

ROOKER REPORT

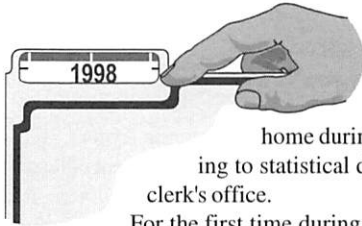
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NEW CIVIL, DOMESTIC COMPLAINTS LOWEST OF DECADE

FILINGS ON DECLINE IN '98



Fewer citizens found reasons to take their neighbors to court over civil disagreements and greater harmony was achieved inside the home during the 1998 calendar year, according to statistical data compiled by the circuit court clerk's office.

For the first time during the current decade, new civil filings in circuit court fell below the 4,000 mark, matching a two-year decline in the number of cases originating in the general sessions system where dollar amounts are limited.

Original filings in circuit court, including all categories of civil litigation from torts to minor settlements, capped out at 3,799 -- down by 573 from the previous year and 1,126 fewer than the record 4,925 of 1996.

The downward trend was attributed in part to the continuing popularity

of dispute resolution alternatives being utilized to avoid costly courtroom proceedings. While there is evidence that more adversaries are opting to resolve their differences through private mediation, trial avoidance is also becoming the choice of many seeking adjudication by the courts.

During the past calendar year, the courts presided over 179 settlement conferences, compared with only 157 during the previous 12-month period. The addition of a special master and an eighth judgeship positioned the courts to accommodate that trend without interference to normal case flow.

Conversely, circuit judges disposed of 3,933 cases during the year while presiding over 605 jury and non-jury trials -- accomplished with one judge on loan to the criminal system for a portion of the year.

In the general sessions civil division where the bulk of claims involve property and money disputes, the 35,719 new case filings also represented

SEE 1998: A DIP IN NEW FILINGS, PAGE 2

ON A ROLL COURT'S DRIVING SAFETY CENTER HARVESTS MORE NATIONAL AWARDS

When it comes to national championships, the state of Tennessee is doing pretty well these days.

In fact, there are some that most folks don't even know about for lack of publicity accorded those achieved in the athletic arena.

One would have to be isolated in an Alaska snowbank not to know of the accomplishments of the University of Tennessee in both men's football and women's basketball.

But how many people could tell you who has the most effective driver training program in the nation?

The illustration at right is a clue. That's Dr. Peggy Reynolds and Terry Peaks of the Metro DUI School & Safety Center, proclaiming a third straight year of proficiency recognition by the National Safety Council.

Their game is improving the skills of players in the world's largest and most dangerous participation sport--driving a vehicle. And, with the help of an able coaching staff, they have accomplished their own version of a three-peat:

1. 1995--Nation's best performance by a governmental driver training program in the administration of a four-hour defensive driving course (DDC-4);

2. 1996--Nation's best performance by a governmental driver training program in the administration of an eight-hour defensive driving course (DDC-8);

3. 1997--Nation's best performance by a governmental driver training program in the administration of an eight-hour defensive driving course (DDC-8);

--Nation's best performance by a governmental driver training program in the administration of a youth-oriented "Alive at 25" educational course;



--Honorable mention for outstanding achievement in the administration of a DDC-4 course.

The latest awards were presented Oct. 24 at the National Safety Council's annual convention in Los Angeles. Peaks, who serves as program manager of the General Sessions Court-administered traffic school under the direction of Dr. Reynolds, was on hand to accept the multiple honors.

In topping the nation in the administration of DDC-8 classes for the second straight year, the Nashville program provided instruction to 1,819 multiple offenders--a 17 percent increase over the previous year's award-winning effort. Those successfully completing the eight-hour course represented a nucleus of the 2,754 cases referred to the program by the courts.

Perhaps the most cherished of the latest awards was the one for the center's "Alive at 25" program, specifically designed for drivers between the age of 16-24 and adopted only a year earlier as curriculum in many of Metro's high school classrooms.

A total of 950 students completed the in-school course in 1997, joining 2,952 others who did likewise in courtroom settings.

A complete overview of the center's accomplishments in these and other areas of instruction can be found in the General Sessions Court's 1997 Annual Report and Guide, available at any of the court's administrative offices.

Cheers...

For those who may have missed the news...Former deputy clerk **Gregg Nicholson** and wife **Beth** finally got a visit from the stork last month -- just in time for Christmas. **Miranda Belle Nicholson** arrived on Dec. 10 at Baptist Hospital, weighing in at 8 pounds, 3.5 ounces and measuring 19.5 inches in length. Gregg, formerly of our child support division and now employed by the Metro Budget Department, dropped by to show off pictures of his new daughter to his former co-workers.

◆ Another miracle occurred on Jan. 12 when **Larry King**, brother of deputy criminal court clerk **Jimmy King**, received a new heart at St. Thomas Hospital. Jimmy proudly proclaimed the transplant as a big success and asked for prayers to see his 59-year-old brother through the recovery period.

◆ General Sessions Judge **William Faimon** returned to the bench this month following his second hip replacement surgery in recent years.

◆ **Paul G. Summers** was sworn in this month as the new state attorney general, replacing **John Knox Walkup**, who resigned from the post. Summers of Somerville, becomes the 25th person to hold the position.

◆ Congratulations to attorney **Aleta Trauger** upon her appointment to a federal judgeship. A graduate of Vanderbilt University in 1976, Judge Trauger formerly served as chief of staff to Mayor **Phil Bredesen**.

...Tears

Robert Thomas McGowan, 65, a veteran state administrative judge, died at his home on Dec. 29 of cancer. During the early phase of his career, McGowan served for eight years as an assistant with the Metro Public Defender's office where he was affectionately known to adversaries as "Bullet Bob" because of his aggressive style of practice.

Condolences to deputy traffic warrant officer **Joe Foster** in the death of his cousin, **Veronica Stevenson**, who passed away Dec. 23 in Birmingham following a stroke. She was 39 years old.

Attorney **Rollie Woodall** passed away Jan. 11 from multiple complications following exploratory surgery. He was 63 and had previously been associated with the **Jack Norman** law firm and fellow attorney **Herb Rich**. He also was a federal prosecutor earlier in his career.

Attorney **Gustavus (Gus) Wood III**, 57, passed away Jan. 14 at his home of undisclosed causes. He had been associated with the law firm of **J. Omer and Associates**.

COURT OFFICER'S BOOK ON VIET WAR GETS ATTENTION OF FILM PRODUCERS

You might have difficulty in pronouncing his name, but **Khambang Sibounheuang's** face is quickly recognizable around the courthouse.

For it is there that the former military commander with the Laotian Army has spent the past eight years serving the judicial system as a court officer for Circuit Court Judge **Hamilton Gayden**.

His job is light years away from the trenches of Vietnam where he led his country's fight against North Vietnamese troops and spent seven months as a prisoner of war before escaping and finding his way to the United States and, eventually, Nashville.

Those experiences inspired him to write the book "Another Country: The Fall of Laos," in 1989 -- a literary effort that aroused **Gayden** to author a second part encouraging a more intense effort to locate Americans missing in action.

Several years have since passed without much commercial success for the



KHAMBANG

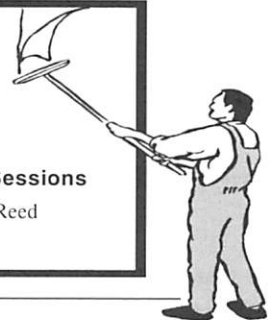
February Birthdays

Traffic Violations
5 Lee Millsap
11 Marie Roberts

Probate
none

Circuit Court Clerk
7 Tracy Cartwright
23 Lori Stratton

General Sessions
25 Diana Reed



1998:

A DIP IN NEW FILINGS

(From Page 1)

a record low for the 90s, contrasting the 41,490 high mark at the beginning of the decade.

When fiscal statistics are released in July, however, the drop in filings is not expected to have much bearing on the amount of judgment collections.

If the state of the economy is a barometer of activity in the courts, it also gives impetus to the theory that money is a major factor in the failure of many marriages. A positive link between the two was strongly indicated by an astounding drop in the number of divorce filings during the past year.

The extraordinary drop in civil disputes was matched by the fewest number of new divorce actions during the decade. Only 3,358 couples asked for dissolution of their wedding vows, more than 400 less than the average for the previous eight years. On the other hand, fewer couples (6,293) applied for marriage licenses, marking the third straight year of decline from the 7,192 in 1995.

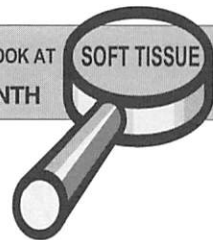
The county's children of divorce shared in \$20.19 million in support payments paid through the circuit courts, up \$1.19 million from the previous year.

Motorists were less penalized for illegal parking, but were more likely to be cited for moving violations. While the number of parking tickets dipped below the 100,000 mark for the first time in the decade (the 96,548 issuances were attributed to fewer police recruits than in the past), patrol officers wrote a record 262,800 tickets for moving violations.

The bleaker side of driving, meanwhile, resurfaced in litigation in circuit courtrooms where 122 auto accident claims were hammered out in jury and non-jury settings and another 91 over pretrial conference tables. Jury panels awarded plaintiffs almost \$4 million in damages in 95 cases, more than half of that amount going to alleged victims of soft tissue damage, an area of litigation to be explored in this report next month.

A CLOSER LOOK AT
NEXT MONTH

SOFT TISSUE CASES



JURY TRIAL VERDICTS

Week of December 1

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
95C-38/2364	CONTRACT	8TH*	(P) \$5,000		
97C-943	AUTO ACCIDENT	2ND	(P) \$24,750		
96C-23	AUTO ACCIDENT	8TH	DEFENDANT		
98C-378	GSA/AUTO ACCIDENT	6TH	HUNG JURY	DISMISSED	(P)
97C-475	LIBEL	1ST	DISMISSED		
98D-2423	CRIMINAL	5TH	GUILTY		

Week of December 7

CASE	TYPE	COURT	VERDICT
95C-3574	AUTO ACCIDENT	6TH	(P) \$24,000
97C-205	AUTO ACCIDENT	8TH	(P) \$369,000

*WAIVED JURY

NON-JURY TRIAL RESULTS

Week of December 14

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
97C-4055	GSA/CONTRACT	3RD*	(P) \$848	P-\$952	(D)
97C-1817	AUTO ACCIDENT	6TH	(P) \$45,000		
97C-563	CONTRACT	8TH	UNDER ADVISEMENT		
98C-775	AUTO ACCIDENT	1ST	DEFENDANT		
97C-3918	DAMAGES	1ST	(P) \$20,000		
98C-311	GSA/CONTRACT	3RD*	DEFENDANT	DISMISSED	(P)
98C-1376	GSA/CHATTEL/CONVERSION	1ST	UNDER ADVISEMENT	DISMISSED	(P)
97C-945	DAMAGES	3RD*	(P) \$13,856		
98C-301	LANDLORD/TENANT	8TH	(P) \$912		
98C-1426	GSA/CONTRACT	3RD*	(P) \$4,737	TRANSFERRED	
98C-1729	GSA/AUTO ACCIDENT	1ST	(P) \$1,186	P-\$2,4220	(D)
98C-244/248	GSA/AUTO ACCIDENT	1ST	(CP) \$3,391	P-\$2,000	(D)
98C-1706	METRO CODES APPEAL	6TH	\$50 FINE+CONDITIONS	\$500 FINE	(D)
95C-3224	CONTRACT	3RD*	(P) \$9,568		
98C-2356	GSA/CONTRACT	8TH	(P) \$1,418	DISMISSED	(P)
98C-2018	GSA/LANDLORD/TENANT	3RD*	DEFENDANT	DISMISSED	(P)
97C-2324	GSA/CONTRACT	1ST	(P) \$3,300	P-\$3,500	(D)

*HEARD BY SPECIAL MASTER MARSH NICHOLS

SIXTH COURT'S GRANITE MAN RETIRES

Perhaps they should erect a monument outside the Sixth Circuit courtroom for the man who secured its premises for more than 33 years.

A bust of granite might be appropriate for Mays Stinson, who was a fixture there from the first year the court convened until his retirement on Dec. 18.

He was there a few months after Judge James Swiggart called the court to order on April 26, 1965. And he was there in 1989 to serve Swiggart's successor, current Judge Tom Brothers, for an additional nine-plus years.

No other person equalled his longevity as a Davidson County court officer. His tenure even surpassed his criminal court counterpart, James Utley, who ended his career last year after 31 years with the judicial system.

During his impressive term of service to the court, Stinson rubbed shoulders with 26 different circuit judges



STINSON

and three circuit court clerks.

One could not venture a guess as to how many jurors were under his custody; that would more than likely be every juror ever seated in his courtroom. For he was the only official with court officer status to ever serve the Sixth Court.

And he probably will continue to hold that distinction for some time to come, since Brothers reportedly is contemplating replacing him with a law clerk rather than a court "officer."

Stinson, a self-employed sign painter before the court officer job came along, didn't want a fuss to be made over his retirement. But he had to be pleased with the turnout of judges, attorneys, friends and family members who were on hand to give him a send-off during a reception in the courtroom that was his workplace for more than three decades.

Now, he says, he'll do all his working at home.

APPEALS

GENERAL SESSIONS



SETTLEMENT CONFERENCES

	DEC.	YTD
TOTAL CASES CONSIDERED	9	179
Auto Accidents	5	91
Negligence	0	5
Assault	0	1
Store Injury	0	1
Wrongful Death	0	3
Condemnation	0	11
Indecent Exposure	0	1
Contract Dispute	0	6
Slip & Fall	2	18
Defamation	0	2
Medical Malpractice	0	10
Sexual Harassment	0	4
Personal Injury	0	12
Torts	2	5
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	0	1

DISPOSITIONS

	DEC.	YTD
Settled	2	93
Partial Settlement	0	1
Pending settlement	0	5
No settlement reached	0	44
Trials with jury verdicts	0	1
Dismissals	0	3
Pre-conference settlements	0	10
Post-conference settlements	0	5
Continued	5	14
Canceled	1	3
Private mediation	1	1

(Source: Megan Gregory, case coordinator)

ABBREVIATIONS:

P-PLAINTIFF

D-DEFENDANT

CP-COUNTER PLAINTIFF

CD-COUNTER DEFENDANT

ST-SOFT TISSUE

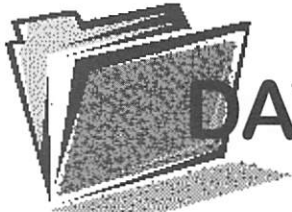
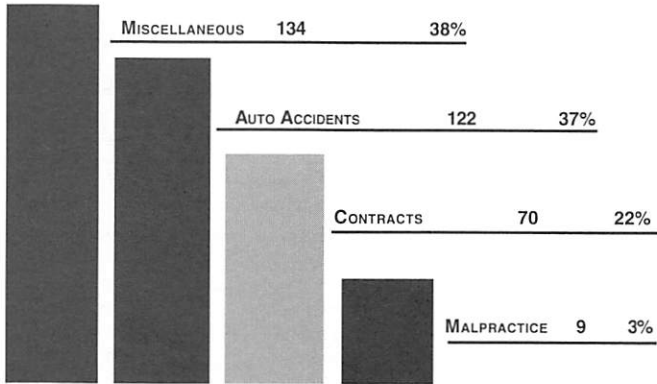
REC-RECOVERY

GSA-GENERAL SESSIONS APPEAL

TRENDS

Jury Trials by Classification

(JANUARY THROUGH DECEMBER COMPOSITE)



DATA BANK

Statistics compiled for the month of December

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	255
CIVIL CASES CONCLUDED	293
NEW DIVORCE CASES FILED	218
DIVORCE CASES CONCLUDED	257

General Sessions Civil

NEW CASES FILED	2,665
EXECUTIONS ISSUED	2,935
GARNISHMENT PAYMENTS	3,524
JUDGMENTS COLLECTED	\$535,230
ORDER OF PROTECTION PETITIONS	179

Probate Court

NEW CASES FILED	144
CASES CLOSED	128

Traffic Violations

MOVING CITATIONS	19,135
PARKING VIOLATIONS	5,701
TOTAL FINES COLLECTED	\$289,704
NULLIFICATIONS	2,333
NULLIFICATION FEES COLLECTED	\$20,997

Rooker Report

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(Circuit Court Clerk, 1968-1993)

Richard R. Rooker Circuit Court Clerk
Gene Baker Editor

CASE ANALYSES



AUTO ACCIDENTS

PLAINTIFFS 85
DEFENDANTS 27

RATIO: PLAINTIFFS 3.4-1

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
NOVEMBER	16	12	3	13	2	1
DECEMBER	9	5	4	5	3	1
YEAR-TO-DATE	122	95	26	85	27	10

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
SEPTEMBER	7,500	NO RANGE	NO MEAN
OCTOBER	218,494	2,000-100,000	23,298
NOVEMBER	103,773	375-18,000	8,539
DECEMBER	417,750	24,000-369,000	24,750

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
SEPTEMBER	3,700	NONE	NONE
OCTOBER	57,500	NONE	NONE
NOVEMBER	83,591	8,591-75,000	NONE
DECEMBER	49,577	1,186-45,000	3,391

*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
NOVEMBER	2	2	0	0
DECEMBER	3	1	1	1
YEAR-TO-DATE	25	17	7	1

*INCLUDED IN ABOVE TRIAL TOTALS

THE OTHERS



CONTRACTS TOTAL PLAINTIFFS DEFENDANTS NO VERDICT
70 48 5 18

RATIO: PLAINTIFFS 8.7-1 TOTAL AWARDS TO DATE: \$303,177
DECEMBER DOLLAR RANGE: \$848-9,568



MISCELLANEOUS
134
PLAINTIFFS 92
DEFENDANTS 25
NO VERDICT 17

MALPRACTICE
9
PLAINTIFFS 2
DEFENDANTS 5
NO VERDICT 2

