facilities are being constructed in the Stahlman Building to be exclusively devoted to civil litigation, thereby freeing up existing courtrooms for criminal and traffic dockets.

One issue that must be resolved is the assignment of permanent office space for the two new judges. Evans said that decision would probably come on recommendation of the court's space committee, whose members

(See EVANS, Page 2)



## LADY COURT OFFICER PUTS FINGER ON PURSE SNATCHER

It was a Friday afternoon and the foremost thing on Lisa Smith's mind at the moment was getting home to her family for a relaxing weekend.

It had been a typically hectic week in Second Circuit Court where she has spent the past seven years as a court officer. And, as usual, the finale of the five-day work week had shown no mercy to Smith and her colleagues.

As she left the courthouse and made her way toward her car in the east parking lot, little did she realize that her services would be required for one more fateful task.

The screaming voices of a group of nearby women interrupted her early moments of freedom.



LISA SMITH

"STOP THAT MAN!"

The plaintiff plea was reference to a young adult male hot-footing it across the parking lot a short distance from Smith.

"HE STOLE THIS LADY'S PURSE," another voice cried out.

Smith watched as the man ran through bushes adjoining a security guard station, obviously headed toward traffic-laden James Robertson Parkway.

Instinctively, Smith ran after the fleeing suspect, rapidly closing the gap between them while negotiating traffic on the busy parkway. Her superior physical ability allowed her to arrive simultaneously at the Ben West Building where the suspect sought refuge.

As the man entered the center door of the building, Smith en-

(See LADY COURT OFFICER, Page 2)

# Court Officer Lisa Smith Bags Fleeing Suspect

(From Page 1)

tered another and immediately brought the chase to an end.

"HIT THE FLOOR," she ordered, pointing a finger at the suspect as though it were a pistol.

Whether or not the suspect thought she was armed remains a mystery. Nevertheless, he complied with her demand, falling to the tiled floor and denying any wrong doings.

"He had the purse under his shirt and I could see it," Smith recalled.

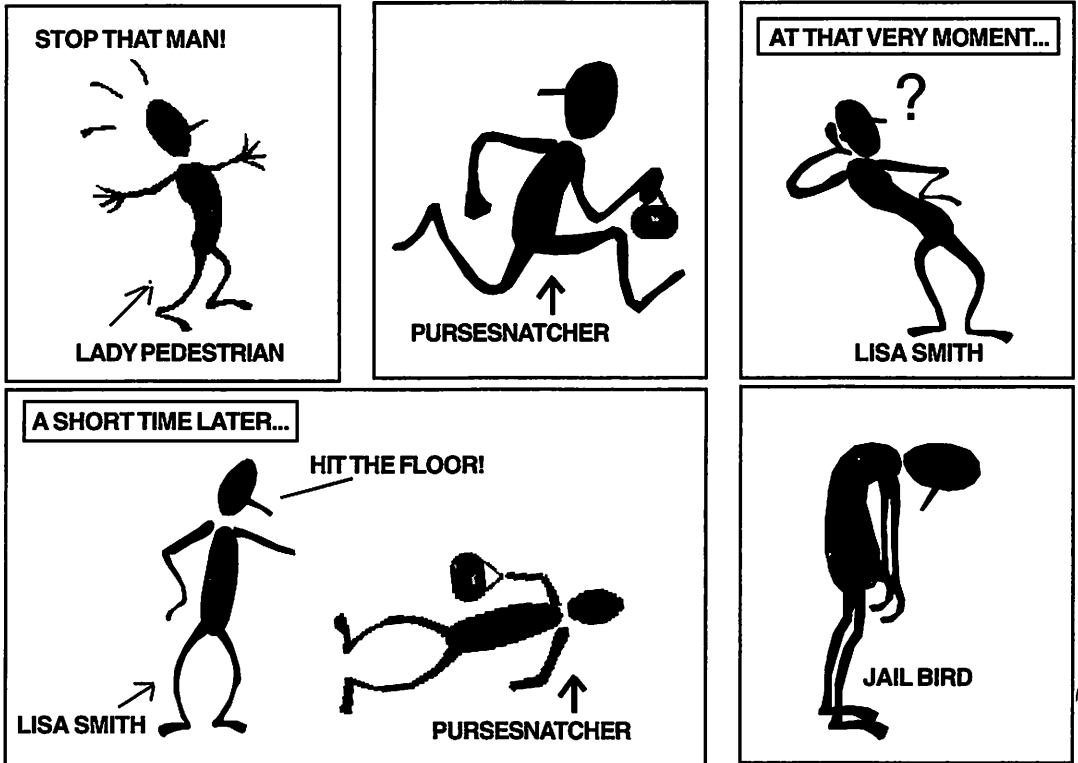
Instructing onlookers to "call police," Smith continued to hold the prone suspect at bay until he was taken into custody.

Then, without fanfare or acknowledgment of her heroic effort, the mother of two quietly removed herself from the scene to resume her pursuit of that well deserved weekend of relaxation.

And somewhere out there, a grateful employee of the Maximus child support collection agency must still be wondering...

"Who was that masked woman?"

## BAG LADY



(From Page 1)

## Seth Norman to Preside Over State Trial Courts

have some location to operate out of," he stressed. "With no available space left in the courthouse, there's a good possibility that we might be looking at the Stahlman Building."

To that end, Norman said he had been contacted by Department of General Services Director Sam McPherson, inquiring of the space needs of the new judge. McPherson designed the Stahlman Building floor plan for the two new General Sessions courts currently under construction.

Norman succeeds Circuit Court Judge Hamilton Gayden as presiding judge. It is his first selection in the administrative post.

Before becoming a judge in 1990, Norman practiced law for 28 years under his father, the late Jack Norman, Sr., a criminal defense icon. He and his attorney brother Jack Norman Jr., both earned their law degrees from the Nashville School of Law.

Judge Norman is also a graduate of the National Judicial College and the American Academy of Judicial Education, as well as the Tennessee Judicial Conference where he is chairman of the Drugs and Courts Committee.

He served as a member of the Tennessee House of Representatives and the State Democratic Committee, which selected him as a delegate to the 1968 Democratic Convention.

His son Jay Norman also is a practicing Nashville attorney.

The state trial courts include four criminal divisions, seven circuit and three chancery.

Norman will serve as presiding judge through August of next year.

(From Page 1)

## Evans: New Judgeships Deserve First Priority

she will select along with other committee assignments.

Evans, a grandmother of eight, made a mid-life career change at the age of 53, leaving the teaching profession after 15 years. With the blessing of Don Evans, her husband of 44 years, she enrolled at the Nashville School of Law and resigned from the classroom two years later.

In 1986, armed with a law degree, Evans went to work for the Metropolitan Development and Housing Agency as a legal administrative assistant to the board of commissioners. Private practice would soon follow and with it an introduction to the court system that would eventually embrace her.

Over the next several years, Evans would set the stage for her judicial role by filling in for General Sessions judges when they were unable to be in court. By the time she decided to seek election to the court in early 1996, she had logged more than 200 such sittings.

Evans is a member of the local, state and American bar associations, the Lawyers Association of Women, T-Law, the National Association of Women Judges and the American Association of University Women.

Earlier this year she attended the American Bar Association's annual convention in San Francisco, which attracted 23,000 attorneys and judges. The association's mid-winter meeting will be held at Opryland where State Supreme Court Justice Martha Craig Daughtery will be honored by the National Association of Women Judges.

# Warrant Office



**NO LONGER THE 'ARRESTING' OPERATION  
IT ONCE WAS, TRAFFIC UNIT STILL  
PLAYING KEY ROLE FOR COURT SYSTEM**



**B**ack in the not-too-olden days when society was less tolerant toward people breaking laws, persons who ignored traffic citations were hunted down and placed in jail until making restitution for their offenses.

That was during the days when failure to pay a traffic ticket was deemed a criminal offense and there were enough dissidents to justify a separate police division to supplement enforcement. They called it the warrant office.

As society became more sophisticated, the courts ruled the criminal classification to be archaic and downright uncivilized. From that point forward, traffic violations would be considered civil offenses, punishable only by monetary attachment.

No longer could a motorist be incarcerated for not paying a traffic fine. His obligation was limited to civil liability. Nothing more. Nothing less.

At this point, one would think there would be no future need for a warrant office, made up of uniformed deputies armed with pistols and the authority to take people to jail. But removal of the criminal label lessened the severity of breaking driving laws and the number of motorists determined to beat the system immediately increased at an alarming rate.

Retention of the warrant division was essential -- not as the feared, extended arm of the law it once represented, but as a conduit for bringing friendly resolution to individuals' civil debts to the government.

Today, instead of revolvers, warrant officers are armed with computers, reference books and public relations skills. Their mission is to locate the tardy offenders and encourage closure to their accounts.

And even though modern day punishment has been reduced to a less harsh pocketbook issue, the penalties for noncompliance are so staggering that most traffic offenders settle their accounts within the legal time frame allowed by law.

Yet, thousands of others each year fail to adhere, thereby subjecting themselves to costly consequences.

The diagram on this page reflects examples of cost acceleration for common violations when offenders ignore time frame guidelines.

Clearly, the penalties are greater than the fines, but for good reason -- not the least of which is the enormous expense of tracking down elusive offenders in an effort to collect the original fines.

That's the role of the warrant office.

Each day, Supervisor Bill Cartwright and his staff are greeted with ominous stacks of unpaid traffic tickets that have progressed to the penalty phase. Each one represents a defiant human being who, for any number of reasons, has jeopardized his or her legal right to operate a motor vehicle.

Rectification for bad judgment has just taken on a higher price tag. "It's not like these people had no other choice," Cartwright points out. "The courts provide a number of much simpler solutions."

He's right. Among the list of alternatives for persons charged with moving violations::

- ◆ Traffic safety classes are available for first offenders and most multiple offenders. And enrollment fees are less than the amounts of the original fines.

- ◆ Original fine amounts remain at face value (without added costs) for 15 days beyond the court date, providing offenders ample time to pay, thereby avoiding penalty altogether.

- ◆ In cases involving poverty, the courts provide an installment pay plan.

Despite those accommodating options -- not to mention the fact that many minor offenses can be nullified for a small service fee and most fines can be paid by mail -- almost 45,000 unpaid moving violations found their way to the warrant office during the past fiscal year ending June 30.

Throw in another 40,000 unpaid parking tickets and you get a pretty good idea of why the warrant division is necessary.

Generally, the office is able to locate about 50 percent of the tardy offenders. That doesn't always bring successful conclusion immediately, but record checks often produce a place of employment and information on whether the offender owns clear title to property that can be seized to help satisfy the debt.

In cases where employment can be verified, garnishment procedures

are instituted, Cartwright explained. More than 3,350 such executions were issued during the last 12-month reporting period.

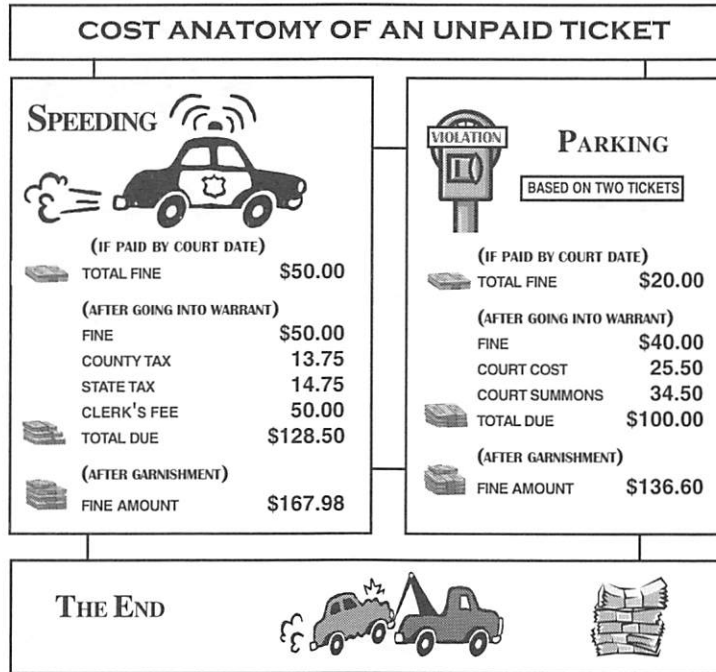
Property levy action is normally a no-win situation, Cartwright said, because clear titled vehicles usually turn out to be junkers of little value. Property encumbered by lien holders cannot be seized, he noted.

If the warrant office fails to bring closure within a 10-year period, the tickets are retired and the local government can no longer collect the fines. Some 2,000 dormant tickets are subjected to this disposition each year.

Neither can Metro collect outstanding fines when a defendant files for personal bankruptcy.

But it should be noted that the responsible party doesn't get off the hook -- either through ticket retirement or bankruptcy. That is, unless he or she elects to never drive a vehicle again. For waiting for them in the wings is the Tennessee Department of Safety.

A person's drivers license is automatically suspended when traffic fines are ignored for a certain period of time. And reinstatement is granted only after an applicant makes full restitution, plus the payment of a rather healthy reinstatement fee.



## DATA BANK

Statistics compiled for the month of July

### CASE INFORMATION

#### Circuit Court

New Civil Cases Filed .....	336
Civil Cases Concluded .....	354
New Divorce Cases Filed .....	313
Divorce Cases Concluded .....	291

#### General Sessions Civil

New Cases Filed .....	3,510
Executions Issued .....	3,000
Judgments Collected .....	\$557,258
Orders of Protection Petitions .....	215

#### Probate Court

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

#### Traffic Violations

Moving Citations .....	22,846
Parking Violations .....	9,429
Total Fines Collected .....	\$328,727
Nullifications .....	2,209
Nullification Fees Collected .....	\$19,881

### JURY TRIAL VERDICTS

#### Week of July 7

Case	Type	Court	Verdict
96C-750	GSA Auto	2nd	Defendant
96C-4379	GSA Auto	1st (P)	\$2,500
96C-1422	Auto Accident	5th (P)	\$18,000
93C-2650	Auto Accident	6th	Mistrial
93C-487	Auto Accident	5th (P)	\$9,500
95C-189	Dental Malpractice	2nd (P)	\$45,000

#### Week of July 14

Case	Type	Court	Verdict
89C-2995	Slip/Fall	1st (P)	\$105,600
95C-1289	Personal Injury	3rd (P)	\$8,750
95C-946	Auto Accident	6th (P)	\$22,000
94C-2963	Auto Accident	2nd (P)	\$25,529
96C-903	Contract	5th (P)	\$12,500
95C-3076	Auto Accident	Crim. 1 (P)	\$17,178
96C-715	Auto Accident	3rd (P)	\$20,000
96C-124	Auto Accident	1st	Hung Jury

#### Week of July 28

Case	Type	Court	Verdict
94C-3884	Auto Accident	5th (P)	\$3,300
95C-3163	Auto Accident	3rd (P)	\$3,000
95C-2501	Auto Accident	1st (P)	\$2,000
96C-1931	GSA/Auto	1st (P)	\$20,000
96C-1575	Auto Accident	2nd (P)	\$10,000

# Rooker 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

## September Birthdays

Traffic Violations Bureau	
5 Annette Wheeler	21 Tony Eden
11 Bill Cartwright	22 Elaine Howell
15 Dickey Fuqua	27 Leslie Allumbaugh
20 Nancy Capps	Don Rosso
Anita Stewart	28 Elizabeth Harris

General Sessions	Probate
1 Mary Dobbins	5 Anita Riggan
14 Jim Rusley	18 Bob Bradshaw Jr.
21 Stephanie Phillips	Ricky Deatherage

Circuit Court Clerk	
3 Annecia Donigan	23 Candy Rucker
18 Diane Tucker	29 Betty Thompson

## Cheers...

◆ Traffic bureau cashier **Candace Grisham** experienced two "firsts" during the month of July and it looks like one of them will turn out to be everlasting. In case you missed it in the daily sports section, Candace was surprised with a marriage proposal during halftime ceremonies of a July 25 Nashville Kats arena football game. Thinking she had a chance to win a television set, a blindfolded Candace was led to center field and told to try to find the TV. But when the blindfold was removed, there was beau **John Benbow** waiting on bended knee with a ring and a wedding proposal. She accepted both, but she was not accepted to serve on a case the following week when she reported for her first tour of jury duty.

◆ Nashville attorney **John Kitch** received recognition last month from the American Bar Association, which selected him as "solo practitioner of the year." Kitch trekked to San Francisco to pick up the award during the association's annual meeting. He joins fellow Nashville lawyers **Al Knight** and **Riney Green** in receiving national recognition during the past year.

◆ Second Circuit docket clerk **Barbara Eddings** has that maternal smile again. She and hubby **David Eddings** became grandparents for the ninth time on July 22 when daughter **Michelle Layne** gave birth to **David Joseph Layne II**, an 8-pound, 10-ounce bundle. Pappa **Daniel Layne** taped out the couple's second child at 21 inches.

◆ Metro Property Appraiser **Jo Ann North** used her inaugural in-house newsletter "North News" to announce the promotion of **George (Buddy) Rooker Jr.**, a 16-year veteran of the office. Rooker, brother of Circuit Court Clerk **Richard Rooker**, was elevated to manager of assessments, succeeding **Steve Nichol**, who retired earlier this year after 35 years service.

## ...Tears

◆ Retired U.S. Supreme Court Justice **William J. Brennan**, 91, passed away in Virginia on July 24 after sustaining a broken hip. During his 34-year tenure on the bench, he wrote more than 1,200 opinions, including the "one-person, one-vote" principle of political reapportionment, a case that originated in Tennessee. We salute his outstanding judicial career.

◆ Condolences to traffic warrant officer **Bobby Sory** in the passing of his grandfather, **Robin Eugene Biles**. Mr. Biles was 89 and the father-in-law of General Sessions court officer **Opie Sory**.

◆ Our sympathy also goes out to traffic bureau clerk **Teresa Johnson** and brother **Randy Bryant** of the Justice Information Systems in the death of their grandmother, Mrs. **Nellie Long**, who passed away on Aug. 1 in Birmingham at the age of 100. She was a native of Jackson, Tennessee.