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Legal notices for court action are under review

by Dave Flessner
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Before some wills or estates are settled or some adoptions or disputes are resolved in Hamilton County Chancery Court, a legal notice of the pending action must be published in the Chattanooga Times Free Press.

The price of that notice goes up by \$50 per ad next week -- the first increase in eight years by the newspaper. The litigants seeking court actions typically pay for such ads, but the price increase has spurred Chancery Court Clerk Lee Akers to consider shifting the notices to a smaller and cheaper newspaper.

Akers said Thursday he has met with the publisher of the Hamilton County Herald to consider a proposal to publish the legally required notices for court actions in the Herald. The Herald prints about 3,500 copies each week, compared with the Times Free Press' audited daily circulation last fall of 73,080 and a Sunday circulation of 101,355.

"We're reviewing our options, and I certainly want to talk with the Chancellors [Frank Brown and Jeff Atherton] about it," Akers said Thursday. "Most of our filing and fees come out of the pockets of the litigants and not the taxpayers, but we do want to try to control the cost of litigation."

Akers said the Times Free Press' widespread circulation helps ensure that more people get alerted to pending actions. But Don Bona, the Little Rock, Ark.-based publisher of the Hamilton County Herald, said since buying the Herald more than a decade ago, he has nearly tripled the number of mailed copies sent out to 3,500 and expanded the size of the Herald.

"Our paper was been a legal newspaper since 1913 so we certainly consider it a good avenue for these ads," Bona said.

Hamilton County Clerk Bill Knowles said he shifted some of the legal notices for County Commission meetings to the Herald a couple of years ago to save money, although he still does some legal advertising in the Times Free Press.

In 2006, the Tennessee attorney general ruled that the Hamilton County Herald did meet the legal standard of being a newspaper of general circulation.

But Jason Taylor, president of the Times Free Press, said advertising in the Times Free Press "better conforms with the intent of the law" to ensure that the public gets notice of pending actions by the court or other elected officials.

"I remain convinced that a publication that only prints a few thousand copies is not adequate notice" in a county of more than 340,000 people, Taylor said. "Our publication is widely distributed throughout the county and region whereas other publications have only a few racks and their readership is not audited or verified."

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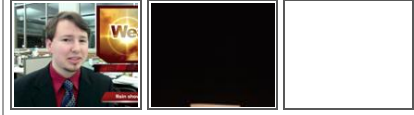
about Dave Flessner...

Dave Flessner is the business editor for the Times Free Press. A journalist for 35 years, Dave has been business editor and projects editor for the Chattanooga Times Free Press, city editor for The Chattanooga Times, business and county reporter for the Chattanooga Times, correspondent for the Lansing State Journal and Ingham County News in Michigan, staff writer for the Hastings Daily Tribune in Nebraska, and news director for WCBN-FM in Michigan. Dave, a native ...

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