

Rooker Report

September 1998

Published by the Davidson County Circuit Court Clerk's Office

Vol.6, No. 8

JUDGE OF THE JURY

When Fourth Circuit Judge Muriel Robinson was summoned to jury duty last month, she never figured on actually serving -- at least not as a member of a jury panel.

Therefore, she was "really surprised" when she found herself sitting in the jury box for a four-day murder trial.

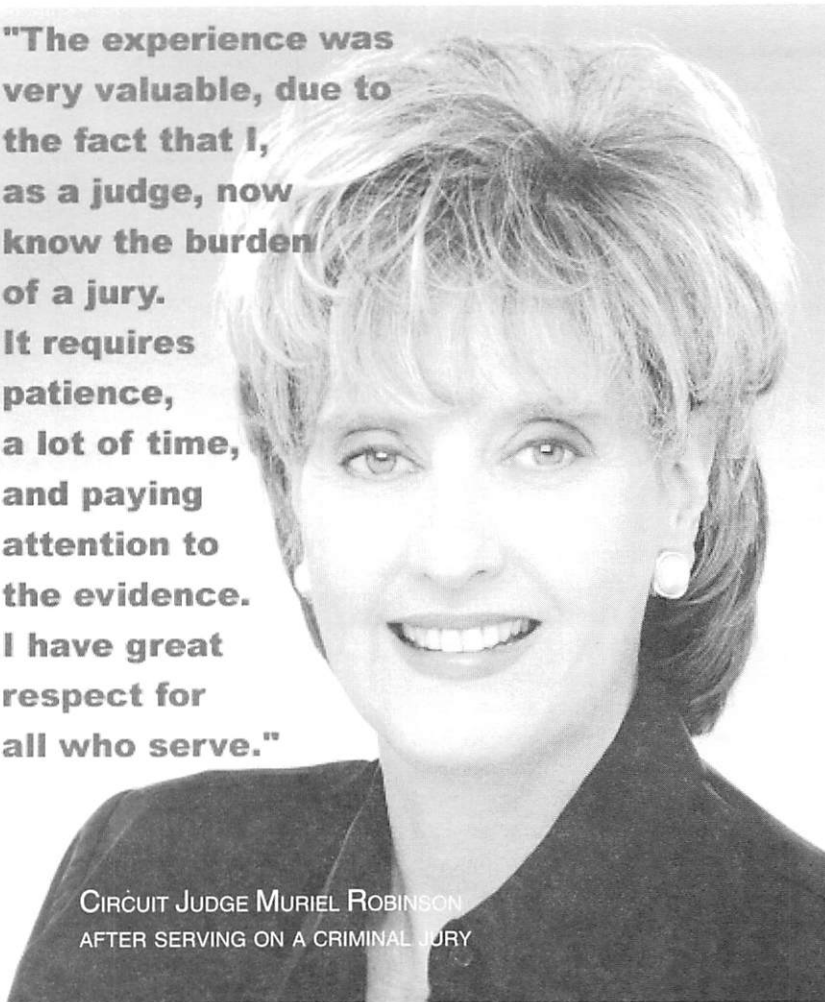
"I would have thought that I would have been the first one challenged," said the veteran jurist, who has spent the past 16 years reigning over the county's domestic cases.

But the challenge never came as both the prosecution and defense readily accepted her. "I suppose they figured I would have a better understanding of the legal issues," she reflected.

As a rule, defense attorneys are reluctant to accept members of the legal establishment for fear they might be prejudiced. But in this case the defense attorney was Charles Galbreath, himself a former judge on the state court of criminal appeals.

Over the next four days, Robinson and her eleven fellow jury members would

"The experience was very valuable, due to the fact that I, as a judge, now know the burden of a jury. It requires patience, a lot of time, and paying attention to the evidence. I have great respect for all who serve."



CIRCUIT JUDGE MURIEL ROBINSON
AFTER SERVING ON A CRIMINAL JURY

weigh the evidence and reach a unanimous conclusion that the defendant was, indeed, guilty as charged.

Although the most qualified, perhaps, Robinson declined to be foreman of the jury, preferring to deliberate the facts of the case minus a leadership role.

Later, she declined to comment on specific elements of the case because of the pending appeal process. But she spoke complimentary words of Criminal Court Judge Randall Wyatt, who presided over the trial, and rated the jury accommodations as "excellent"

"the food was less than desirable, however," she added with a chuckle.

It was Robinson's second time to pull jury duty, the first was five years ago, she said, when she was selected to hear a civil case in Sixth Circuit, only to be deprived when the case was settled before going to trial.

This time, the judge got to witness the judicial process from another perspective. And she's glad she did.

A DAY IN COURT CAN BE CHAOTIC NOW, BUT...

Be Patient, It's Coming Together

Okay, so going to court lately hasn't been something of which sweet memories are made.

You may have wished for a program to tell the construction workers from the litigants. And just locating your assigned courtroom might have taken longer than your drive from home.

Do not despair. For better days are just around the corner.

Within a mere matter of weeks, you can expect:

√ Three more brand new elevators to be in operation in the courthouse, increasing from two to five the moveable mode for reaching upper floors of the building with minimal waiting time.

√ A brand new General Sessions Civil Division clerk's office on the second floor of the Stahlman Building, adjacent to three new

courtrooms already being utilized in an unfinished state.

√ Completion of the Ben West Building roofing project precipitated by last April's tornado.

Of course, all this doesn't mean a total return to normalcy. Various forms of upheaval will be around for a while longer.

When the civil division clerk's office moves from the Ben West Building, work then will begin on remodeling that space to accommodate the Pretrial Release staff, who will be relocating from the Criminal Justice Center. That move will then clear the way for construction of a new courtroom in Pretrial's current space.

While waiting for that development, judges often are required to

October Birthdays

Circuit Court Clerk

1 Terry Campion
6 Carolyn Davis
9 Sandy Adams
20 Gregg Nicholson

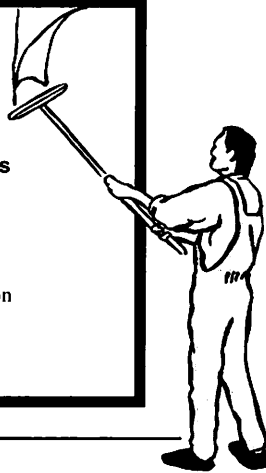
General Sessions

21 Carole Garrett
27 Deb Mix

Probate none

Traffic Violations

1 Benny Rigby
4 Joe Hurt
5 Kim Smith
19 Ed Chauvin
21 David Patterson
24 Mary Archey
30 Susan Grannis



Cheers...

After being blessed with five grandsons, Circuit Court Judge **Barbara Haynes** and her senator hubby **Joe** probably were beginning to wonder if they would ever get a granddaughter. If so, their anxiety was put to rest at 6:55 a.m. on August 6 with the arrival of **Caroline Davis Haynes**, an 8-pound, 12-ounce bundle of joy belonging to son **Jeff** and his wife **Lucy Haynes**, already the parents of three sons. The newest addition measured 20 1/2 inches and we're betting she will be very "gifted."

◆ Probate Judge **Frank Clement**, known for his great sense of humor, couldn't resist having a bit of fun with his new status of Seventh Circuit Court judge. He fashioned a sign for his courtroom door that covered all bases of his jurisdiction, including certain DUI cases with criminal penalties attached. He labeled that phase as "Criminal Court, Part C2H5OH." The reaction was only tepid until he explained that C2H5OH is the chemical composition of whiskey! He removed the sign shortly thereafter.

◆ Congratulations to retired deputy circuit court clerk **Dot Lackey**, who celebrated 50 years of marriage to **John Robert Lackey** on September 10. The couple memorialized the occasion with a reception.

◆ When we reported last month on several baseball tournaments involving children of our employees, we thought we had covered all the bases. Wrong! We neglected to pick up on the results of the state **Dixie Youth** tourney in Murfreesboro. We were immediately called for balking by two dads who work in the Traffic Violations Bureau's warrant office. It seems that warrant officer **Joe Hurt** had won bragging rights when his son **Austin Hurt** helped the **Murfreesboro Super 7's** claim the state championship. We tip our caps to the Hurts, and to **Kelsey Cartwright** and her dad **Bill Cartwright** (warrant office supervisor) for snagging fourth place in the July tournament, which attracted 28 teams from across the state. By the way, Kelsey's mom **Tracy Cartwright** also is a member of our circuit court clerk's office staff and helped lead the cheers for her daughter's team.

◆ Best wishes to **Richard Ashby**, who retired last month after four years as director of the Justice Information Systems, and to **Teri Sullivan**, who replaces him.

...Tears

Condolences to **Ricky Deatherage**, chief clerk of the Probate Court Clerk's office, in the Aug. 26 death of his father **Aaron M. Deatherage**, who succumbed to cancer at the age of 73.

Sympathy, as well, to **Ronnell Griffin** of the circuit court clerk's office in the loss of her great-grandmother **Willie Bell Reece**, who passed away on August 30 in Nashville at the age of 93.

SPECIAL PROSECUTOR SOUGHT FOR COUNTY DOMESTIC COURTS

Wanted: Attorney to prosecute criminal contempt cases in the county's two domestic relations courts. Contract position through June 30, 1999, contingent upon possible abatement by the state supreme court. Weekly compensation of \$750 per week. Interested attorneys should submit a resume no later than September 30, 1998 to the Trial Court Administrator, Room 605, Metro Courthouse, Nashville, TN 37201.

No, this publication hasn't gone into the want ad business; it just seemed like the best way to publicize an important job opening within the local judicial system.

The vacancy came about last month when attorney **Scott Rosenberg**, after only a brief stint in the position, was given a full-time appointment as a referee in Juvenile Court.

Rosenberg had been hired by the district attorney general to prosecute criminal contempt cases in the domestic courts after a state court of appeals in March prohibited such prosecution by private attorneys.

The special prosecutor position must be manned -- at least until the appellate court's ruling is reviewed by the state supreme court. If the ruling is upheld, of course, the position becomes permanent.

For now, the trial courts are picking up the salary tab, but the position remains under the supervision of the district attorney's office, according to Trial Court Administrator **Larry Stephenson**.

IT'S ALL COMING TOGETHER

(FROM PAGE 1)

hear jail docket cases in a hallway and in the CJC's chapel. Said General Sessions Judge **Mike Mondelli**: "We're caught up in the domino effect."

Most work at the courthouse should be completed temporarily when the elevator crews vacate the premises and the finishing touches are put on the ground floor construction of a temporary office space for new Circuit Judge **Carol Soloman**, who still is without a permanent courtroom.

Construction of the new judicial facilities in the Stahlman Building missed the target completion date of September 1, but judges elected to begin holding court there on that date just the same to conform to a predetermined work schedule rotation incorporating two new judgeships.

The new courtrooms are numbered 2,3 and 4 to correspond to their previous locations in the Ben West Building and the dockets assigned to those courts. That in itself caused confusion because not all civil dockets had yet been transferred to the new venue. Therefore, several litigants were misdirected to the Stahlman Building only to be told to return to the Ben West Building.

Signs galore have been posted at both buildings identifying the courts and their location. But old habits are hard to break.

Most equipment has been installed in the new clerk's office and staff members are planning to move into the facility beginning Sept. 23 when general sessions courts will be closed for a judicial conference.

New sessions judges **Gloria Dumas** and **Aaron Holt** will maintain their permanent offices in the complex and offices space has been provided for visiting judges and court-related personnel.

NEW FORMS AVAILABLE FOR GENERAL SESSIONS CIVIL CASES
Attorneys are asked to pick up new forms before filing civil cases in General Sessions Court.

The revised forms contain the addresses of the new civil courtrooms now in operation in the Stahlman Building. They are available in the clerk's office.

GENERAL SESSIONS

MONDELLI ENTERS SECOND TERM AS PRESIDING JUDGE

Having served as presiding judge once before during his first term on the General Sessions Court, Judge Mike Mondelli knows the importance of budgeting time for addressing the many administrative responsibilities of the court.

He is credited with introducing the committee concept that has proven to be an effective and efficient method of managing the court's annual multi-million-dollar operations.

In recognition of his business acumen, fellow judges selected him to lead them during the first year of expansion -- a pivotal year of adjustment in case management, court relocation and increased personnel.

Mondelli has selected nine committees to deal with those and other matters facing the eleven-division court during his second term as presiding



JUDGE MIKE MONDELLI

judge. The committees are as follows with chairmen denoted by asterisks:

- | | | |
|----------------------|---------------------------|------------------------------|
| TRAFFIC COURT | CRIMINAL COURT | CIVIL COURT |
| *MIKE MONDELLI | *LEON RUBEN | *SUE EVANS |
| GALE ROBINSON | GALE ROBINSON | BILL HIGGINS |
| JOHN BROWN | MARK FISHBURN | AARON HOLT |
| BILL FAIMON | GLORIA DUMAS | LEGISLATIVE/EXECUTIVE |
| COMMISSIONERS | PROBATION/PRETRIAL | *LEON RUBEN |
| *GLORIA DUMAS | *CASEY MORELAND | GALE ROBINSON |
| GALE ROBINSON | AARON HOLT | MARK FISHBURN |
| SUE EVANS | BILL FAIMON | GLORIA DUMAS |
| BILL FAIMON | SUE EVANS | DOMESTIC VIOLENCE |
| BAR LIAISON | ADMIN/PERSONNEL | *GALE ROBINSON |
| *MARK FISHBURN | *JOHN BROWN | GLORIA DUMAS |
| BILL HIGGINS | CASEY MORELAND | CASEY MORELAND |
| GLORIA DUMAS | LEON RUBEN | MARK FISHBURN |
| AARON HOLT | MARK FISHBURN | |

JURY TRIAL VERDICTS

APPEALS

Week of August 10

CIRCUIT COURT

GENERAL SESSIONS



SETTLEMENT CONFERENCES

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
96C-3065	SLIP/FALL	2ND*	DEFENDANT		
98C-164	GSA AUTO ACCIDENT/ST	1ST	DEFENDANT	P-\$12,000	(D)
97C-2715/3946	AUTO ACCIDENT	6TH (P)	\$27,000		
97C-2252	AUTO ACCIDENT/ST	1ST (P)	\$200		
96C-3111	AUTO ACCIDENT/ST	3RD (P)	\$5,500		
97C-499	AUTO ACCIDENT/ST	6TH (P)	\$20,000		
97C-471	AUTO ACCIDENT/ST	2ND* (P)	\$3,500		
96C-4339	AUTO ACCIDENT/ST	3RD (P)	\$2,339		
97C-4042	MALICIOUS PROSECUTION	5TH	DEFENDANT		

	AUGUST	YTD
TOTAL CASES CONSIDERED	29	140
Auto Accidents	7	77
Negligence	0	3
Assault	0	1
Store Injury	0	1
Wrongful Death	0	2
Condemnation	2	9
Indecent Exposure	0	1
Contract Dispute	0	3
Slip & Fall	4	13
Defamation	0	2
Medical Malpractice	0	8
Sexual Harassment	1	3
Personal Injury	2	5
Torts	0	3
Outrageous Conduct	0	1
Fraud	0	1
Air Bag	0	1
Property Damage	0	1
Attorney Malpractice	1	2
Soft Tissue	0	1
Food Poisoning	1	1

Week of August 17

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
97C-942	AUTO ACCIDENT	1ST	DEFENDANT		
96C-801	MEDICAL MALPRACTICE	6TH	DEFENDANT		
97C-3555	GSA AUTO ACCIDENT	5TH	DEFENDANT	P-\$4,000	(D)
97C-3130-31	GSA AUTO ACCIDENT	3RD** (P)	\$4,738		
94C-3422	DEFAULT	2ND (P)	\$3,200		

	AUGUST	YTD
Dispositions		
Settled	11	75
Partial Settlement	0	1
Pending settlement	0	5
No settlement reached	7	30
Trials with jury verdicts	0	1
Dismissals	0	3
Summary judgments	0	0
Pre-conference settlements	0	10
Post-conference settlements	0	4
Non-suits	0	0
Bankruptcies	0	0
Continued	0	9
Canceled	1	2

Week of August 24

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
95C-13	LANDLORD/TENANT	1ST** (P)	\$175,000		
95C-3171	MEDICAL MALPRACTICE	2ND	DEFENDANT		
97C-154	AUTO ACCIDENT/ST	1ST	HUNG JURY		
97C-97/1844	AUTO ACCIDENT	3RD**	UNDER ADVISEMENT		
97C-3635	AUTO ACCIDENT/ST	3RD	DEFENDANT		

*HEARD BY SPECIAL MASTER MARSH NICHOLS
 **WAIVED JURY

ABBREVIATIONS

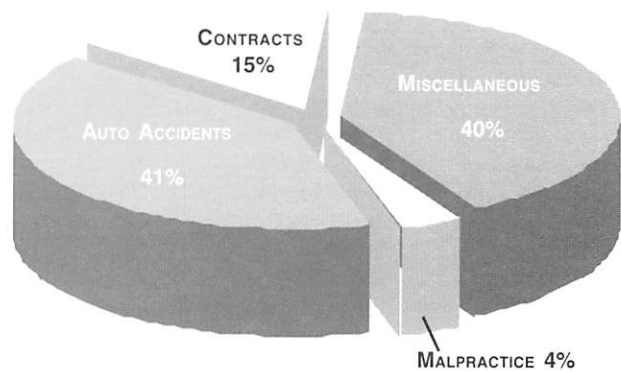
- | | | |
|--------------|----------------------|----------------------|
| P-PLAINTIFF | ST-SOFT TISSUE | D-DEFENDANT |
| REC-RECOVERY | CP-COUNTER PLAINTIFF | CD-COUNTER DEFENDANT |

(Source: Megan Gregory, case coordinator)

TRENDS

Jury Trials by Classification

(JANUARY THROUGH AUGUST COMPOSITE)



DATA BANK

Statistics compiled for the month of August

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	225
CIVIL CASES CONCLUDED	290
NEW DIVORCE CASES FILED	279
DIVORCE CASES CONCLUDED	294

General Sessions Civil

NEW CASES FILED	3,118
EXECUTIONS ISSUED	3,092
GARNISHMENT PAYMENTS	3,555
JUDGMENTS COLLECTED	\$565,427
ORDER OF PROTECTION PETITIONS	239

Probate Court

NEW CASES FILED	180
CASES CLOSED	141

Traffic Violations

MOVING CITATIONS	25,557
PARKING VIOLATIONS	5,897
TOTAL FINES COLLECTED	\$329,581
NULLIFICATIONS	2,681
NULLIFICATION FEES COLLECTED	\$24,129

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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

CASE ANALYSES



AUTO ACCIDENTS

PLAINTIFFS 58
DEFENDANTS 20

RATIO: PLAINTIFFS 2.8-1

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MAY	50	40	10	33	15	2
JUNE	10	9	1	7	1	2
JULY	12	6	6	11	0	1
AUGUST	13	13	0	7	4	2
YEAR-TO-DATE	85	68	17	58	20	7

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
APRIL	525,000	NO RANGE	NO MEAN
MAY	167,638	3,206-103,777	15,163
JUNE	36,545	1,616-15,000	4,982
JULY	2,039,240	915-2,000,000	12,741
AUGUST	63,277	200-27,000	7,294

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
APRIL	NO CASES	NO CASES	NO CASES
MAY	5,198	NONE	NONE
JUNE	210,000	NONE	NONE
JULY	22,728	2,750-6,300	4,559
AUGUST	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
MAY	1	1	0	0
JUNE	3	3	0	0
JULY	4	4	0	0
AUGUST	3	1	2	0
YEAR-TO-DATE	19	13	6	0

RATIO: 2.1-1

*INCLUDED IN ABOVE TRIAL TOTALS

THE OTHERS



CONTRACTS

26
PLAINTIFFS 16
DEFENDANTS 5
NO VERDICT 5

RATIO: PLAINTIFFS 3.1-1

MALPRACTICE

6
PLAINTIFFS 1
DEFENDANTS 3
NO VERDICT 2



MISCELLANEOUS

68
PLAINTIFFS 49
DEFENDANTS 13
NO VERDICT 6

RATIO: PLAINTIFFS 4.7-1

TOTAL AWARDS

YEAR TO DATE: \$121,791

AUGUST CASES:
NONE