



ROOKER

SEPTEMBER 2012

REPORT

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

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Continuation of Presiding Judges Feature Article

PRESIDING JUDGES CHOSEN FOR GENERAL SESSIONS COURT AND STATE TRIAL COURTS IN DAVIDSON COUNTY

Nashville has 11 General Sessions judges and 18 State Trial Court judges, all elected by the citizens of Davidson County. They collectively are charged with the responsibility of dispensing justice in the thousands of various legal matters, both civil and criminal, which come before and through the local court system each year. In order to carry out this mission, each group of judges elects one of their own each August to serve a one-year term as Presiding Judge with the term each year commencing on September 1st. The Presiding Judge supervises the business of the court, oversees the court's fiscal budget, works with each of the court's individual specialty committees, resolves issues and disputes and promotes court-related legislation during general assembly sessions.

JUDGE MONDELLI TAKES THE HELM IN GENERAL SESSIONS COURT FOR A THIRD TIME IN HIS JUDICIAL CAREER

Judge Michael Mondelli has been chosen by his colleagues to serve as Presiding Judge in General Sessions Court for the third time in his judicial career. He previously served as Presiding Judge in 1993 and 1998. Judge Mondelli was elected to General Sessions Court Division VI in 1990, a judicial seat previously occupied by his father, the late Leslie Mondelli, Sr. He was re-elected to Division VI in 1998 and 2006. He served as President of the General Sessions Judges Conference for a one year term which began in September of 2002.

He is a native of Nashville and graduated from Father Ryan High School. Judge Mondelli received both his B.S. degree in 1969 and Law Degree in 1973 from the University of Tennessee in Knoxville.

Judge Mondelli is married to Ann (Henderson) Mondelli. They have four children and two grandchildren.

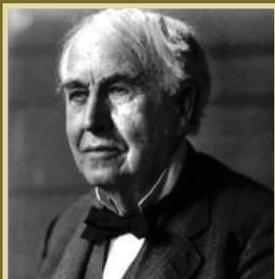
He holds professional memberships with the Nashville Bar Association, Tennessee Bar Association, Tennessee General Sessions Judges Conference, Tennessee Lawyers Association for Women, the American Bar Association and the American Judges Association.



JUDGE MICHAEL MONDELLI

QUOTE OF THE MONTH

"Unfortunately, there seems to be far more opportunity out there than ability. We should remember that good fortune often happens when opportunity meets with preparation."



THOMAS EDISON

CONTINUED ON PAGE 4

See **PRESIDING JUDGES**

CIRCUIT COURT TRIAL VERDICTS SEPTEMBER 2012

JURY TRIALS

**IF CASE WAS
APPEALED FROM
GENERAL SESSIONS**

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of September 10					
10C-3708	AUTOMOBILE	1	PLAINTIFF \$8,000	N/A	
10C-4700	AUTOMOBILE	8	DEFENDANT (50% FAULT TO P & D)	N/A	
11C-2116	AUTOMOBILE	6	PLAINTIFF \$14,161 (DEFAULT GRANTED)	N/A	
11C-1790	AUTOMOBILE	2	PLAINTIFF \$98,649	N/A	
Week of September 17					
12C-1637	DAMAGES/TORT	1	DISMISSED (PLAINTIFF FAILED TO APPEAR)	N/A	
10C-4899	BREACH OF CONTRACT	1	PLAINTIFF \$474	N/A	
01C-3794	PRODUCT LIABILITY	2	DEFENDANT VERDICT	N/A	

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of September 24					
11C-2240	WARRANT TO RECOVER VEHICLE	8	C/S (D TO RECEIVE \$1,750 OF \$4,151 HELD BY CLERK & COSTS SPLIT)	P (POSS. OF VEHICLE BUT PAY \$250 TO D)	DEFENDANT
12C-884	CONTRACT/DEBT	8	PLAINTIFF \$4,697	P - \$7,460	DEFENDANT
11C-4097	WORKERS' COMP	5	PLAINTIFF \$25,736	N/A	
12C-188	MALICIOUS PROSECUTION	5	PLAINTIFF \$575,000	N/A	
07C-1802	LOST BENEFITS	1	PLAINTIFF \$115,000 (BY DEFAULT)	N/A	
12C-2734	DETAINER ACTION	1	DEFENDANT (CASE DISMISSED)	P - \$1,235	DEFENDANT
12C-2891	WORKERS' COMP	1	PLAINTIFF \$27,872 + LIFETIME MED	N/A	
09C-4271	WORKERS' COMP	5	DEFENDANT (CASE DISMISSED)	N/A	
11C-1720	NEGLIGENCE	1	PLAINTIFF \$500 FROM DEF #1	P - \$5,660	DEFENDANT
11C-339	WORKERS' COMP	8	PLAINTIFF 42% PPD TO THE BODY AS A WHOLE + LIFETIME MED	N/A	

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
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NO SPECIALLY SET TRIALS IN SEPTEMBER

DEPARTMENTS BY THE NUMBER

September 2012

CIRCUIT COURT

	SEP	YTD
New Civil Cases Filed.....	204	1,822
Jury Demand.....	102	818
Non-Jury.....	102	1,004
New Divorce Cases Filed	180	1,830
Domestic Petitions Filed	176	2,295
New Adoption Petitions	8	98
Civil Cases Concluded.....	160	1,931
Jury Demand.....	92	1,138
Non-Jury	68	793
Divorce Cases Concluded	168	1,701
Domestic Petitions Concluded	242	2,143

GENERAL SESSIONS CIVIL

	SEP	YTD
Total New Cases Filed	3,618	37,819
Civil Warrants	1,923	19,418
Detainer Warrants	796	8,915
Recovery Warrants.....	7	171
Pet for Order of Protection.....	243	2,671
Emergency Committals	608	5,969
Other.....	41	675
Executions Issued.....	4,046	37,468
Garnishment Payments	4,127	40,632
Judgments Collected.....	\$972,494	\$8,890,264

PROBATE COURT

	SEP	YTD
Total New Cases Filed	128	1,501
Total Cases Closed.....	236	1,556
Probate Will	68	670
Probate Will for Muniment of Title.....	6	63
Letters of Administration.....	8	199
Small Estate Affidavits.....	18	234
Conservatorship.....	10	172
Guardianship of Minor	3	23
Name Change	11	86
Trust Matters.....	3	18
Other Miscellaneous	1	36

TRAFFIC VIOLATIONS BUREAU

	SEP	YTD
Total Traffic Violations	9,622	93,072
Moving Citations	6,408	63,148
Parking Citations.....	3,214	29,924
Environmental Citations.....	160	1,843
Total Fines Collected	\$349,431	\$3,527,998
Nullifications.....	622	6,373
Nullification Fees Collected	\$7,462	\$76,474
Credit Card Payments.....	3,591	29,800

LEGAL HISTORY PROJECT

A FASCINATING RECORD OF THE LEGAL PROFESSION IN TENNESSEE

If you are not familiar with the ongoing Legal History Project pioneered and produced by the Tennessee Bar Foundation, you ought to be. The mission of the Legal History Project is to record the memories of Tennessee's senior lawyers. As of September 2012, 79 individual video interviews have been completed. These recorded interviews conducted by various Fellows of the Foundation provide insight into each interviewee's personal background and experience in the legal community and offers each an opportunity to reminisce about people, places and events. Among those interviewed this past year are Gilbert S. Merritt (Senior Judge, U.S. Sixth Circuit Court of Appeals), Thomas A. Higgins (former federal judge, U.S. District Court for Middle Tennessee) and William M.

Barker (former Justice, Tennessee Supreme Court). The Legal History Project collection, both current and future, is part of the holdings of the Tennessee State Library and Archives. The interview masters will be housed in perpetuity in a secure, temperature and humidity controlled environment. DVD reference copies are available to the public at the Main Library in downtown Nashville. A finding aid for the collection may be accessed on the internet at <http://www.tn.gov/tsla/history/manuscripts/findingaids/2012-007.pdf>. Copies of the Project's interviews may also be borrowed or purchased from the Tennessee Bar Foundation. The entire list of interviewees and seven "best of" video collages are available to view on the Foundation's website - - www.tnbarfoundation.org.

**SEPTEMBER
2012**



AUTO ACCIDENT

	SEP	YTD
Total Cases Tried	4	37
Plaintiff Verdicts	3	26
Defendant Verdicts	1	11
Other/Under Adv	0	0
Jury Trials	4	24
Non-Jury Trials	0	13
Appeal from G.S.	0	1
Plaintiff Verd.	0	1
Def. Verdict	0	0
Other/None	0	0

CONTRACT

	SEP	YTD
Total Cases Tried	2	39
Plaintiff Verdicts	2	30
Defendant Verdicts	0	9
Other/Under Adv	0	0

HEALTH CARE LIABILITY

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

MISCELLANEOUS

	SEP	YTD
Total Cases Tried	11	53
Plaintiff Verdicts	7	39
Defendant Verdicts	4	11
Other/Under Adv	0	3

JUDGE BINKLEY ELECTED TO PRESIDE OVER STATE TRIAL COURTS FOR THIRD CONSECUTIVE TERM

Expressing a desire to stay the course, the State Trial Court judges have elected Judge Joe Binkley, Jr., to serve a third consecutive term as Presiding Judge. Binkley is the judge for the Fifth Circuit Court. He was born in Nashville and attended Christ The King and St. Henry's Elementary Schools and Montgomery Bell Academy. He received a Bachelor of Science Degree from Vanderbilt University and further received his Doctorate of Jurisprudence from Vanderbilt University School of Law. He was admitted to the Tennessee Bar in 1969. Judge Binkley practiced law in Nashville as a solo practitioner for 39 years (1969-2008). While practicing law, Judge Binkley shared office space with his father, Joe Binkley, Sr., and his brother, Michael W. Binkley, who now also serves as a Circuit Court Judge but in the 21st Judicial District. He was appointed to the Fifth Circuit Court in April 2008 by Governor Phil Bredesen and was elected by popular vote in August 2008. He is a member of the Nashville and Tennessee Bar Associations and the Tennessee Trial Lawyers Association. He is a Fellow of the Tennessee Bar Foundation as well as a Fellow of the Nashville Bar Association.



JUDGE JOE BINKLEY, JR.

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