

Rooker Report

September 1997



Published by the Davidson County Circuit Court Clerk's Office



Vol.5, No. 8

NEW ELEVATORS By THANKSGIVING

The first phase of the long-awaited courthouse elevator renovation project should be completed by the holidays, maybe as soon as Thanksgiving.

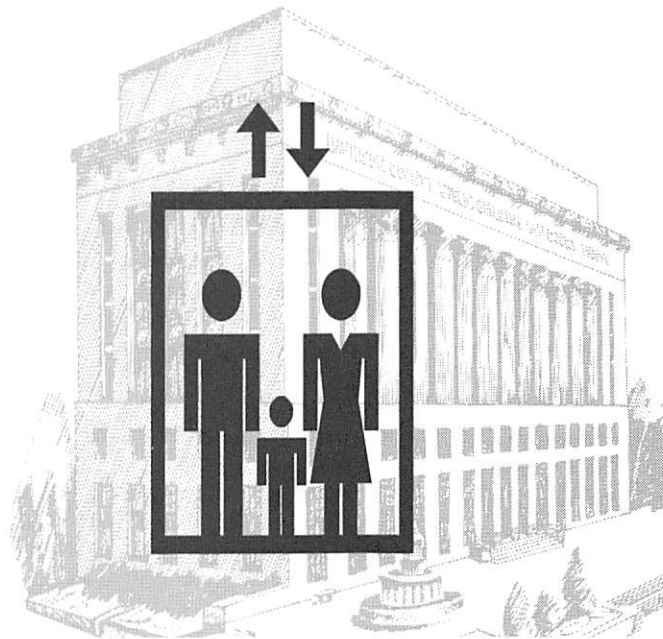
So says project manager Peter Heidenreich, who vows that patrons can expect to reach the floor of their choice much faster with a greater sense of safety and luxury -- even before final rites are given to the three remaining oldtimers who have struggled under the strain of double duty since the renovation began.

Once the three new lifts are dedicated, the \$1.6 million improvements will be half way completed and yet another era will disappear behind a plywood screen symbolic of dignified farewell.

And richly deserved. For the now-feeble machines have served the public well, rising to the occasion for more years than the lifespan of the man who invented them.

Elisha Otis of Yonkers, New York was only 50 years old when he died in 1861, leaving behind his creation of the world's first hoist of the functional design we know today. It is ironic that his brainchild would sustain life for more than 60 years in Nashville, Tennessee.

Their replacements will operate under the same mechanical prin-



ciples, but with a touch of technological ingenuity geared to modern man's intolerance for patience -- the same motivating factor that brought about the demise of manual controls and tearful farewells from men who opened and closed the car doors on the floor of your choice.

When the public steps into the 1997 version, says Heidenreich, it will be like stepping from a horse-drawn carriage into a stretch limo.

No more dimly lit, stuffy cabs with malfunctioning doors and jerky rides; no more mystery of which floor you're on when the door opens (if it does); no more getting stuck between floors or tripping over uneven alignment; no more silent prayers.

The new cars -- each one for the first time accessible to all of the building's seven floors -- will be well lighted, climate controlled, jet-

fast and deco-plush with partially etched glass walls.

The ambiance and comfort features will take a back seat to efficiency, says Heidenreich, who believes that just two of the new elevators will provide faster service than all six of the old lifts combined.

As mentioned earlier, three of the new units will be dedicated initially, but one of them will be used almost exclusively for transporting prisoners to and from criminal courtrooms without exposure to the general public.

Heidenreich said the second phase of the renovation is expected to be completed within about six months from the time the first new elevators make their debut. But the benefits of the first phase will have an immediate impact.

"We should see an appreciable difference right away in the congestion that now exists around the elevators on the ground floor," Heidenreich emphasized.

That's good news for the vast majority of intra-floor commuters. But then there is a tiny segment of courthouse personnel, like Circuit Court Clerk Girl Friday Michelle Sawyer, who will continue to reach their destination the old fashion way -- by the stairs.

CIRCUIT JUDGES ARE ASKING: 'RULE 56...WHERE ARE YOU?'

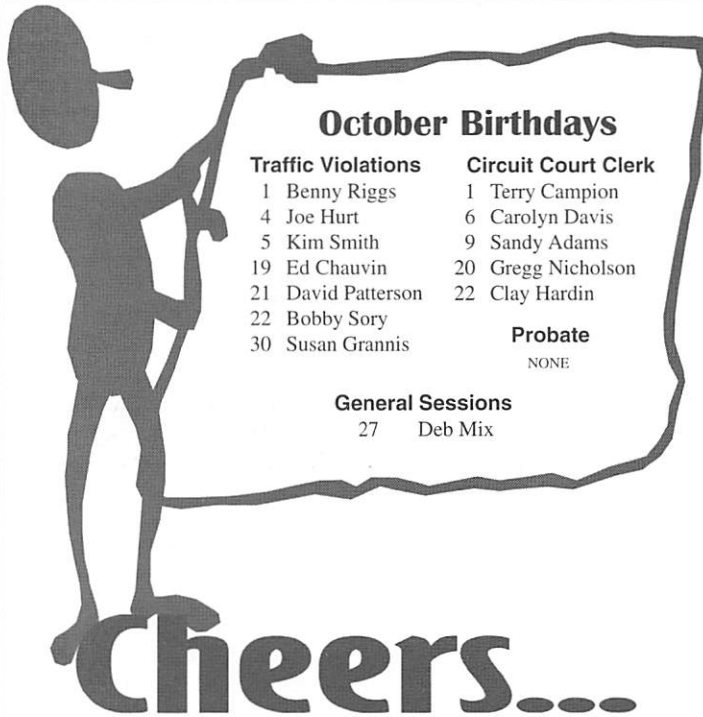
Sometimes when changes are made to improve expediency of civil procedure, it takes a while to affect their application.

Such is the case of a new requirement applicable to motions for summary judgment, incorporated in the Tennessee Rules of Civil Procedure. It went into effect on July 1 of this year. It's called "Rule 56" and it requires parties opposed to summary judgment motions to respond to each fact set forth in the motion.

Judge Barbara Haynes and fellow circuit judges have called the new rule to the attention of attorneys who practice in their courts.

The judges say the guidelines must be followed to assist them in ascertaining whether there are material facts in dispute. The rule requires that all summary judgment motions now must be accompanied by a concise statement of material facts as to which the moving party contends there is no genuine issue for trial. "Each fact must be set forth in a separate, numbered paragraph" and "...shall be supported by a specific citation to the record."

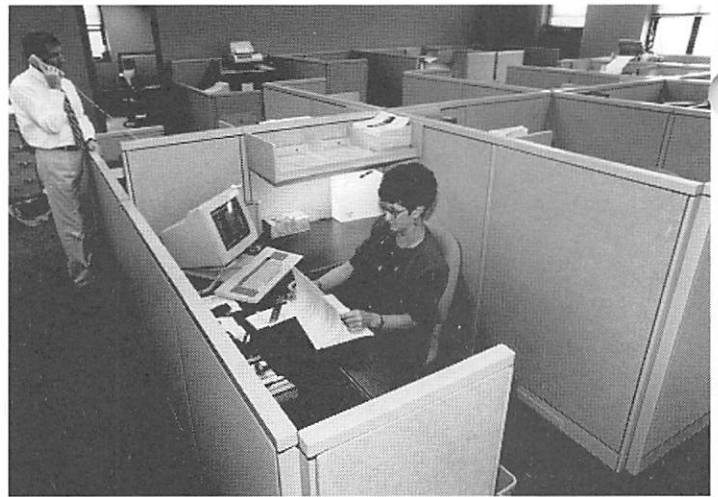
Attorneys are requested to review the new rule prior to the filing of summary judgment motions.



October Birthdays

Traffic Violations	Circuit Court Clerk
1 Benny Riggs	1 Terry Campion
4 Joe Hurt	6 Carolyn Davis
5 Kim Smith	9 Sandy Adams
19 Ed Chauvin	20 Gregg Nicholson
21 David Patterson	22 Clay Hardin
22 Bobby Sory	
30 Susan Grannis	
	Probate
	NONE
General Sessions	
27 Deb Mix	

Cheers...



NEW LOOK FOR TRAFFIC BUREAU-Modular work stations and new computer equipment complement freshly painted walls in the renovated Traffic Violations Bureau. The long-overdue improvements -- including an expanded data processing department -- have enhanced employee morale and work efficiency. Here, cashier Tony Eden responds to a customer's telephone inquiry while clerk Bessie Fox verifies the accuracy of a sample docket.



◆ There is one less single lady in our General Sessions Civil Division office following the wedding of the former **Mary Dobbins**, who became Mrs. **Henry Barnhill** in a private ceremony in Franklin on August 29. He is a sales representative with Varco Pruden, a steel building manufacturer.

◆ **Greg Jett** has left our General Sessions civil office to accept a court officer's position with Judge **Sue McKnight Evans**. Jett, a docket clerk for the past five years, replaces **Doug Crow**, who resigned to devote time to his family's business. In another court officer exchange, Circuit Court Judge **Muriel Robinson** has named **James R. (Trey) Everett III** as a replacement for **James Robnett**, who resigned recently. Everett is the son of the late Probate Judge **Jim Everett**.

◆ Hats off to **Gregg Nicholson** of our child support division upon receiving his master's degree in public administration from Tennessee State University. Gregg earned his bachelor's degree from UT-Martin two years earlier.

◆ Circuit Court Clerk **Richard Rooker** says he is looking forward to being on jury duty next month. But, because of his position with the court system, he doubts that he will be selected to hear a case. If not, he can spend some time getting a honeymoon report from brother **George (Buddy) Rooker**, who just happened to draw jury duty the same week. Their service begins on Oct. 6, just nine days following the older brother's wedding to **Jennifer Davis**, an employee of the Manier Herod Hollabaugh & Smith law firm. Also on jury duty that week is actor/singer **Tom Wopat** of "The Dukes of Hazzard" fame.

Judge Ruben 'Just Fine' After Surgery

After undergoing surgery to remove a cyst from one of his kidneys, General Sessions Judge Leon Ruben said he plans to return to the bench in a matter of weeks.

"Two weeks, to be exact," he emphasized from his St. Thomas Hospital room the day after the Sept. 16 operation. "I'll be back for the criminal bond docket."

Ruben declared the surgery a success and said he expects no further complications from the growth removal. "They didn't have to take the kidney and that was good," he said. "It was just a tiny cyst that had not gotten any bigger over a period of time. The doctors gave me the option of waiting until later to deal with it. But I wanted to get it over with and behind me."

We extend our wishes for a speedy recovery.

◆ "Neat, wonderful and spiritual," were the adjectives **Jeff Filson** used to describe the christening of son **Adam James Filson** by the Church of England last month. The ritual was performed at St. Margaret's Parish where Filson's wife **Alison** and her family are affiliated. "I was really curious beforehand," said Filson, a Baptist. "It turned out to be an experience I will never forget." Filson, of course, is chief clerk of our General Sessions Civil Division office.

◆ Semi-retirement wasn't all it was cracked up to be for former Davidson County Chancellor **Bob Brandt**, who announced he would return to private law practice after holding senior judge status for one year. Brandt, who devoted 21 years to being a judge, has joined the firm of Doramus Trauger & Ney and says he will focus primarily on mediation and other alternative dispute resolution methods outside the courtroom.

◆ By the way, we extend best wishes to Chancellor **Carol McCoy**, who celebrated a "special" birthday this month.

◆ Gov. **Don Sundquist** has appointed Lewisburg attorney **Walter Bussart** to the Tennessee Court of Appeals, replacing Judge **Sam Lewis**, who is on disability leave following a multiple bypass heart operation. Lewis could return to the bench should his health improve. Meanwhile, another vacancy on the appellate court appears forthcoming in the wake of Judge **Henry Todd's** announcement that he will not seek another term.

...Tears

◆ We are saddened by the passing of former radio newsmen **Eddie Parker**, who died of a heart attack on August 27 at the age of 72. Following a colorful career as a reporter, Mr. Parker joined the Davidson County Sheriff's Department as an administrative assistant and held that position until his retirement.

◆ Condolences to **Betty Thompson** of our child support division in the death of her aunt **Mamie Wilkerson** of Little Rock, Ark. Mrs. Wilkerson was 87 years old when she passed away on Sept. 2.

◆ Three employees of the Traffic Violations Bureau lost grandparents since our last report. Our deepest sympathy goes out to **Lori Davis, Mike Fischer** and **Felice Graham**.

◆ **Beatrice Davis (Mama Rose)**, 81, died Sept. 10 of cardiac arrest. She spent more than a decade preparing meals for jurors and the Metro Council in the 1970s and 1980s after being hired by then-sheriff **Fate Thomas** as a caretaker for his young son, **Fate (Punkin) Thomas, Jr.**

NEW CRIES FOR HELP

When turning the other cheek fails, dating couples and minors now turning to courts

At the age of 12, Susan is too young to experience the trauma of courtroom confrontation. But she will.

She is terrified of her introduction to the justice system. But she is more terrified of the alternative.

Like many others in her age group, Susan has experienced physical and psychological abuse from her peers. Two girl friends, she claims, gave her drugs and threatened to harm her if she told on them. Then, she said, they turned on her anyway, hitting and biting her without mercy.

Fearful of further abuse, Susan sought protection through the courts -- a remedial alternative that had not been available to minors before July of this year.

Based on her sworn statement -- given with parental permission -- a General Sessions night court commissioner issued Susan an ex parte order of protection, temporarily preventing her attackers from bothering her again. It would later be up to a judge to evaluate the facts and decide if the protection order should be made permanent.

It is the same procedure applied for victims of spousal abuse, the primary benefactors of domestic violence laws before this year's reevaluation that expanded coverage to both minors and persons involved in dating relationships.

Response from the new segment was predictably swift. Before the end of the first month, protection order petitions ballooned well beyond the norm with the new segment making up a major portion of the filings.

In an effort to accurately gauge reaction to the expanded law, a sampling was taken of all petitions filed between July 23 and August 23 and broken down by classification. The results are depicted in the graphic on this page.

Of the 264 petitions issued during the sample period, 44 percent were granted to the new genre -- the most significant portion involving dating couples whose relationships deteriorated from romance to horrifying claims of physical and verbal abuse. Court records reflect a broad spectrum of allegations from both genders seeking to distance themselves from love-gone-bad reprisal.

In court, the victims will ask to extend the temporary order to permanent

protection against assault, battery, threatening phone calls, mail and all other types of personal association. Requests that are granted have an extremely high degree of effectiveness.

The penalty for violating an order of protection can be monetary and/or jail time. But defendants historically have shown an inclination for compliance. Of the 2,099 protection orders issued by the courts during calendar year 1996, there were only 70 violations recorded.

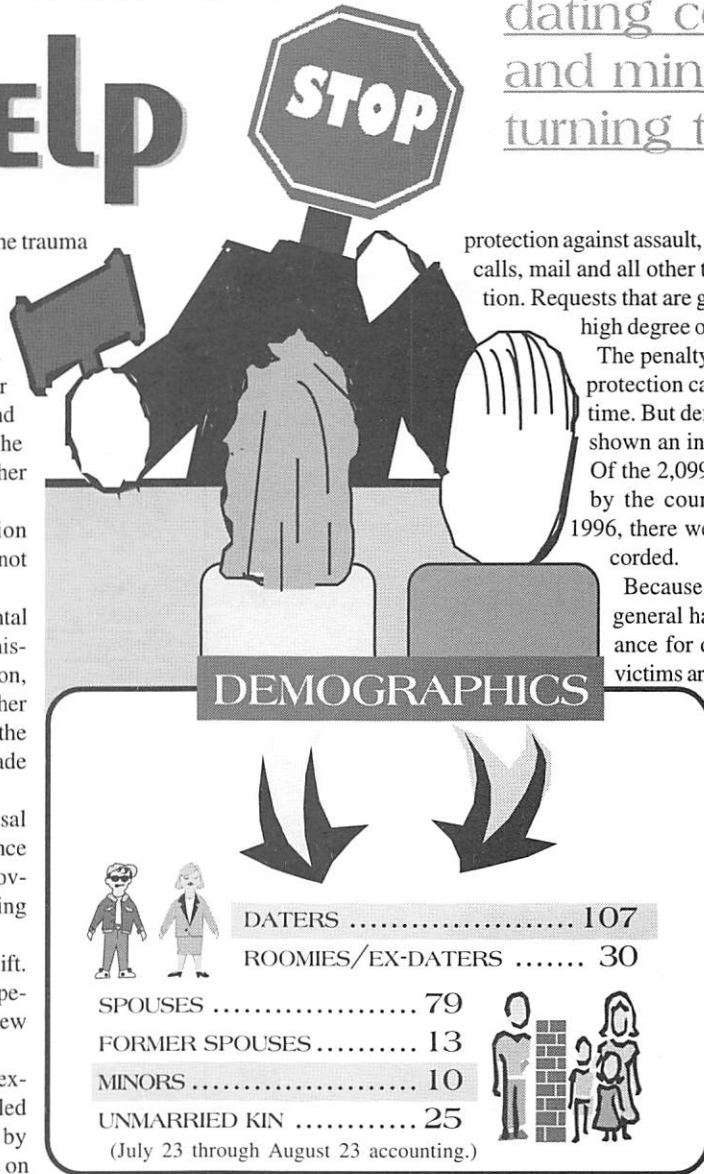
Because the courts and society in general have exhibited a low tolerance for domestic violence, more victims are coming forward in brave defiance of potential retribution from their tormentors.

During the first six months of 1996, the monthly average for order of protection petitions was 163. That number increased to 190 for the same comparison period this year and soared to 219 for the two months following expansion of the eligibility list.

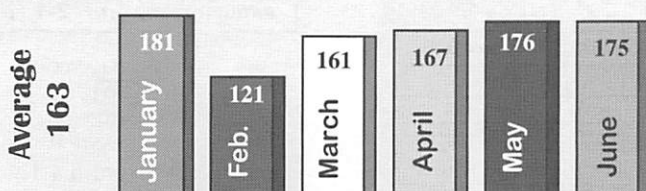
Should the upward trend continue, an additional court docket could

be required to accommodate caseloads. Currently, eight of the nine General Sessions judges conduct a single weekly docket. Only Judge Leon Ruben has opted to divide order of protection cases into two separate dockets.

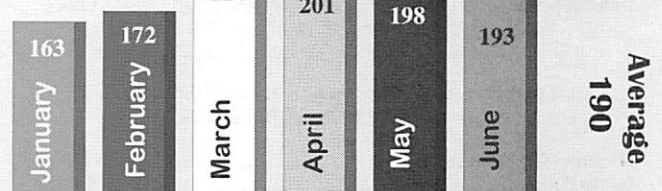
Judges need only to be convinced that situations that brought the abused victims to court are not likely to improve. The authenticity of many complaints is often reflected in lingering brands of rage and pleading faces that have run out of cheeks to turn.



1996



1997



NEW FEATURE

Beginning with this issue, the new feature at right will be offered to assist attorneys and judges in evaluating jury trial patterns in specific types of cases. Charts and figures will be updated monthly during the calendar year in an effort to provide a comprehensive overview of the civil trial climate.



DATA BANK

Statistics compiled for the month of August

CASE INFORMATION

Circuit Court

New Civil Cases Filed	273
Civil Cases Concluded	307
New Divorce Cases Filed	291
Divorce Cases Concluded	285

General Sessions Civil

New Cases Filed	2,970
Executions Issued	3,044
Judgments Collected	\$551,471
Orders of Protection Petitions	223

Probate Court

New Cases Filed	167
Cases Closed	120

Traffic Violations

Moving Citations	20,594
Parking Violations	8,336
Total Fines Collected	\$322,046
Nullifications	2,391
Nullification Fees Collected	\$21,519

JURY TRIAL VERDICTS

Week of August 4

Case	Type	Court	Verdict
94C-3606	Auto Accident	1st (P)	\$23,000
95C-3411	Insurance Claim	6th	Defendant
96C-1928	Auto Accident	3rd (P)	\$848
96C-530	Auto Accident	1st	Defendant

Week of August 18

Case	Type	Court	Verdict
88C-3461	Auto Accident	6th	Hung Jury
96C-321	Auto Accident	1st (P)	\$150,000

Week of August 25

Case	Type	Court	Verdict
93C-3434/94C-1694	Auto Accident	2nd	Defendant
96C-2746	Medical Malpractice	6th (P)	\$150,000
95C-1571	Auto Accident	5th (P)	\$44,675

Rooker Report

Published by the Davidson County Circuit Court Clerk's Office
506 Metro Courthouse, Nashville, TN 37201
Internet @ www.nashville.org/cir/

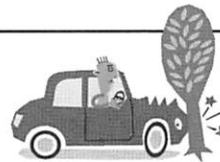
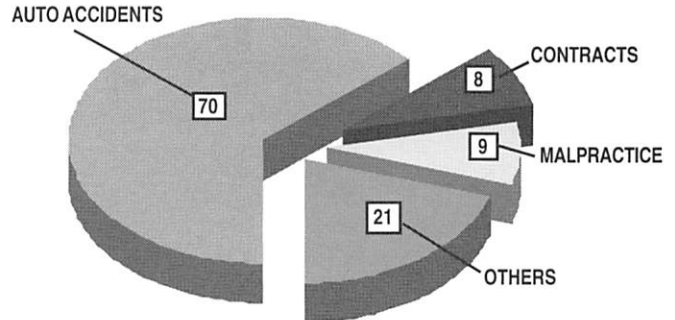
Established by George L. Rooker (1929-1993),
(Circuit Court Clerk, 1968-1993)

Richard R. Rooker Circuit Court Clerk
Gene Baker Editor

TRENDS

Jury Trials by Classification

(JANUARY THROUGH AUGUST COMPOSITE)



AUTO ACCIDENTS

PLAINTIFFS 50
DEFENDANTS 16

RATIO: PLAINTIFFS 3.1-1

MONTH-BY-MONTH

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	7	5	1	1
FEBRUARY	12	9	3	0
MARCH	8	7	1	0
APRIL	7	4	3	0
MAY	9	6	3	0
JUNE	8	6	2	0
JULY	12	9	1	2
AUGUST	7	4	2	1

JURY AWARDS

MONTH	TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	1,629,264	21,500-404,882	48,500
FEBRUARY	49,330	0-15,000	4,904
MARCH	91,219	0-25,000	13,244
APRIL	129,700	1,200-113,000	7,750
MAY	52,502	470-22,500	7,383
JUNE	356,685	44-300,000	14,160
JULY	153,007	2,000-25,529	11,719
AUGUST	218,523	848-150,000	33,837

GENERAL SESSIONS APPEALS

(INCLUDED IN ABOVE TRIAL TOTALS)

YEAR TO DATE	TOTALS	PLAINTIFF	DEFENDANT	NONE
	9	6	3	0

RATIO: 2-1 PLAINTIFF

THE OTHERS

CONTRACTS
8
PLAINTIFFS 6
DEFENDANTS 2
RATIO: PLAINTIFFS 3-1

MALPRACTICE
9
PLAINTIFFS 2
DEFENDANTS 4
RATIO: DEFENDANTS 2-1

TOTAL AWARDS
YEAR TO DATE: \$59,178
DOLLAR RANGE: 850-19,380
MEAN: \$8,816

MISCELLANEOUS
20
PLAINTIFFS 7
DEFENDANTS 9
RATIO: DEFENDANTS 1.4-1