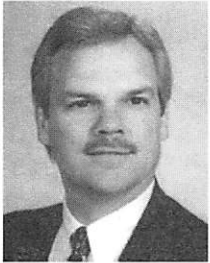


Rooker Report

April 1998

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Vol.6, No. 3



JUDGE CLEMENT

Clement Passing Probation Program to Trial Courts

Davidson County's long-standing probationary program for drivers convicted of operating vehicles under the influence of alcohol and drugs will soon be placed under the umbrella of the state trial courts.

The administrative change, scheduled to be completed by July 1, will remove supervision of the program from Probate Court where it has historically been assigned as an extension of that court's jurisdiction over DUI cases.

Probate Judge Frank Clement Jr., who advocated the reassignment from the time of his appointment to the court two and a half years ago, said the probation program would be more appropriately aligned with services already being provided by the criminal courts.

"As a trial judge, I didn't feel like I should be administrative head of a department," said Clement, whose judicial status changes in September when Probate Court becomes the 7th Circuit Court. "I feel that my efforts should be more similar to the other trial judges and to serving on the various operating committees of the courts."

Consequently, the department will come under the supervision of State Trial Court Administrator Larry Stephenson, who already has administrative authority over the State Community Corrections Department, which oversees felony probations for the criminal courts.

Mike Jones is director of the state program.

Diane Clark will continue to be director of probate services under the new arrangement, Clement said, and will handle other administrative duties as an aide to Stephenson.

Clement said all other current staff members will be retained with expanded roles to accommodate better utilization of their services in the long range scope of the program.

"I want to make sure that good people keep their jobs," Clement pointed out. "Philosophically, I feel that the administrative scheme should be efficient and that employees should endeavor to preserve an individualistic livelihood."

Clement pointed out that the administrative shift in the department would not require additional funding but would merely be shifted from the Probate Court to the trial courts' budget.

"We're really giving the taxpayer a bigger bang for his bullet," the judge exclaimed.

A large portion of the department's expenses is covered by \$20 supervision fees paid by probationers.

Including Clark, the department, housed in the Stahlman Building, has seven staff members who currently are responsible for supervising 563 probationers. Although exclusively assigned to Probate Court, the staff has been serving other trial courts as well, most recently taking on misdemeanor

Supervision Shifts to Him

State Trial Court Administrator Larry Stephenson will supervise DUI probations under new arrangement.



offenses arising from criminal courts.

In a cooperative move, an agreement was reached earlier this year that all new indictments for DUI first offenses would be assigned to the criminal courts, leaving Clement with jurisdiction over multiple offender cases and all other vehicular crimes.

All DUI cases are placed with the probation department except those in which defendants have satisfied their sentences. Felony probations are under the supervision of Jones and the state corrections department and misdemeanors are routed to the probate probation program under Clark.

Program's History Dates Back to Early 1970s

The probate probation program for DUI offenders is a spinoff of the now-defunct ADAPT (Alcohol Diversion and Preventive Treatment) program, which was initiated by former Circuit Court Judge Steve North in the early 1970s and funded by a federal grant.

When legislation was passed in April 1982 mandating treatment for persons convicted of DUI, the program shifted to Circuit Judge Walter Kurtz, who had jurisdiction over DUI cases at that time. But when the caseload was shifted to Probate Court two years later, then-judge Jim Everett (now deceased) created the probation department with Metro funding. Later, Everett teamed with the General Services Department to create a companion public service division to utilize DUI offenders in the cleaning of public buildings.

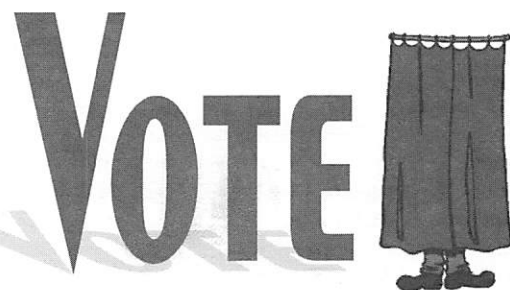
Upon assuming the probate bench in 1995, Clement immediately set out to remove the administrative phase of post-conviction. He quickly shifted safety instruction supervision to the General Sessions Court's traffic safety program and helped develop the current probation reassignment.



DIANE CLARK



MIKE JONES



IN THE MAY 5 PRIMARIES

Driver's License Reinstatement Now Less Costly

Motorists whose licenses have been suspended for failing to pay multiple traffic fines are now finding it less costly to regain their driving privileges.

Effective this month, delinquent drivers are entitled to reinstatement by paying a flat \$65 fee, regardless of the number of offenses that led to suspension of their licenses.

Of course, the reinstatement fee must be accompanied by proof that all outstanding fine amounts have been satisfied. And there is one other proviso: the cumulative violations must have been cited on the same ticket.

Motorists with more than one delinquent citation must pay the \$65 fee for each ticket that has gone into default judgment.

Heretofore, a \$65 fee was required for each unpaid moving violation. Because of modern day ticket design that allows multiple offenses to be

cited on a single citation, the reinstatement fee was multiplied by the total number of violations, creating a financial hardship on suspended drivers.

The new one-time fee was approved by the state legislature.

The Tennessee Department of Transportation, which collects the reinstatement fees and reissues licenses to those who qualify, reported that driving privileges were restored to 1,200 Davidson Countians during the 1996-97 fiscal year.

Officials anticipate a short-term loss of revenue but favor the flat fee as being a more fair resolution for affected motorists.

Incidentally, the \$65 fee applies only to moving violations. The reinstatement charge for non-moving violations is only \$35. The higher amount is applicable when tickets include both types of violations.

May Birthdays

Circuit Court Clerk	Traffic Violations
1 Krista Washburn	2 Beverly Bryant
4 Kenny Bryant	6 Vickie Slate
7 Michelle Sawyer	8 Robert Coleman
10 Suzanne Parker	25 Felice Graham
25 Temesia Harris	30 Ray Fuller
27 Brenda Parks	
29 Bobbie Eden	General Sessions
30 Richard Rooker	13 Delana Sullivan
	Probate
	1 Lynn Randall
	17 Kim Jackson

Cheers...

What happens when a lady from the Midwest meets a gentleman from the South? In the case of **Carol Burton** (a deputy in our circuit clerk's office) and **Allen Ashmore** (a sales representative) they got married. Carol, who hails from Chicago, exchanged vows with Allen, a South Carolinian, during an April 3 private wedding ceremony. Congratulations y'all.

◆ The grandbaby stork was in town again this month, bringing more delight to Circuit Court Judge **Barbara Haynes** and her state senator husband **Joe Haynes**. The couple became grandparents for the fifth time (all boys) when daughter **Mandy Young** gave birth to **Adam Gillespie Young** on April 7. Daddy

Stephen Young was proud to welcome his second son in less than two years. Adam weighed 7 pounds, 15.5 ounces and measured 20.5 inches in length.

◆ Congratulations to **Will Cripps** upon being named bookkeeper for the probate clerk's office. Cripps replaces **Sue DuMont**, who retired on March 31 after 39 years of public service.

◆ We wish a speedy recovery for **Mary Carter** following recent major surgery. Mary is a court officer for General Sessions Judge **Leon Ruben**, whose wife **Myra** continues a slow recovery from injuries she sustained after being struck by an automobile on New Year's Eve. Meanwhile, **Beverly (Swafford) Bryant** is back on the job as traffic docket clerk following recent surgery.

◆ **Virginia Laarz** collected \$750 in sponsorship fees for her walk this month to benefit diabetes research. The annual trek through the Nashville Zoo garnered more than \$120,000, a record. Laarz, a deputy circuit clerk, is a constant supporter of the event.

METROPOLITAN GENERAL SESSIONS COURT OF DAVIDSON COUNTY, TENNESSEE



1997

ANNUAL REPORT

&

GUIDE



PHIL SADLER, BILL HIGGINS, WILLIAM FAIMON, JOHN BROWN, SUE EVANS, GALE ROBINSON, PENNY HARRINGTON, LEON RUBEN, MIKE MONDELLI

The 1997 annual report of the General Sessions Court is scheduled to be released this month (cover above). The full-color brochure, expanded to include biographical profiles and photographs of key personnel within the court's affiliated programs as well as information on new services, will be available at no charge at the court's offices in the Metro Courthouse, the Ben West Building and the Criminal Justice Center.

...Tears

◆ Condolences to **Kim Smith** of the Traffic Violations Bureau in the death of her grandfather **L. B. Crow**, who passed away this month at the age of 73. Mr. Crow was also the father of **Ronnie Crow**, former court officer to General Sessions Judge **Sue McKnight Evans**.

◆ Sympathy also is extended to attorney **Blake Freeman** in the loss of his father **Ivan Conn Freeman**. The late Mr. Freeman passed away on March 26 at the age of 82. He was a career military pilot with the United States Air Force Command where he logged more than 4,000 flying hours as a heroic pilot.

◆ Retired federal judge **L. Clure Morton**, whose controversial ruling in 1971 brought busing to the Metro public school system, died April 11 in Knoxville. He was 82. He was described as a man of intelligence, strength and courage -- characteristics that exemplified his order on busing, which he personally opposed. He also was instrumental in bringing reforms to other social programs. Death came as a result of complications from pneumonia and congestive heart failure.

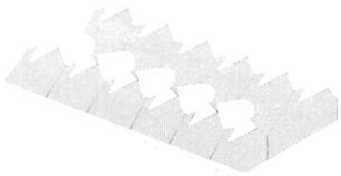
'55 Alive' Driving Classes to be Held at Baptist Hospital

The AARP's "55 Alive" mature driving program will conduct classes at Baptist Hospital on April 28-29.

Classes will be held at 9 a.m. and 1 p.m. each day.

Persons wishing to enroll should contact instructor **Bonnie Kroeger** at 329-5500.

JURY TRIAL VERDICTS



ABBREVIATIONS

- P-PLAINTIFF
- D-DEFENDANT
- D/CP-DEFENDANT/COUNTER PLAINTIFF
- ST-SOFT TISSUE
- REC-RECOVERY

APPEALS

NEW FORMAT

In an effort to provide a more comprehensive overview of monthly activities in the circuit courts, we have redesigned our monthly grid to accommodate more information and to provide visual continuity for cases that have been appealed from the lower courts.

In so doing, it becomes necessary to separate this segment of our report from the standard "Trends" section because of space limitations.

Under the new format, jury, non-jury, appeals and alternative dispute resolution reports will normally appear on Page 3 while the "Data Bank" of new case information will continue to reside on Page 4 under Trends, along with charts and graphs depicting statistics relevant to the changing judicial climate.



SETTLEMENT CONFERENCES

Week of March 2

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
95C-3231	AUTO ACCIDENT	2ND	(P) \$12,786		
96C-2756	CONTRACT	3RD	(D) DIRECTED		
96C-4261	MISREPRESENTATION	6TH	(P) No AWARD		
97C-2275/3132	GSA AUTO	1ST	(D) DIRECTED	P-\$9,157	D
93C-2856	MED. MALPRACTICE	5TH	HUNG JURY		
96C-2081	AUTO ACCIDENT	2ND	(P) \$364		
97C-2580/2583	AUTO ACCIDENT	1ST	(D/CP) \$21,600		

Week of March 9

CASE	TYPE	COURT	VERDICT
96C-4045	AUTO ACCIDENT	5TH	(D/CP) \$3,808
95C-3053	NEGLIGENCE	1ST	DEFENDANT
96C-4623	AUTO ACCIDENT	3RD	(P) \$8,000
96C-3374	AUTO ACCIDENT	5TH	DEFENDANT
94C-2239	AUTO ACCIDENT	2ND	(D/CP) \$2,900
96D-1923	RAPE OF CHILD	5TH	GUILTY

Week of March 23

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
96C-2798	AUTO ACCIDENT/ST	1ST	DEFENDANT		
97C-1346	AUTO ACCIDENT	6TH	(P) \$57,669		
97C-2660	GSA PREMISES LIAB.	6TH	(P) \$3,000	DEFENDANT	P

NON-JURY TRIAL RESULTS

Week of March 16

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
96C-4342	AUTO ACCIDENT	6TH	(P) \$92,750		
97C-2010	GSA AUTO	1ST	(D/CP) \$9,310	\$2,800	D
96C-1502	AUTO ACCIDENT	CRIMINAL I	(P) \$4,377		
96C-2894	DAMAGES	1ST	(P) \$50,000		
96C-2527	DAMAGES	6TH	(P) \$29,594		
97C-1006	WORK COMP	1ST	(P) \$1,000		
97C-1851	GSA CONTRACT	6TH	(P) \$1,851	\$1,851	D
95C-3513	AUTO ACCIDENT	6TH	(P) \$7,500		
97C-725	AUTO ACCIDENT	6TH	(P) \$17,928		
97C-2178	GSA CONTRACT	1ST	DISMISSED	P-\$6,293	D
97C-2421	GSA PROP. DAM.	1ST	(P) \$6,250	P-\$750	P
97C-2504	GSA CONTRACT	3RD	(P) \$4,845	P-\$4,845	D
95C-92	PROP. DAMAGE	6TH	DISMISSED		
97C-2111	GSA REC. WARRANT	1ST	(P) \$1,800	P-\$1,800	BOTH
97C-2327	GSA CONTRACT	6TH	DEFENDANT	DISMISSED	P
96C-2769	AUTO ACCIDENT	5TH	(P) \$4,300		
97C-2658	GSA CONTRACT	1ST	(P) \$1,500	P-6,743	D
97C-2589	GSA PROP. DAM.	3RD	DISMISSED	DISMISSED	P
97C-574	GSA REC. WARRANT	1ST	(D/CP) \$862	P-\$1,098	D

MARCH YTD

TOTAL CASES CONSIDERED	23	52
Auto Accidents	13	18
Negligence	0	2
Assault	0	1
Store Injury	0	1
Wrongful Death	0	1
Condemnation	1	2
Indecent Exposure	0	1
Contract Dispute	0	1
Slip & Fall	4	5
Defamation	0	1
Medical Malpractice	3	4
Sexual Harassment	1	1
Personal Injury	1	1

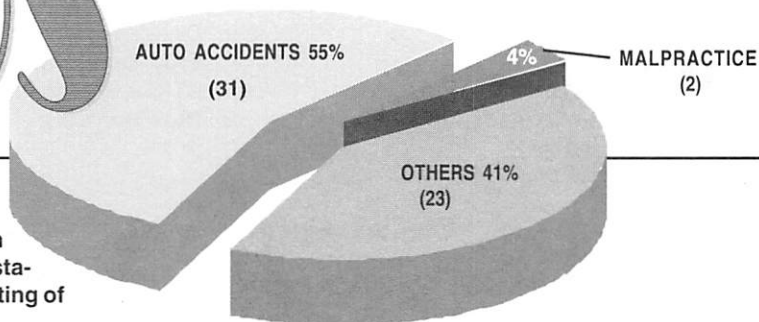
DISPOSITIONS

MARCH YTD

Settled	10	20
Pending settlement	0	5
No settlement reached	3	5
Trials with jury verdicts	0	1
Dismissals	0	3
Summary judgments	0	0
Pre-conference settlements	4	9
Post-conference settlements	1	3
Non-suits	0	0
Bankruptcies	0	0
Continued	5	6

TRENDS

Jury Trials by Classification (JANUARY THROUGH MARCH COMPOSITE)



As part of our expanded format for providing in-depth information on the outcome of civil litigation in our courts, this page each month will be devoted to statistical reflection of trial results, as well as an accounting of new filings for the previous month.

Individual trial outcomes -- both jury and non-jury -- can be found on Page 3, together with General Sessions appeals and settlement conference results.

Because of the high percentage of auto accidents tried in the courts each month, we have devoted a greater analysis of that category than to other type cases of less volume. The idea is to provide an at-a-glance reference to all aspects of that particular form of litigation because of its prominence.

We should point out that, in determining the "mean" awards for damages, the high and low amounts are listed in the dollar-range column but are discarded for the purpose of calculating averages.

DATA BANK

Statistics compiled for the month of March

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	284
CIVIL CASES CONCLUDED	351
NEW DIVORCE CASES FILED	337
DIVORCE CASES CONCLUDED	356

General Sessions Civil

NEW CASES FILED	3,290
EXECUTIONS ISSUED	3,778
JUDGMENTS COLLECTED	\$630,244
ORDER OF PROTECTION PETITIONS	228

Probate Court

NEW CASES FILED	195
CASES CLOSED	150

Traffic Violations

MOVING CITATIONS	25,075
PARKING VIOLATIONS	10,174
TOTAL FINES COLLECTED	\$367,920
NULLIFICATIONS	2,891
NULLIFICATION FEES COLLECTED	\$26,019

Rooker Report

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

Richard R. Rooker Circuit Court Clerk
Gene Baker Editor

TRIAL ANALYSES



AUTO ACCIDENTS

PLAINTIFFS 25
DEFENDANTS 13

RATIO: PLAINTIFFS 1.9-1

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	11	11	0	8	2	1
FEBRUARY	13	10	3	8	4	1
MARCH	16	10	6	9	7	0
YEAR-TO-DATE	40	31	9	25	13	2

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	26,190	200-12,168	2,303
FEBRUARY	107,955	1.00-50,000	19,318
MARCH	100,419	364-57,669	14,124

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	NO REPORT	NO REPORT	NO REPORT
FEBRUARY	53,500	4,500-34,000	15,000
MARCH	126,855	4,300-92,750	9,935

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	3	3	0	0
FEBRUARY	3	1	2	0
MARCH	2	0	2	0
YEAR-TO-DATE	8	4	4	0

RATIO: 1-1

*INCLUDED IN ABOVE TRIAL TOTALS

THE OTHERS

CONTRACTS



6
PLAINTIFFS 3
DEFENDANTS 3

RATIO: 1-1

TOTAL AWARDS

YEAR TO DATE: \$8,196

DOLLAR RANGE:
1,500-4,845

MEAN:
\$1,851

MALPRACTICE



2
PLAINTIFFS 0
DEFENDANTS 1

RATIO: DEFENDANTS 1-0



MISCELLANEOUS

23
PLAINTIFFS 14
DEFENDANTS 6

RATIO: PLAINTIFFS 2.2-1