



ROOKER

DECEMBER 2010

REPORT

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

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Quote of the Month

NOTICE REGARDING CHAMBER RULES FOR 4TH & 8TH CIRCUIT DOMESTIC COURT

Practitioners and litigants appearing in the domestic courts of Davidson County should take notice that the 4th Circuit Court published new Chamber Rules in January 2011 and the 8th Circuit Court published new Chamber Rules in August 2010. These and all other Chamber Rules can be viewed by visiting our website at:

<http://circuitclerk.nashville.gov>



NASHVILLE BAR ASSOCIATION INSTALLS 2011 OFFICERS AND BOARD MEMBERS

Members of the Nashville Bar Association gathered on December 8th for their Annual Banquet at the Wildhorse Saloon in downtown Nashville. At this festive event, retiring officers and board members were thanked for their service, new officers and board members were introduced and welcomed, and awards



2010 PRESIDENT JONATHAN COLE
2011 PRESIDENT BOB MENDES

were presented to a special few who exemplified and upheld the honor of the legal profession this past year. Taking the helm of the NBA as its new president is Robert J. Mendes of MGLAW, who will now spearhead the remaining fundraising effort in support of the pending move of the NBA to its new offices in One Nashville Place on May 1, 2011. Mendes has commented that the new facility will support the mission of the Bar in that it should dramatically improve the Bar's opportunities for education, service and fellowship. **CONTINUED PAGE 2 WITH PHOTOS**

NASHVILLE BAR ASSOCIATION 2010 AWARD WINNING MEMBERS

JOHN C. TUNE COMMUNITY SERVICE AWARD: Mayor Karl Dean
PRESIDENT'S AWARD: Charles Grant, William J. Haynes, III, Judge Randy Kennedy, Gary Shockley
CLE EXCELLENCE AWARD: Thad Watkins
CLE INSTITUTE AWARDS: Jay Drescher, Paul Gontarek, Paul Hayes, Sam Payne, David Johnson
NBJ ARTICLE OF THE YEAR AWARD: Gary Shockley
NBJ CONTRIBUTOR OF THE YEAR AWARD: Tracy Kane
PRO BONO VOLUNTEER OF THE YEAR: Frank Grace
EMERITUS MEMBERS: John Chambers, Judge Gilbert Merritt, Jr., Richard Jones, Joseph Lackey, Jr., James Walsh, Jr.

2011 NASHVILLE BAR ASSOCIATION NEW BOARD MEMBERS AND OFFICERS

NEWLY ELECTED BOARD MEMBERS



John Tarpley, Patricia Moskal, Michele Johnson, Dawn Deaner, Robert Boston, Charles Grant

NEW OFFICERS



John Griffin, Second Vice President; Bob Mendes, President; John Kitch, President-Elect; Barbara Perutelli, First Vice President; Bob Pope, Treasurer

A SAMPLING OF SOME OF NASHVILLE'S JUDGES SEEN AT THE BAR ASSOCIATION'S ANNUAL BANQUET



(1) Judge Angelita Dalton, General Sessions Division 3; (2) Chancellor Carol McCoy, Chancery Court Part 2;
(3) Judge William Higgins, General Sessions Division 7; (4) Judge Amanda McClendon, Second Circuit Court;
(5) Judge Michael Mondelli, General Sessions Division 6; (6) Judge Dan Eisenstein, General Sessions Division 2;
(7) Judge Randall Wyatt, Criminal Court Division 2

IN MEMORIAM

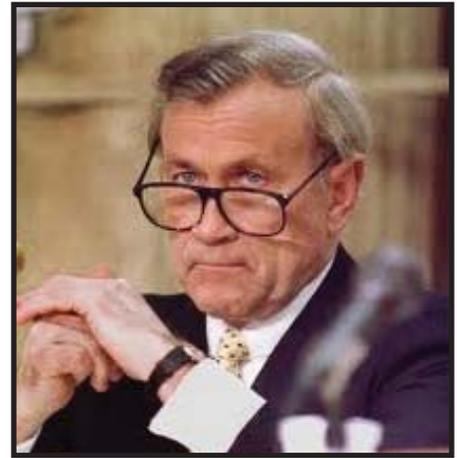
JAMES FOSTER NEAL 1929 - 2010



When Nashville lawyer Jim Neal, co-founder of the firm of Neal & Harwell, passed away on October 21, 2010, it was the considered opinion of many that we had lost the best and greatest trial lawyer that this country has ever seen.

Neal was born on September 7, 1929, in Oak Grove, Tennessee, and grew up on a small tobacco and strawberry farm. Neal attended Sumner County High School in Portland, Tennessee and graduated in 1946. He attended the University of Wyoming on a football scholarship and was a running back on its 1950 undefeated team. After graduating from college, Neal served for two years in the United States Marine Corps. He graduated first in his law school class at Vanderbilt University Law School in 1957 where he also served as Editor-in-Chief of the Law Review. He went on to earn a master's degree in tax law from Georgetown University in 1960.

Attorney General Robert F. Kennedy selected Neal in 1961 to lead a Justice Department investigation of Jimmy Hoffa, who was President of the Teamsters Union. After Hoffa's first trial on corruption charges ended in a



hung jury in Nashville, Neal led a second prosecution for jury tampering, which resulted in Hoffa's only federal conviction. After the Hoffa prosecution, Neal was appointed the United States Attorney for the Middle District Tennessee.

In 1973, special prosecutor Archibald Cox recruited Neal to investigate the Watergate scandal. Neal negotiated a guilty plea from former White House Counsel John Dean and then represented the prosecution in a criminal trial where Attorney General John Mitchell and Presidential aides John D. Ehrlichman and H.R. Haldeman were convicted of conspiracy, perjury and obstruction of justice. On January 1, 1975, the jury found all three guilty.

Although a Nashville-based trial attorney, Neal litigated many prominent cases around the country. He won an acquittal of Elvis Presley's doctor, George Nichopoulos, who had been tried for improperly dispensing drugs that contributed to the singer's death in 1977. In 1980, Neal won an acquittal for Ford Motor Company when the company was charged with reckless homicide due to the faulty design of its Pinto model car. In 1985, Neal successfully defended Governor Edwin Edwards of Louisiana in a trial for racketeering. In the 1980s, Neal returned to federal service as a special investigator of the Abscam and Iran-Contra scandals. Neal also defended film director John Landis in a manslaughter trial resulting from the death of actor Vic Morrow and two children during the 1982 filming of Twilight Zone: The Movie, and he represented Exxon Corporation after the 1989 Exxon Valdez oil spill in Alaska.

OVERVIEW OF CIRCUIT COURT TRIALS BY TYPE OF CASE NOVEMBER 2010

AUTO ACCIDENT	NOV	YTD
Total Cases Tried	2	28
Plaintiff Verdicts	1	21
Defendant Verdicts	1	6
Other/Under Adv	0	1
Jury Trials	2	21
Non-Jury Trials	0	7
Appeal from G.S.	0	2
Plaintiff Verd.	0	2
Def. Verdict	0	0
Other/None	0	0



MEDICAL MALPRACTICE	NOV	YTD
Total Cases Tried	1	7
Plaintiff Verdicts	0	2
Defendant Verdicts	0	3
Other/Under Adv	1	2

CONTRACTS	NOV	YTD
Total Cases Tried	4	57
Plaintiff Verdicts	4	44
Defendant Verdicts	0	10
Other/Under Adv	0	3

MISCELLANEOUS	NOV	YTD
Total Cases Tried	6	66
Plaintiff Verdicts	4	40
Defendant Verdicts	2	21
Other/Under Adv	0	5

CIRCUIT COURT TRIAL VERDICTS

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



CASES TRIED IN NOVEMBER 2010

JURY TRIALS

IF CASE WAS
APPEALED FROM
GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of November 1					
09C-962	AUTOMOBILE	5	DEFENDANT VERDICT	N/A	
Week of November 15					
08C-1968	MEDICAL MALPRACTICE	1	MISTRIAL / HUNG JURY ON 11-22-10	N/A	
05C-1703	SLIP & FALL	5	DEFENDANT VERDICT	N/A	
06C-2414	AUTOMOBILE	6	PLAINTIFF \$15,222	N/A	

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of November 8					
09C-3585	WORKERS' COMP	1	30% PERM PARTIAL DISABILITY	N/A	
10C-2266	CONTRACT/DEBT	2	PLAINTIFF \$4,300 + COSTS	P-\$11,765	DEFENDANT
10C-1820	WORKERS' COMP	5	PLAINTIFF \$26,670	N/A	
10C-2084	CONTRACT/DEBT	1	PLAINTIFF \$5,065	P-\$4,996	DEFENDANT
Week of November 29					
10C-3429	CONTRACT/DEBT	2	PLAINTIFF \$675	P-\$1,708	DEFENDANT
08C-1221	WORKERS' COMP	5	SETTLEMENT AGREEMENT SET ASIDE	N/A	
10C-2267	CONTRACT/DEBT	4	PLAINTIFF \$12,123	P-\$6,461	DEFENDANT
09C-2312	WORKERS' COMP	6	CT. FOUND INJURY COMPENSABLE	N/A	

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
08C-3587	BREACH OF TRUST	7	DEFENDANT \$30,055	11-23-10	Non-Jury

DEPARTMENTS BY THE NUMBER

CIRCUIT COURT

November 2010

NEW CASES

		YTD
New Civil Cases Filed.....	209	2,316
Jury Demand.....	89	1,031
Non-Jury.....	120	1,285
New Divorce Cases Filed	190	2,216
Domestic Petitions Filed	203	2,374
New Adoption Petitions	12	127

CONCLUDED CASES

Civil Cases Concluded.....	195	2,453
Jury Demand.....	123	1,491
Non-Jury	72	962
Divorce Cases Concluded.....	144	1,988
Domestic Petitions Concluded	294	4,257

PROBATE

November 2010

CASE OVERVIEW

		YTD
Total New Cases Filed	140	1,778
Total Cases Closed	133	1,679

NEW CASE FILINGS BY TYPE

Probate Will	74	815
Probate Will for Muniment of Title	4	55
Letters of Administration.....	23	248
Small Estate Affidavits.....	18	244
Conservatorship.....	13	190
Guardianship of Minor.....	1	30
Name Change	3	90
Trust Matters.....	1	27
Other Miscellaneous	3	79

GENERAL SESSIONS

CIVIL

November 2010

NEW CASES

		YTD
Total New Cases Filed	3,671	43,897
Civil Warrants	1,848	23,811
Detainer Warrants	957	10,682
Recovery Warrants.....	32	311
Pet for Order of Protection.....	262	2,412
Emergency Committals	520	5,568
Other.....	52	1,113

MISCELLANEOUS

Executions Issued.....	3,952	47,063
Garnishment Payments	4,566	48,083
Judgments Collected.....	\$889,215	\$9,971,015

TRAFFIC VIOLATIONS

November 2010

NEW MATTERS

		YTD
Total Traffic Violations.....	14,210	157,190
Moving Citations	8,861	108,958
Parking Citations.....	5,349	48,232
Environmental Citations.....	204	4,573

MISCELLANEOUS

Total Fines Collected	\$478,074	\$5,987,215
Nullifications.....	1,272	13,355
Nullification Fees Collected ...	\$15,264	\$160,239
*Credit Card Payments	3,213	33,186

Quote of the Month



“A word about civility. The alleged loss of civility among the litigating bar has been much lamented in some circles in recent years. The fact is that an advocate who fails to extend civility to his adversaries is unworthy of the name. He or she is a hack, nothing more. And, there will be a comeuppance at some point.”

James F. Neal

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Kyle Sowell..... Editor



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