



# ROOKER

## OCTOBER 2010

# REPORT

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

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## THE END OF AN ERA

### PROBATE DOCKET CLERK RUTH LESTER RETIRES

For almost four decades Mrs. Ruth Lester has been an ever present fixture in the Davidson County probate court. With the announcement of her retirement effective October 29th, a familiar face to anyone who has had dealings in the probate court is now gone. Known by most as the docket clerk who kept things running smoothly in the courtroom for the past four probate judges from her seat next to the bench, Ruth has been so much



RUTH LESTER

more than that. She has been a trusted confidante to the judges she has served; a much beloved co-worker to her friends throughout the courthouse; a source of knowledge and procedure for seasoned probate lawyers; and a patient teacher and mentor for countless young lawyers delving into the world of probate for the first time. Her long journey has taken her from the bygone days when all docket entries were handwritten in the enormous docket books that were once a mainstay of any clerk's office to our modern era of computers and digital scanning. She handled these changes with a spirit of inevitability and accepted these advancements in technology. But, if asked, Ruth would not hesitate to comment about how much easier it was to work out of the big docket books rather than the computer.

Although the duration of her public service career is noteworthy, the story of how her journey began is equally remarkable. In 1973 at the age of 46 and after having spent much of her adult life as a housewife raising her three sons, Ruth decided to seek temporary employment. She came to work for Metro in that year as a part-time employee in the County Clerk's Office where she worked the counter assisting those who were renewing their automobile title, tags and registration. Little did she know at that time that her "temporary" employment would evolve into a 37 year career working with the probate court. As

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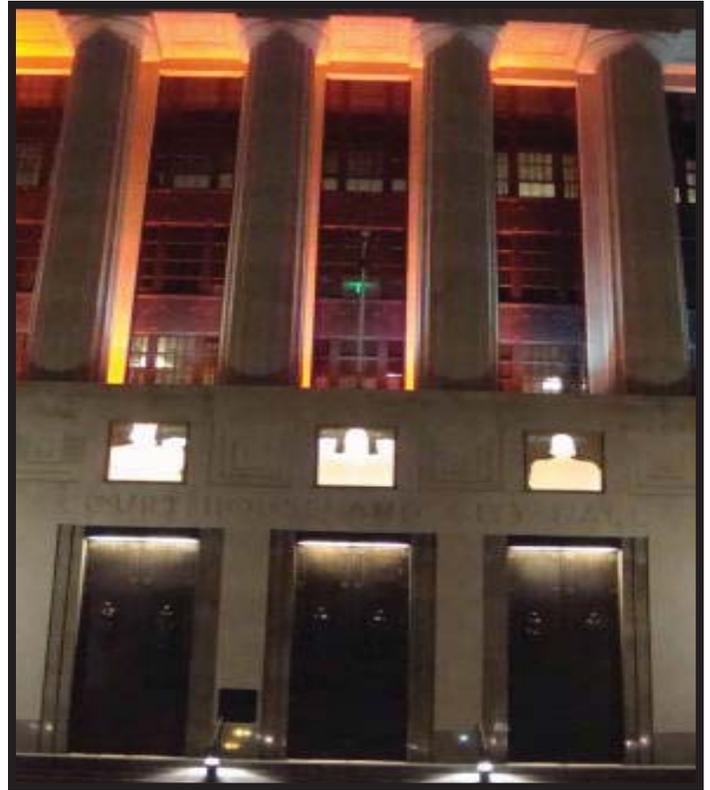


A familiar face to anyone visiting Probate Court over the past 37 years, Docket Clerk Ruth Lester looks on as Judge Randy Kennedy presides at a recent hearing.

# DO YOU KNOW ?

## WHO ARE THE PERSONS WHOSE IMAGES ARE LOCATED ABOVE THE COURTHOUSE MAIN ENTRANCE?

The Historic Metro Courthouse officially opened its doors to the public on December 8, 1937, with an open house and public speaking. The cost of construction which had begun in 1935 slightly exceeded \$2 million, an expensive sum in the mid-1930s. From an architectural standpoint, the structure combines a stripped Classicism with Art Deco style and detailing to create what is still considered a thoroughly modern building. Among the styling details are three etched glass windows located above the courthouse doors containing images of three great lawgivers who have been



widely recognized for their influence on our American system of law and government: King John of England, Moses and the Roman Emperor Justinian. The panels were carved by renowned glass artist David Harriton whose work has been well documented in the Corning Museum of Glass.

### KING JOHN



King John was King of England from 1199 to 1216. In 1215 he was forced by rebellious barons to sign a document called the Magna Carta which greatly reduced his power as king, allowed for the formation of a powerful parliament, and granted certain liberties to citizens. The Magna Carta is recognized as the foundation of the freedom of the individual against the arbitrary authority of the despot.

### MOSES



According to the Bible, Moses was a religious leader, lawgiver and prophet of the ancient Hebrew people who received the Ten Commandments from God on Mt. Sinai after leading the Hebrew people from bondage in Egypt. The Ten Commandments are recognized for their historical influence and for their role and impact on the development of modern law and ethics.

### JUSTINIAN



Justinian was Roman Emperor from 527 to 565 C.E. During his reign, he ordered Roman judges and legal scholars to collect and compile all of the laws of the Roman Empire into a single document with four parts called the Justinian Code. This written legal code, in turn, became the foundation of law in all civil law jurisdictions and was the impetus for the idea of codifying the laws of a particular society.

# RUTH LESTER

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it happened, it did not take long for then County Clerk Bobby Worrall to offer Ruth full time employment. As those who are familiar with the history of the Nashville court system recall, the Probate Court Clerk's Office at that time was part of the County Clerk's Office, and the County Judge (a position no longer in existence today) served as the Probate Judge.

Ruth was soon assigned the task of preparing the probate docket and getting the probate files ready for court. The rest is history as she continued from that time forward working as a probate clerk of court. She initially worked with County Judge Shelton Luton until his retirement in 1982; then with County Judge Jim Everett until 1995; then with Circuit Court Judge Frank Clement until his appointment to the Court of Appeals in 2003; and since that time with the current probate judge, Circuit Court Judge Randy Kennedy.

Along the way Ruth came to work for former Circuit Court Clerk George Rooker in 1992 when the clerk duties for the probate court were transferred from the County Clerk to the Circuit Court Clerk. Ruth was an invaluable and indispensable source of knowledge for George Rooker as the office assumed the additional role of probate court clerk in midstream so to speak. When current Circuit Court Clerk Richard Rooker succeeded his father in 1993 after his untimely death, Ruth continued on in her role as a steady, reliable and trusted source of probate knowledge and procedure.

Mrs. Ruth Lester has touched and influenced many lives over the years. Although her retirement is well-deserved, she will be missed by all who know her and admire her for her dedication and lasting contributions to the probate court clerk's office.

## NEW PLAIN LANGUAGE ORDER OF PROTECTION FORMS AVAILABLE BEGINNING NOV. 15th

In an effort to make legal forms more user-friendly, the Administrative Office of the Courts (AOC) has introduced "plain language" Order of Protection forms, which are now available at [www.tncourts.gov](http://www.tncourts.gov). These new forms, which can be used starting November 15, are written at a 5th to 8th grade reading level to improve access to this important information.

These forms were re-structured as part of the Supreme Court's Access to Justice Initiative, an effort to make the justice system more user-friendly and remove common barriers to the system, such as disability, language, literacy and geography. The forms have been reviewed by the Tennessee Judicial Conference, the General Sessions Conference, Juvenile Court Judges and Magistrates, the State Court Clerks Association and the Domestic Violence State Coordinating Council to ensure they maintain legal sufficiency.



Ruth Lester poses with members of Probate Judge Randy Kennedy's staff shortly before her retirement date. Pictured from left to right: Court Officer Pat Saltkill, Court Officer Teresa Covington, Ruth, and Judicial Assistant Kitty Lammers.

## OVERVIEW OF CIRCUIT COURT TRIALS BY TYPE OF CASE SEPTEMBER 2010

AUTO ACCIDENT	SEP	YTD
Total Cases Tried	5	25
Plaintiff Verdicts	4	20
Defendant Verdicts	1	4
Other/Under Adv	0	1
Jury Trials	3	18
Non-Jury Trials	2	7
Appeal from G.S.	0	2
Plaintiff Verd.	0	2
Def. Verdict	0	0
Other/None	0	0



MEDICAL MALPRACTICE	SEP	YTD
Total Cases Tried	1	5
Plaintiff Verdicts	1	1
Defendant Verdicts	0	3
Other/Under Adv	0	1

CONTRACTS	SEP	YTD
Total Cases Tried	5	49
Plaintiff Verdicts	4	39
Defendant Verdicts	1	8
Other/Under Adv	0	2

MISCELLANEOUS	SEP	YTD
Total Cases Tried	6	57
Plaintiff Verdicts	3	34
Defendant Verdicts	3	19
Other/Under Adv	0	4

# CIRCUIT COURT TRIAL VERDICTS

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



## CASES TRIED IN SEPTEMBER 2010

### JURY TRIALS

IF CASE WAS  
APPEALED FROM  
GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
<b>Week of September 20</b>					
09C-3019	SLIP & FALL	6	DEFENDANT VERDICT	N/A	
08C-1489	AUTOMOBILE	1	PLAINTIFF \$40,128 (P 20% FAULT)	N/A	
08C-3759	AUTOMOBILE	6	PLAINTIFF \$24,000	N/A	
08C-4261	WRONGFUL DEATH	2	PLAINTIFF \$750,000 AGREED JUDG.		
<b>Week of September 27</b>					
05C-3671	MEDICAL MALPRACTICE	1	PLAINTIFF \$1,300,000	N/A	
05C-390	CONTRACT/DEBT	5	PLAINTIFF \$7,200,000	N/A	
08C-1011	AUTOMOBILE	6	DEFENDANT VERDICT	N/A	

### NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
<b>Week of September 13</b>					
09C-2257	AUTOMOBILE	5	PLAINTIFF \$9,697	N/A	
10C-1527	CONTRACT/DEBT	2	PLAINTIFF \$13,233	DISMISSED	PLAINTIFF
10C-332	PROPERTY DAMAGE	2	PLAINTIFF \$7,500	P-\$7,500	DEFENDANT
10C-1611	CONTRACT/DEBT	5	PLAINTIFF \$6,975	P-\$1,425	DEFENDANT
10C-2675	CONTRACT/DEBT	2	DEFENDANT (DISMISSED)	DISMISSED	PLAINTIFF
10C-2786	CONTRACT/DEBT	2	PLAINTIFF \$1,789	DISMISSED	PLAINTIFF
09C-1695	WORKERS' COMP	1	DEFENSE VERDICT	N/A	

### SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
07C-1827	PERSONAL INJURY	5	DEFENSE VERDICT	9-3-10	NON-JURY
08P-762	PROBATE	2	ESTATE \$285,000	9-16-10	NON-JURY
08C-2057	AUTOMOBILE	5	PLAINTIFF \$48,178	9-1-10 & 9-15-10	NON-JURY

# DEPARTMENTS BY THE NUMBER

## CIRCUIT COURT

September 2010

### NEW CASES

		YTD
New Civil Cases Filed.....	212	1,904
Jury Demand.....	96	842
Non-Jury.....	116	1,062
New Divorce Cases Filed .....	199	1,838
Domestic Petitions Filed .....	202	1,933
New Adoption Petitions .....	18	101

### CONCLUDED CASES

Civil Cases Concluded.....	193	2,051
Jury Demand.....	114	1,231
Non-Jury .....	79	820
Divorce Cases Concluded.....	167	1,672
Domestic Petitions Concluded .....	340	3,748

## PROBATE

September 2010

### CASE OVERVIEW

		YTD
Total New Cases Filed .....	153	1,505
Total Cases Closed .....	119	1,395

### NEW CASE FILINGS BY TYPE

Probate Will .....	65	689
Probate Will for Muniment of Title.....	2	46
Letters of Administration.....	26	209
Small Estate Affidavits.....	16	206
Conservatorship.....	13	158
Guardianship of Minor.....	7	24
Name Change .....	9	77
Trust Matters.....	3	22
Other Miscellaneous .....	12	74

## GENERAL SESSIONS

### CIVIL

September 2010

### NEW CASES

		YTD
Total New Cases Filed .....	4,227	36,606
Civil Warrants .....	2,243	20,110
Detainer Warrants .....	1,033	8,814
Recovery Warrants.....	35	262
Pet for Order of Protection.....	204	1,954
Emergency Committals .....	527	4,535
Other.....	185	931

### MISCELLANEOUS

Executions Issued.....	4,846	39,040
Garnishment Payments .....	4,451	39,330
Judgments Collected.....	\$885,961	\$8,163,519

## TRAFFIC VIOLATIONS

September 2010

### NEW MATTERS

		YTD
Total Traffic Violations.....	14,456	128,323
Moving Citations .....	9,409	90,795
Parking Citations.....	5,047	37,528
Environmental Citations.....	638	3,994

### MISCELLANEOUS

Total Fines Collected .....	\$494,575	\$5,018,278
Nullifications.....	1,190	10,835
Nullification Fees Collected ...	\$14,282	\$130,003
*Credit Card Payments .....	2,712	26,954

## Quotes of the Month

This month's quotes center around the three lawgivers whose images appear above the courthouse entrance.

I have wondered at times what the Ten Commandments would have looked like if Moses had run them through the US Congress.

**Ronald Reagan**

Rather let the crime of the guilty go unpunished than condemn the innocent.

**Justinian**

And oftentimes excusing of a fault doth make the fault the worse by the excuse.

**Shakespeare** (from the play King John, Act IV, Sc.II)

## ROOKER REPORT



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