

# ROOKER REPORT

April 2000

Published by the Davidson County Circuit Court Clerk's Office

Vol.8, No. 3



**JUDGE LESLIE L. MONDELLI, SR.  
1919-2000**

## REMEMBERING HIS HONOR

When retired General Sessions Court Judge Leslie L. Mondelli Sr. lost his battle against cancer in March, the local judiciary mourned one of its most admired scholars.

Throughout his 18 years on the bench and beyond, he strived for respect from both his allies and his adversaries, never forgetting those who appeared before him in quest of justice.

His popularity on the bench was derived from a natural trait of fairness and compassion, the same

qualities that made him an outstanding husband, father and grandfather.

Although his rulings from the bench were not always to the liking of litigants, his strong presence seemed to almost always leave a lasting impression.

Ms. Diane Buchwatson of Wartrace, Tennessee, was on the losing end of a case in Judge Mondelli's court in 1990. Upon learning of his

(SEE REMEMBERING, PAGE 2)

### IN TRIBUTE

General Sessions Judge Leon Ruben--*Over the nine years we served together, I never knew him to straddle the fence on any issue pertaining to the business of the court. You always knew where he stood. On the bench, he showed compassion and understanding in making his decisions. He was a man of strong leadership abilities.*

General Sessions Judge William Faimon--*He was a darn good judge and a fine, fine man to work with. We never had a cross word in our eight years together.*

General Sessions Judge Bill Higgins--*To me, Judge Mondelli was a mentor, a friend and a personal inspiration. To this community, he dispensed justice with wisdom and compassion in a manner to bring respect and confidence to the judiciary. He left us all a better place in which to live. He will be sadly missed.*

General Sessions Judge John Brown--*Judge Mondelli was my friend from the time I first started practicing law in 1969. When I joined him on the bench in 1982, he took me under his wing and helped me learn the ropes. He always served with honor and distinction. I had the privilege of having him swear me in for my third term in 1998.*

Circuit Court Judge and former General Sessions Judge Hamilton Gayden--*It was an honor to have served with Judge Mondelli as a General Sessions judge. He was a mentor to me and in many ways offered cogent advice, particularly in dealings with people. He was a great 'people' judge, a great American who served his country in World War II, a great Tennessean, a great husband and a great father. He was an example that any judge would like to emulate. Although he will be missed, in many ways his footprints will be here for a long time to come.*

Criminal Court Judge J. Randall Wyatt--*Judge Mondelli and I served together on the General Sessions Court from 1974 to 1982. Not only was he a good friend and a good judge, he was a loyal and dedicated family man, a quality evidenced by his understanding and compassion for the people who appeared before him.*

Circuit Court Judge and former General Sessions Judge Barbara Haynes--*Judge Mondelli was a friend and a mentor. He had a great legal mind, a deep love for his family and was a real American who served his country and his community--not just as a judge but by example.*

## UNPAID PARKING TICKETS COULD SPELL JAIL TIME

Chronic violators of the county's parking ordinances who fail to satisfy their fines and continue to pile up more tickets are about to run into a roadblock.

The courts say they no longer will tolerate such contemptible behavior and will administer legal recourse that should enlighten them about their payment obligations. Jail time.

Although parking fines are legally classified as civil debts, which exempt incarceration, blatant disregard for judgments by the court open the door for charges of contempt, which do provide for jail time.

While the decision to invoke contempt charges rests solely on the discretion of the judge assigned to a particular case, at least one of the eleven General Sessions Court judges -- Sue McKnight Evans -- has taken a firm stand on the matter.

"Maybe the government wouldn't be so tight on money if all these people who owe thousands of dollars in parking tickets would pay what they owe," she declared.

Incensed by the large number of accumulated unpaid parking tickets by one certain individual, Evans asked the Metro Legal Department for a legal opinion addressing the issue of recourse by the courts. Indeed, it was ruled, the courts have the right to incarcerate a person on contempt charges if they fail to heed an admonition against further illegal parking.

"Both the city charter and state statute impose a penalty of up to ten (10) days in jail and maximum fines of \$25 and \$50 respectively," the legal opinion stated. "The key difference between the two provisions," the opinion continued, "is that one deals strictly with direct contempt and the other

(SEE CONTEMPTIBLE, PAGE 2)



# CHEERS...

Congratulations to General Sessions court officer **Opie Sory**, who celebrated his 36th year as a government employee on March 15. Sory's public service career began in 1964 when he joined the police department for what would be a 10-year stint that included being assigned to the city's race riots in 1968. "I was right in the thick of it," he recalled. From being a patrolman, he was reassigned in 1974 to the traffic warrant office, which at that time was under the jurisdiction of the General Sessions Court but would later be placed under the Circuit Court Clerk when the Supreme Court ruled that traffic offenses were civil violations rather than criminal. When that reclassification occurred, Sory accepted a job as court officer for then-Judge **John T. Boone**, who later retired. His services were retained by **William Faimon**, who won election to Boone's seat. He has remained in that post ever since.



SORY

◆ Meanwhile, **Bob McClain**, a court officer for General Sessions Judge **Bill Higgins**, has returned to work on a limited basis following a stroke in February.

# ...TEARS

Attorney **Robert Skinner**, known best for his bubbly personality and friendliness to others, passed away March 21 at Vanderbilt Hospital, a victim of leukemia. He was a 1961 graduate of Nashville School of Law. Gifted with a strong sense of humor, he enjoyed being chided by friends about wearing his trousers short and exposing his often-brightly colored socks. "That just means I'm a cut above the rest," he would laugh. **Dorothy**, his wife of 40 years, survives.

**Robert Potts**, 71, former information clerk with the Traffic Violations Bureau, passed away March 18. A veteran of the Korean War, he was a colonel on the staff of former Gov. **Ned McWherter** before serving for three years in the traffic bureau.

Condolences to **Ricky Deatherage**, chief probate office clerk, whose aunt **Virginia Nell Jones** succumbed to cancer on April 12. She was 73.

## CONTEMPTIBLE PARKERS BEWARE; COURTS COULD IMPOSE JAIL TIME

(FROM PAGE 1)

encompasses indirect contempt.

"Direct contempt as covered by the Metro Charter is where the act is committed in the presence of the court and may be punished summarily. Meanwhile, indirect contempt concerns acts that occurred outside the courtroom and therefore requires notice to the defendant and an opportunity to be heard."

Evans has invoked the latter provision against the individual who prompted her inquiry after he continued to park illegally and failed to appear for a hearing. He has since been subpoenaed for a later hearing. Should he fail to answer the subpoena, Evans said, he will be found in contempt of court and ordered to serve jail time.

"If after being fined and imprisoned for this first contempt," the legal department asserted, "(he) continues to disobey court orders to refrain from illegally parking, he may again be fined and imprisoned."

Bill Cartwright, chief clerk of the Traffic Violations Bureau, said there is a high number of similar cases where accumulative unpaid parking tickets amount to thousands of dollars in uncollected fines.

In addition to stricter action by the courts, Cartwright said, other efforts are being made to bring violators to terms, including disabling vehicles owned by flagrant abusers.

## RUBEN TO PRESIDE FOR 5TH TIME

Leon Ruben has accepted an unprecedented fifth term as presiding judge over the General Sessions Court, beginning September 1.

He will succeed current presiding judge Mark Fishburn for a one-year term.

Ruben will assume a leadership role in the reorganization of court space, currently in the planning stages.



JUDGE RUBEN

# REMEMBERING JUDGE MONDELLI

(FROM PAGE 1)

death, she sent a sympathy card to the judge's widow Frances Mondelli. Inside the card was a handwritten letter that read:

*"My husband and I met your husband many years ago on April 2, 1990. He was the judge that handled our dog bite case.*

*"I did not know the etiquette of the court and was very interruptive. He finally became quite tired of me and asked if I saw a door that was behind him. I said 'yes' quite meekly. He said if I didn't stop interrupting that he would send me through that door. I had no idea of what was there so I promptly hushed.*

*"My case was lost that day but I still felt as though I had won.*

*"I wrote to your husband apologizing for my lack of knowledge for court proceedings. I included my phone number if he wished to verify the letter.*

*"Your husband was so wonderful to call me and tell me he received the letter and thank me for it.*

*"I am sorry to read of his passing. Even in the short time that was spent in the courtroom, he impressed me with his strength and fair attitude.*

*"God bless you and your family and I'll remember Judge Mondelli in my nightly prayers. We wish you well."*

Judge Mondelli was appointed to the court in 1972 by then-Gov. Winfield Dunn to complete the unexpired term of the late Sam Galloway. He would go on to win election to back-to-back eight-year terms.

His decision to leave the bench in 1990 prompted son Michael Mondelli to leave a successful law practice to try to become his father's replacement. The Mondelli name continues to occupy the court's Division VI.

Three other sons, Jim, Frank and Les Mondelli Jr., also followed their father into the legal profession. Jim and Frank maintain private practice in Nashville while Les serves as director of the General Sessions Court's probation department. A fourth son, Mark Mondelli, chose a different direction and is now the owner of a Nashville packaging company.

The late judge was a graduate of the University of Pittsburgh and received his law degree from Vanderbilt. He was a veteran of World War II, flying 70 missions as a bomber pilot in the Southwest Pacific and China-Burma-India theaters.

In addition to his professional affiliations, he was a co-founder and first commander of the American Legion Post 920, a past member of the Italian American Club of Nashville, a member of the Knights of Columbus Council 544 and the Order of Blue Goose.

### May Birthdays

**Probate Clerk**  
16 Lynn Randall  
17 Kim Jackson

**Circuit Court Clerk**  
7 Michelle Sawyer  
10 Suzanne Parker  
25 Temesia Harris  
27 Brenda Parks  
28 Mike Smith  
29 Bobbie Eden  
30 Ricky Rooker

**General Sessions**  
13 Delana Sullivan

**Traffic Violations**  
5 Beverly Swafford  
6 Vickie Slate  
8 Robert Coleman  
25 Felice Graham  
30 Ray Fuller





# JURY TRIAL VERDICTS

## ABBREVIATIONS:

<b>P</b>	PLAINTIFF	<b>CP</b>	COUNTER PLAINTIFF
<b>D</b>	DEFENDANT	<b>CD</b>	COUNTER DEFENDANT
<b>ST</b>	SOFT TISSUE	<b>GSA</b>	GENERAL SESSIONS APPEAL
<b>REC</b>	RECOVERY	<b>TCPA</b>	TN. CONSUMER PROTECT ACT

### APPEALS

#### GENERAL SESSIONS

#### CIRCUIT COURT

##### Week of March 6

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-2477	PERSONAL INJURY	2ND	DEFENDANT			
96C-2728	AUTO ACCIDENT/ST	8TH (P)	\$1,615			
99B-1445	CRIMINAL/AGGRAVATED ASSAULT	5TH	GUILTY			

##### Week of March 20

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-2300	SLIP/FALL	8TH (P)	\$200,000	(P-49) (D-51)		

##### Week of March 27

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-499	AUTO ACCIDENT/DEFAULT	3RD (CP)	\$7,500			
99C-2020	GSA/AUTO ACCIDENT	5TH (P)	\$1,258		P-\$5,500	DEFENDANT
97C-3882	AUTO ACCIDENT/ST	5TH (P)	\$2,500	(P-40) (D-60)		
99C-1503	AUTO ACCIDENT/ST	2ND (P)	\$1,850			

### APPEALS

#### GENERAL SESSIONS

#### NON-JURY TRIAL RESULTS

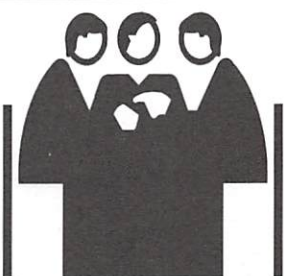
##### Week of March 13

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-2347	PERSONAL INJURY	5TH (P)	\$8,500		P-\$4,500	DEFENDANT
99C-861	WORKER'S COMP	8TH (P)	62.5%			
99C-2963	GSA/CONTRACT	6TH (P)	AFFIRMED		P-\$15,000	DEFENDANT
97C-3759	WORKER'S COMP	1ST	DISMISSED			
96C-387	CONTRACT	1ST	UNDER ADVISEMENT			
99C-1865	CONTRACT	8TH	UNDER ADVISEMENT			
97C-3263	WORKER'S COMP	5TH	UNDER ADVISEMENT			
99C-3195	CONTRACT <i>22k.25</i>	1ST (P)	\$4,500			
99C-3505	GSA/PROPERTY DAMAGE	5TH (P)	\$700		P-\$831	DEFENDANT
99C-2825	GSA/CONTRACT	3RD (P)	\$4,208		P-\$1,377	DEFENDANT
99C-2968	GSA/PROPERTY DAMAGE	6TH*	DEFENDANT		P-\$1,165	DEFENDANT
98C-1732	AUTO ACCIDENT	8TH (P)	\$8,756			
99C-3037	GSA/CONTRACT	5TH (P)	\$2,709+INTEREST		P-\$4,311	DEFENDANT
99C-2960	GSA/CONTRACT	3RD (P)	REMANDED		P-\$929	DEFENDANT
98D-2466	CRIMINAL/AGGRAVATED BURGLARY	5TH	GUILTY			

\*--HEARD BY SPECIAL MASTER MARSH NICHOLS

## MARCH SETTLEMENT CONFERENCES

CASES CONSIDERED .....	3
<b>BY CLASSIFICATION</b>	
Auto Accidents .....	3
<b>DISPOSITIONS</b>	
Settled .....	2
Not Settled .....	1



Source: Megan Gregory, Case Coordinator

## RUTHERFORD CONSIDERING A BOOK OF YARNS

Nashville attorney David Rutherford could be on the verge of writing another book -- this one focusing on the unusual and often funny stories he has accumulated over his 77 years.

In an interview with columnist Frank Ritter of The Tennessean, Nashville's legal historian said he was "thinking about" doing the book in order to share the hundreds of tales passed along to him by fellow lawyers and politicians.

His first book *Bench and Bar* was published in 1981 and is chocked full of historical information, sans the colorful and sometimes risque true stories in his repertoire.

Such a book should be well received.

Go for it, Dave!

# TRENDS



## DATA BANK

Statistics compiled for the month of March

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	267
CIVIL CASES CONCLUDED .....	408
NEW DIVORCE CASES FILED .....	360
DIVORCE CASES CONCLUDED .....	307

#### General Sessions Civil

NEW CASES FILED .....	2,561
EXECUTIONS ISSUED .....	2,802
GARNISHMENT PAYMENTS .....	3,748
JUDGMENTS COLLECTED .....	\$603,519
ORDER OF PROTECTION PETITIONS .....	241

#### Probate Court

NEW CASES FILED .....	161
CASES CLOSED .....	154

#### Traffic Violations

MOVING CITATIONS .....	21,724
PARKING VIOLATIONS .....	10, 160
TOTAL FINES COLLECTED .....	\$444,393
NULLIFICATIONS .....	2,225
NULLIFICATION FEES COLLECTED .....	\$26,625

## HOLIDAY CLOSING SCHEDULE

Following are the holidays that will be observed during the remainder of the calendar year.

The four departments under Circuit Court Clerk Richard Rooker will be closed:

**Memorial Day** -- Monday, May 29; **Independence Day** -- Tuesday, July 4; **Labor Day** -- Monday, Sept. 4; **Veterans Day** -- Friday, Nov. 10; **Thanksgiving** -- Thursday-Friday, Nov. 23-24; **Christmas** -- Monday-Tuesday, Dec. 25-26; **New Year's Day** -- Monday, Jan. 1, 2001.

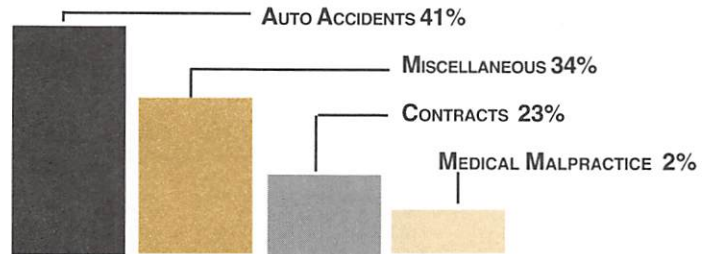
# ROOKER REPORT

Published by the Davidson County Circuit Court Clerk's Office  
506 Metro Courthouse, Nashville, TN 37201  
Internet @ [www.nashville.org/cir](http://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

## CIVIL TRIALS By CLASS



RATIO: PLAINTIFFS 3.2-1

### CASE ANALYSES

#### AUTO ACCIDENTS

PLAINTIFFS 20  
DEFENDANTS 6

#### MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	12	8	4	6	5	1
FEBRUARY	9	5	4	9	0	0
MARCH	6	5	1	5	1	0
YEAR TO DATE	27	18	9	20	6	1

#### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	77,000	2,000-60,000	7,500
FEBRUARY	85,0040	1,762-45,000	12,786
MARCH	14,723	1,258-7,500	1,988

#### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	271,989	1,500-260,000	5,242
FEBRUARY	22,900	1,950-15,000	2,975
MARCH	8,756	N/A	N/A

#### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	17,000	2,000-8,000	7,000
FEBRUARY	8,777	1,762-7,015	N/A
MARCH	14,465	1,615-7,500	2,175

#### \*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	3	3	0	0
FEBRUARY	3	3	0	0
MARCH	1	1	0	0
YEAR TO DATE	7	7	0	0

## OTHERS



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	15	11	0	4

MARCH AWARDS: \$17,709-- TOTAL AWARDS TO DATE: \$52,373



MISCELLANEOUS	
22	
PLAINTIFFS	13
DEFENDANTS	6
NO VERDICT	3



MALPRACTICE	
1	
PLAINTIFFS	0
DEFENDANTS	1
NO VERDICT	0