

ROOKER REPORT

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STAHLMAN DUE ELEVATOR RENOVATION

Tenants of the multi-purpose Stahlman Building will soon be getting a lift. Literally.

It was confirmed this month that funding has been obtained for improvements to the building's four dysfunctional elevators.

Special projects director Marlin Keel of the Department of General Services said contract negotiations are underway for design and construction of the improvements.

"As soon as we get the contract executed," Keel said, "we will begin a thorough and quick evaluation of the work to be done...the design of that work and immediate construction of the improvements."

Although a final cost estimate has not been announced, General Services Director Sam McPherson said \$370,000 has been budgeted for the first phase of the project. The renovation contract is being negotiated with the

combined firms of Gobbell Hayes Partners and Automatic Elevator.

No target date for completion of the project was announced.

A number of government agencies reside in the 12-story building, as well as private law firms and other enterprises.

Because it is one of the oldest structures owned by Metro Government, the present elevators have become antiquated, unreliable and often deemed unsafe. The general public and tenants alike often are required to climb several flights of stairs to conduct business.

One of the building's newest tenants is the General Sessions Civil Court and clerk's office, which celebrated its first anniversary there this month. The court operations accommodate large volumes of people daily. But because it is located on the second floor, it is more easily accessible by stairs than other offices, such as the Public Defender on the 12th floor.

CHILD SUPPORT

CONFUSION, FRUSTRATION

MARK STATE TAKEOVER

EDITOR'S NOTE: On Oct. 1, the Tennessee Department of Human Services assumed collection and distribution of all state child support payments made through wage assignment and those cases involving state-assisted funding. The new system removed approximately 75 percent of the total child support caseload from the Circuit Court Clerk's office, which last year disbursed more than \$20 million to custodial parents. Over the next few months, this publication will report on the effectiveness of the new system and the reactions of the principals involved. Following is our first installment.

The state took over collection and distribution of most child support payments this month and it hasn't been a pretty sight.

So far, anything that can go wrong, has.

◆ Payments to many custodial parents have not been arriving on schedule, while others are being misdirected.

◆ Frustrated mothers are unable to get answers from the state's help line and are being referred back to the Circuit Court Clerk's office, which formerly handled their accounts.

◆ A number of employers have not been notified of the address change for mailing wage assignment checks, causing further delays in redistribution of payments to dependent children.

And the list goes on.

"It's just one big mess," says Jeff Parkinson, who oversees child support collection for the Circuit Court Clerk's office. "We can only hope it will improve as time goes by."

In the meantime, Parkinson said, he will continue to be as helpful as possible to parents who call the clerk's office out of frustration, seeking answers to their dilemma. To this point, those calls have numbered in the hundreds daily.

"Many of the phone inquiries," Parkinson noted, "are from mothers who have received their payments from this office on a regular schedule for years. They always knew the exact day their checks would arrive and they planned their budgets accordingly."

SEE CHILD SUPPORT, PAGE 2



METER TAX

EXTRA \$1 TO Aid POOR DEFENDANTS

As though parking meter violations were not taxing enough already, the state has now tacked on another buck.

But if you have compassion for the poor, you probably won't mind. The extra money will be used exclusively to finance civil legal representation for the state's destitute litigants.

A similar litigation tax in certain criminal cases will help fund legal representation for penniless defendants in that category.

This story focuses on the civil side and the problems resulting from poor communications between state lawmakers and the local court system.

Without inviting input from local administrators, the last general assembly approved a \$1 tax assessment on all parking meter citations written throughout the state. Municipalities charged with collecting such taxes were not notified of the new law in time to prepare for its implementation by the July 23 effective date.

In Davidson County the collection burden falls upon Circuit Court Clerk Richard Rooker, who said his office wasn't notified of the new tax until early July, shortly after 100,000 tickets had been printed and some 5,000 dispensed to traffic officers.

SEE METER TAX, PAGE 2

CHILD SUPPORT: A HECTIC BEGINNING FOR THE STATE

(FROM PAGE 1)

"Now, they are finding themselves having to deal with the state (Department of Human Services) and their routines have been altered to the point of creating hardship situations in many instances."

Although the state has spent the past three years gearing up for the takeover, the new system is fraught with drawbacks, one of which appears to be a lack of personnel training, Parkinson asserted.

"When people call our office complaining of not receiving their checks," he said, "we explain the new procedure and refer them to the state. But the state keeps referring them back to us. So, the state's people obviously are ill equipped to answer their questions."

There are many examples of the system's breakdown.

One lady, after learning her checks were no longer being handled by the clerk's office, claimed she called the state every 10 minutes from 9:30 a.m. to 2:30 p.m., but "never got to talk to a single person." She wept as she recounted her frustration.

In another case, a woman who had custody of her nephew and received

support payments from both the child's parents through the courts, was surprised when the check she received from the state was made out to the mother, who had made the payment. When the aunt reported the discrepancy to the state, she was told the records could not be changed.

In an effort to be helpful, Parkinson explained that wage assignment checks that continue to arrive at the clerk's office by mistake are being posted and forwarded directly to the state. During the first week alone, some 1,500 such payments were logged.

"We are transferring the files overnight," said Parkinson. "They are supposed to be processed overnight and checks sent out the next day. So far, that's not happening."

The system is designed for support payments to first be received by a central collection unit, which deposits the funds into a state account for next-day distribution, providing a paper trail record of the transactions.

However, since neither the state nor the central collection unit was required to pick up historical payment records on all of the affected cases, no one office has a complete record of the cases, Parkinson concluded.

METER TAX

OVERTIME PARKERS HIT WITH EXTRA \$1 LIT FEE

(FROM PAGE 1)

Had a more reasonable warning been given, he said, the tax information could have been printed on the tickets without additional expense.

Consequently, he said, stick-on labels had to be purchased for the remaining 95,000 tickets to reflect the state tax on the fine schedule appearing on the citations.

Presently, employees of the Traffic Violations Bureau are taking time out from their regular job duties to tediously place the labels on the tickets.

Chief traffic clerk Bill Cartwright said the expense of printing the labels and the time-consuming project of adding them to the existing tickets were not the only hardships resulting from the late notification of the new tax.

"We had to reprogram our computerized cash registers to incorporate the new tax, as well as our validators," Cartwright said. "Then, there was the headache of explaining the tax to people appearing at our cashier windows, because the fine schedule said one thing and we were charging them something else."

A posted notice explaining the new tax eased the situation, he said, adding that most people have been accepting the additional fee without fanfare since the office began collecting the tax on Sept. 13.

The tax is applicable to all parking meter citations written after July 23, but since the majority of parking tickets are paid by mail, the state will miss out on revenue from that segment.

"It's not economically feasible to write letters and pay postage just to collect a dollar," said Cartwright, noting that mail-in payment amounts would be adjusted once the labeled tickets are in circulation.

If you're wondering what the "adjusted" fine amounts are, or will be, here's the breakdown:

Meter expiration violations, \$11, if paid prior to the court date noted on the ticket; \$21 if paid after ticket goes into warrant.

Overtime parking violation, \$16, if paid prior to the court date; \$31 if ticket goes into warrant.

You might want to stock up on quarters.

VETERAN'S DAY OBSERVED ON NOV. 11

Local courts and clerk's offices will pause on Thursday, Nov. 11, to honor those who fought for our country.

Veteran's Day is one of nine national holidays observed by the judiciary each year.

Regular office hours will resume on Friday, Nov. 12.

November Birthdays

Circuit Court Clerk

3 Monica England
11 Bill Riggs

General Sessions

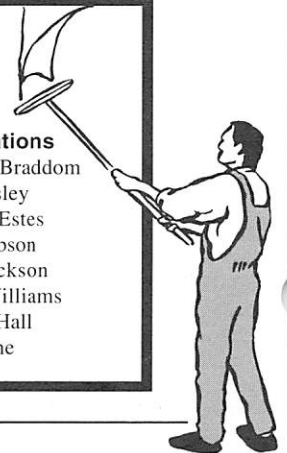
23 Ross Barton

Probate

1 Ruth Lester

Traffic Violations

5 Jennifer Braddom
Bo Frensey
12 Beverly Estes
Dixie Gibson
13 Patsy Jackson
24 Dinah Williams
26 Rhonda Hall
Nick Lane



Cheers...

The stork finally arrived this month for deputy circuit clerk **Deanna Alexander**, bringing her an 8-pound, 9.5-ounce boy on October 13. The delivery was made at Baptist Hospital at 7 p.m., following several hours of waiting. Deanna and husband **Ben** named him **Benjamin Carson Alexander**, but said they would call him Carson to avoid confusing him and his dad. In light of the fact that he was a full-term baby, perhaps we could suggest a "timely" alternative--Big Ben and Baby Ben! Just kidding. Oh yeah, we forgot to mention that Carson hit the tape at 21.5 inches.

• Congratulations also are in order for traffic docket clerk **Vicki Slate** and hubby **John Slate** of the Metro DUI Safety Center. John's daughter **Kristi** presented him with his first grandson on Sept. 29. **Blake Alexander** weighed 7 pounds, 13 ounces and measured 19.5 inches upon his arrival at Baptist Hospital.

• The senior class at Goodpasture Christian Academy got a first-hand look at the justice system in action this month. The classmates attended an order of protection docket in the Ben West Building. Although no hearings were held on that particular day, the proceedings held a special interest for student **Katie Robinson**. That was her dad, Judge **Gale Robinson**, on the bench.

...Tears

Condolences to deputy circuit clerk **Skyla Carnahan** in the recent loss of her grandfather, **William Jeffress**, who passed away in Kansas City, Missouri following a long illness.

JURY TRIAL VERDICTS

APPEALS

GENERAL SESSIONS

Week of September 13

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-2297	AUTO ACCIDENT/ST	1ST	MISTRIAL			
96C-2100	AUTO ACCIDENT/ST	1ST	DEFENDANT			
97C-550	SLIP/FALL	8TH	DEFENDANT			
99A-612	AGGRAVATED ASSAULT	5TH	GUILTY (3 DEFENDANTS)			

Week of September 20

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
97C-2542	AUTO ACCIDENT/ST	8TH (P)	\$2,462	(D-100)		
98C-628	AUTO ACCIDENT	3RD* (P)	\$5,789			
97C-3323	AUTO ACCIDENT/ST	1ST (P)	\$1,800**	(P-10) (D-90)		

*JURY WAIVED

**PLUS ADDITUR OF \$3,200

NON-JURY TRIAL RESULTS

Week of September 7

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
97C-1875	DAMAGES	1ST (P)	\$10,100			
95C-1990	DAMAGES	1ST (P)	\$5,000			
99C-796	GSA/AUTO ACCIDENT	6TH* (P)	\$18,000		TRANSFERRED	
99C-1182	GSA/AUTO ACCIDENT	5TH (P)	\$3,000		P-\$4,000	DEFENDANT
99C-1130	WORKERS COMPENSATION	1ST (P)	12.5% DISABILITY			
98C-1135	DECLARATORY JUDGMENT	8TH (P)	NO INSURANCE COVERAGE			
98C-3266	DAMAGES	6TH* (P)	\$5,000			
97C-1656	AUTO ACCIDENT	5TH (P)	\$23,000			
99C-800	GSA/CONTRACT	8TH (P)	\$3,985		P-\$2,750	DEFENDANT
96C-1996	CONTRACT	6TH* (P)	\$2,658			
98C-1467	WORKERS COMPENSATION	1ST	DEFENDANT			

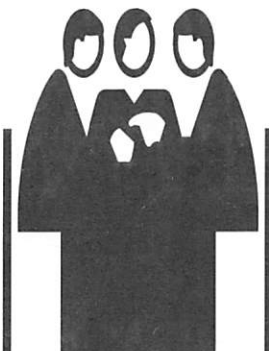
Week of September 27

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-801	GSA/CONTRACT	1ST (P)	\$77,000		P-\$6,793	DEFENDANT
97C-1311	GSA/AUTO ACCIDENT	6TH (CP)	\$1,489		P-\$2,730	DEFENDANT
98C-3542-46	GSA/CONTRACT	8TH (P)	\$3,399		P-\$4,234	DEFENDANT
99C-667	GSA/CONTRACT	3RD*	DEFENDANT			
98C-1295	WRIT OF POSSESSION	6TH	DEFENDANT			
99C-881	GSA/CONTRACT	1ST (P)	13,517		P-\$14,868	DEFENDANT
99C-666	GSA/SLIP/FALL	8TH	DISMISSED		P-\$1,410	DEFENDANT
99C-1179	GSA/CONTRACT	6TH (P)	\$8,151		DEFENDANT	PLAINTIFF
98C-2121	AUTO ACCIDENT	5TH	UNDER ADVISEMENT			
99C-104	GSA/CONTRACT	1ST* (P)	\$8,361		P-\$8,361	DEFENDANT
98C-1632	TCPA	1ST (P)	\$584			
97C-2154	GSA/CONTRACT	1ST (P)	\$4,768		P-\$4,768	DEFENDANT
96C-3922	WORKERS COMPENSATION	6TH (P)	33 1/3% (LEFT ARM)			

*HEARD BY SPECIAL MASTER MARSH NICHOLS

ABBREVIATIONS:

- P-PLAINTIFF
- D-DEFENDANT
- CP-COUNTER PLAINTIFF
- CD-COUNTER DEFENDANT
- ST-SOFT TISSUE
- GSA-GENERAL SESSIONS APPEAL
- REC-RECOVERY
- TCPA-TENN. CONSUMER PROTECTION ACT



SEPTEMBER SETTLEMENT CONFERENCES

TOTAL CASES CONSIDERED	16
Auto Accidents	6
Contract Dispute	1
Assault/Sexual Battery	1
Negligence	1
Medical Malpractice	3
Denial of Health Benefits	1
Joint Venture Partnership	1
Fire Insurance	1
Slip/Fall	1

DISPOSITIONS

Settled	9
Did not settle	4
Continued	2
Canceled	1
Source:	
Megan Gregory, case coordinator	



CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 74
DEFENDANTS 14

RATIO: PLAINTIFFS 5.4-1

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-JUNE	64	49	15	48	11	5
JULY-AUGUST	23	19	1	19	2	2
SEPTEMBER	10	5	5	7	1	2
YEAR-TO-DATE	97	73	21	74	14	9

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	31,763	681-18,000	13,082
FEBRUARY	48,554	1,000-15,000	8,126
MARCH	66,130	0-44,000	5,532
APRIL	41,266	180-15,000	5,217
MAY	295,961	2,800-198,000	23,990
JUNE	27,122	0-10,000	5,707
JULY	17,343	785-10,000	3,279
AUGUST	90,562	0-27,495	7,882
SEPTEMBER	13,251	1,800-5,789	2,830

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	3,724	N/A	N/A
FEBRUARY	830	N/A	N/A
MARCH	120,286	500-85,000	5,797
APRIL	N/A	N/A	N/A
MAY	28,019	3,634-18,000	6,385
JUNE	N/A	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	3,200	N/A	N/A
SEPTEMBER	45,489	1,489-23,000	10,500

SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	31,763	681-18,000	13,082
FEBRUARY	31,404	1,000-15,000	7,707
MARCH	47,952	452-44,000	3,500
APRIL	25,133	0-8,000	5,711
MAY	228,161	4,000-198,000	13,080
JUNE	13,800	0-10,000	6,900
JULY	6,558	1,500-5058	3,279
AUGUST	75,567	500-15,000	8,581
SEPTEMBER	7,462	1,800-3,200	2,462

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-JUNE	17	15	1	1
JULY-AUGUST	7	5	0	2
SEPTEMBER	2	2	0	0
YEAR-TO-DATE	26	22	1	3

*INCLUDED IN ABOVE TRIAL TOTALS



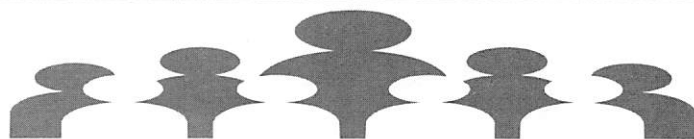
CONTRACTS YTD PLAINTIFFS 49 DEFENDANTS 6 NO VERDICT 5
RATIO: PLAINTIFFS 8-1 TOTAL AWARDS TO DATE: \$1,659,372
AUGUST AWARDS: \$108,322



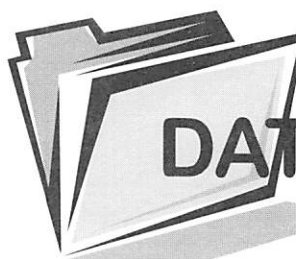
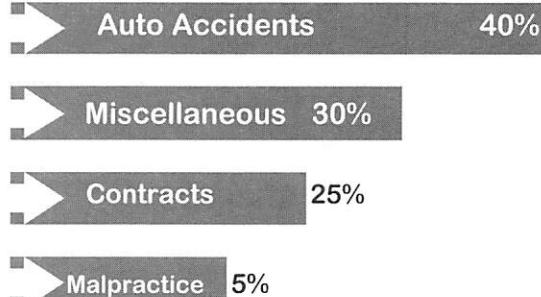
MISCELLANEOUS
74
PLAINTIFFS 47
DEFENDANTS 13
NO VERDICT 14



MALPRACTICE
11
PLAINTIFFS 4
DEFENDANTS 4
NO VERDICT 3



Civil Trials by Classification



DATA BANK

Statistics compiled for the month of September

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	279
CIVIL CASES CONCLUDED	250
NEW DIVORCE CASES FILED	287
DIVORCE CASES CONCLUDED	230

General Sessions Civil

NEW CASES FILED	3,086
EXECUTIONS ISSUED	2,891
GARNISHMENT PAYMENTS	3,753
JUDGMENTS COLLECTED	\$590,967
ORDER OF PROTECTION PETITIONS	168

Probate Court

NEW CASES FILED	135
CASES CLOSED	125

Traffic Violations

MOVING CITATIONS	19,970
PARKING VIOLATIONS	5,848
TOTAL FINES COLLECTED	\$348,331
NULLIFICATIONS	1,985
NULLIFICATION FEES COLLECTED	\$23,148

Rooker Report

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