



# ROOKER

## MARCH 2011

# REPORT

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

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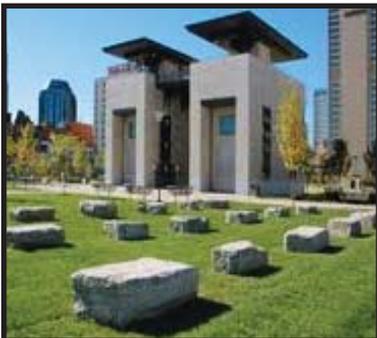
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### UPCOMING EVENT

## SHRIVER TOWERS

*To Be Dedicated April 21*

The observation towers overlooking Public Square Park at the Nashville Davidson County Courthouse will be dedicated April 21st at 3:30 p.m. to the memory of former judge and district attorney, Tom Shriver. Pursuant to a resolution of the Nashville Bar Association, the Metro Council passed an Ordinance naming the observation towers the Thomas H. Shriver Towers.



## TENNESSEE BAR ASSOCIATION PETITIONS SUPREME COURT TO AMEND CODE OF JUDICIAL CONDUCT

Tennessee judges are bound by a Code of Judicial Conduct enacted as Rule 10 of the Tennessee Supreme Court Rules. On February 25, 2011, the Tennessee Bar Association (TBA) filed a petition asking the Supreme Court to adopt an amended Code of Judicial Conduct. The proposed changes address a variety of issues, including judicial recusals, campaign contributions and participation in political advocacy groups.

In response, the Court filed an order on March 11, 2011, soliciting public comments to the proposed changes. The order from the high Court notes that adopting the TBA's proposed amendments would result in a comprehensive revision of the current Tennessee Code of Judicial Conduct and involve important public policy issues. Accordingly, the Court is soliciting written comments regarding the TBA's proposed amendments from judges, lawyers, bar associations and members of the public and other interested parties. The deadline for submitting comments is November 1, 2011. Anyone interested in submitting written comments may send them to: Mike Catalano, Clerk, Tennessee Appellate Courts, 100 Supreme Court Building, 401 7th Avenue North, Nashville, TN 37219.

The TBA's petition and proposed changes to the Code of Judicial Conduct are available at <http://www.tncourts.gov>, but the following is a summary of the major substantive changes suggested by the TBA.

- Prohibit judges who participate in judicial settlement conferences from presiding over the trial or other contested issues in that matter.
- Adopt a limited exception to ex parte communications prohibitions for those involved in drug and mental health courts.
- Provide greater guidance on judicial disqualification and recusal. Included are factors such as the levels of campaign support for the judge or the judge's opponent, the timing of the support and independent expenditures.
- Require compliance with new procedures for motions to determine incompetence, disqualification and recusal.
- Change the gift threshold for required reporting from \$150 to \$250.
- Consistent with recent constitutional decisions, significantly lessen the restrictions on campaign activities while making it clear that campaign committees and judges must fully comply with campaign finance disclosure statutes, and that such activities may lead to disqualification.
- Include within the provisions related to judges' families a person with whom another person maintains a household and an intimate relationship other than a person to whom he or she is legally married.

CONTINUED ON PAGE 2

**CODE OF JUDICIAL CONDUCT**  
SUMMARY OF PROPOSED  
CHANGES CONTINUED

Clarify application of certain Code provisions to senior judges, part-time judges, continuing part-time judges and pro tempore judges.

Clarify when judges may provide a reference or recommendation. Permit use of official letterhead when the reference is personal or is based on personal knowledge and is germane to the judge's professional knowledge, such as writing a letter of recommendation for a law clerk.

Clarify a judge's responsibility to report violations of the Rules of Professional Conduct and the Code of Judicial Conduct by lawyers and judges, including a reference to judicial assistance programs.

Permit judges, spouses and guests to attend, free of charge, events associated with educational, civic, religious, fraternal and charitable organizations.

Limit participation in activities of organizations which engage in political advocacy in limited subject areas or consistently for one side in lawsuits.

Emphasize that judges must perform their duties promptly, as well as competently, diligently and cooperatively.



*"Your Honor, I'd like to request a short recess so I can update my Twitter page."*



**PUBLIC SQUARE PARK  
AT METRO COURTHOUSE  
HOSTS  
CHERRY BLOSSOM  
JAPAN RELIEF EVENT**

On Saturday, March 26th, an estimated 7,000 people celebrated all things Japanese by attending the 3rd Annual Nashville Cherry Blossom Festival in Public Square Park. In the aftermath of the recent earthquake and tsunami in Japan, this year's daylong festival took on special meaning by doubling as a Japan Relief Event. Those in attendance enjoyed a variety of food, entertainment and cultural activities with more than \$50,000 being collected at the event to support relief efforts in Japan.

Cherry blossom festivals are celebrated every spring all over the United States, attracting tourists and bringing a taste of Japanese culture to local communities. One of the missions of the Nashville Cherry Blossom Festival Committee is to plant 1,000 cherry blossom trees by planting 100 trees every spring over 10 years. With 100 additional trees being planted this year, Nashville can boast of 300 cherry blossom trees now adorning our city's landscape as a direct result of this event.

**SCENES FROM THE 2011  
NASHVILLE CHERRY BLOSSOM FESTIVAL**



**CIRCUIT COURT TRIALS  
BY TYPE OF CASE**

**FEBRUARY 2011**



**AUTO ACCIDENT**

FEB YTD

Total Cases Tried	1	3
Plaintiff Verdicts	1	3
Defendant Verdicts	0	0
Other/Under Adv	0	0
Jury Trials	1	1
Non-Jury Trials	0	2
Appeal from G.S.	1	1
Plaintiff Verd.	1	1
Def. Verdict	0	0
Other/None	0	0

**CONTRACT**

FEB YTD

Total Cases Tried	7	11
Plaintiff Verdicts	5	9
Defendant Verdicts	2	2
Other/Under Adv	0	0

**MEDICAL MALPRACTICE**

FEB YTD

Total Cases Tried	1	2
Plaintiff Verdicts	0	0
Defendant Verdicts	1	1
Other/Under Adv/Hung	0	1

**MISCELLANEOUS**

FEB YTD

Total Cases Tried	3	7
Plaintiff Verdicts	2	4
Defendant Verdicts	1	3
Other/Under Adv	0	0

**LAW DAY**

APRIL 21, 2011

In 1958 President Dwight D. Eisenhower established the first Law Day as “a day of national dedication to the principles of government under law.” Every president since has taken the occasion of Law Day as an annual opportunity to proclaim our nation’s ongoing commitment to the democratic rule of law.

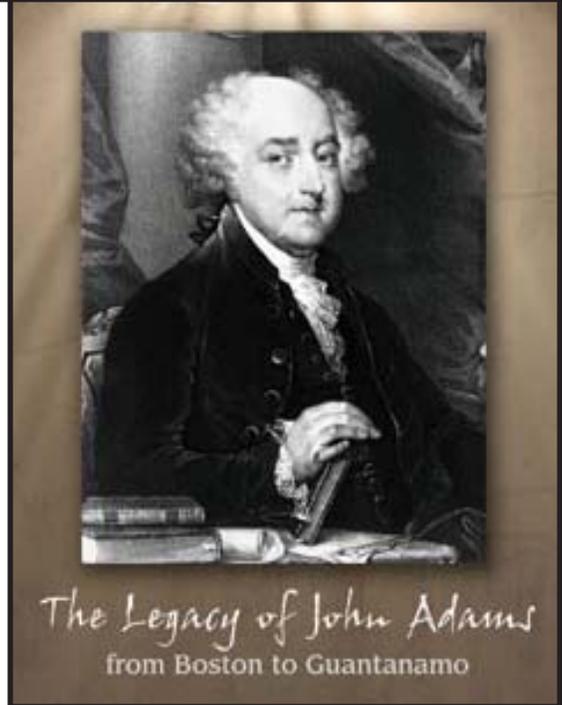
This year Law Day provides an opportunity to consider the important legacy of the first American lawyer-president and one of our nation’s greatest founders, John Adams.

In 1770 Massachusetts lawyer John Adams represented the British officer and soldiers accused in the “Boston Massacre” of killing five colonists protesting in the streets. Although already a prominent leader in the American colonial resistance to British parliamentary authority, the 35-year-old Adams agreed to take on the cases because, in his own words, “Judgment of death against those soldiers would have been as foul a stain upon this country as the executions of the Quakers or witches, anciently.”

Adams’ role in the trials has come to be seen as a lawyerly exemplar of adherence to the rule of law and zealous defense of the rights of the accused, even in cases where advocates may represent unpopular clients and become involved in matters that generate public controversy, such as the contemporary efforts by lawyers to represent Guantanamo detainees in the global war on terrorism. His legacy is an important reminder that the passage of time can bring historical and legal perspective to passions of the day.

The 2011 Law Day theme provides an opportunity to assess and celebrate the legacy of John Adams, explore the historical and contemporary role of lawyers in defending the rights of the accused, and renew our understanding and faith in due process of law which Adams famously phrased as “a government of laws, not of men.”

The Nashville Bar Association will celebrate Law Day with a noon luncheon on April 21st at the downtown Nashville Renaissance Hotel. The guest speaker will be Philip Langford, an attorney who works as Director of African Operations for International Justice Mission. IJM is a human rights agency that secures justice for victims of slavery, sexual exploitation and violence, police abuse and illegal detention and other forms of violent oppression.



**REMINDER**

The offices of the Circuit Court Clerk, which include Circuit, Probate, General Sessions Civil and the Traffic Violations Bureau, will be CLOSED on Friday, April 22nd, in observance of the

**GOOD FRIDAY HOLIDAY**

# CIRCUIT COURT TRIAL VERDICTS

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



## CASES TRIED IN FEBRUARY 2011

### JURY TRIALS

IF CASE WAS APPEALED FROM GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
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#### Week of February 28

10C-4336	AUTOMOBILE / UM	2	PLAINTIFF \$9,983	PLAINTIFF \$13,500	DEFENDANT
08C-504	MEDICAL MALPRACTICE	5	DEFENDANT VERDICT	N/A	

### NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
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#### Week of February 7

10C-4343	CONTRACT/DEBT	1	DEFENDANT VERDICT	TRANSFERRED FROM GEN. SESSIONS	
10C-3104	METRO TRAFFIC APPEAL	1	METRO GOV'T (MOTORIST GUILTY OF 55 IN 45 + Ct COSTS, FINE SUSPENDED)	GUILTY	MOTORIST
07C-324	BREACH OF CONTRACT	5	PLAINTIFF \$146,475 + INTEREST	N/A	
10C-905	MISREPRESENTATION IN REAL ESTATE CONTRACT	1	PLAINTIFF \$1,500 + Ct COSTS (DEFAULT JUDGMENT AGAINST PRIOR OWNER)	DISMISSED	PLAINTIFF
10C-3289	CONTRACT/DEBT	1	PLAINTIFF \$7,208 + Ct COSTS	TRANSFERRED FROM GEN. SESSIONS	
10C-4453	CONTRACT/DEBT	5	PLAINTIFF \$5,964 + Ct COSTS	P-\$5,842	DEFENDANT
08C-3768	WORKERS' COMP (RECONSIDERATION)	2	PLAINTIFF \$74,480 + Ct COSTS (35% TO BODY AS A WHOLE)	N/A	
10C-4331	CONTRACT/DEBT	2	PLAINTIFF \$10,000	P-\$10,000	DEFENDANT

### SPECIALLY SET TRIALS

(JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
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10C-3605	GSA CONTRACT/DEBT	2	P LEVIED \$12,196 FROM D BANK ACCT PER G.S. JUDGMENT / CT. ORDERED \$10K RETURNED AS EXEMPT PERSONAL PROPERTY	2-17-11	Non-Jury
10C-2821	WORKERS' COMP	2	MOTION FOR MEDICAL TREATMENT GRANTED PENDING FINAL HEARING	2-18-11	Non-Jury

# DEPARTMENTS BY THE NUMBER

## CIRCUIT COURT

February 2011

### NEW CASES

		YTD
New Civil Cases Filed.....	181	362
Jury Demand.....	88	180
Non-Jury.....	93	182
New Divorce Cases Filed .....	214	382
Domestic Petitions Filed .....	206	439
New Adoption Petitions .....	10	18

### CONCLUDED CASES

Civil Cases Concluded.....	171	371
Jury Demand.....	107	236
Non-Jury .....	64	135
Divorce Cases Concluded.....	253	475
Domestic Petitions Concluded .....	279	603

## PROBATE

February 2011

### CASE OVERVIEW

		YTD
Total New Cases Filed .....	174	324
Total Cases Closed .....	107	262

### NEW CASE FILINGS BY TYPE

Probate Will .....	88	149
Probate Will for Muniment of Title .....	2	11
Letters of Administration.....	28	52
Small Estate Affidavits.....	13	34
Conservatorship.....	22	36
Guardianship of Minor.....	6	9
Name Change .....	10	20
Trust Matters.....	0	2
Other Miscellaneous .....	5	11

## GENERAL SESSIONS

### CIVIL

February 2011

### NEW CASES

		YTD
Total New Cases Filed .....	3,430	7,378
Civil Warrants .....	1,913	3,879
Detainer Warrants .....	776	1,952
Recovery Warrants.....	32	42
Pet for Order of Protection.....	179	365
Emergency Committals .....	454	986
Other.....	76	154

### MISCELLANEOUS

Executions Issued.....	3,524	6,986
Garnishment Payments .....	3,969	8,125
Judgments Collected.....	\$842,421	\$1,697,369

## TRAFFIC VIOLATIONS

February 2011

### NEW MATTERS

		YTD
Total Traffic Violations.....	10,596	21,682
Moving Citations .....	7,093	14,332
Parking Citations.....	3,503	7,350
Environmental Citations.....	264	484

### MISCELLANEOUS

Total Fines Collected .....	\$591,826	\$1,051,213
Nullifications.....	1,067	2,043
Nullification Fees Collected ...	\$12,802	\$24,509
*Credit Card Payments .....	2,757	5,613

## Quotes of the Month



### JOHN ADAMS

1735 - 1826

“A government of laws, not of men.”

“Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence.”

“Liberty cannot be preserved without general knowledge among the people.”

## ROOKER REPORT



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