

# Rooker Report

October 1997

Published by the Davidson County Circuit Court Clerk's Office

Vol.5, No. 9

## Traffic School Program In Nation's High Beams



### COURTS, POLICE DEPARTMENT TAKE DRIVER'S ED TO PUBLIC CLASSROOMS

The Metro driver training center is going places it has never gone before!

With Dr. Margaret (Peggy) Reynolds behind the wheel, one important phase of the General Sessions Court's alternative traffic program has found its way into the county's public classrooms while another has been singled out for a national award for training achievement.

On October 25, Reynolds, director of Metro's DUI School & Safety Center, will travel to Chicago to pick up the National Safety Council's award for "best performance" in training achievement as a result of the center's 1996 accomplishments in the defensive driving DDC-8 program.

The award is presented annually to the program showing the highest percentage of increase over the previous year. Reynolds and her staff recorded a whopping 93 percent increase, training 1,550 traffic offenders compared with 801 the previous calendar year.

The sharp increase was attributed in part to the ten-fold hike (to \$500) in mandatory fines for repeat offenders, dramatically upping enrollment requests. But the program's census began its rise four months earlier when 146 "students" were assigned to the March class -- more than twice as many as the norm to that point. The highest single-month enrollment during the year was in August when 215 completed the course.

By the end of 1996, instructors had accumulated 12,392 hours of class instruction.

The DDC-8 program is an intense eight-hour course, emphasizing prevention of traffic deaths and injuries while incorporating elements of the safety center's four-hour course, which teaches the importance of safety restraints, speeding, DUI, and other common traffic offenses.



The courts have long contended that safe driving habits are best nurtured through early education. But because Tennessee does not include driver's education as a mandatory curriculum in the schools, finding a way of formulating that premise has been an arduous trip down a bumpy road chocked with dead ends.

For five years, Reynolds searched for ways to make her school's DDC-4 program available to Metro's 43 public high schools. There were roadblocks at every turn -- budgetary, personnel, scheduling, school board regulations -- but she never cried uncle.

Reynolds figured that if a person beats the drum long enough, somebody is going to hear it. She was right.

Reynolds' plan caught the ear of Pam White, director of the Nashville Prevention Partnership, who arranged a meeting with Assis-



**Dr. Peggy Reynolds**

*...to accept national award*

tant Police Chief Charles Smith, an advocate of placing police officers in a classroom setting.

Smith's idea was predicated on the belief that police resource officers already assigned to the schools for security reasons could also be utilized for teaching purposes.

White thought the two ideas were not only plausible but also compatible. So did Jo Ann Pullus of the Chamber of Commerce, who threw her support behind the concept.

With both a proven program and the manpower to pull it off, the school board also was receptive, receiving acknowledgment from Dr. Geraldine Farmer that the course qualified under the state-mandated lifetime wellness curriculum, which incorporates personal safety and substance abuse as criteria.

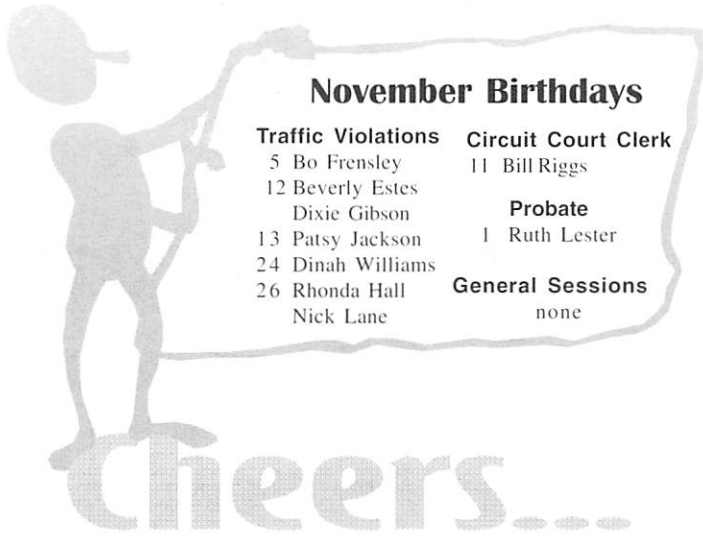
With modifications that included certification for instructors, addition of the youth-oriented "Alive at 25" program and supplemental funding from fines paid through the court clerk's office by DUI offenders, driver education made its debut in the county's school system on a limited basis last October and has now reached full implementation.

In addition to the police department's resource officers, graduate students from Peabody College will be phased in as instructors following training certification. Their salaries will be paid from DUI fines, Reynolds said.

The combined courses -- DDC-4 and Alive at 25 -- will be administered primarily to ninth and tenth graders, Reynolds said, but will also be available to higher grade students on an elective basis. "Ideally, the program will provide training to students before they apply for their drivers licenses," she said.

The Alive at 25 program, which became a certified course for persons between the ages of 16-24 only last year, provided certification to 335 school students during a three-month time frame. It now becomes a fundamental part of the mandatory four-class, four-hour training curriculum.

Reynolds said student certification through the program was no guarantee of immediate insurance rate discounts, but the residual benefits should save something much more valuable than money -- human lives.



**November Birthdays**

<b>Traffic Violations</b>	<b>Circuit Court Clerk</b>
5 Bo Frensley	11 Bill Riggs
12 Beverly Estes Dixie Gibson	<b>Probate</b>
13 Patsy Jackson	1 Ruth Lester
24 Dinah Williams	<b>General Sessions</b>
26 Rhonda Hall Nick Lane	none

Cheers...

Like the little rabbit of television commercial fame, **Elizabeth Harris** just keeps on going...and going...and going. And she doesn't plan on stopping anytime soon. The spunky ball of inspiration affectionately known as "Granny," kicked off her 38th year with the Traffic Violations Bureau this month. And she did it with the same energetic fervor that marked her beginning back in 1960. She continues to amaze her co-workers, most of whom weren't even born when she started her secretarial job with the bureau.

◆ **Gerry Searcy**, a popular fixture in the criminal court clerk's office for almost 29 years, doesn't share Granny's philosophy. She says she isn't ready to hit the rocking chair by any means, but she plans a change of scenery at the end of this month. Now that she has earned a college degree (she graduated from Tennessee State University in August) she will trade her clerking desk for one in the classroom as a substitute teacher. Could it be a mere coincidence that Gerry joined the clerk's office on April Fool's Day (1969) and is leaving on Halloween?

◆ Our own **Clay Hardin** and **Mary (Dobbins) Barnhill** also departed this month. Hardin, a deputy clerk in our circuit court office for the past six years, accepted a position with Ingram Entertainment as a computer technician. Mary, a deputy clerk in our general sessions civil division, resigned when her new husband **Henry Barnhill** accepted a job in another state.

◆ We are pleased to report that employees **Penny Hubbell** and **Betty Thompson** are both doing fine following recent surgical procedures. Penny, a cashier in our circuit office, underwent back surgery on Oct. 1 and is recuperating at home. Ditto for Betty, who expects to return to our child support division sometime next month. She can compare notes with fellow office worker **Cathy Cook**, who is back on the job after having emergency surgery. Also back after an extended illness is **Lee Millsap**, information clerk for the Traffic Violations Bureau.

◆ General Sessions judges have beefed up security during potential volatile trial periods in the Ben West Building. Three members of the court security team in the Criminal Justice Center have been assigned to police the sister building on a rotating basis with emphasis on traffic and domestic violence docket calls. **John Rucker**, **Ludye Wallace Jr.** and **Frank Halliburton** assumed the duties earlier this month.

## ...Tears

◆ We are saddened by the death of Mr. **Harold Hughes**, grandfather-in-law of probate deputy clerk **Kim Clary**. Mr. Hughes, grandfather of Kim's husband **Johnny Clary** and former jury coordinator **Lisa Smith**, passed away on Oct. 2 at Memorial Hospital at the age of 88.

◆ Sympathy also to Traffic Violations Bureau business manager **Phil York** and family in the death of his brother-in-law, **William (Bill) Blake**, 66, who succumbed to cancer this month. Mr. Blake is survived by his wife **Lois York Blake**.

### PROBATE

## Deatherage Promoted To Chief Clerk's Post

### Ruth Lester Assumes New Role

Circuit Court Clerk Richard Rooker has announced the promotions of two key members of the Probate Court Clerk's staff, effective this month.

Ricky Deatherage, a deputy clerk in the office since 1986, has been elevated to chief clerk, succeeding Ruth Lester, who has been named assistant probate master and special liaison to the court.

Lester has been employed by the office for 24 years, serving as chief clerk since 1992. In her new role, she will continue to serve as daily docket clerk and will assist Probate Master Bob Bradshaw and Judge Frank Clement in addressing concerns of attorneys and litigants.

As chief clerk, Deatherage, 43, will supervise administrative functions and day-to-day operations of the office.

In announcing the promotions, Rooker praised the service of both clerks, citing their dedication to friendly, efficient customer service and their broad knowledge of state laws governing probate matters.



RICKY DEATHERAGE



RUTH LESTER

## Garrett Certified As Administrator



MIKE GARRETT

Mike Garrett, systems analyst/technician for the circuit court clerk's computer operations, received certification as a public administrator this month.

Garrett, 28, joined five other members of Circuit Court Clerk Richard Rooker's staff who have completed the 115-hour University of Tennessee certification program in recent years.

Garrett, who joined the clerk's staff in 1990, was among a class of government officials completing the three-level program at Henry Horton State Park. He will be required to take 12 hours on continued training annually to retain his certification.

The certification program, which began only seven years ago, is administered by the UT Center for Government Training to promote increased efficiency of government through professional development.

Other Rooker employees who have completed the program are chief clerk Jeff Filson and Gay Parker, both of the General Sessions Civil Division; chief circuit court clerk Karen Rooker and deputy circuit clerk Carol Cullom; and former administrative assistant Carole Garrett.

### *Ruben: 'Thank you for your prayers'*

General Sessions Judge Leon Ruben, as promised, returned to the bench two weeks after surgery for removal of a cyst from one of his kidneys.

"I am extremely humbled by the tremendous response from my many friends," he said. "I want to thank everyone for their prayers, their cards and their phone calls. I am most appreciative of each and every one."

Ruben emphasized that "everything is fine" following the operation.

### IS THAT LEGAL?

The young law student was caught off guard when his professor asked him to define *Roe vs. Wade*.

Hesitating momentarily, the student cautiously responded:

"Two ways to cross a river?"

# PHOTO EXHIBIT

*Kennedy turns borrowed idea into artistic bonus for jurors*

When Cheryl Kennedy became jury coordinator earlier this year, she found herself occupying space inside a brand new state-of-the-art assembly room, replete with amenities and modern decor.

Without question, the expansive ground floor facility provided an elegance that set it apart from other accommodations in the majestic, but aging, courthouse. From the ornate brass trim on the massive double doors to the rows of paisley patterned cloth seats, the room mirrored an ambiance of both comfort and practicality.

Yet, Kennedy's feminine instincts told her that something was missing; that, despite an opulence never previously enjoyed by citizens serving their civic duty, a final touch was needed to achieve the perfect nuance.

How nice it would be, she thought, if there were pictures to occupy the long stretches of barren wall space. But such an endeavor would be cost prohibitive for a project that already had consumed half-a-million dollars.

What was needed, she concluded, was a way to decorate the walls for free to the mutual benefit of someone needing a forum for their talent, a concept often utilized by other departments of government.

**Enter Photographer Joan McGee**

She didn't have far to look. Such a person would be found right in her own neighborhood -- her friend Joan McGee, an accomplished amateur photographer who had spent a decade compiling an ideal showcase collection.

"Seasons of Tennessee" opened earlier this month to an appreciative audience of petit jurors who appeared as impressed with the framed prints as the overall magnificence of the new quarters.

Justifiably so. For they are the essence of the room, collectively reflecting the glorious fashions of nature, pictorially captured during wardrobe changes.

From the subtle whiteness of a snow-covered farm building to the brilliant hues of a flower-laden bluff, McGee's trained eye has seized upon God's color palette with amazing reproductive skills, often zoning in to exploit a single leaf in artistic splendor; or to capture the facial expressions of two chipmunks sharing munchies.

The collection continues in staggered succession throughout the room, 29 strong and each bearing personalized caption that identifies location and McGee's own title interpretation. Another important piece of information is the price for which each print -- or an exact replica -- can be purchased, starting at \$165 and ranging to \$250 for larger size prints. (One bit of information you won't find is the fact that McGee is the wife of prominent criminal attorney Rich McGee.)

But, alas, the exhibit is not permanent. Kennedy says the prints will be on display only until the Christmas holidays, to be followed by other works of artistic impression yet to be determined.

Borrowed or not, the "off the wall" idea has now returned to its inspired point of origin. And it never looked better.



KENNEDY

## JUDGES TACKLE DOCKET DILEMMA AS PROTECTION REQUESTS HIT RECORD

Requests for orders of protection hit a record high in September, causing General Sessions judges to consider ways of handling the cases on their weekly court docket.

The dilemma: how to accommodate the growing number of cases in a timely manner without adding a second docket and delaying action on temporary petitions.

The reason: changes in the state's criminal statutes extending order of protection eligibility to minors and persons involved in dating relationships -- segments of society previously precluded from the domestic violence remedy generally reserved for family members.

Since the broadening of the law went into effect in July, requests for protection orders have steadily increased, hitting a high point of 226 during the month of September. With only one day set aside for hearings on those petitions, both judges and litigants are becoming weary from time spent in the courtroom.

Judge Leon Ruben has provided his own remedy for the weeks he presides over the order of protection docket. But his eight fellow judges have not chosen to follow his lead.

Ruben divides the week's caseload into two separate dockets, one on Tuesday and another on Thursday. Temporary orders issued before the previous Friday cutoff time are distributed to the two dockets and case principles are notified as to which day they should appear.

But, while uniformity is the rule rather than the exception, each judge has the prerogative of employing his or her own operating methods. And, thus far, none of the other eight has elected to devote two days to hearing orders of protection.

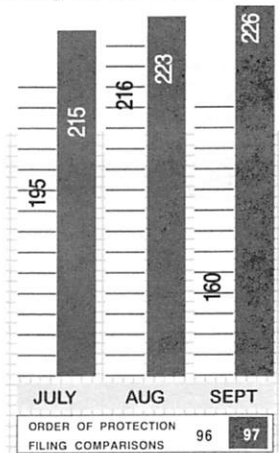
Which answers the question: how did the judges decide to handle the growing number of cases?

The vote to continue with a single weekly docket was unanimous among those judges attending (Ruben was on medical leave). But the finality of that decision could be as temporary as the petitions themselves if the caseloads continue to bulge.

Having already topped the 50-case per week mark, the physical and mental strain of hearing even more cases in a single setting could make the judges rethink their position. If so, there appears to be a number of options available.

Since there is no legal time limit on the effectiveness of temporary orders of protection, hearings to determine permanent application could be prolonged to accommodate alternative scheduling by the court. That is an option not deemed desirable by the judges because of the sensitive nature of the cases. With the fear of physical harm causing consternation to victims, the courts place high priority on expediently invoking stern legal restraints against abusers. Face to face confrontation with authority has proven to be more effective than papers delivered by a messenger.

Other forms of creative scheduling might also be considered should the incidence of domestic violence continue to expose itself in a fashion commensurate with the county's overall crime rate. But for now, judges appear determined to meet the problem head-on until relief comes in the form of two additional courts a year from now.



## # \$ DATA BANK

Statistics compiled for the month of September

### CASE INFORMATION

#### Circuit Court

New Civil Cases Filed.....	299
Civil Cases Concluded.....	398
New Divorce Cases Filed.....	287
Divorce Cases Concluded.....	357

#### General Sessions Civil

New Cases Filed.....	2,783
Executions Issued.....	2,793
Judgments Collected.....	\$620,220
Orders of Protection Petitions.....	226

#### Probate Court

New Cases Filed.....	139
Cases Closed.....	127

#### Traffic Violations

Moving Citations.....	21,668
Parking Violations.....	10,765
Total Fines Collected.....	\$335,962
Nullifications.....	2,207
Nullification Fees Collected.....	\$19,863

### JURY TRIAL VERDICTS

#### Week of September 8

Case	Type	Court	Verdict
94C-37	Auto Accident	1st (P)	\$20,000
95C-25	Auto Accident	5th	Defendant
96C-795	Auto Accident	2nd	Defendant

#### Week of September 15

Case	Type	Court	Verdict
96C-1582	Auto Accident	1st (X-P)	\$4,000
89C-208	Medical Malpractice	2nd	Defendant
96C-4068	Auto Accident	5th (P)	\$6,000
95C-2046	Auto Accident	6th (P)	\$4,222
95C-2046	Auto Accident	6th (X-P)	\$3,157
94C-1905	Auto Accident	5th (P)	\$35,000
96C-2530	Assault	1st	Defendant

#### Week of September 22

Case	Type	Court	Verdict
95C-3962	Auto Accident	6th (P)	\$16,500
94C-339	Auto Accident	3rd	Defendant
96C-848	Auto Accident	5th (P)	\$15,000
94C-712	Personal Injury	1st (P)	\$8,308
94C-198	F.E.L.A.	6th (P)	\$172,500

P-Plaintiff X-P--Counter Plaintiff

# Rooker Report

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

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

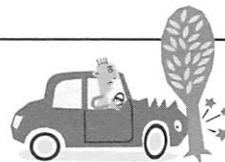
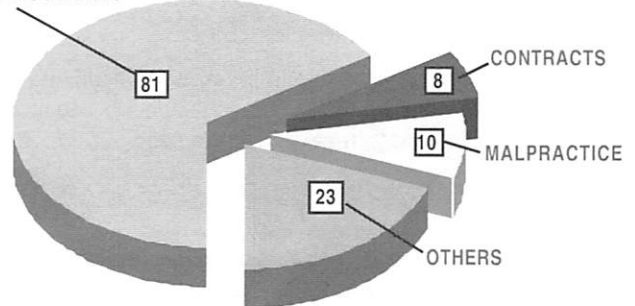
Richard R. Rooker ..... Circuit Court Clerk  
Gene Baker ..... Editor

# TRENDS

## Jury Trials by Classification

(JANUARY THROUGH SEPTEMBER COMPOSITE)

### AUTO ACCIDENTS



### AUTO ACCIDENTS

PLAINTIFFS 58  
DEFENDANTS 19

RATIO: PLAINTIFFS 3.1-1

### MONTH-BY-MONTH

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	7	5	1	1
FEBRUARY	12	9	3	0
MARCH	8	7	1	0
APRIL	7	4	3	0
MAY	9	6	3	0
JUNE	8	6	2	0
JULY	12	9	1	2
AUGUST	7	4	2	1
SEPTEMBER	11	8	3	0

### JURY AWARDS

MONTH	TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	1,629,264	21,500-404,882	48,500
FEBRUARY	49,330	0-15,000	4,904
MARCH	91,219	0-25,000	13,244
APRIL	129,700	1,200-113,000	7,750
MAY	52,502	470-22,500	7,383
JUNE	356,685	44-300,000	14,160
JULY	153,007	2,000-25,529	11,719
AUGUST	218,523	848-150,000	33,837
SEPTEMBER	103,879	3,157-35,000	10,953

### \*GENERAL SESSIONS APPEALS

YEAR TO DATE	TOTALS	PLAINTIFF	DEFENDANT	NONE
	9	6	3	0

RATIO: 2-1 PLAINTIFF

\*INCLUDED IN ABOVE TRIAL TOTALS

### THE OTHERS



CONTRACTS  
8

PLAINTIFFS 6  
DEFENDANTS 2

RATIO: PLAINTIFFS 3-1

### TOTAL AWARDS

YEAR TO DATE: \$59,178

DOLLAR RANGE: 850-19,380  
MEAN: \$8,816

### MALPRACTICE

10

PLAINTIFFS 2  
DEFENDANTS 5

RATIO: DEFENDANTS 2.5-1



### MISCELLANEOUS

23

PLAINTIFFS 9  
DEFENDANTS 10

RATIO: DEFENDANTS 1.1-1