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January 11, 2008

MEMORANDUM

To: All members of the Rutherford and Cannon County Bar Association
Re: Procedures in the General Sessions Court of Rutherford County

As you know, our local court has struggled with overcrowded dockets and with physical overcrowding in the judicial building for some time now. Under the leadership of Mayor Burgess, the county is examining various options for a new judicial building that will provide a long term solution to the physical problem. Along with others, I have been asked to study these proposals and I am impressed that the project is moving in a positive direction. However, this project, in whatever final form it takes, is several years out.

In the meantime, it is imperative that we take positive steps to deal with the situation that currently exists. This urgency has been spurred on by the local fire marshal's inspection of conditions within the building this week and his directive that steps be taken to alleviate the physical overcrowding in the building. Mayor Burgess assembled all judges, the district attorney, others and me and twice this week we have met to discuss the problem. These meetings have resulted in a "temporary" plan to reduce traffic in the halls of the building. The temporary plan consists of two parts.

1. Persons appearing in general sessions court will be asked to assemble in one of the larger courtrooms on an upper floor for a docket call each morning. As cases are ready for disposition, they will be brought down to the general sessions courtroom for action. Those who practice in sessions court have seen this procedure in place this week.
2. To further address the matter, Judge Loughry and Judge McFarlin announced yesterday that they are putting into place a limit on the number of cases they will permit on the docket each day. The cases will be capped at 150 on days when Judge McFarlin presides and at 200 on days when Judge Lowery presides. This should obviously reduce the numbers of individuals who are in the building. The current docket is preset until late February, so these cap numbers will not be reflected until March or April.

There is a general consensus among the group, although certainly no agreement on the particulars, that further actions are necessary to provide a more permanent solution to the problem. A solution that will carry our system through the foreseeable future is necessary.

Judge Loughry and Judge McFarlin have advised the group that they will consider making fundamental organizational changes in the court's operational procedures to address the situation. (I should point out that Judge Brandon is also a part of this process. The focus however, is on the general sessions criminal docket.)

The group assembled by Mayor Burgess has already discussed some ways in which the procedures might be changed. We are scheduled to meet again on February 24, 2008.

While I have no formal directive to do so, I would like to act as a contact for members of the bar association so that each of you may have input into this matter. Please contact me by email with your comments and suggestions. My email is: gerald.melton@state.tn.us

There have been occasions in the past, when changes have been made in the local courts that have resulted in complaints from members of the bar. I include myself in this observation. The general complaint often centers on the perception that we have not had input into the decision process. In the matter before us, I believe that changes will be made and we have the opportunity for direct participation in the process. I urge each of you to spend some time in deliberation about the matter and to contact me with your thoughts.

For those of you who do not practice criminal law, this matter may also impact you. Any changes that might result in the reallocation of courtroom space or the setting of times for the dockets, among other things, would have an affect on your practice schedule. Accordingly, I also solicit your thoughts.