

# Rooker Report

May 1998

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## JUDGES IN WAITING



CAROL SOLOMON

She's independent, energetic and versed in all areas of trial law. She's self-sufficient and never walks away from a challenge.

What better credentials for a judgeship on the county's civil trial courts?

The voters could think of none as they selected Carol Solomon to become the first judge of the newly created 8th Circuit Court come September.

Because Solomon, a Democrat, has no Republican or Independent opposition in the August general election, her judgeship is assured. And when the formalities have been satisfied, the county for the first time in history will have equal gender representation in the civil trial courts.

That prospect had not been previously possible, of course, because of the odd number of court divisions.

Solomon will join Barbara Haynes, Muriel Robinson and Marietta Shipley as female members of the eight-judge court. Their male counter-

### SOLOMON BRINGS GENDER BALANCE TO CIRCUIT COURTS



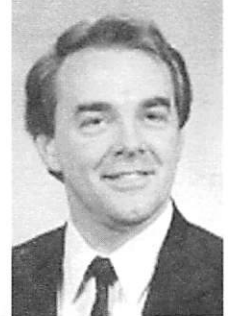
CASEY MORELAND



MARK FISHBURN



GLORIA DUMAS



JOHN AARON HOLT

parts are Hamilton Gayden, Walter Kurtz, Frank Clement Jr. and Tom Brothers.

Clement's court, now known as Probate Court, will become the 7th Circuit Court in September. But the name change is merely a formality and the jurisdiction of the court will remain the same.

Solomon's legal career has spanned two decades, originating out of necessity when she found herself a single mother in the 70's. She put herself through law school by working as a law clerk in the district attorney general's office and subsequently entered private practice, focusing on family, criminal and civil law.

While Solomon was laying claim to the new circuit judgeship, a contingent of other attorneys were competing for seats on two newly created divi-

sions of General Sessions Court. The ultimate primary winners were Casey Moreland and John Aaron Holt.

Moreland, who previously served on the court through appointment before losing the seat in an election, returns to the court without further opposition. Holt, a private attorney and Metro Councilman, faces opposition in the August general election.

Attorney Mark Fishburn came out on top in a contested race in Division II. With no opposition in the general election, he will join three other newcomers, including Gloria Dumas, who outpolled a field of contenders for the vacant Division IV seat.

William Faimon and John Brown won re-election and four other incumbents were unopposed.

### TALE OF THE TWISTER

#### ◆ METRO GOVERNMENT BUILDING DAMAGES PLACED AT \$1 MILLION-PLUS. ITEMIZED LIST ON PAGE 2.

THEY SAID A TORNADO WOULD NEVER STRIKE THE CITY. "THEY" DIDN'T KNOW WHAT THEY WERE TALKING ABOUT.

MOTHER NATURE, IT SEEMS, DOES NOT PLACE MUCH CREDIBILITY IN SCIENTIFIC CONCLUSIONS.

IF THERE WAS EVER ANY DOUBT ABOUT MAN'S RELEVANCE IN THE MASTER SCHEME OF THINGS, CONTRADICTORY EVIDENCE COULD NOT HAVE BEEN MORE CERTAIN THAN IT WAS ON APRIL 16, 1998 -- A DATE MOST PEOPLE WOULD RATHER FORGET, ONLY TO FACE DAILY REMINDERS IN THE LINGERING SCARS OF DEVASTATION.

ONE LIFE WAS TAKEN. MIRACULOUSLY, THOUSANDS OF OTHERS WERE SPARED. THE MIGHTY FORCE OF NATURE, LIKE A SPOILED BRAT UPSET OVER NOT GETTING ITS WAY, APPEARED MORE CONTENT WITH EXPELLING ITS TEMPER ON MORE INANIMATE OBJECTS; FINALLY TAKING ITS FIT OF ANGER IN SEARCH OF ANOTHER PLAYGROUND.

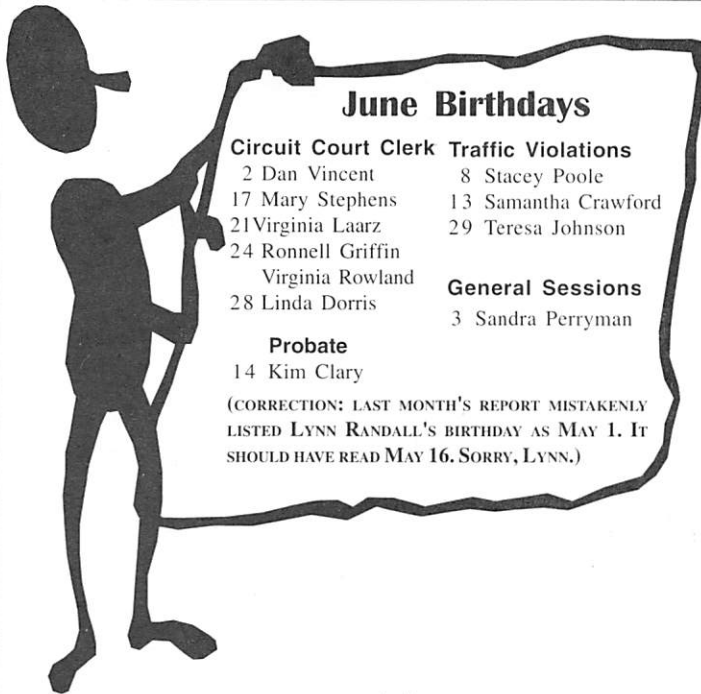
AND WHEN IT WAS OVER, A SHAKEN BUT DETERMINED CITY WASHED AWAY THE PAIN WITH TEARDROPS, CLEARING ITS VISION FOR A NEW BEGINNING.

FORTUNATELY, EXCEPT FOR MEMORIES, THE TERRIFYING ORDEAL CAN, FOR THE MOST PART, BE RECTIFIED WITH DOLLARS AND TIME. BUT IT WILL TAKE A LOT OF BOTH.

AND IT WILL NEVER BE QUITE THE SAME.

STATELY TREES THAT PROVIDED SHADE AND BEAUTY TO NEIGHBORHOODS FOR GENERATIONS CANNOT BE RESURRECTED. NOR CAN THE FOOTPRINTS OF HISTORY THAT HAD BEEN PRESERVED IN MANY OF OUR HOLY SANCTUARIES. ONLY THEIR SPIRITS OF SERVICE PAST WILL SUSTAIN THEIR FLOCKS.

IT IS WITH COMPASSION AND UNDERSTANDING FOR THOSE WHO HAVE LOST HERITAGE THAT WE SYMPATHIZE THE MOST.



**June Birthdays**

**Circuit Court Clerk Traffic Violations**  
 2 Dan Vincent 8 Stacey Poole  
 17 Mary Stephens 13 Samantha Crawford  
 21 Virginia Laarz 29 Teresa Johnson  
 24 Ronnell Griffin Virginia Rowland  
 28 Linda Dorris

**General Sessions**  
 3 Sandra Perryman

**Probate**  
 14 Kim Clary

(CORRECTION: LAST MONTH'S REPORT MISTAKENLY LISTED LYNN RANDALL'S BIRTHDAY AS MAY 1. IT SHOULD HAVE READ MAY 16. SORRY, LYNN.)

**GOVERNMENT BUILDING DAMAGES  
 Top \$1 Million from Tornado**

It was only six months ago that the Ben West Building finally got a new roof after waiting several years for necessary funding. Today, workers are feverishly repeating the project as one element of reconstruction brought on by last month's tornado. Similar scenes are being repeated at other government buildings to the tune of an estimated \$1million-plus, according to Sam McPherson, director of Metro's Department of General Services. Most structural damage was to roofs and windows, precipitating interior impairment in many cases. Repairs are being made under the supervision of Inrecon, a huge general contractor brought in by Travellers Insurance, underwriter for the self-insured plan, McPherson said. Here is a building-by-building overview of damages and estimated replacement costs:

<b>METRO COURTHOUSE</b> \$274,000	<b>BEN WEST BUILDING</b> \$131,000
ROOF ..... \$130,000	ROOF ..... \$100,000
WINDOW PANES ..... 85,000	WINDOW PANES ..... 10,000
BRASS DOORS ..... 10,000	DOORS ..... 5,000
HVAC ON ROOF ..... 36,000	HVAC ON ROOF ..... 36,000
COURTROOMS ..... 8,000	TRAFFIC BUREAU ..... 6,000
RADIO ANTENNA ..... 5,000	STONE WALL ..... 10,000
<b>CRIMINAL JUSTICE CENTER</b> \$281,400	<b>STAHLMAN BUILDING</b> \$61,250
ROOF ..... \$25,000	ROOF ..... \$30,000
WINDOW PANES ..... 46,400	WINDOW PANES ..... 25,000
GARAGE DOORS ..... 120,000	DOORS ..... 10,000
FACADE ..... 40,000	RESTAURANT ..... 3,000
CEILINGS ..... 10,000	HVAC CONTROLS ..... 250
ANNEX ROOF ..... 20,000	<b>ALLEN BUILDING</b> \$268,000
FORENSICS BUILDING ... 20,000	ROOF ..... \$200,000
<b>HOWARD BUILDING</b> \$17,500	CEILINGS ..... 8,000
HVAC/ELECTRICAL .. \$10,000	BRASS DOORS ..... 10,000
FLOODING ..... 2,500	HVAC ON ROOF ..... 10,000
AWNING ..... 5,000	VENT FANS ..... 5,000
	INTERIOR ..... 45,000

NOTE: DAMAGE ESTIMATES ON OTHER GOVERNMENT BUILDINGS UNAVAILABLE.

**Cheers...**

Hooray for **Michael Blake Olin**, the scrappy new son of **Michael** and **Kelli Olin** whose emergency arrival three months ahead of schedule brought quite a scare to family and friends. The baby is currently residing at Summit Hospital, adding to his 3-pound birth weight and proving he was worth the pain that accompanied his arrival. Kelli, a clerk for Circuit Judge **Walter Kurtz**, was rushed to Summit on April 23 where an emergency c-section was required. Because the baby wasn't scheduled to arrive until July, there was concern over the seriousness of the situation. But the ordeal ended on a happy note and mom and dad can hardly wait for homecoming day.

◆ Speaking of newborns...General Sessions Judge **Leon Ruben** and wife **Myra** welcomed their sixth grandchild on April 2 when daughter **Rene Geltzer** gave birth to a 7-pound, 8-ounce son in Newton, Miss. Rene, a former deputy clerk in our General Sessions civil office, and hubby **Scott** named their second child **Noah**, who measured 22 inches

◆ Meanwhile, internal auditor **Jan Yearwood** has returned to work following a bout with pneumonia that brought on other complications while she was confined to Baptist Hospital last month.

◆ The wedding of deputy traffic clerk **Candace Grisham** and **John David Benbow** went off as scheduled on May 9 with many co-workers in attendance at Good Shepherd United Methodist Church.

And deputy circuit clerk **Beverly Goodwin** changed her name to Mrs. **Lanier Rawls** on May 16 before jetting off to the Caribbean islands for honeymoon stuff.

◆ The new executive director of the Nashville Bar Association is **Susan Waller Schwemm**, who left a similar position in Lexington, Ky. after 12 years of service. Schwemm, who earned her law degree from the University of Kentucky College of Law in 1978, replaces **Allan Ramsaur**, who resigned in March to become executive director of the Tennessee Bar Association.

◆ **William M. Barker**, an appeals court judge from Chattanooga, has been appointed by **Gov. Don Sundquist** to replace Justice **Lyle Reid** on the State Supreme Court. Barker's appointment runs through August 31, but he will be on the general election ballot on Aug. 6, along with all other state appellate judges for a yes-no vote on whether he should be retained for a full eight-year term, beginning in September. Reid took early retirement from the high court in February.

◆ A reminder: All judicial offices will be closed on Monday, May 25, in observance of Memorial Day.

**...Tears**

◆ Condolences to **Sara Chauvin**, wife of Traffic Violations Bureau chief **Ed Chauvin**, in the untimely death of her daughter **Rose Marie Platt**, 45, who passed away on May 6 in New Orleans following a freakish accident.

◆ Deepest sympathy also to deputy circuit clerk **Christy Allen** in the loss of her grandmother **Anna Mae Davis**, 87, who passed away on April 19 following an extended illness.

◆ In expressing condolences last month to **Kim Smith** of the Traffic Violations Bureau in the passing of her grandfather, we erroneously identified her father **Ron Crow** as a former court officer to General Sessions Judge **Sue McKnight Evans**. Actually, Ron was employed by former General Sessions Judge **Casey Moreland**, who now is a judge-elect to the court. We regret the error.

## PONDER, THREACKILL WORKS LIVEN JURY ASSEMBLY ROOM

THE WALLS OF THE JURY ASSEMBLY ROOM ONCE AGAIN HAVE COME TO LIFE WITH THE MAGNIFICENT WORKS OF TWO AWARD-WINNING NASHVILLE ARTISTS -- PHIL PONDER AND JAMES THREACKILL.

THE TWO TALENTS WERE BROUGHT TOGETHER BY JURY COORDINATOR CHERYL KENNEDY, WHO INVITED THE PAIR TO DISPLAY SOME OF THEIR WORKS FOR THE ENTERTAINMENT OF THE HUNDREDS OF JURORS WHO ASSEMBLE EACH WEEK.

IF ANYTHING, THE SELECTIONS FAR EXCEED THE BOUNDARIES OF MERE ENTERTAINMENT, RISING TO SUCH SUPERIOR LEVELS AS "INSPIRING" AND "BREATHTAKING."

FROM PONDER'S DETAILED PORTRAYALS OF THE CITY'S SKYLINE, THE HERMITAGE, BELLE MEADE MANSION AND OTHER NOTABLE ATTRACTIONS, TO THE LIFELIKE CUL-

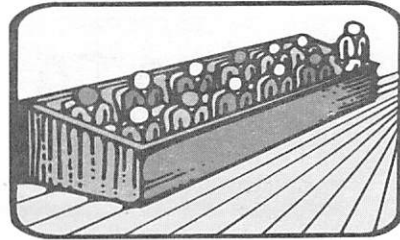
TURAL IMAGES FROM THREACKILL'S PALETTE OF OILS, THE EXHIBITION IS SURE TO REMOVE DRAB CONCEPTS OF JURY SERVICE.

AND IF THE "GOTTA HAVE IT" URGE STRIKES, THE WORKS ARE AVAILABLE FOR PURCHASE. PRICE LISTS WILL BE FURNISHED UPON REQUEST.

BOTH ARTISTS HAVE A GOVERNMENT CONNECTION. PONDER, WHOSE REPUTATION NEED NOT BE EXPOUNDED UPON, IS A MEMBER OF THE METRO COUNCIL. AND THREACKILL SERVES AS AN ASSISTANT FOR COMMUNITY AFFAIRS AND ARTS LIAISON FOR MAYOR PHIL BREDESEN. HIS WORKS HAVE BEEN FEATURED ON SUCH TELEVISION SHOWS AS "SESAME STREET", "LIVING SINGLE" AND THE "JAMIE FOXX SHOW."

THE PAINTINGS ARE WORTH CHECKING OUT, EVEN IF YOU'RE NOT ON JURY DUTY.

### JURY TRIAL VERDICTS

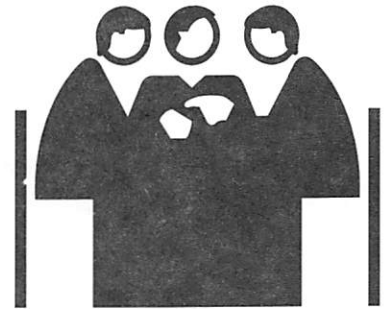


### ABBREVIATIONS

- P-PLAINTIFF
- D-DEFENDANT
- CP-COUNTER PLAINTIFF
- ST-SOFT TISSUE
- REC-RECOVERY
- YTD-YEAR TO DATE

### APPEALS

### GENERAL SESSIONS



### SETTLEMENT CONFERENCES

#### Week of March 30

#### CIRCUIT COURT

#### JUDGMENT APPELLANT

CASE	TYPE	COURT	VERDICT
96C-2530	ASSAULT	5TH	DEFENDANT

#### Week of April 4

CASE	TYPE	COURT	VERDICT
95C-358	FRAUD	6TH	(P) \$60,823
96C-3120/3143	AUTO ACCIDENT	1ST	(P) \$525,000

#### Week of April 20

CASE	TYPE	COURT	VERDICT
91C-3427	MEDICAL MALPRACTICE	1ST	HUNG JURY

#### Week of April 27

CASE	TYPE	COURT	VERDICT
97D-23441(CRIMINAL)	PROPERTY THEFT	5TH	GUILTY

### NON-JURY TRIAL RESULTS

#### Week of April 27

CASE	TYPE	COURT	VERDICT			
97C-2001	METRO APPEAL	5TH	(P) \$250	\$500		D
97C-2880	CONTRACT	1ST*	(P) \$250	\$1,125		D
96C-1843	PERSONAL INJURY	6TH*				DEFENDANT
96C3334	CONTRACT	1ST*				UNDER ADVISEMENT
96C-3912	CONTRACT	6TH	(P) \$27,616			
96C-3235	GSA CONTRACT	6TH	(P) \$1,171	\$2,198		D
97C-2151	METRO APPEAL	6TH	(P) \$1,500	\$1,500		D
95C-2854	WORK COMP	6TH				PLAINTIFF
96C-819	CONTRACT	6TH	(P) \$37,500			
97C-2180	GSA CONTRACT	6TH			P-\$6,246	D

\*HEARD BY SPECIAL MASTER MARSH NICHOLS

	APRIL	YTD
TOTAL CASES CONSIDERED	19	71
Auto Accidents	10	28
Negligence	1	3
Assault	0	1
Store Injury	0	1
Wrongful Death	0	1
Condemnation	3	5
Indecent Exposure	0	1
Contract Dispute	0	1
Slip & Fall	0	5
Defamation	0	1
Medical Malpractice	3	7
Sexual Harassment	0	1
Personal Injury	1	2
Torts	1	1

### DISPOSITIONS

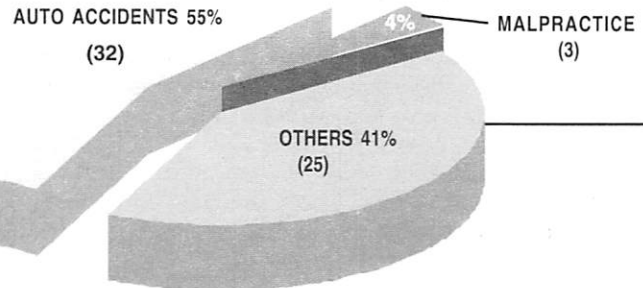
	APRIL	YTD
Settled	6	26
Partial Settlement	1	1
Pending settlement	0	5
No settlement reached	7	12
Trials with jury verdicts	0	1
Dismissals	0	3
Summary judgments	0	0
Pre-conference settlements	1	10
Post-conference settlements	1	4
Non-suits	0	0
Bankruptcies	0	0
Continued	2	8
Canceled	1	1

(Source: Megan Gregory, case coordinator)



# TRENDS

## Jury Trials by Classification (JANUARY THROUGH APRIL COMPOSITE)



## TRIAL ANALYSES



### AUTO ACCIDENTS

PLAINTIFFS 26  
DEFENDANTS 13

RATIO: PLAINTIFFS 2-1

### 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
APRIL	1	1	0	1	0	0
YEAR-TO-DATE	41	32	9	26	13	2

### JURY AWARDS

MONTH	TOTALS	DOLLAR RANGE	SMEAN
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
APRIL	525,000	NO RANGE	NO MEAN

### NON-JURY AWARDS

MONTH	TOTALS	DOLLAR RANGE	SMEAN
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
APRIL	NO CASES	NO CASES	NO CASES

### \*GENERAL SESSIONS APPEALS

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

RATIO: 1-1

\*INCLUDED IN ABOVE TRIAL TOTALS

## THE OTHERS

### CONTRACTS



12

PLAINTIFFS 7  
DEFENDANTS 4

RATIO: PLAINTIFFS 1.3-1

### TOTAL AWARDS

YEAR TO DATE: \$74,733

DOLLAR RANGE:  
250-37,500

MEAN:  
\$10,212

### MALPRACTICE



3

PLAINTIFFS 0  
DEFENDANTS 1

RATIO: DEFENDANTS 1-0



### MISCELLANEOUS

25

PLAINTIFFS 15  
DEFENDANTS 7

RATIO: PLAINTIFFS 2.1-1

# DATA BANK

Statistics compiled for the month of April

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	273
CIVIL CASES CONCLUDED .....	271
NEW DIVORCE CASES FILED .....	313
DIVORCE CASES CONCLUDED .....	269

#### General Sessions Civil

NEW CASES FILED .....	3,075
EXECUTIONS ISSUED .....	3,004
JUDGMENTS COLLECTED .....	\$597,011
ORDER OF PROTECTION PETITIONS .....	210

#### Probate Court

NEW CASES FILED .....	158
CASES CLOSED .....	105

#### Traffic Violations

MOVING CITATIONS .....	19,846
PARKING VIOLATIONS .....	9,535
TOTAL FINES COLLECTED .....	\$325,919
NULLIFICATIONS .....	2,444
NULLIFICATION FEES COLLECTED .....	\$21,996

## NEW DIVORCE FORMS NOW REQUIRED

When the State of Tennessee recently redesigned its divorce certificate forms, the old forms became unacceptable. But many attorneys apparently didn't get the message, according to Chief Circuit Court Clerk Karen Rooker.

In fact, said Rooker, "many attorneys have not been turning in certificates at all."

Now, she adds, the new forms must be submitted -- either with the complaint or the final decree, enabling them to be signed and certified for submission to the state. One new requirement on the form is inclusion of the social security number of each party.

# 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