

# ROOKER

## AUGUST 2012 REPORT

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

### IN THIS ISSUE

Page 2

Continuation of Feature on Judge Rachel Bell

A Tale of the Law Book Collection

Page 3

August 2012 Circuit Court Trial Verdicts (Jury, Non-Jury, Specially Set)

Page 4

Statistical Numbers by Each Department for August 2012 and Year-to-Date (Circuit, Probate, Gen Sessions, Traffic)

New Estate Look Up Feature Added to Our Website

Second Annual Law Firm Trivia Night Raises Money for Charity

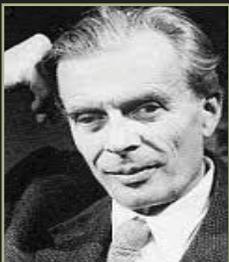
Page 5

Overview of August 2012 Trials By Type of Case

Judge Joe Binkley Swears-In His Brother as New Circuit Court Judge in 21st Judicial District

### QUOTE OF THE MONTH

"Experience is not what happens to you; it's what you do with what happens to you."



ALDOUS HUXLEY

## RACHEL BELL SWORN IN AS NEW JUDGE OF GENERAL SESSIONS COURT DIVISION VIII

On August 2nd the voters of Davidson County went to the polls to choose a successor to complete the unexpired term of General Sessions Judge Leon Ruben, who passed away in October 2011 after an extended illness and after having served thirty years on the bench. When the votes were counted, local attorney Rachel L. Bell emerged as the victor and, thus, became the next elected judge of Division VIII of Metro Nashville's General Sessions Court. A few weeks later on August 24th, an excited crowd of family, friends, colleagues, elected officials and judges gathered in the Justice A.A. Birch Building to witness her take the oath of office. After Mayor Karl Dean administered the oath, Judge Bell spoke to those assembled and emphasized that her tenure as judge will be guided by the principles of "kindness, fairness and respect" toward those appearing in her courtroom.

Before being elected to the bench, Bell was in private law practice with offices in both North and West Nashville. She is a third generation Nashvillian and a proud product of Davidson County Public Schools. At the age of thirteen, she was diagnosed with Type I Diabetes which led her to devote her life to assisting and inspiring others facing such medical challenges. Vanderbilt Children's Hospital chose Bell to serve as an Ambassador for hospitalized children due to her successful management of diabetes and her positive spirit. After graduating from Hillsboro High School where she was a basketball player, Bell received a basketball scholarship to Auburn University and participated on the SEC Championship team during the 1996-1997 season. She finished her basketball collegiate career at the University of Memphis where she received her Bachelor of Science in Education. In 2004, she graduated from the University of Memphis Cecil C. Humphreys School of Law, and moved back to Nashville to open her own law firm.

Over the years, Bell has volunteered to participate in high school mock trial competitions, coached basketball for kids ages 7 to 9 and continues to mentor students in high school, college and graduate school. In addition, she founded the Rachel L. Bell Foundation that allows high school juniors and seniors in Metro Nashville Public Schools to intern during their school breaks and apply for her college scholarship upon graduation. The Foundation also focuses on disease management for Type I diabetes and Graves disease (hyperthyroidism).

Bell has also been an active participant in both the legal community and the Nashville community at large. She has had the opportunity to serve on the boards of Hands on Nashville, Davidson County Industrial Development, Nashville Black Chamber of Commerce, Golfers Recognizing



JUDGE RACHEL L. BELL

CONTINUED PAGE 2

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# JUDGE BELL

Opportunities for Women, Women in Numbers, Disciples Village and Kaplan Career Institute. The Nashville Chamber of Commerce has recognized Bell as one of Nashville's Emerging Leaders (NELA) and the Nashville Business Journal has recognized her as an award recipient as part of their "40 Under 40" series. She is a member of the Nashville Bar Association, Napier Looby Bar Association, Tennessee Bar Association, Lawyers Association for

Women, Nashville Chamber of Commerce, Nashville City Club, CABLE, Delta Sigma Theta Sorority, Top Ladies of Distinction and New Covenant Christian Church Disciples of Christ.

In putting on the robe, Bell steps into the fast-paced world of General Sessions Court. The Court is a high volume limited jurisdiction court that hears civil, misdemeanor, felony, traffic, environmental, and metropolitan ordinance violations. It is often the public's first introduction to the judicial process. There are eleven divisions of the Metropolitan General Sessions Courts with an elected judge to serve in each division. The eleven judges rotate each week to preside over the various civil and criminal dockets. Judge Bell will stand for re-election in 2014 when all eleven seats on the General Sessions Court will be put to the voters of Davidson County.



Judge Bell's parents, Dwayne and Beverly Bell, help her don her first judicial robe (left) and look on with pride as Mayor Dean administers the judicial oath of office (above)

## A TALE OF THE LAW BOOK COLLECTION

As part of her remarks at her swearing-in ceremony, Judge Bell shared the following story. It was 2005. She had just graduated law school and taken the bar exam but did not have the results back yet. Nonetheless, she was determined to move ahead with preparations to open her own law practice. She was starting from scratch and had few furnishings. She certainly had no collection of law books with which to fill her bookcases. Then she heard through a secretary in the courthouse that Judge Leon Ruben was looking to give away his entire collection of old Tennessee Reports, a collection of approximately 200 historic Tennessee caselaw books dating back to the 19th century. She had never met Judge Ruben before but contacted him anyway to inquire about the books. According to Bell, Judge Ruben graciously took the time to meet with her. He spoke to her about her future legal career,



giving her advice and sharing much of his wisdom and insight. He noted the historical significance of the books, many of which contain inscriptions from past judges who owned the collection. At the conclusion of that meeting, Judge Ruben knew he had found the perfect new home for his book collection. He helped Bell box up the books and carry them to her car, not knowing at that time that he had just given his book collection to the young law school graduate who would someday succeed him on the bench. After the general election, the full impact of this act of serendipity came to light as Judge Bell discovered for the first time that Judge Ruben himself had also inscribed each volume of the collection with his own name. Some things in life are meant to be and some things are a matter of coincidence. Either way, the journey of this law book collection from one judge to another is quite a tale.

# CIRCUIT COURT TRIAL VERDICTS AUGUST 2012

## JURY TRIALS

**IF CASE WAS  
APPEALED FROM  
GENERAL SESSIONS**

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
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**Week of August 6**

12C-15	AUTOMOBILE	8	PLAINTIFF \$2,995	TRANSFERRED TO CIRCUIT	
10C-740	AUTOMOBILE	2	DEFENDANT VERDICT	N/A	
10C-1082	WRONGFUL TERMINATION	5	PLAINTIFF \$117,000	N/A	
10C-2726	AUTOMOBILE	6	PLAINTIFF \$5,000	N/A	
10C-2656	AUTOMOBILE	8	PLAINTIFF \$12,429	N/A	

## NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
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**Week of August 13**

12C-2344	CONTRACT/DEBT	1	PLAINTIFF \$252 (COSTS SPLIT)	P - \$3,340	DEFENDANT
12C-834	IDENTITY THEFT DAMAGES	1	PLAINTIFF \$100,000 (INJUNCTION GRANTED)	N/A	
07C-1820	AUTOMOBILE/DAMAGES	6	PLAINTIFF \$250,000	N/A	
11C-1046	SWORN ACCOUNT	1	PLAINTIFF \$2,000 (AGREED JUDGMENT)	P - \$6,489	DEFENDANT
12C-422	WORKERS' COMP	5	PLAINTIFF \$4,425 (3% PPD To RIGHT LEG & No TTD)	N/A	
11C-2881	DETAINDER ACTION	6	UNDER ADVISEMENT	TRANSFERRED TO CIRCUIT	
12C-547	BREACH OF CONTRACT	2	PLAINTIFF \$12,490	P - \$24,000	DEFENDANT
12C-2432	CONTRACT/DEBT	2	DEFENDANT VERDICT	P - \$4,604	DEFENDANT

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

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
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10C-2509	AUTOMOBILE (DAMAGES HEARING)	5	PLAINTIFF \$30,000	8-2-12	NON-JURY
10D-1762	DIVORCE TRIAL	8	DIVORCE GRANTED	8-28-12	NON-JURY

**USE CASLINK TO ACCESS MORE DETAILED INFORMATION  
ABOUT THESE CASES AND THOUSANDS MORE**

# DEPARTMENTS BY THE NUMBER

# August 2012

## CIRCUIT COURT

	AUG	YTD
New Civil Cases Filed.....	203	1,618
Jury Demand.....	82	716
Non-Jury.....	121	902
New Divorce Cases Filed .....	208	1,650
Domestic Petitions Filed .....	266	2,119
New Adoption Petitions .....	11	90
Civil Cases Concluded.....	214	1,771
Jury Demand.....	126	1,046
Non-Jury .....	88	725
Divorce Cases Concluded .....	271	1,533
Domestic Petitions Concluded .....	371	1,901

## GENERAL SESSIONS CIVIL

	AUG	YTD
Total New Cases Filed .....	4,860	34,201
Civil Warrants .....	2,458	17,495
Detainer Warrants .....	1,277	8,119
Recovery Warrants.....	27	164
Pet for Order of Protection.....	338	2,428
Emergency Committals .....	693	5,361
Other.....	67	634
Executions Issued.....	4,007	33,422
Garnishment Payments .....	4,671	36,505
Judgments Collected.....	\$1,008,419	\$7,917,770

## PROBATE COURT

	AUG	YTD
Total New Cases Filed .....	195	1,373
Total Cases Closed.....	123	1,320
Probate Will .....	97	602
Probate Will for Muniment of Title.....	7	57
Letters of Administration.....	24	191
Small Estate Affidavits.....	34	216
Conservatorship.....	21	162
Guardianship of Minor .....	0	20
Name Change .....	10	75
Trust Matters.....	0	15
Other Miscellaneous .....	2	35

## TRAFFIC VIOLATIONS BUREAU

	AUG	YTD
Total Traffic Violations.....	10,985	83,450
Moving Citations .....	7,792	56,740
Parking Citations.....	3,193	26,710
Environmental Citations.....	219	1,683
Total Fines Collected .....	\$398,272	\$3,178,567
Nullifications.....	691	5,751
Nullification Fees Collected .....	\$8,293	\$69,012
Credit Card Payments.....	3,688	26,209

### ESTATE SEARCH FEATURE NOW ADDED AS A MENU OPTION ON OUR WEBSITE

Subscribers to our online court record system, CaseLink, have had the ability for quite a while to look up probate records to determine whether or not an estate case exists in Davidson County for a particular deceased person. Persons not using or subscribing to CaseLink have, in the past, had to call or contact our office directly to obtain this information. That has now changed. Our office has added a new menu option on the Probate page of our website which now gives anyone the ability to search for an estate case. One can search the estate index by name of the deceased which includes an option to focus the search on a specific date range if the date of death is unknown. Although, this new search feature will not provide complete information about the status of the case or the filings contained therein, it will provide the user with the case number, the date of filing and the date of death. In order to access this new feature, one can visit our website at <http://circuitclerk.nashville.gov> and click on the Probate tab and choose "estate lookup" from the menu options.

### SECOND ANNUAL LAW FIRM TRIVIA NIGHT RAISES \$6,300

The Second Annual Law Firm Trivia Challenge in Nashville raised \$6,300 for the Cystic Fibrosis Foundation. The event took place on Monday night, August 13th, and was hosted by members of the Young Lawyers Division of the Nashville Bar Association. More than 100 lawyers competing on 19 law firm teams took part. First place went to "Guilty as Charged" from the Davidson County District Attorney General's office. Team members were Rob McGuire, Bret Gunn, Elizabeth Foy, Brian Ewald and Lauren Turner. Second place went to "Trivial Per Se," a team from the Law Office of John Day, and third place went to the team from Neal & Harwell.



CIRCUIT COURT TRIALS  
BY TYPE OF CASE

**AUGUST  
2012**



**AUTO ACCIDENT**

	AUG	YTD
Total Cases Tried	6	33
Plaintiff Verdicts	5	23
Defendant Verdicts	1	10
Other/Under Adv	0	0
Jury Trials	4	20
Non-Jury Trials	2	13
Appeal from G.S.	0	1
Plaintiff Verd.	0	1
Def. Verdict	0	0
Other/None	0	0

**CONTRACT**

	AUG	YTD
Total Cases Tried	4	37
Plaintiff Verdicts	3	28
Defendant Verdicts	1	9
Other/Under Adv	0	0

**HEALTH CARE LIABILITY**

	AUG	YTD
Total Cases Tried	0	11
Plaintiff Verdicts	0	2
Defendant Verdicts	0	6
Other/Under Adv/Hung	0	3

**MISCELLANEOUS**

	AUG	YTD
Total Cases Tried	5	42
Plaintiff Verdicts	4	32
Defendant Verdicts	0	7
Other/Under Adv	1	3

**IT RUNS IN THE FAMILY**  
BOTH BINKLEY BROTHERS NOW SERVE AS JUDGE



Judge Mike W. Binkley, left, is sworn in to the Circuit Court of the 21st Judicial District by his brother, Judge Joe P. Binkley Jr., as Mike's wife, Sandy, holds the Bible

"Alright, Mike. We're very proud of you." With those words as a preface, Davidson County Fifth Circuit Court Judge Joe P. Binkley, Jr., then had the honor of administering the judicial oath of office to his younger brother, Mike Binkley. The scene was the historic downtown Franklin courthouse on August 31st, and Mike Binkley had just weeks before been elected to serve as the next Circuit Court Judge in the 21st Judicial District (i.e., Williamson, Hickman, Lewis and Perry counties). Now there are two Judge Binkleys serving in adjacent judicial districts.

Both Judge Binkleys are third generation attorneys with a prominent heritage in the legal community. Their maternal grandfather was Homer B. Weimer, who died of cancer in the late 1950s, after serving four years on the bench as judge of Criminal Court Division II in Davidson County. Their father was Joe P. Binkley, Sr., who passed away in 2001, but who is remembered in the annals of legal history as one of the most effective criminal defense attorneys to ever practice in Nashville.

**ROOKER  
REPORT**

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