

# ROOKER REPORT

November 2000

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COURTS, ATTORNEYS PREPARING FOR NEW STATE LAW BENEFITTING CHILDREN OF DIVORCE

## PARENTING PLAN TAKES EFFECT JAN. 1

Tennessee's new law requiring divorcing parents of minor children to attend educational classes and prepare a parenting plan goes into effect on Jan. 1.

The law, precipitated by the success of a two-year pilot program, is intended to prevent disruption of children's emotional growth, health and stability and physical care after marriages have been dissolved.

Each divorcing parent will be required to attend a four-hour educational seminar after filing the complaint and before they are granted a divorce, unless the court excuses them. The course is designed to help the parents to better understand the effects of divorce on their children.

Following the educational course, a parenting plan agreement is established to assign joint responsibility of parenting and to establish a residential schedule.

Because much of the ingrained legal jargon will be replaced with everyday terms, attorneys must adjust to the transition. To help them prepare for that adjustment, the Tennessee Bar Association is conducting a series of seminars across the state, detailing the plan in depth. One of those seminars will be conducted in Nashville on Dec. 1 at the Bell South Auditorium.

Among the speakers on the program will be Second Circuit Court Judge Marietta Shipley, along with Circuit Judge Don Ash of Murfreesboro.



JUDGE ROBINSON



JUDGE SHIPLEY

Judges from Wilson, Williamson and Sumner Counties also will participate.

Judge Shipley hears 25 percent of all divorce cases filed in Davidson County and has compiled statistics showing that a vast majority of parents attending the program claimed it influenced their behavior or attitude toward their children and they would recommend it to others.

While application of the parenting plan will become a legal requirement, judges have the right to establish their own ground rules for applying the program in their courts.

Fourth Circuit Court Judge Muriel Robinson, who presides over 75 percent of divorces filed in the county, has told lawyers practicing in her court that the responsibility of meeting the law's criteria is theirs, "not the judge's."

"The ball is in your court," Robinson told a crowded courtroom of attorneys summoned for a review of the policies she will enforce in her court.

Robinson, an opponent of the parenting plan, said she had no choice but to accept the new law but that she did so "kicking and screaming."

Although the parenting plan has been adopted in principal, budget woes prevented the state legislature from providing funding for indigent parent education, mediation for indigents or the creation of a divorce coordinator for all the judicial districts.

SEE PARENTING, PAGE 2

## A Spunky Trooper Says Goodbye

Jan Yearwood was a resilient lady who continued to bounce back from debilitating health problems long after most people would have conceded defeat.

Her friends and co-workers knew better than to ever count her out. For just when their concern would reach its peak, she would be seen strolling through the courthouse corridors, files in hand, heading for an auditing session.

Except for frailness caused by years of stressful medical tests and setbacks, nothing had appeared to change.

Certainly not her sense of humor.

Chances are, she would stop briefly to joke about her latest episode with her doctors, making light of their expertise and diverting the conversation to some other, nonsensical topic.

That was her style.

Her wry sense of humor became supplemental medication for a deteriorating genetic heart condition that intensified about four years ago when a virus attacked her heart, requiring mega doses of antibiotics.

She would return to work only to suffer a heart attack that left her comatose for five days during a 13-day stay in intensive care.

Open heart surgery would follow in April of last year. Doctors inserted a mechanical valve in her heart, but she continued to have periods of severe

SEE JAN YEARWOOD, PAGE 2



JAN YEARWOOD  
1948-2000

## WISHING YOU A HAPPY THANKSGIVING

As the nation prepares to pause and give thanks for its blessings, the staff of Circuit Court Clerk Richard Rooker extends warmest Thanksgiving greetings to those whom we have had the pleasure of serving during the past year.

No business will be conducted by our offices on Thanksgiving Day or the day after. The offices of circuit court clerk, probate court clerk, general sessions civil division and traffic violations bureau all will re-open on Monday, November 27.



## NORMAN'S DRUG COURT WINS ACHIEVEMENT AWARD

Criminal Court Judge Seth Norman's much acclaimed drug court program has been acknowledged for its excellence in providing alternative rehabilitation for nonviolent felony offenders.

The Nashville Drug Court Support Foundation, a nonprofit entity established by Norman to provide financial support for the Drug Court Residential Center, was the recipient of a Frist Foundation achievement award earlier this month.

The first place finish in the foundation's "Innovation in Action" category earned Norman's program a \$15,000 cash prize. Two other Middle Tennessee finalists--CASA (Court Appointed Special Advocates) and Saint Thomas Health Services--were awarded \$5,000 each for second and third place

## CHEERS...

There have been a number of retirements from the courthouse work force in recent months, bringing on a new generation of faces that will someday become just as familiar to patrons as those who served before them. In announcing those retirements in this column, we do not cheer their departure but their many years of dedicated service. Such is the case of **William (Bill) Moore Jr.**, who for more than 18 years was a key player in the accounting department of the Criminal Court Clerk's Office. It was fitting that several of his co-workers who retired before him made a point to attend his retirement party in the jury assembly room on Nov. 9. Among them was longtime sidekick **Jimmy King**, who continues to work a couple of days a week and recently celebrated his 50th year of marriage to wife **Grace**. Other oldtimers also were there, along with present day co-workers, to wish Bill and wife **Carolyn** the best of luck in their upcoming real estate venture in Port De Mer, Florida. They will be moving there the day after Thanksgiving.

## ...TEARS

Deepest sympathy to **Bessie Fox** of our Traffic Violations Bureau in the death of her brother **Roy Barton** of Lewisburg, who passed away on Oct. 29.

♦ Retired Nashville attorney **William Hamilton Woods**, 84, passed away on Nov. 2. He practiced law with the firm **Goodpasture, Carpenter and Woods** and later joined the firm of **Trabue, Sturdivant and Dewitt**. He was a past president of the Nashville Bar Association.

♦ Retired Tennessee Court of Appeals judge **L. Kirby Matherne**, 80, passed away on Nov. 7 at a hospital in Brownsville, where he practiced law before serving on the appellate court from 1968-1978.

## JAN YEARWOOD: A SPUNKY TROOPER SAYS GOODBYE

(FROM PAGE 1)

weakness, dizziness and nausea. During one of her dizzy spells, she collapsed and fractured her pelvis, leaving her bedridden for several weeks.

Again, she returned to work. But her symptoms continued and she was found to have Addison's disease, a rare malady which affects the adrenal glands.

Steroid treatments would improve her condition and prepare her for yet another surgical procedure--this time the implantation of a defibrillator/pacemaker mechanism to help regulate her erratic heartbeat.

The device would later require adjustments to relieve "shocking" sensations caused by the defibrillator. Because of the damage caused by the virus and the Addison's disease, doctors told her there was nothing else they

could do surgically, that medication would be her last hope.

On Sunday night, October 30, Jan's hope ran out. The end would come in a year in which she would make 18 trips to the hospital emergency room, each one reviving fearful memories of the two times she was shocked back to life in similar situations.

Only 52 years of age, Jan had spent the last ten and a half years as a crackerjack internal auditor for the circuit court clerk, teaming with fellow auditor Sandy Adams to ensure good accounting practices in four departments.

As evidenced by her fortitude, it was a job she loved. Her other love was her husband James Bramlett, who survives.

## LYLE'S COURTROOM FACELIFT WORTHY OF GLOWING TERMS

After three months of operating from a loaned courtroom in the Ben West Building, Chancellor Ellen Hobbs Lyle is back in her permanent, renovated quarters in the courthouse.

And she is pleased with the results.

She described the make-over as being "on budget, on time, traditional and providing quiet, separate work spaces conducive to thoughtful, efficient work..."

The glowing terms aptly befit the first overhaul of the judicial space since the Division III court was created two dozen years ago.

Wedged between two older and larger courtrooms in an area formerly occupied by the Chancery Court Clerk and Masters office, Lyle's courtroom is physically odd-shaped and has long been thermally challenged.

After remodeling, the room has taken on a more traditional configuration and a new cooling and heating unit promises to eliminate temperature discomfort.

The \$110,000 renovation has provided accessibility for people with disabilities, as well as a portable jury box and a smaller, antique judge's bench. New counsel tables, pews and other furnishings are on order to replace those in temporary use.


Lyle applauded the Metro Council for funding the project and thanked General Sessions judges for providing a courtroom and work space during the renovation.

## PARENTING PLAN (From Page 1)

Educational courses are being provided here by the Vanderbilt Mental Health Center and the Exchange Club of Middle Tennessee at a cost of \$35 per parent. The local court system is helping subsidize related expenses for those who cannot afford to pay.

Megan Gregory of the State Trial Court Administrator's Office serves as divorce coordinator under the present arrangement.

The parenting plan is initiated at the time parents of minor children submit divorce filings to the circuit court clerk's office. At that time, parenting plan packages are made available to both parties.



# JURY TRIAL VERDICTS

## ABBREVIATIONS:

<b>P</b>	<b>PLAINTIFF</b>	<b>CP</b>	<b>COUNTER PLAINTIFF</b>
<b>D</b>	<b>DEFENDANT</b>	<b>CD</b>	<b>COUNTER DEFENDANT</b>
<b>ST</b>	<b>SOFT TISSUE</b>	<b>GSA</b>	<b>GENERAL SESSIONS APPEAL</b>
<b>PP</b>	<b>PERMANENT PARTIAL</b>	<b>TCPA</b>	<b>TN. CONSUMER PROTECT ACT</b>

### APPEALS GENERAL SESSIONS

Week of October 2

### CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-2972	DOG BITE	3RD (P)	\$30,000			
98C-3096	FALSE ARREST/BATTERY	5TH	DEFENDANT			
99C-3327	AUTO ACCIDENT/ST	8TH	DEFENDANT			
99C-2920	AUTO ACCIDENT/ST	2ND (P)	\$1,400	ADMITTED		

Week of October 9

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-34	ASSAULT	1ST	DEFENDANT			
98C-1346	MEDICAL MALPRACTICE	2ND	DEFENDANT			
99C-1779	AUTO ACCIDENT	3RD* (P)	\$13,750			
99C-2650	AUTO ACCIDENT	8TH (P)	\$16,000			
99C-1625	AUTO ACCIDENT/ST	6TH	DEFENDANT			
98C-1515	AUTO ACCIDENT	5TH*	DEFENDANT			
98C-1505	GSA/AUTO ACCIDENT	5TH (P)	\$4,990	(P-30) (D-70)	DISMISSED	PLAINTIFF
99C-1222	PROPERTY DAMAGE	8TH (P)	No AWARD			

Week of October 16

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-2919	AUTO ACCIDENT	8TH	DEFENDANT			
96C-137	MEDICAL MALPRACTICE	5TH	DEFENDANT			
98C-1233	AUTO ACCIDENT/ST	3RD*	DEFENDANT			
00C-912	GSA/AUTO ACCIDENT/ST	6TH (P)	\$2,133		P-\$4,800	DEFENDANT

\*JURY WAIVED

## NON-JURY TRIAL RESULTS

### APPEALS

### CIRCUIT COURT

### GENERAL SESSIONS

Week of October 30

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-1750	CONTRACT	5TH (P)	\$6,114			
99C-2393	CONTRACT	8TH	UNDER ADVISEMENT			
99C-2889	WORKERS COMPENSATION	1ST (P)	\$21,630			
00C-1803	GSA/CONTRACT	1ST (P)	CONDITIONAL		DISMISSED	BOTH PARTIES
00C-1379	GSA/AUTO ACCIDENT	8TH (P)	\$3,200		DISMISSED	PLAINTIFF
00C-1381	GSA/POSSESSION WARRANT	5TH (P)	\$29,425		P-\$5,429	DEFENDANT

## December Birthdays

### Circuit Court Clerk

1 Kelly Baltz  
4 Becky Dye

### General Sessions

2 Denise Dill  
25 Marie Anderson  
27 Brenda Osborne  
31 Jackie Knight

### Traffic Violations

11 Connie Murff  
12 Wayne Elrod  
27 Monty Russell  
29 Pat Baxter  
Lori Davis  
31 Don Clunan

### Probate Clerk

29 Tom Brown

# ROOKER REPORT

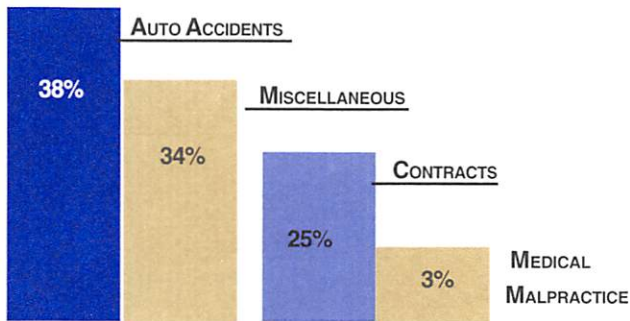
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(Circuit Court Clerk, 1968-1993)

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

# TRENDS

## CIVIL TRIALS By CLASS



## DATA BANK

Statistics compiled for the month of October

### CASE INFORMATION

Circuit Court	
NEW CIVIL CASES FILED .....	252
CIVIL CASES CONCLUDED .....	259
NEW DIVORCE CASES FILED .....	236
DIVORCE CASES CONCLUDED .....	297
General Sessions Civil	
NEW CASES FILED .....	3,257
EXECUTIONS ISSUED .....	3,381
GARNISHMENT PAYMENTS .....	3,755
JUDGMENTS COLLECTED .....	\$612,220
ORDER OF PROTECTION PETITIONS .....	248
Probate Court	
NEW CASES FILED .....	150
CASES CLOSED .....	159
Traffic Violations	
MOVING CITATIONS .....	16,320
PARKING VIOLATIONS .....	9,683
TOTAL FINES COLLECTED .....	\$378,587
NULLIFICATIONS .....	1,694
NULLIFICATION FEES COLLECTED .....	\$20,298



### CASE ANALYSES

#### AUTO ACCIDENTS

PLAINTIFFS 68  
DEFENDANTS 19

RATIO: PLAINTIFFS 3.5-1

#### MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	27	18	9	20	6	1
APRIL-SEPTEMBER	56	46	10	42	8	6
OCTOBER	11	10	1	6	5	0
YEAR TO DATE	94	74	20	68	19	7

#### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	77,000	2,000-60,000	7,500
FEBRUARY	85,0040	1,762-45,000	12,786
MARCH	14,723	1,258-7,500	1,988
APRIL	87,598	448-45,000	21,075
MAY	71,357	200-35,000	4,519
JUNE	105,896	308-61,500	14,696
JULY	149,169	1,498-50,000	12,208
AUGUST	7,860	443-5,305	2,112
SEPTEMBER	137,832	300-103,000	6,906
OCTOBER	38,273	1,400-16,000	6,957

#### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	271,989	1,500-260,000	5,242
FEBRUARY	22,900	1,950-15,000	2,975
MARCH-AUGUST	49,919	N/A	N/A
SEPTEMBER	32,934	14,782-18,152	N/A
OCTOBER	3,200	N/A	N/A

#### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	17,000	2,000-8,000	7,000
FEBRUARY	8,777	1,762-7,015	N/A
MARCH	14,465	1,615-7,500	2,175
APRIL	42,150	3,150-39,000	N/A
MAY	39,696	200-35,000	1,498
JUNE	95,833	308-61,500	17,012
JULY	32,713	1,498-25,473	10,904
AUGUST	5,305	N/A	N/A
SEPTEMBER	133,722	300-103,000	10,140
OCTOBER	3,533	1,400-2,133	N/A

#### \*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	7	7	0	0
APRIL-SEPTEMBER	15	12	1	2
OCTOBER	3	3	0	0
YEAR TO DATE	25	22	1	2

## OTHERS



CONTRACTS YTD 60 PLAINTIFFS 43 DEFENDANTS 5 NO VERDICT 12

OCTOBER AWARDS: \$6,114-- TOTAL AWARDS TO DATE: \$226,780

MISCELLANEOUS	MALPRACTICE
82	7
PLAINTIFFS 48	PLAINTIFFS 1
DEFENDANTS 21	DEFENDANTS 5
NO VERDICT 13	NO VERDICT 1