

ROOKER REPORT

June 2000

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DRUG COURT



MORELAND

MORELAND'S NEW GENERAL SESSIONS PROGRAM WILL OFFER HAND UP TO LESSER OFFENDERS

In almost every instance of illegal activity, the use of illegal drugs or the need of money to buy them is the motivating factor behind the crime, no matter what degree of seriousness.

By legal definition, the use or sale of controlled substances is classified as a criminal violation, punishable by jail time. In reality, incarceration has proven ineffective in exorcizing the demons from those who await freedom and access to more of what brought them there.

Cognizant of that fact, the courts in recent years have implemented hands-on programs to help "save" those desirous of returning to productive lives.

The results have been moderately good and promising enough to cause a growing number of such programs across the country.

Criminal Court Judge Seth Norman was sold on the new approach three years ago and continues to take pride in his Davidson County Drug Court, which provides residential and outpatient treatment to qualified pre-screened individuals charged with nonviolent, drug-related felonies.

Funded by federal grants, Norman's program is now drawing financial support from local citizens as well through the annual United Way campaign.

Since defendants accepted for the drug court program have committed serious offenses, the natural question is whether they would have reached that point if similar help had been available sooner.

General Sessions Judge Casey Moreland will soon seek the answer to that question by offering a drug court program for persons charged with misdemeanor offenses.

Scheduled to kick off in September, a weekly drug court docket will find Moreland providing judicial supervision over those deemed eligible by a diverse panel of law enforcement representatives.

The drug court will be held each Wednesday at the Sheriff's

Day Reporting Center on Second Avenue South where daily, intensive outpatient treatment will prepare defendants for a weekly progress review during the first of three phases necessary to completing the program.

The extent of an individual's progress, based on observation by a team of counselors, will determine advancement to each of the next phases, Moreland said. During the second phase of the program, judicial review will be conducted only twice a month and will decrease to once a month in the third phase.

The duration of each phase depends on the rate of progress by the individual, said the judge.

"The center currently has space to adequately accommodate 25 defendants at any one time," Moreland added.

Considering the high number of potential candidates for the program, continuous capacity is expected. Misdemeanor cases of all types -- from petty theft to simple assault to multiple DUI offenses -- will be considered by the screening committee.

In addition to Moreland, the screening team will be comprised of representatives of the district attorney general's office, public defender, probation officers and sheriff's department personnel.

"Some individuals could be considered on the front end by way of pretrial screening before going to court," Moreland emphasized.

The drug court will be funded initially by the current General Sessions Court operating budget, said Moreland, adding that application would be made for both federal and state grants in the near future. "Funding will be sought for our own inpatient care program as well," the judge said.

While the new drug court is not considered a spin-off, it certainly has the potential of complementing Judge Norman's felony drug court. And it just might keep a lot of people from making that next step.

INSIDE STUFF: *TRAFFIC WARRANT OFFICER SHARES HISTORIC WORLD WAR II PHOTO, P.2*

2. Cheers & Tears

3. Trial Verdicts

4. Trends, Data Bank

CHEERS...

◆ The stork brought blessings to two employees of the Traffic Violations Bureau in May.

A son was born to data entry clerk **Samantha Crawford** and husband **Jacob Hunter Jacob Crawford** arrived on May 17, tilting the cooing weight scales at 9 pounds, 10 ounces. Wow!

And deputy warrant officer **Marie Roberts** became a grandmother on May 29 when daughter **Tamika** presented husband **Pietz Pearson** with a 5-pound, 1-ounce son whose name is **Joshua Amari Pearson**.

Meanwhile, the stork is still hovering over the Ben West Building, waiting to bring joy to deputy traffic clerk **Lisa Jones** later this month.

◆ Chief deputy administrative assistant **Carole Garrett** and husband **John** became grandparents for the third time on June 4 when son **Chris Garrett** and wife **Jennifer** welcomed **Kayla Marie Garrett** into the family. The new addition added 7 pounds, 10 ounces to Tampa's population weight, taking up 19.25 inches of linear space.

◆ Another type of new beginning took place this month when the **Nashville Bar Association** moved into its new quarters on Union Street. A large number of guests, including many of the association's 2,400 members, toured the new facility during an office-warming reception on June 7. You can now find the headquarters in Suite 800 of the Regions Bank Building at 315 Union Street.

◆ Congratulations to **Todd Murray**, grandson of deputy circuit clerk **Betty Murray** and retired chief deputy circuit clerk **John L. Murray**, for being selected to the All-District 8 AAA Division of high school baseball. Todd is a junior at Coffee County High School in Manchester where he also received the same honor in football this year.

◆ Hats off to noted criminal attorney **Lionel Barrett** upon his hiatus from law practice. After 30 years of representing clients, including some of Nashville's high profile cases, Barrett has chosen a less stressful way of occupying his time--selling Native American artifacts at his own **Lost Lake Gallery** on White Bridge Road. We wish him continued success.

◆ Attorney **Tommy Overton** is gradually recovering from injuries he sustained in a near-fatal automobile accident on March 27. The single-car mishap left him with a broken neck. But with the support of a brace he has managed to return to his law practice on a limited basis. Following the accident, there was an overwhelming response from fellow attorneys and friends offering prayers for his recovery. He expressed gratitude to all those who helped pull him through the crisis with an outpouring of love and concern.

◆ Davidson County Chancellor **Irvin Kilcrease** was sworn in this month as president of the **Tennessee Judicial Conference**, the first African-American to hold that position. Kilcrease, 68, has served as a chancellor for 20 years. The Tennessee Judicial Conference encompasses all 184 state trial and appellate judges.

FULLER'S D-DAY SOUVENIR



A young **Ray Fuller** (circled in group photo) was among U. S. troops being addressed by **Gen. Dwight D. Eisenhower** prior to the World War II D-Day invasion on June 6, 1944. The historic National Archives photo was presented to Fuller by a fellow member of the World War II Veterans Committee. Fuller, shown in above photo as he appears today as a Metro traffic warrant officer, was a member of the 13th Field Artillery Observation Battalion.

He will host about 75 of his battalion comrades during a three-day reunion June 21-23 at Opryland's Radisson Hotel.

...TEARS

◆ Deepest sympathy to **Cindy Milligan**, a deputy clerk in the General Sessions Civil Division, who lost two family members in May. The death of her grandmother **Ova Milligan**, 89, came just five days after the passing of her uncle **Charles Milligan**, 70. Both were residents of Woodbury. Mrs. Milligan died from heart failure at a nursing home in McMinnville, while Mr. Milligan suffered a fatal heart attack at his home.

◆ Attorney **Robert G. McCullough**, 68, a law partner of former U. S. Sen. **Howard Baker**, passed away on June 1 at St. Thomas Hospital, five days after suffering a heart attack. He was a partner in the Nashville firm of **Baker, Donelson, Bearman and Caldwell** and for the past decade had served as lead counsel to The Freedom Forum, an international media foundation.

◆ Sympathy to Traffic Warrant Office Supervisor **Steve Rose**, whose step-father, **Hafford Virgil Bates**, passed away on June 7. He was 79.

When the Tennessee Department of Human Services assumed collections and distribution of most child support payments in October, it created a dramatic revenue drain on local clerks' coffers throughout the state. The impact of the federally mandated change on the circuit court clerk's office here will be brought into focus in our annual fiscal report in July.

IN JULY



MAY

SETTLEMENT CONFERENCES

CASES CONSIDERED	6
Auto Accidents	4
Water Damage	1
Tort	1

(Source: Megan Gregory, Case Coordinator)



DISPOSITIONS

Settled	4
Not Settled	2

July

Birthdays

Circuit Court Clerk
10 Daren Phillips
16 Karen Rooker

General Sessions

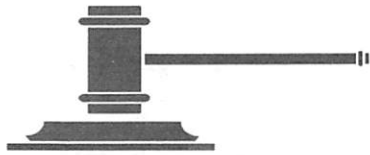
1 Melissa McKee
14 Margaret Blair
20 Molly Travis
27 Mike Fischer

Probate Clerk
none

Traffic Violations

1 Steve Rose
4 Margie Perry
6 Penny Reed
12 Candice Benbow
22 Michael Austin
23 Carlene Stoehr

INDEPENDENCE DAY: All clerk's offices will be closed Tuesday, July 4 in observance of Independence Day. Regular office hours July 5.



JURY

TRIAL VERDICTS

ABBREVIATIONS:

P	PLAINTIFF	CP	COUNTER PLAINTIFF
D	DEFENDANT	CD	COUNTER DEFENDANT
ST	SOFT TISSUE	GSA	GENERAL SESSIONS APPEAL
PP	PERMANENT PARTIAL	TCPA	TN. CONSUMER PROTECT ACT

APPEALS

GENERAL SESSIONS

Week of May 1

CIRCUIT COURT

CASE	TYPE	COURT		VERDICT	PCT. FAULT
98C-2456	AUTO ACCIDENT/ST	6TH	(P)	\$316	
97C-3804	AUTO ACCIDENT	2ND		DEFENDANT	
96C-1856	AUTO ACCIDENT	5TH		UNDER ADVISEMENT	
99C-2723	CONTRACT	3RD*	(CP)	\$682	
99C-941	CONTRACT	1ST	(P)	\$17,500	
99C-2734	AUTO ACCIDENT/ST	2ND	(P)	\$200	
99C-2580	GSA/T.C.P.A.	8TH	(P)	\$1,050**	

*--JURY WAIVED

**--DEFENDANT DID NOT SHOW

JUDGMENT	APPELLANT
POSSESSION	PLAINTIFF

Week of May 8

CASE	TYPE	COURT		VERDICT	PCT. FAULT
91C-3182	SLIP/FALL	8TH		DEFENDANT	
99C-361	MEDICAL MALPRACTICE	2ND		HUNG JURY	
98C-2541	AUTO ACCIDENT/ST	1ST	(P)	\$35,000	
98C-2297	AUTO ACCIDENT/ST	3RD	(P)	\$2,000	
99C-2659	GSA/AUTO ACCIDENT	6TH	(P)	\$4,942	
97C-2980/98C-2605	AUTO ACCIDENT/ST	5TH	(P-1)	\$9,847	
" "	" "	"	(P-2)	\$5,482	
98C-2852	AUTO ACCIDENT/ST	8TH	(P)	\$2,180	
98C-316	AUTO ACCIDENT	3RD	(P)	\$7,010	
" "	" "	"	(CP)	\$4,377	(P-20) (D-80)
99C-2087	GSA/CONTRACT	2ND*		UNDER ADVISEMENT	

*--JURY WAIVED

JUDGMENT	APPELLANT
P-\$14,878	DEFENDANT

NON-JURY TRIAL RESULTS

APPEALS

GENERAL SESSIONS

Week of May 22

CASE	TYPE	COURT		VERDICT	PCT. FAULT
96C-3026	AUTO ACCIDENT	1ST		DEFENDANT	
99C-1913	WORKERS COMPENSATION	6TH		20% PP DISABILITY	
99C-2826	GSA/RECOVERY WARRANT	5TH		UNDER ADVISEMENT	
00C-107	GSA/PROPERTY DAMAGE	8TH	(P)	\$7,434	
99C-2368	GSA/PROPERTY DAMAGE	1ST*	(P)	\$1,110	
99C-3589	GSA/NEGLIGENCE	8TH	(P)	\$7,000	
99C-1435	AUTO ACCIDENT	1ST	(P)	\$13,000	
99C-305	METRO/CRUELTY TO ANIMALS	5TH		\$50 FINE/REMANDED	
99C-1466	AUTO ACCIDENT	8TH		UNDER ADVISEMENT	
99C-2096	WORKERS COMPENSATION	6TH	(P)	5% + FUTURE MEDICAL	
00C-651	GSA/DETAINER	6TH	(P)	\$2,716	
98C-1174	DAMAGES	6TH	(P)	\$21,610	
00C-241	GSA/CONTRACT	8TH	(P)	\$9,000	
95C-1469	CONTRACT	5TH	(P)	\$8,275	
00C-549	GSA/CONTRACT	8TH	(P)	\$1,310	
98C-2974	WORKERS COMPENSATION	1ST			
99C-3637	GSA/CONTRACT	5TH	(P)	\$1,972	
00C-242	GSA/CONTRACT	6TH		\$962	
00C-313	GSA/CONTRACT	1ST*		DEFENDANT	
00C-182	GSA/CONTRACT	5TH	(P)	\$4,000	
00C-709	GSA/CONTRACT	1ST	(P)	\$2,586	

*--HEARD BY SPECIAL MASTER MARSH NICHOLS

JUDGMENT	APPELLANT
P-POSSESSION	DEFENDANT
P-\$10,000	DEFENDANT
P-\$1,375	DEFENDANT
\$5,720	DEFENDANT
LICENSE SUSPENDED	DEFENDANT
P-POSSESSION	PLAINTIFF
P-\$9,527	DEFENDANT
P-\$1,339	DEFENDANT
P-\$2,497	DEFENDANT
P-\$278	PLAINTIFF
NO AWARD	PLAINTIFF
P-\$2,900	DEFENDANT
P-\$22,786	DEFENDANT

TRENDS



RATIO: PLAINTIFFS 4.1-1

CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 25
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
APRIL	6	4	2	5	0	1
MAY	13	10	3	10	1	2
YEAR TO DATE	46	32	14	35	7	4

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
APRIL	87,598	448-45,000	21,075
MAY	71,357	200-35,000	4,519

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
APRIL	5,800	N/A	N/A
MAY	13,000	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
APRIL	42,150	3,150-39,000	N/A
MAY	39,696	200-35,000	1,498

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	3	3	0	0
FEBRUARY	3	3	0	0
MARCH	1	1	0	0
APRIL	2	1	0	1
MAY	1	1	0	0
YEAR TO DATE	10	9	0	1

OTHERS



CONTRACTS YTD PLAINTIFFS DEFENDANTS NO VERDICT
33 24 2 7

APRIL AWARDS: \$46,287- TOTAL AWARDS TO DATE: \$121,678

MISCELLANEOUS

51

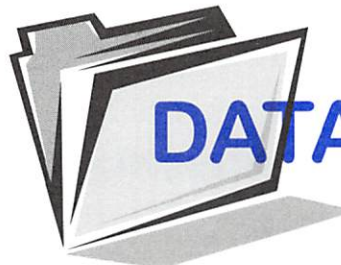
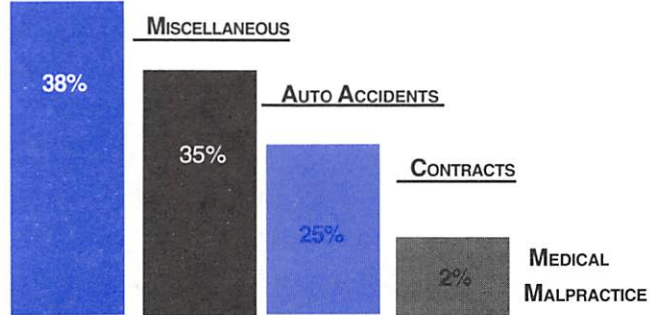
PLAINTIFFS 34
DEFENDANTS 8
NO VERDICT 9

MALPRACTICE

2

PLAINTIFFS 0
DEFENDANTS 1
NO VERDICT 1

CIVIL TRIALS By CLASS



DATA BANK

Statistics compiled for the month of May

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	261
CIVIL CASES CONCLUDED	298
NEW DIVORCE CASES FILED	274
DIVORCE CASES CONCLUDED	301

General Sessions Civil

NEW CASES FILED	2,923
EXECUTIONS ISSUED	3,384
GARNISHMENT PAYMENTS	3,530
JUDGMENTS COLLECTED	\$583,020
ORDER OF PROTECTION PETITIONS	212

Probate Court

NEW CASES FILED	176
CASES CLOSED	127

Traffic Violations

MOVING CITATIONS	19,485
PARKING VIOLATIONS	6,553
TOTAL FINES COLLECTED	\$393,092
NULLIFICATIONS	1,809
NULLIFICATION FEES COLLECTED	\$21,648

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