

Rooker Report

November 1998

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Cartwright to Become Traffic Bureau Chief

Circuit Court Clerk Richard Rooker has announced the appointment of Bill Cartwright as chief clerk of the Traffic Violations Bureau, effective Jan. 1.

Cartwright, who is presently serving as supervisor of the bureau's warrant office, will succeed Ed Chauvin, who has announced his retirement as of Dec. 31.

Chauvin has been chief clerk of the department since November 1994, following nine years of service as business manager.

"Ed has made a very large contribution to the efficiency level of the bureau over the past 13 years," said Rooker. "He deserves our gratitude



BILL CARTWRIGHT



ED CHAUVIN

and best wishes for a happy retirement."

Cartwright, 31, joined the warrant office staff in 1992, bringing with him degrees from David Lipscomb University in business management and marketing. Effective application of those skills earned him the position of office supervisor in 1996.

"Bill's leadership qualities and technical knowledge, combined with a levelheaded approach to business management, made him the logical choice for the chief clerk's position," Rooker said. "Not only is he capable of maintaining existing

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NEWSMAKERS

Sidney Bennett Gets Domestic

Prosecutor Post

Attorney Sidney S. F. Bennett, a veteran family law practitioner, has assumed the position of special prosecutor in the county's domestic courts.

Bennett beat out some 30 other applicants for the position, formerly held by Scott Rosenberg before he became a full-time referee in Juvenile Court in August.



BENNETT

Like Rosenberg, Bennett is a former aide to the district attorney general, whose office became guardian of the newly created domestic relations post last Spring when a state court of appeals ruled that private attorneys should not be permitted to prosecute criminal contempt charges growing out of civil cases in which they are involved.

That decision is currently under appeal in the state supreme court and, if overturned, could abolish the domestic court position.

Bennett, 41, maintains a private family law practice and is an approved Rule 31 mediator in the field of family mediation.

She graduated cum laude from Vanderbilt University College of

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As the nation prepares to pause and give thanks for its blessings, the staff of Circuit Court Clerk Richard Rooker extends warmest Thanksgiving greetings to those whom we have had the pleasure of serving during the past year.

No business will be conducted by our offices on Thanksgiving Day or the day after. The offices of circuit court clerk, probate court clerk, general sessions civil division and traffic violations bureau all will re-open on Monday, November 30.

A SECRETARY'S LUNCH HOUR ADVENTURE

SHE FOUND 'I Do' ON MENU

Okay, ladies, here's the scenario... You are sitting at your desk and the phone rings.

"Hello."

"Hi, honey. Have you thought about where to have lunch?"

"Not really. I'm not all that hungry. Why don't we just skip lunch and get married?"

"Suits me. But how are we gonna do that in one hour?"

"Just get yourself down here. I'll take care of everything."

"You had better have some great connections, sweetheart... 'cause we're talking about driving out to Howard School and getting a marriage license, finding a judge to perform the ceremony and getting you back to work -- all in one hour."

"Well, if you'd rather not..."

"Start the meter running, darling; I'm on my way."

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That very well could have been the conversation between the former Janelle McGuire and longtime beau David Patton on Monday, Oct. 26.

Our dramatization is exaggerated for romantic enhancement, of course.

But, believe it or not, Janelle really did "take care of everything" within the allotted time period.

Since her boss, Probate Judge Frank Clement Jr., was involved in a vehicular homicide trial, she didn't want to impose on his time. So, she phoned attorney pal Tom

Ware and asked if he would do the honors.

Ware readily agreed, but noted that he was without authority to perform weddings.

No problem. A quick phone call to General Sessions Judge Sue McKnight Evans would get him an appointment as special judge. That would do it.

Meanwhile, the happy couple could speed out to the county clerk's office, get their license, dash back to Ware's office for their vows and return to work without anyone being the wiser.

And it happened pretty much just like that. Why the big rush?

"We just decided we were ready," said the happy bride. "We were engaged for one year and we dated a year and a half before that. Besides, it was my birthday present." For the record, her birthday was two days earlier -- a Saturday.

Strangely enough, Janelle and David both were graduated from Portland High School but never knew each other until they began dating. Both have been married before and each has a son -- her's is seven-year-old Patrick McGuire, who is not too sure about the whole situation.

As his new stepfather was driving him to school the morning after the wedding, the youngster turned to him and asked:

"Are you sure you got the right woman?"



Janelle Patton

NEW WORKERS' COMP FORMS ADDING \$1 TO CLERICAL FEES

New federal guidelines for logging information in workers' compensation cases has increased the amount of paperwork for employers and court clerks while slightly increasing filing costs.

Circuit Court Clerk Richard Rooker said a "Statistical Data Form" now required under the federal Uniform Administrative Procedures Act will add \$1 to the standard filing fee of workers' comp settlements and to the accruing court costs in contested cases.

The extra fee goes into effect on Dec. 1.

The new two-page data forms, developed by the Department of Labor, became mandatory supplements this month to all

final orders in workers' comp litigation.

"The completed form shall be required to be filed in every workers' compensation case at the conclusion of the case and shall be filed with the clerk of the court (in which the case is pending) contemporaneously with the final order," according to the administrative procedures act. "An order of a court is not final until the statistical data form...is fully completed and filed with the clerk of the court."

Rooker explained that his office is required to forward a copy of the data form to the Department of Labor by the tenth of the month subsequent to the month in which it was filed.

The forms are available at the clerk's office.

Cheers...

The anxiety finally ended last month for deputy circuit clerk **Mark Herring** and wife **Julie** when the twosome became a threesome. **Spencer Kenneth Herring** made his arrival on Oct. 26 at Baptist Hospital. The couple's first child was a keeper at 8 pounds, 5 ounces and 20.25 inches long. What better way for dad to celebrate his recuperation from leg surgery a few weeks earlier!

◆ The stork made another visit just two days later when he delivered a sixth grandchild to traffic docket clerk **Beverly Swafford**. **Christopher Isaac Swafford** became the third child of Beverly's son **William Swafford** and his wife **Katherine** on Oct. 28 at Hendersonville Hospital. He hit the scales at 8 pounds, 13 ounces and measured 20.5 inches in length.

◆ We were late in learning about it, but are pleased to belatedly announce the wedding of **Penny Adcock**, a data entry clerk in the traffic bureau. Since Sept. 19, Penny has been Mrs. **Robert T. Reed**. The couple exchanged vows in the romantic setting of Gatlinburg. He is a private investigator. It was the second marriage for both.

◆ **Gregg Jett**, a court officer for General Sessions Judge **Sue McKnight Evans**, reportedly is recovering nicely from recent colon surgery. The best news of all was the report that a tumor removed by the surgery proved to be benign. Also making good progress is attorney **Mose Davie**, who sustained serious injuries in an automobile accident several weeks ago.

NEWSMAKERS

(From Page 1)

Arts and Science in 1978.

After receiving her law degree from the Nashville School of Law in 1983, she worked in the child support divisions of the Charlotte and Nashville district attorney's offices for four years. She entered private practice in 1987 and subsequently became an instructor in family law and a lecturer in continuing legal education programs.

◆ Cottrell On Appeals Court

Nashville attorney Patricia Cottrell has been appointed to the Tennessee Court of Appeals, becoming one of 11 women who now have received judicial appointments from Gov. Don Sundquist.

Cottrell, whose distinguished legal

career over the past two decades has included service with the state attorney general's office, the Metro Department of Law and the Tennessee Alcoholic Beverage Commission, is a 1969 graduate of the University of Tennessee.

CARTWRIGHT

policies, but he has a propensity for discovering more efficient methods and making them work to improve the overall operations of the department."

Following graduation from Goodpasture Christian Academy in 1985 and David Lipscomb University in 1989, Cartwright was employed by the New England Financial Group for three years before joining the traffic violations office.

December Birthdays

Traffic Violations 11 Connie Murff 12 Wayne Elrod 27 Monty Russell 29 Lori Davis Pat Baxter 31 Don Clunan Mitch Brown	Probate 29 Tom Brown General Sessions 2 Denise Dill 25 Marie Anderson 27 Brenda Osborne 31 Jackie Knight Circuit Court Clerk 1 Kelly Baltz 4 Becky Dye
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...Tears

A number of our employees sadly said good-bye to family members since our last report. It is with the deepest of sympathy that we acknowledge each of them.

◆ **Dovie Tomlinson Merryman**, 89, grandmother of secretary **Michelle Sawyer** and deputy general sessions clerk **Stephanie Phillips**. Mrs. Merryman passed away on Nov. 7.

◆ **James Harden McCord**, 57, of Franklin, succumbed on Nov. 9. He was the brother of general sessions deputy clerk **Marie Anderson**.

◆ **Clara Perry**, great-grandmother of deputy circuit clerk **Deanna Alexander**, passed away on Oct. 23 at a local nursing home.

◆ **Nathan Cohen**, brother of traffic warrant officer **Marvin Cohen**, died on Nov. 11.

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His civic affiliations include the Joelton Community Club where he is on the board of directors, the athletic committee and serves as a coach in various youth sports.

He and his wife Tracy, a deputy in the circuit court clerk's office, are the parents of two daughters, Kelsey, 8, and Mikayla, 3.

Chauvin served as business manager of the traffic violations bureau from early 1985 until his appoint-

ment as chief clerk.

He has been instrumental in advancing new techniques in various segments of the department's business functions.

Chauvin, a native of Houma, Louisiana, attended Tulane University and was a member of the Metro Property Assessor's office before transferring to the traffic bureau.

He and wife Sara plan to spend much of their retirement travelling.

BAR MEMBERS SHARE ARTISTIC TALENTS IN COURTHOUSE EXHIBIT

REVIEW

For a brief period of time, the artistic works of several Nashville attorneys will be on display in the jury assembly room of the courthouse -- tangible evidence that talent exists beyond the realm of legal expertise.

The exhibit, titled "NBArt," is a link in an ongoing series designed to showcase local talent before a revolving audience of jurors and courthouse patrons.

But you had best not tarry if you want to catch this particular exhibit. Jury Coordinator Cheryl Kennedy says the works have been booked for another showing in early December and will be moving out on Dec. 3.

Such popularity is not based solely on promotion by the sponsoring bar association; artistic quality merits a huge share of the credit.

From the pastel abstract paintings of Ken Jackson to the color-splashed,

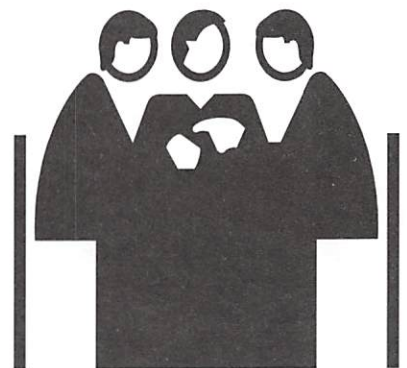
panoramic photographs of Robert Brandt's nature hikes in Middle Tennessee -- and everything in between -- the exhibit is one of stylistic contrast that mirrors individual interpretation by an eclectic group.

Do not leave the room until you have checked out Mary Griffin Harden's gripping photographic chronicle of "Spirituality and Dignity of Impoverished People," by-products of her service with the Peace Corps in Honduras.

You'll also enjoy Gareth Aden's eye-pleasing interpretation of a sail boat on the waters, offered up in harmonious blue and white oils; Mike Torian's appropriately titled "Shelf Life"; Mary M. Schaffner's soothing blends of sky and landscape; and the "People" photos by Lora Barkenbus.

In the spirit of the season, it is only appropriate that we say "thanks" to the contributing attorneys and wish them the best in future endeavors.

JURY TRIAL VERDICTS



SETTLEMENT CONFERENCES

Week of October 5

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
96C-3492	AUTO ACCIDENT	8TH (P)	\$100,000		
97C-2426	AUTO ACCIDENT/ST	5TH (P)	\$10,994		
97C-2539	AUTO ACCIDENT	3RD (P)	\$33,000		
96C-4547	AUTO ACCIDENT	1ST	DEFENDANT		

Week of October 12

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
96C-2217	AUTO ACCIDENT	5TH (P)	\$3,000		
97C-2416	GSA/AUTO	2ND (P)	\$2,000	P-\$2,500	(P)
95C-4371	ASSAULT	8TH (P)	\$7,500		
96C-4093	SEXUAL HARASSMENT	6TH (P)	\$900,000		
97C-2452	AUTO ACCIDENT	3RD (P)	\$12,000		
94C-4237	PERSONAL INJURY	2ND	DEFENDANT		

*WAIVED JURY

NON-JURY TRIAL RESULTS

Week of October 5

CASE	TYPE	COURT	VERDICT
97C-916	CONTRACT	8TH (P)	\$10,000

Week of October 12

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
98C-1577	GSA/CONVERSION	8TH	DEFENDANT	P-\$8,244	(D)

Week of October 26

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
95C-2824	AUTO ACCIDENT	1ST (P)	\$57,500		
98C-553	SLIP/FALL	8TH (P)	\$13,878		
97C-3786	GSA/CONTRACT	5TH (P)	\$3,677	DISMISSED	(BOTH)
97C-2786	GSA/BAILOR/BAILIEE	6TH* (P)	\$9,134	P-\$9,134	(D)
97C-3616	WORKERS COMP	1ST	DISMISSED		
98C-1578	GSA/CONTRACT	8TH (P)	\$7,174	DISMISSED	(P)
97C-1396	GSA/CONTRACT	6TH* (P)	\$2,525	P-\$1,930	(D)
98C-1254	GSA/CONTRACT	5TH (P)	\$1,350	P-\$1,150	(P)
97C-1472	WORKERS COMP	5TH	UNDER ADVISEMENT		
97C-3217	WORKERS COMP	6TH	EMPLOYEE		
97C-1405	GSA/PROPERTY DAMAGE	1ST (P)	AMT. PENDING		

*HEARD BY SPECIAL MASTER MARSH NICHOLS

ABBREVIATIONS:

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

	SEPT.	YTD
TOTAL CASES CONSIDERED	12	165
Auto Accidents	3	85
Negligence	0	5
Assault	0	1
Store Injury	0	1
Wrongful Death	0	2
Condemnation	1	10
Indecent Exposure	0	1
Contract Dispute	1	6
Slip & Fall	1	15
Defamation	0	2
Medical Malpractice	1	9
Sexual Harassment	1	4
Personal Injury	3	12
Torts	0	3
Outrageous Conduct	0	1
Fraud	0	1
Air Bag	0	1
Property Damage	0	1
Attorney Malpractice	0	2
Soft Tissue	0	1
Food Poisoning	0	1
False Imprisonment	1	1

DISPOSITIONS

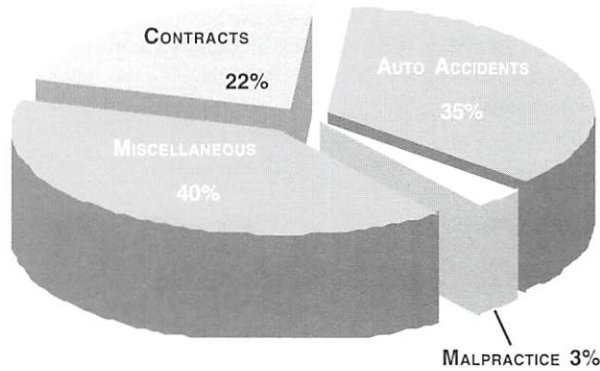
	SEPT.	YTD
Settled	8	88
Partial Settlement	0	1
Pending settlement	0	5
No settlement reached	4	42
Trials with jury verdicts	0	1
Dismissals	0	3
Pre-conference settlements	0	10
Post-conference settlements	0	5
Continued	0	9
Canceled	0	2

(Source: Megan Gregory, case coordinator)

TRENDS

Jury Trials by Classification

(JANUARY THROUGH OCTOBER COMPOSITE)



DATA BANK

Statistics compiled for the month of October

CASE INFORMATION

Circuit Court

New Civil Cases Filed	266
Civil Cases Concluded	253
New Divorce Cases Filed	266
Divorce Cases Concluded	275

General Sessions Civil

New Cases Filed	3,096
Executions Issued	2,609
Garnishment Payments	3,317
Judgments Collected	\$543,901
Order of Protection Petitions	190

Probate Court

New Cases Filed	156
Cases Closed	129

Traffic Violations

Moving Citations	23,048
Parking Violations	7,421
Total Fines Collected	\$352,723
Nullifications	3,158
Nullification Fees Collected	\$28,422

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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

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-JUNE	60	49	11	40	16	4
JULY-SEPTEMBER	29	22	7	20	5	4
OCTOBER	8	7	1	7	1	0
YEAR-TO-DATE	97	78	29	67	22	8

JULY 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
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
SEPTEMBER	7,500	NO RANGE	NO MEAN
OCTOBER	218,494	2,000-100,000	23,298

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
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
SEPTEMBER	3,700	NONE	NONE
OCTOBER	57,500	NONE	NONE

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-MAY	9	5	4	0
JUNE	3	3	0	0
JULY	4	4	0	0
AUGUST	3	1	2	0
SEPTEMBER	0	0	0	0
OCTOBER	1	1	0	0
YEAR-TO-DATE	20	14	6	0

RATIO: 2.2-1

*INCLUDED IN ABOVE TRIAL TOTALS

THE OTHERS

CONTRACTS



59
PLAINTIFFS 39
DEFENDANTS 5
NO VERDICT 15

RATIO: PLAINTIFFS 7.4-1

TOTAL AWARDS

YEAR TO DATE: \$262,805

OCTOBER DOLLAR RANGE
\$1,350-10,000

MALPRACTICE



8
PLAINTIFFS 2
DEFENDANTS 4
NO VERDICT 2

RATIO: DEFENDANTS 2-1

MISCELLANEOUS



110
PLAINTIFFS 76
DEFENDANTS 22
NO VERDICT 12

RATIO: PLAINTIFFS 3.7-1