



ROOKER

AUGUST 2010

REPORT

A MONTHLY PUBLICATION OF THE DAVIDSON COUNTY CIRCUIT COURT CLERK'S OFFICE

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WANT TO VIDEO CONFERENCE WITH YOUR INMATE CLIENT AT ANY TDOC FACILITY? NOW YOU CAN

As of August 2, 2010, attorneys are now able to communicate with their clients through video conferencing at any Tennessee Department of Correction site. This program is available for attorneys whose clients are TDOC inmates with pending cases in Davidson County. This will help lawyers communicate with their clients without driving to facilities across the state.

Contact Ted Wallace with Davidson County Trial Courts at 880-2558 or 880-1433 to set up your conference. He will need at least 24 hours to set up the meeting and you must complete a form available for download at www.nashvillebar.org. Currently, there are 2 rooms set up for video conferencing in the Justice A.A. Birch Building.

TOWNSEND NAMED NEW TRIAL COURT ADMINISTRATOR

Judge Mark Fishburn, presiding judge for the 20th Judicial District, has announced that Tim Townsend, the Deputy Director of the Administrative Office of the Courts (AOC), will assume the position of Trial Court Administrator for Davidson County effective October 1st. The position has been vacant since the retirement of former trial court administrator Larry Stephenson last May. Townsend brings with him

21 years of experience at the AOC, first as the Fiscal Services Director from 1989 to 2006 and currently as Deputy Director since 2006. As Deputy Director of the AOC, Townsend has valuable experience providing for the administration, oversight and coordination of all internal operations for Tennessee's statewide trial court system, which includes overseeing approximately 80 employees at



TIM TOWNSEND

the AOC and working with approximately 180 trial and appellate judges across the state. In his new role, Townsend's focus will narrow from a statewide perspective to a local perspective. The 20th Judicial District is comprised of only Davidson County and includes 18 separate trial courts: six Criminal Court judges, four Chancellors,

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TOWNSEND

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and eight Circuit Court judges.

As Trial Court Administrator, Townsend will not only act as a liaison on behalf of the judges with the executive and legislative branches of government, but he will also facilitate and manage the administrative functions of the 18 trial courts under the general guidance of the Presiding Judge. These administrative functions are varied and include such things as budget planning and oversight, jury assembly and coordination, community corrections, computer systems and information technology, DUI probation, drug court operations, forensic testing and foreign language interpretive services. To carry out these functions, the office of state trial courts is comprised of a total staff in excess of 170.

Prior to joining the AOC, Townsend worked as a financial and compliance auditor at the Comptroller of the Treasury and also served on the staff of both finance committees in the state legislature as a budget analyst. He also holds a Bachelor of Science degree in accounting from the University of North Alabama.

“Tim has been a valued member of our team for many years and it has truly been an honor and pleasure to work with him,” said Libby Sykes, AOC director. “His commitment to the judiciary is unmatched, which is evidenced by his willingness to continue serving the judiciary by joining the Davidson County trial courts.”

DEPUTY CLERKS SWORN IN AS ROOKER BEGINS 5TH FOUR YEAR TERM AS CIRCUIT COURT CLERK

The voters of Davidson County went to the polls in early August and re-elected Richard R. Rooker to a new term as Circuit Court Clerk. First appointed to the office in 1993 upon the untimely death of his father, George L. Rooker, he has subsequently been elected by the voters to five 4-year terms. Rooker’s new term commenced September 1, 2010.



On August 30, Probate Judge Randy Kennedy swore in the deputy clerks in the Probate Division in the Metro Historic Courthouse (above) and in turn Judge Angelita Dalton, presiding judge of General Sessions Court, swore in the deputy clerks in the General Sessions Civil Division the next day in the Birch Building (below). Similar ceremonies were also held in the Circuit Court Clerk Division and the Traffic Violations Bureau.



DID YOU KNOW ?



90 YEARS AGO THIS MONTH THE EYES OF THE NATION AND THE WORLD WERE ON NASHVILLE

A MOTHER'S LETTER TO HER SON THAT CHANGED THE COURSE OF HISTORY

In the summer of 1920, the passage of the 19th Amendment giving women the right to vote was very much in doubt. Thirty-five states had already ratified the amendment and only one more state legislature had to ratify the amendment for it to become law, but the remaining states were in limbo. When the Delaware legislature unexpectedly defeated the amendment in early June, suffragists pinned their hopes on Tennessee and the battle moved to Nashville in August 1920. A special session of the legislature convened on August 9. The Senate was solidly pro-suffrage and ratified the amendment four days later. The House scheduled a final vote to take place on August 18. In attendance that day was a young legislator from McMinn County, 24 year old Harry Burn. His home county was overwhelmingly anti-suffrage so on the first roll call vote Burn voted against the



FEBB ENSMINGER BURN

amendment and the resulting vote total was a tie - - 48 to 48. Cries immediately rose in the chamber that there had been a miscount of the votes. When order was restored, the clerk of

the House commenced a second roll call vote. In his coat pocket the young legislator, Harry Burn, carried a letter he had received from his mother, Febb Ensminger Burn. In the letter she had urged her son "to be a good boy" and vote for the amendment and for women's suffrage. When Burn realized that his one vote would make the difference as to whether the amendment passed or not, he decided to follow the advice of his mother and he changed his vote to "yes" on the recount. The amendment passed and Tennessee became the 36th state to ratify the amendment and women gained the right to vote - - all thanks to a son taking the advice of his mother.



Harry Burn, 24 year old legislator from McMinn County, greets suffragists on the steps of the State Capitol in August 1920

TENNESSEE SUPREME COURT ESTABLISHES PRO BONO EMERITUS ATTORNEYS PARTICIPATION PROGRAM

LAWYERS ON INACTIVE STATUS WILL NOW BE ABLE TO HELP NEEDY ON PRO BONO BASIS

As one means of meeting the unmet needs of those persons who are unable to afford counsel, the Supreme Court has adopted new Supreme Court Rule 50A, to take effect January 1, 2011. The new rule establishes a program whereby licensed attorneys who are no longer in the "active practice of law" may nonetheless become certified to act as a pro bono emeritus attorney in association with an approved

legal assistance organization. Inactive lawyers who wish to participate must apply to the clerk of the Supreme Court for certification, must carry out their work under the oversight of a supervising attorney, and must comply with annual CLE requirements, but, otherwise, a pro bono emeritus attorney is exempt from the annual registration fee required of all practicing attorneys.

SCENES AROUND THE COURTHOUSE COMPLEX



DAY OR NIGHT

As temperatures remained at record highs for much of August, the fountains at the Metro Historic Courthouse provided cool relief for the young and old alike no matter what time of day.



VIDEO SHOOT

August 18 -- The fountains at Public Square Park served as backdrop for a video shoot for Vanderbilt Children's Hospital.

GAME DAY

August 23 -- Titans fans arrive for a pre-season game under the watchful eye of Metro Police's Mounted Patrol.



OVERVIEW OF CIRCUIT COURT TRIALS BY TYPE OF CASE JULY 2010

AUTO ACCIDENT	JULY	YTD
Total Cases Tried	5	20
Plaintiff Verdicts	5	16
Defendant Verdicts	0	3
Other/Under Adv	0	1
Jury Trials	3	15
Non-Jury Trials	2	5
Appeal from G.S.	2	2
Plaintiff Verd.	2	2
Def. Verdict	0	0
Other/None	0	0



MEDICAL MALPRACTICE	JULY	YTD
Total Cases Tried	0	3
Plaintiff Verdicts	0	0
Defendant Verdicts	0	2
Other/Under Adv	0	1

CONTRACTS	JULY	YTD
Total Cases Tried	3	38
Plaintiff Verdicts	3	31
Defendant Verdicts	0	5
Other/Under Adv	0	2

MISCELLANEOUS	JULY	YTD
Total Cases Tried	9	43
Plaintiff Verdicts	3	26
Defendant Verdicts	5	14
Other/Under Adv	1	3

CIRCUIT COURT TRIAL VERDICTS

USE CASELINK TO ACCESS MORE
DETAILED INFORMATION ABOUT
THESE CASES AND OTHERS



CASES TRIED IN JULY 2010

JURY TRIALS

IF CASE WAS
APPEALED FROM
GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of July 12					
09C-4583	AUTOMOBILE	1	PLAINTIFF \$11,791	P-\$11,791	DEFENDANT
Week of July 19					
08C-423	MALICIOUS PROSECUTION	1	PLAINTIFF \$75K COMP., \$90K PUN.	N/A	
09C-1613	AUTOMOBILE	2	PLAINTIFF \$27,500	N/A	
09C-442	AUTOMOBILE	5	PLAINTIFF \$4,245 - FAULT 50% DEF. & 50% UNIDENTIFIED DRIVER	N/A	

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of July 26					
10C-906	DISPUTE OVER DOG	1	DEFENDANT - PERM. INJUNCTION	DISMISSED	PLAINTIFF
09C-3521	TRAFFIC APPEAL	6	PLAINTIFF, \$50 FINE + COSTS	N/A	
09C-3097	AUTOMOBILE	2	PLAINTIFF \$6,268 + COSTS	DISMISSED	PLAINTIFF
10C-1408	RENTAL PROPERTY	5	DEFENDANT VERDICT	P-\$4,350	DEFENDANT
10C-1529	RENTAL PROPERTY	5	DEFENDANT VERDICT	P-\$2,421	DEFENDANT
06C-1626	AUTOMOBILE/DAMAGES	1	PLAINTIFF \$75,000	N/A	
09C-3600	CONTRACT	2	PLAINTIFF \$20,587	TRANSFERRED	
10C-1354	TRAFFIC APPEAL	6	PLAINTIFF, \$10 FINE + COSTS	N/A	

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
09C-3604	GSA CONTRACT/DEBT	1	PLAINTIFF \$17,150 (G.S. JUDGMENT - P \$17,150 / DEF. APPEALED)	7-7-10	NON-JURY
09C-1208	TRAFFIC APPEAL	5	DEFENDANT / DISMISSED (G.S. JUDGMENT FOR PLAINTIFF / DEF. APPEALED)	7-8-10	NON-JURY
07C-1827	PERSONAL INJURY	5	UNDER ADVISEMENT	7-16-10	NON-JURY
10C-2091	WRIT OF CERTIORARI	2	DENIED / G.S. JUDGMENT AFFIRMED	7-22-10	NON-JURY
09C-1713	FRAUD, CONTRACT	5	PLAINTIFF \$8,031,421	7-26-10	NON-JURY

DEPARTMENTS BY THE NUMBER

CIRCUIT COURT

July 2010

NEW CASES

		YTD
New Civil Cases Filed.....	261	1,498
Jury Demand.....	103	661
Non-Jury.....	158	837
New Divorce Cases Filed	198	1,456
Domestic Petitions Filed	232	1,493
New Adoption Petitions	13	70

CONCLUDED CASES

Civil Cases Concluded.....	230	1,622
Jury Demand.....	122	964
Non-Jury	108	658
Divorce Cases Concluded.....	193	1,305
Domestic Petitions Concluded	424	3,045

PROBATE

July 2010

CASE OVERVIEW

		YTD
Total New Cases Filed	142	1,184
Total Cases Closed	149	1,072

NEW CASE FILINGS BY TYPE

Probate Will	69	550
Probate Will for Muniment of Title.....	6	42
Letters of Administration.....	20	158
Small Estate Affidavits.....	20	167
Conservatorship.....	11	123
Guardianship of Minor.....	1	15
Name Change	6	56
Trust Matters.....	3	16
Other Miscellaneous	6	57

GENERAL SESSIONS

CIVIL

July 2010

NEW CASES

		YTD
Total New Cases Filed	4,204	28,268
Civil Warrants	2,108	15,625
Detainer Warrants	1,212	6,870
Recovery Warrants.....	21	187
Pet for Order of Protection.....	215	1,476
Emergency Committals	506	3,433
Other.....	142	677

MISCELLANEOUS

Executions Issued.....	4,112	30,147
Garnishment Payments	4,018	30,590
Judgments Collected.....	\$803,695	\$6,383,018

TRAFFIC VIOLATIONS

July 2010

NEW MATTERS

		YTD
Total Traffic Violations.....	14,202	99,019
Moving Citations	9,657	71,269
Parking Citations.....	4,545	27,750
Environmental Citations.....	415	2,923

MISCELLANEOUS

Total Fines Collected	\$472,808	\$4,010,404
Nullifications.....	1,072	8,398
Nullification Fees Collected ...	\$12,859	\$100,763
*Credit Card Payments	2,533	21,356

Quotes of the Month

“Nobody outside of a baby carriage or a judge’s chamber believes in an unprejudiced point of view.”

Lillian Hellman, 1905-1984

“Tact is the knack of making a point without making an enemy.”

Sir Isaac Newton, 1642-1727

“Next to knowing when to seize an opportunity, the most important thing in life is to know when to forego an advantage.”

Benjamin Disraeli, 1804-1881

ROOKER REPORT



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If you have a disability and require assistance, please contact 862-5204