

ROOKER

APRIL 2011

REPORT

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

IN THIS ISSUE

Page 2

Shriver Towers Continued

Country Music Marathon/Court-
house Photo

Courthouse Humor

Page 3

Nashville Attorney Charles Trost
Named Associate Dean of New
Belmont University Law School

Derogatory Terms Relevant to
Disabled Persons Removed from
State Law

Nashville Bar Association and
Nashville Bar Foundation Move to
Their New Offices

Page 4

March 2011 Circuit Court Trial
Verdicts
(Jury, Non-Jury, Specially Set)

Page 5

Statistical Numbers by Each
Department
Monthly and Year-to-Date
(Circuit, Probate, Gen Sessions,
Traffic)

Page 6

Overview of March 2011 Trials
By Type of Case

CaseLink Corner

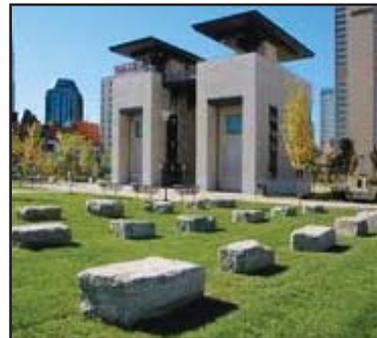
Quote of the Month



OBSERVATION TOWERS IN PUBLIC SQUARE PARK OFFICIALLY DEDICATED AS SHRIVER TOWERS

Davidson County Criminal Court Judge Thomas H. Shriver passed away in 1997, but his legacy will forever be enshrined as the namesake of the observation towers located

in Public Square Park at the Metro Historic Courthouse. After an Ordinance naming the towers "Thomas H. Shriver Towers" was passed by the Metro Council, a ceremony to officially dedicate the towers in his name was held on the afternoon of April 21st. Friends, colleagues, family, dignitaries and other well-wishers gathered on the Public Square to honor Shriver and witness the unveiling of a new plaque installed on the towers to honor his memory. Presiding over the ceremony was Ed Yarbrough, former employee of Shriver and former U.S. Attorney for Middle Tennessee. Also speaking and sharing their memories of



Shriver were Nashville Mayor Karl Dean, former Tennessee Supreme Court Justice Adolpho A. Birch, and Senior Judge Martha Daughtrey of the Sixth Circuit Court of Appeals. Represent-

ing the family and speaking on their behalf was Shriver's brother, Richard Shriver. For more than thirty years, Shriver dedicated his life to public service and profoundly influenced the development of Nashville's criminal justice system in the latter half of the twentieth century. He was a Nashville native and a graduate of Vanderbilt Law School. Shriver initially

pursued a political career, first being elected to the Tennessee House of Representatives in 1960 and then to the Tennessee Senate in 1962. At the conclusion of this term in the Senate, he was hired as a prosecutor in the U.S.

CONTINUED ON PAGE 2



Speaking at the dedication ceremony were, from left to right, ADOLPHO A. BIRCH, retired Chief Justice of the Tennessee Supreme Court, KARL DEAN, Mayor of Nashville, RICHARD SHRIVER, brother of Tom Shriver, ED YARBROUGH, Nashville attorney and former U.S. Attorney for Middle Tennessee, MARTHA CRAIG DAUGHTREY, Senior Judge U.S. Sixth Circuit Court of Appeals

SHRIVER TOWERS

CONTINUED FROM PAGE 1

Attorney's Office for Middle Tennessee. In 1966 he was elected District Attorney for Nashville and served in this capacity until 1987. During his tenure as District Attorney, he earned a reputation as a fair and tough prosecutor. He directed and oversaw dramatic changes in the Office of the District Attorney General. He sought to hire young attorneys eager for experience. He did away with part time prosecutors and no longer allowed



Richard Shriver (right), brother of Tom Shriver, unveils the commemorative plaque

victims or their families to hire private attorneys to act as special prosecutors. He also began the first witness assistance program in the state. He hired the first African American prosecutor in the South, Justice Adolpho A. Birch, now a retired member of the Tennessee Supreme Court. He also hired the first female prosecutor in Tennessee, Martha Craig Daughtrey, who presently serves as a member of the U.S. Court of Appeals for the Sixth Circuit and is a former Tennessee Supreme Court Justice. Many people hired by Shriver have become prominent members of the legal community serving as prosecutors and judges for the trial and appellate courts.

Shriver became the Judge of the Davidson County Criminal Court, Division 1, in 1987 where he served with distinction until his untimely death in 1997. He brought honesty, integrity, wisdom, and compassion to the bench. On the personal front, he was known as a person who genuinely liked people and cared about what happened to them. He was an avid collector of antique cars, watches and radios and even played the mandolin in a bluegrass band.

He hired the first African American prosecutor in the South, Justice Adolpho A. Birch, now a retired member of the Tennessee Supreme Court. He also hired the first female prosecutor in Tennessee, Martha Craig Daughtrey, who presently serves as a member of the U.S. Court of Appeals for the Sixth Circuit and is a former Tennessee Supreme Court Justice. Many people hired by Shriver have become prominent members of the legal community serving as prosecutors and judges for the trial and appellate courts.



COUNTRY MUSIC MARATHON

APRIL 30 - - More than 30,000 runners and walkers passed by the Metro Historic Courthouse during the 12th annual Country Music Marathon & 1/2 Marathon

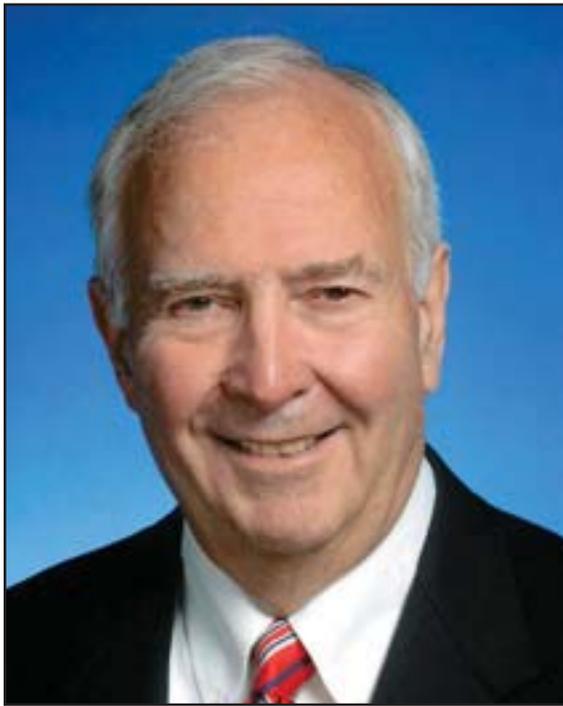
Courthouse Humor



WHO DO YOU RECOGNIZE?

At the suggestion of U.S. Sixth Circuit Court of Appeals Senior Judge Martha Craig Daughtrey (circled), those in attendance who had either worked with or worked for Tom Shriver were invited to gather for a group photo shot at the conclusion of the dedication ceremony. The impressive influence of Judge Shriver is clearly alive and well in the legal community.





Nashville Attorney Charles Trost Named Associate Dean of New Belmont University Law School

Belmont University College of Law has named Waller Lansden Dortch & Davis attorney Charles A. Trost to the post of associate dean for external relations. The position will be responsible for extending the outreach of the college to the broader Nashville community, developing legal education programs and pursuing development opportunities.

Prior to joining Belmont, Trost served as the Commissioner of Revenue for the State of Tennessee under then-Governor Phil Bredesen. Prior to his appointment as Commissioner, he was a partner with the Nashville law firm of Waller Lansden Dortch & Davis, LLP, where his practice focused on state tax litigation. He continues his affiliation with Waller Lansden as Senior Counsel in the Tax Group.

Before joining Waller Lansden, Trost was Professor of Law at the University of Alabama. He has also taught as a member of the adjunct faculty of the University of Tennessee College of Law and Vanderbilt Law School. Trost is a member of the Alabama and Tennessee Bars and has been a Tennessee Uniform Law Commissioner since 1997. Trost received his undergraduate degree from Vanderbilt University, his J.D. from the University of Alabama

TROST

School of Law, and his LL.M. in Taxation from New York University School of Law. He is a Trustee of the Community Foundation of Middle Tennessee and serves as a member of the Board of The Land Trust for Tennessee.

The inaugural law school class of approximately 120 students will take their seats at Belmont University this coming fall in a temporary location on campus. Construction is underway on a new 75,000 square foot law school and library to be completed in the summer of 2012. Belmont is seeking accreditation by the American Bar Association but cannot apply until it has been in operation, with students present, for one year.

Derogatory terms for disabled persons removed from state law

Pursuant to a bill signed into law by Governor Haslam on April 6th, effective July 1, 2011, Tennessee laws will no longer include terms such as "idiot," "lunatic," "mentally retarded" and "handicapped." Chapter 47 of the Public Acts of 2010 amends the Tennessee Code Annotated in numerous locations in order to make this change. Supporters of the legislation said the purpose was to modernize the statutory language so that it is more politically correct and less offensive to people with disabilities and mental illness. Variations on the terms "disability," "mental illness" and "incompetent" will be primarily substituted in place of the outdated, derogatory terms. Sponsors of the legislation, however, hesitated when it came to changing one specific law that forbids issuing marriage licenses when the applicants appear to be "drunk, insane or an imbecile." Those restrictions and terms will stay in place because legislative attorneys felt that removing the words "insane" and "imbecile" from this particular law regarding marriage licenses would inadvertently change or impact prevailing marriage law.



Nashville Bar Association and Nashville Bar Foundation move into their new offices

On April 25th the administrative offices of the Nashville Bar Association and the Nashville Bar Foundation moved to their new offices on the 10th Floor of One Nashville Place at 150 4th Avenue North. The new space will greatly enhance the ability of the Bar to provide services to its members. For example, the new office includes an on-site CLE Facility, something which the Bar has



ONE NASHVILLE PLACE

never had before. According to Bob Mendes, President of the NBA, this should provide a tremendous platform for growing the CLE Program.

Two events will take place in June to formally open the new office. A Donor Appreciation Night will be held to thank all of the many firms and members that have helped to make the new facility a reality and an Open House for all members will be held later in the month. The dates for these events have not yet been announced.



CIRCUIT COURT TRIAL VERDICTS

March 2011

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

JURY TRIALS

IF CASE WAS APPEALED FROM GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of March 7					
09C-2058	AUTOMOBILE	5	PLAINTIFF \$12,088	N/A	
08C-4200	AUTOMOBILE	1	DEFENDANT VERDICT	N/A	
08C-3639	SLIP & FALL	2	PLAINTIFF \$233,000 (BUT 40% FAULT)	N/A	
Week of March 28					
09C-3632	AUTOMOBILE	2	PLAINTIFF \$9,687	N/A	
08C-2448	CONTRACT/DEBT	5	PLAINTIFF \$13,277	N/A	
10C-2837	MEDICAL MALPRACTICE	6	PLAINTIFF \$850,000	N/A	

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of March 21					
10C-5038	PROPERTY DAMAGE	6	DEFENDANT VERDICT	DEFENDANT	PLAINTIFF
09C-1030	CONTRACT/DEBT	1	PLAINTIFF \$9,000 + COSTS	P - \$15,000	DEFENDANT
09C-1352	NEGLIGENCE (MECH. BULL)	2	PLAINTIFF \$6,328 + COSTS	N/A	
10C-4807	CONTRACT/DEBT	2	PLAINTIFF \$8,600	P - \$9,500	DEFENDANT
10C-2671	CONTRACT/DEBT	5	PLAINTIFF \$15,101 + COSTS	P - \$16,406	DEFENDANT
09C-3975	WRIT OF CERT & SUPERSEDEAS	2	(PET DENIED - BOARD DECISION UPHELD)	N/A	
11C-97	CONTRACT/DEBT	6	PLAINTIFF \$102,706	N/A	
10C-3841	CONTRACT/DEBT	5	PLAINTIFF \$10,269 + INTEREST TBD	DISMISSED	PLAINTIFF
09C-93	CONTRACT/DEBT	5	PLAINTIFF \$3,679	DISMISSED	PLAINTIFF
10C-4117	CONTRACT/DEBT	1	PLAINTIFF \$4,500 + COSTS	P - \$6,800	DEFENDANT
09C-3929	WORKERS' COMP	6	PERMANENT TOTAL DISABILITY (LUMP SUM ALLOCATION UNDER ADVISEMENT)	N/A	

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
10C-4155	FRAUD	5	PLAINTIFF \$60,664	3-4-11	NON-JURY

DEPARTMENTS BY THE NUMBER

March 2011

	MAR	YTD
New Civil Cases Filed.....	216	578
Jury Demand.....	81	261
Non-Jury.....	135	317
New Divorce Cases Filed	261	643
Domestic Petitions Filed	308	747
New Adoption Petitions	13	31
<hr/>		
Civil Cases Concluded.....	257	628
Jury Demand.....	158	394
Non-Jury.....	99	234
Divorce Cases Concluded.....	235	710
Domestic Petitions Concluded	330	933



	MAR	YTD
Total New Cases Filed	4,276	11,654
Civil Warrants	2,626	6,505
Detainer Warrants	644	2,596
Recovery Warrants.....	35	77
Pet for Order of Protection.....	218	583
Emergency Committals	586	1,572
Other.....	167	321
<hr/>		
Executions Issued.....	4,235	11,221
Garnishment Payments.....	4,767	12,892
Judgments Collected.....	\$1,126,966	\$2,824,335

	MAR	YTD
Total New Cases Filed	187	511
Total Cases Closed	150	412
<hr/>		
Probate Will	95	244
Probate Will for Muniment of Title.....	6	17
Letters of Administration.....	18	70
Small Estate Affidavits.....	33	67
Conservatorship.....	17	53
Guardianship of Minor.....	2	11
Name Change	11	31
Trust Matters.....	0	2
Other Miscellaneous.....	5	16



	MAR	YTD
Total Traffic Violations.....	13,515	35,197
Moving Citations	8,933	23,265
Parking Citations.....	4,582	11,932
Environmental Citations.....	244	728
<hr/>		
Total Fines Collected	\$559,459	\$1,610,672
Nullifications.....	1,108	3,151
Nullification Fees Collected ...	\$13,294	\$37,803
*Credit Card Payments	3,255	8,868

**CIRCUIT COURT TRIALS
BY TYPE OF CASE**

MARCH 2011



AUTO ACCIDENT

	MAR	YTD
Total Cases Tried	3	6
Plaintiff Verdicts	2	5
Defendant Verdicts	1	1
Other/Under Adv	0	0
Jury Trials	3	4
Non-Jury Trials	0	2
Appeal from G.S.	0	1
Plaintiff Verd.	0	1
Def. Verdict	0	0
Other/None	0	0

CONTRACT

	MAR	YTD
Total Cases Tried	8	19
Plaintiff Verdicts	8	17
Defendant Verdicts	0	2
Other/Under Adv	0	0

MEDICAL MALPRACTICE

	MAR	YTD
Total Cases Tried	1	3
Plaintiff Verdicts	1	1
Defendant Verdicts	0	1
Other/Under Adv/Hung	0	1

MISCELLANEOUS

	MAR	YTD
Total Cases Tried	6	13
Plaintiff Verdicts	4	8
Defendant Verdicts	2	5
Other/Under Adv	0	0

CASELINK CORNER



BEWARE OF ADD-ON TOOLBARS WHEN TRYING TO VIEW PDF IMAGES ONLINE

As subscribers and users of our online electronic court record system called CaseLink are aware, the ability to display, view and print pdf digital images of pleadings and orders in countless cases is perhaps the most popular feature. However, it is very important to be aware that some Add-On Toolbars, if activated, may interfere with a user's ability to display our pdf documents. The most common add-on toolbars are Google and Yahoo. These add-on toolbars, as well as some others, have a pop-up blocker function associated with them which can prevent our pdf documents from displaying. If a user has already added our website address as an "Allowed Site" in their "Pop-up Blocker Settings" window located under the Tools menu, but yet still experiences a problem displaying a

pdf document, it more than likely means that an add-on toolbar with a pop-up blocker feature is currently activated and is blocking the image. If it is determined that a particular add-on toolbar is the source of the problem, one can ordinarily easily locate the pop-up blocker function on the toolbar itself and adjust the settings for the toolbar to always allow pop-ups from "caselink.nashville.gov." As an alternative, one can



deactivate an add-on toolbar by displaying the Toolbars window and removing the check mark located next to the name of the toolbar. The Toolbars window can be located either under the View drop down menu, if one has the Menu Bar displayed, or under Tools if the Menu Bar is not displayed. These instructions assume the use of Internet Explorer as the browser.

Quote of the Month

"Never argue with a man whose job depends on not being convinced."

H.L. Mencken

(1880 - 1956)

Journalist, Satirist, Critic



ROOKER REPORT

Published by the Davidson County
Circuit Court Clerk's Office

1 Public Square, Suite 302, Nashville, TN 37201

Internet - - circuitclerk.nashville.gov

Established by George L. Rooker (1929-1993)
(Circuit Court Clerk, 1968-1993)

RICHARD R. ROOKER..... Circuit Court Clerk

KYLE SOWELL..... Editor



To request an ADA accommodation,
please call 862-5204