



ROOKER

OCTOBER 2011

REPORT

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

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JUDGE LEON RUBEN



MOURNING HIS DEATH BUT HONORING HIS 30 YEARS OF MERITORIOUS SERVICE AS A JUDGE OF THE GENERAL SESSIONS COURT

With the passing of General Sessions Judge Leon Ruben on October 7th after an extended illness, Nashville lost one of its premier jurists. For thirty years, Judge Ruben presided as a Judge of the General Sessions Court, having first been appointed to the seat by the Metro Council in 1981 to fill a vacancy. He was later elected to the position in 1982 and re-elected in 1990, 1998 and 2006. Ruben's remarkable success on the bench was attributable to his reliance on the time-honored values of hard work, common sense, and his uncommon ability to empathize with people from all walks of life. He was a native Nashvillian who received his undergraduate degree from Vanderbilt University in 1956 and his law degree from the Nashville School of Law in 1962. He was elected to the Metro Council in 1975 and represented the Bellevue community as Councilman until taking the bench in 1981. He was a member of the West End Synagogue, the Nashville Bar Association, the Tennessee Bar Association, the Tennessee General Sessions Court Judges Conference, the Lawyers' Association for Women and the American Bar Association. Ruben served as Presiding Judge for the Davidson County General Sessions Courts from 1984 to 1988, 1990 to 1991, 1996 to 1997, and 2000 to 2001. He also served as president of the Tennessee General Sessions Conference from 1993 to 1994. Despite the many demands placed upon him, Judge Ruben still found time to contribute his talents to his community as a member of numerous civic organizations, including the Bellevue Exchange Club, Murfreesboro Road Optimist Club, and the Bellevue Chamber of Commerce which named him Bellevue Citizen of the Year in 1981. Judge Ruben also served on the Board of Directors for the American Red Cross and the Alumni Board of Leadership Nashville. Although his life was full of honors and achievements, there are two aspects of his life which are perhaps most fondly remembered by those in the courthouse community. The first - - because he was Jewish, Ruben volunteered for decades to sit on the bench on Christmas Day so that his colleagues could spend the holiday with their families. The second - - Judge Ruben was Nashville's most publicized collector of Mickey Mouse memorabilia for many years. How he started that collection and whatever happened to it is the subject of a related feature story in this issue.



LEON RUBEN

Judge Ruben will be missed, but his legacy as an outstanding public servant who dedicated his professional career to ensuring equal justice for all his fellow citizens will live on.



ON THE NEXT PAGE -- THE STORY OF JUDGE RUBEN'S MICKEY MOUSE COLLECTION

“Let’s quit Mickey Mousing around and get something done.”

JUDGE RUBEN’S MICKEY MOUSE MEMORABILIA COLLECTION

HOW IT GOT STARTED

Although Nashville’s Criminal Justice Center (CJC) has been a presence in the downtown landscape for many years, that was not always the case. In the late 1970’s, the Metro Council wrestled with the decision of whether or not to fund and build the CJC. At that time, Leon Ruben served as a member of the Council and had not yet become a judge. The debate over the CJC had come to an impasse and the Council seemed unable to reach a decision. In an effort to move the deliberations forward, Councilman Ruben rose to address the assembly. In concluding his remarks, he quipped, “Let’s quit Mickey Mousing around and get something done.” By the start of the next Council meeting, a small figure of Mickey Mouse had been discreetly placed on his desk. Even an editorial cartoon soon appeared in the local newspaper depicting Ruben as Mickey Mouse.

And so it thus began. From that point forward and for most of the next 30 years, Judge Ruben’s office became the focal point of an ever expanding collection of Mickey Mouse memorabilia. He collected many items himself but many were collectibles given to him by friends and colleagues over the years as word spread of his collection. During this time, anyone who had the

opportunity to visit his office was met with a display of Mickey Mouse memorabilia which rivaled most other private collections of a similar nature.

WHATEVER HAPPENED TO THE COLLECTION?

The collection currently resides just a few blocks away from the Metro Courthouse at the Tennessee State Museum in downtown Nashville. By a Deed of Gift dated May 24, 2006, Judge Ruben gifted his entire collec-



tion to the museum. Although the collection is not on public display, officials at the state museum were kind enough to allow us to visit and view many of the items which they have in their custody so we thank them.



WHAT DOES THE COLLECTION CONSIST OF?

According to records at the state museum, it took two days and three people to move the entire collection to the Bellevue Mall as a staging area as part of their intake process. The final inventory shows that the collection consists of 699 individual objects including, but certainly not limited to, lunch boxes, glassware, lamps, pens and markers, clocks, watches, stuffed animals, mugs, toys, cookie jars, jewelry, figurines, ornaments, magnets, banks, etc.

The official catalog of inventory reflects the following:

- 45 Christmas Tree Ornaments
- 3 Banks
- 30 Key Rings
- 12 Snow Globes
- 7 Bathroom Accessories
- 12 Plastic Beverage Ware
- 21 Beverage Glassware
- 27 Clocks
- 5 Watches
- 9 Jewelry
- 89 Figurines
- 8 Lunchboxes
- 14 Pencils
- 25 Pens
- 27 Office Accessories
- 35 Magnets
- 10 Miscellaneous Souvenir Gift Items
- 25 Large Toys
- 32 Figurines (Glass, Ceramic, Porcelain)
- 26 Large Plastic Toys
- 46 Small to Medium Toys
- 26 Large Framed Objects
- 48 Miscellaneous Large Items
- 117 Miscellaneous Objects



DAVIDSON COUNTY JUDGES CELEBRATE VOLUNTEER ATTORNEYS

Davidson County judges hosted a luncheon on October 7th to celebrate volunteer attorneys who have “stepped up to the plate” to provide legal assistance to people in need. More than 200 attorneys attended the event at the Metro Courthouse.

At the event, eight attorneys and one law firm were recognized as “homerun hitters” for their efforts to improve access to justice. Each honoree received a baseball signed by the members of the Tennessee Supreme Court. Chief Justice Cornelia A. Clark was on hand to present the award to each award recipient. The award recipients were: (1) Chad Davidson / Solo Practitioner; (2) Kelly Duggan / Healthcare Corporation of America; (3) John Gillmor / Bradley Arant Boulton Cummings LLP; (4) Mary Langford / Corley Henard Lyle Levy & Langford PLC; (5) Larry Maxwell / Baker, Donelson, Bearman, Caldwell and Berkowitz, PC; (6) Justin Pitt / Community Health Systems; (7) Morgan Smith / Solo Practitioner; (8) Patrick Witherington / Callahan Witherington PLC; and (9) Bass, Berry & Sims PLC.

In addition, as a result of the Supreme Court’s Pro Bono Summit last January, six of the largest law firms in Nashville created a coalition of representatives from each firm to engage their 600 attorneys in more pro bono work. At the event, the coalition announced that each law firm has made a commitment to train their staff on a specific area of need – unemployment compensation appeals, TennCare or health appeals, family law, debt and consumer issues and private landlord-tenant cases.

This coalition includes Baker, Donelson, Bearman, Caldwell and Berkowitz, PC; Bass, Berry & Sims, PLC; Bradley Arant Boulton Cummings LLP; Miller & Martin PLLC; Stites & Harbison PLLC and Waller Lansden Dortch & Davis LLP.

During the event, the judges also recognized the efforts of the Nashville Bar Association’s Modest Means Initiative and the Nashville Pro Bono Program, a joint venture of the Nashville Bar Association and Legal Aid Society.



From left to right: Judge Joe Binkley, Jr., Access to Justice Chair Margaret Behm, Chief Justice Cornelia A. Clark and Judge Philip Smith

TEN LOCAL ATTORNEYS APPLY TO BE THE NEXT JUDGE OF THE THIRD CIRCUIT COURT IN DAVIDSON COUNTY

The Judicial Nominating Commission has received applications from ten Nashville lawyers all seeking to fill the vacancy on the bench in the Third Circuit Court created by the retirement of Judge Barbara Haynes. The Commission will hold a public hearing at 9:00 a.m. on December 5, 2011, at Legislative Plaza in Hearing Room 16. During the public hearing, attorneys and members of the public may express their approval or objections to the candidates. Following the public hearing, the Commission will interview each applicant before recommending three candidates to the governor. Members of the public are invited to attend both the public hearing and the interviews.



The Judicial Nominating Commission reviews applicants for judicial vacancies on the state trial and appellate courts. From the applicants, the Commission makes recommendations to the governor, who makes an appointment to fill the vacancy. Eight of the seventeen members of the Commission are appointed by the Speaker of the Senate. Eight of the members are appointed by the Speaker of the House. One

member is jointly appointed by the Speakers of the Senate and House. Those who have applied to fill the vacancy in the 20th Judicial District are:

CYNTHIA JANE BOHN	Private Practice Cynthia J. Bohn & Associates
JOHN WINSTON HEACOCK	Private Practice
MARIAN L. KOHL	Special Master/Judicial Clerk First Circuit Court
STANLEY A. KWELLER	Private Practice - Jackson, Kweller, McKinney, Warden Lewis & Hayes
JOHN RICHARD MANSON	Special Master Eighth Circuit Court
MARY ASHLEY NICHOLS	Special Master - Davidson County Circuit Courts
PHILLIP ROBINSON	Private Practice
W. SCOTT ROSENBERG	Magistrate - Davidson County Juvenile Court
JOYCELYN STEVENSON	Partner - Bradley Arant Boulton Cummings, LLP
KEITH ALAN TURNER	Private Practice

CIRCUIT COURT TRIAL VERDICTS

October 2011

JURY TRIALS

**IF CASE WAS
APPEALED FROM
GENERAL SESSIONS**

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of October 10					
07C-2368	HEALTH CARE LIABILITY	5	DEFENDANT VERDICT	N/A	
09C-2280	HEALTH CARE LIABILITY	6	DEFENDANT VERDICT	N/A	
04C-2826	SLIP & FALL	1	PLAINTIFF / COMPROMISE & SETTLEMENT ON 10/17/11 AFTER 6 DAYS OF TRIAL		
Week of October 31					
09C-2354	AUTOMOBILE	5	DEFENDANT VERDICT	N/A	
10C-3152	AUTOMOBILE	2	DEFENDANT VERDICT	N/A	
10C-327	BREACH OF CONTRACT	5	DEFENDANT VERDICT	N/A	
09C-2957	AUTOMOBILE	1	PLAINTIFF \$5,686	N/A	
07C-2152	HEALTH CARE LIABILITY	6	HUNG JURY ON 11/7/11	N/A	

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of October 24					
10C-2193	TRAFFIC APPEAL	6	PLAINTIFF (DISMISSED - FAILURE TO PROSECUTE)	N/A	
10C-2875	TRAFFIC APPEAL	6	PLAINTIFF (MOTORIST GUILTY - \$50 FINE)	N/A	
10C-5040	SWORN ACCOUNT	5	PLAINTIFF \$5,086 (AGAINST DEF SAROUFEIM)	DISMISSED	PLAINTIFF
09C-4585	CONTRACT/DEBT	5	PLAINTIFF \$21,340	P - \$16,674	DEFENDANT
11C-2246	CONTRACT/DEBT	5	PLAINTIFF \$48,625	N/A	
10C-4952	CONTRACT/DEBT	5	PLAINTIFF \$4,481 + ATTY FEES	N/A	
10C-2631	WORKERS' COMP	2	DEFENDANT / DISMISSED	N/A	
11C-2044	WORKERS' COMP	2	PLAINTIFF \$49,875 + Ct COSTS	N/A	
11C-1002	WORKERS' COMP	5	PLAINTIFF \$246,564	N/A	
10C-3360	AUTOMOBILE	5	PLAINTIFF \$4,602	N/A	
09C-4082	CERTIORARI & SUPERSEDEAS	6	DEFENDANT / DIRECTED VERDICT	N/A	
09C-4113	WORKERS' COMP	5	PLAINTIFF \$78,780		

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
09C-797	BREACH OF CONTRACT	1	PLAINTIFF \$452,520 (\$75,420 COMPENSATORY & \$377,100 PUNITIVE)	10-27-11	NON-JURY

DEPARTMENTS BY THE NUMBER

October 2011

CIRCUIT COURT

	OCT	YTD
New Civil Cases Filed.....	240	2,083
Jury Demand.....	97	940
Non-Jury.....	143	1,143
New Divorce Cases Filed	173	1,971
Domestic Petitions Filed	157	2,357
New Adoption Petitions	8	119
Civil Cases Concluded.....	198	2,227
Jury Demand.....	130	1,326
Non-Jury	68	901
Divorce Cases Concluded	150	2,093
Domestic Petitions Concluded	190	2,372

GENERAL SESSIONS CIVIL

	OCT	YTD
Total New Cases Filed	4,050	40,633
Civil Warrants	1,988	20,963
Detainer Warrants	1,032	9,785
Recovery Warrants.....	28	295
Pet for Order of Protection.....	272	2,393
Emergency Committals	608	6,115
Other.....	122	1,082
Executions Issued.....	3,715	38,280
Garnishment Payments.....	4,501	43,909
Judgments Collected.....	\$977,757	\$9,421,745

PROBATE COURT

	OCT	YTD
Total New Cases Filed	136	1,608
Total Cases Closed	154	1,541
Probate Will	63	707
Probate Will for Muniment of Title.....	5	56
Letters of Administration.....	17	243
Small Estate Affidavits.....	26	241
Conservatorship.....	13	171
Guardianship of Minor.....	3	29
Name Change	7	95
Trust Matters.....	1	12
Other Miscellaneous	1	54

TRAFFIC VIOLATIONS BUREAU

	OCT	YTD
Total Traffic Violations.....	11,318	119,007
Moving Citations	6,858	78,646
Parking Citations.....	4,460	40,361
Environmental Citations.....	192	2,624
Total Fines Collected	\$400,643	\$4,645,728
Nullifications.....	854	9,972
Nullification Fees Collected ...	\$10,240	\$119,653
*Credit Card Payments	3,008	29,989



QUOTES OF THE MONTH

from
WALT DISNEY

All the adversity I've had in my life, all my troubles and obstacles, have strengthened me... You may not realize it when it happens, but a kick in the teeth may be the best thing in the world for you.

I would rather entertain and hope that people learned something than educate people and hope they were entertained.

I have no use for people who throw their weight around as celebrities, or for those who fawn over you just because you are famous.



CIRCUIT COURT TRIALS
BY TYPE OF CASE

OCTOBER 2011



AUTO ACCIDENT

	OCT	YTD
Total Cases Tried	4	31
Plaintiff Verdicts	2	22
Defendant Verdicts	2	7
Other/Under Adv	0	2
Jury Trials	3	20
Non-Jury Trials	1	11
Appeal from G.S.	0	6
Plaintiff Verd.	0	4
Def. Verdict	0	2
Other/None	0	0

CONTRACT

	OCT	YTD
Total Cases Tried	6	49
Plaintiff Verdicts	5	43
Defendant Verdicts	1	6
Other/Under Adv	0	0

HEATH CARE LIABILITY

	OCT	YTD
Total Cases Tried	3	8
Plaintiff Verdicts	0	2
Defendant Verdicts	2	4
Other/Under Adv/Hung	1	2

MISCELLANEOUS

	OCT	YTD
Total Cases Tried	8	53
Plaintiff Verdicts	6	33
Defendant Verdicts	2	18
Other/Under Adv	0	2



LIVE ON THE GREEN

October 13 - - Several thousand gather in Public Square Park for the final concert in the free six week concert series featuring the popular local band "Here Come The Mummies"



ROOKER REPORT

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