

ROOKER REPORT

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JUDGES SURRENDER COURTHOUSE 'NEST' FOR PROPOSED ANNEX

The Deal for Sessions Space

With the promise of a new spacious annex as an incentive, General Sessions judges finally have agreed to surrender their historical domain on the third floor of the courthouse.

After two years of negotiations, surveys and false rumors about so-called resolutions, Mayor Bill Purcell this month pledged to provide an alternative in the form of a building project that for the first time would house all General Sessions operations in a single location.

In exchange for giving up their courthouse facilities to accommodate the need for more state trial court space, the sessions judges would get a two-story annex adjoining the Ben West Building where a major portion of their dockets already are heard.

With the proposed 80,000 square feet of additional space atop the public parking garage, all criminal and civil (including traffic) dockets would be centralized, along with four judicial chambers, staff offices and clerking operations in the annex and Ben West Building combined.

There would be no more walking from building to building to conduct business. No more confusion for a general public unsure of which of the

four court venues they should report.

But the trade-out would not come without sacrifice. There would be a time differential of up to three years before the vision could be realized and the time the judges were expected to vacate the courthouse space.

They agreed to surrender their third floor venue in total by the end of this year, clearing the way for Eighth Circuit Court Judge Carol Soloman to renovate and occupy her own courtroom for the first time since she was elected in 1998.

That meant the relocation of two daily criminal bond dockets, as well as finding office space for four judges and at least two secretaries. A remedy to most of those needs will undoubtedly be found in the Ben West Building where four existing courtrooms must be utilized for the additional criminal caseloads and "visiting judge" offices, along with other space, will become temporary "permanent" home bases for those displaced by the move.

With the additional dockets will come a greater influx of people and the need for beefed-up security -- another unresolved issue at this point.

SEE SESSIONS SPACE, PAGE 3

COURTROOM TECHNOLOGY FAST FORWARDS TO CDs

Introduction

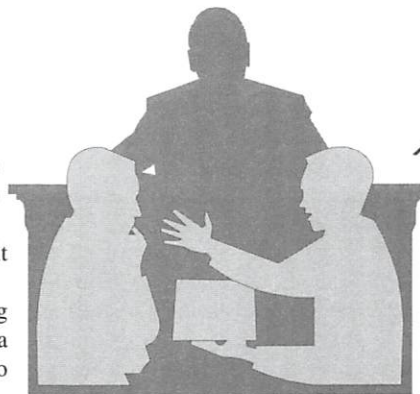
When video recordings of civil trial proceedings gave new meaning to the term "a picture is worth a thousand words" just four short years ago, who would have thought it could get any better?

Well, like the lightning-paced advancements of the industry that gave it birth, the video courtroom has just been upgraded.

In three of the county's circuit courtrooms now, video tapes are being complemented by the even more advanced application of CD-ROM, a high-quality reproduction tool that can record and produce audio/video transcript duplication faster and at a smidgen of the cost.

Developed by Microsoft and adaptable to existing equipment, the "advanced streaming" format captures trial activity on a computer hard drive

A TWO-PART SERIES

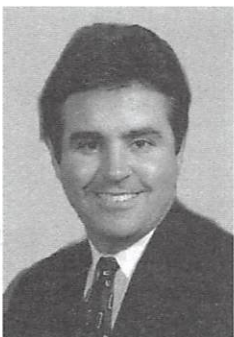


and enables compression of 6-8 hours onto a single CD with both audio and picture clarity.

Unlike video tapes, which must be reproduced in real time, a CD can be "burned" in a matter of minutes and made available for immediate review. An additional

benefit is a shelf life of up to ten times that of tapes.

See VIDEO COURTROOM, Page 2



RICHARD ROOKER

ROOKER COMPLETES CERTIFICATION

Circuit Court Clerk Richard Rooker has received certification as a public administrator, joining eight members of his staff to achieve that status.

Rooker was among 23 officials who completed the third level of the University of Tennessee's County Official Training Program at Henry Horton State Park on Sept. 8.

The program is a 115-hour course intended to promote increased efficiency of county government through professional development. Graduates must take 12 hours of training per calendar year to retain their certification.

Rooker's chief administrative assistant clerk, Carole Garrett, was the first circuit court employee to achieve certification. Since then, seven other members of Rooker's staff have completed the program.

CHEERS...

Traffic warrant officer **Jeff Filson** labeled as "spiritually enlightening" the christening of new son **Evan Clarke Filson** at the Church of England in Liverpool, the birthplace of wife **Alison**. The "very special occasion" was performed on Aug. 27, duplicating earlier rites performed on the couple's eldest son **Adam** at St. Margaret's Anfield Church. An elaborate reception at the home of relatives in West Derby Liverpool followed the christening.

Hats off to **John Slate** of the Metro Traffic Safety Center for receiving his bachelor of arts degree from Trevecca Nazarene College last month. John, husband of traffic docket clerk **Vicki Slate**, majored in Management and Human Resources during his two-year attendance. At the same time, he was completing seven years of service with the safety center.

Congratulations also are in order for the law firm of **Cox, LeVan, Sprader and Patton**, which won the Nashville Bar Association's softball league tournament in August. The talented barristers claimed their title on the East Park field.

For those who have been inquiring...

Harold Grigsby, a General Services maintenance man in the Stahlman Building, is making an excellent recovery from quadruple heart bypass surgery he received last month. Says co-worker **Matthew Mares**: "His color is the best I've seen it in a long time and he says he feels like a new man." But he will have to live with cabin fever for a while. Doctors want him to have a full recovery before returning to work. And that means plenty of rest and relaxation for many weeks.



GRIGSBY

Meanwhile, General Sessions security officer **Bobby Fleming** is getting a helping hand from co-workers and friends, who are holding fund raisers to help defray the cost of a pending liver transplant. A benefit was held in Bellevue earlier this month with attendees donating \$10 or more. Some \$6,000 has been raised so far, but much more support is needed.



FLEMING

Persons wishing to make donations should contact **Frank Halliburton** at 518-9578. Fleming currently is unable to work.

After undergoing foot surgery, Chief Administrative Assistant **Carole Garrett** performed her duties in a leg cast and hobbled her way around the General Sessions civil office on crutches. But the ambulatory aids get tossed aside this month, along with the walking cast. This will enable her to really put her foot down!

Internal auditor **Jan Yearwood** also has returned to work following a lengthy absence for health reasons. Her return was especially appreciated by fellow auditor **Sandy Adams**, who was briefly hospitalized in the interim for a kidney infection.

...TEARS

Condolences to **Cindy Cossey**, a probation officer for General Sessions Judge **Gale Robinson**, in the Aug. 20 death of her father **James Zelner Cossey** of Cadiz, Ky. Mr. Cossey, 63, was a former sheriff of Trigg County and also served as a county judge executive.

Attorney **Morton B. Howell Jr.**, 81, a retired senior partner in the law firm of **Howell and Fisher**, passed away on Aug. 31 from alzheimer's disease. He was an avid outdoorsman and former mayor of Belle Meade.

Sympathy to Nashville attorney **Michael Mills** in the passing this month of his father **Robert Joseph Mills** of Lebanon.

October Birthdays

Circuit Court Clerk	Traffic Violations
1 Terry Campion	1 Benny Rigby
4 Kate Rollins	4 Joe Hurt
6 Carolyn Davis	5 Kim Smith
9 Sandy Adams	21 David Patterson
	24 Mary Arthey
General Sessions	30 Marvin Cohen
9 Margaret Larobardiere	Susan Grannis
21 Carole Garrett	
27 Deb Mix	Probate Clerk
	none

PROBATE STATUS REPORT NOW REQUIRED ANNUALLY

A new probate rule requiring annual status reports on all open estates has generated an "excellent" response from estate executors and administrators, reports Probate Master Bob Bradshaw.

Notices have been going out to estate fiduciaries since early July when Judge Frank G. Clement Jr., imposed the new guidelines to conform with state statistical reporting requirements and to enhance court monitoring of estates.

Previously, an administrator could leave an estate open for an indefinite period of time if accountings were waived by either the will or heirs to the estate. As a result, Bradshaw said, the probate court amassed a glut of cases over the years with no activity and no accountability.

Clement's remedy was to require an estate status report to be filed on the anniversary date the executor or administrator was appointed.

Forms generated by the clerk's office and mailed in a timely manner for compliance spell out the basic information to be provided:

- ◆ Have you filed the inheritance tax return?
- ◆ Have you made any distributions?
- ◆ What is the status of the administration of the estate and what is left to administer?

The responsible party must explain why the estate is still open and provide a detailed listing of all that remains to be done to complete the administration of the estate, together with a time frame for reasonably bringing about the completion.

A response is due within 21 days from the date of the order requiring the status report. Failure to file in a timely manner may result in the removal of the executor/administrator and personal liability for costs in the matter.

Bradshaw pointed out that noncompliance action by the court would be taken only after the responsible party chose to ignore a 30-day second-chance notice to appear before the clerk.

On the other side of the coin, Bradshaw explained, accountings by guardians and conservators are seldom waived. If so, he said, a fiduciary report as to the respondent's physical and mental condition must be filed.

Bradshaw said attorneys should "mark their calendars and keep up with the dates" for filing the status report.

VIDEO COURTROOM

(FROM PAGE 1)

The new system, which is currently in an experimental phase via courtesy of Jefferson Audio/Video Services (the vendor of the original video system), is being utilized in the courtrooms of Sixth Circuit Judge Tom Brothers, Second Circuit Judge Marietta Shipley and Fourth Circuit Judge Muriel Robinson. Robinson is not offering video records to litigants, however.

A detailed description of the new technology and its advantages will be published in next month's report, along with observations from Judge Brothers, an advocate and authority on electronic courtroom application.

Brothers will explain comparisons between the various systems available in today's market while detailing the extraordinary features of the new CD-ROM offering.



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

Week of August 14

CIRCUIT COURT

CASE	TYPE	COURT		VERDICT	PCT. FAULT
96C-3913	CONDEMNATION	6TH	(P)	\$352,000	
99C-2783	PERSONAL INJURY	8TH	(P)	\$50,000	(P-49 D-51)
00C-1108	GSA/AUTO ACCIDENT	1ST	(P)	\$5,305	
98C-2461	ASSAULT	3RD		DEFENDANT	
99C-3636	GSA/AUTO ACCIDENT	5TH	(P)	\$443	
98C-230	CONTRACT	5TH		UNDER ADVISEMENT	

Week of August 21

CASE	TYPE	COURT		VERDICT	PCT. FAULT
99C-3376	AUTO ACCIDENT	1ST*		DEFENDANT	
99C-2658	GSA/AUTO ACCIDENT/ST	8TH	(P)	\$2,112	ADMITTED
00-A-131	RECKLESS AGG. ASSAULT	5TH		GUILTY	

*JURY WAIVED

NON-JURY TRIAL RESULTS

CIRCUIT COURT

Week of August 7

CASE	TYPE	COURT		VERDICT	PCT. FAULT
99C-3201-02-03	GSA/AUTO ACCIDENT	5TH	(P)	\$20,000	
00C-851	GSA/CONTRACT	1ST	(P)	\$1,428	
00C-551	GSA/CONTRACT	8TH	(P)	\$3,500	
00C-1327	GSA/CONVERSION	1ST	(P)	\$150	
00C-1411	METRO APPEAL	6TH		DISMISSED	
00C-777	GSA/PROPERTY DAMAGE	8TH	(P)	\$1,250	
00C-917	GSA/CONTRACT	1ST		DISMISSED	
00C-646	GSA/PERSONAL PROPERTY	8TH	(P)	\$6,500	
00C-650	GSA/TCPA	5TH	(P)	\$12,700	

SESSIONS SPACE DEAL

(FROM PAGE 1)

Despite reports to the contrary, there are no immediate plans to relocate traffic court operations.

In addition to providing a courtroom for Soloman, the absence of the sessions courts on the third floor will clear up additional space to accommodate anticipated expansion of the criminal and chancery courts. Each of those courts reportedly is in line for an additional judgeship once available space is guaranteed.

Once the annex project has been completed, the General Sessions Civil Division clerk's office and three civil courtrooms currently two years into its relocation to the Stahlman Building will move to the new complex facility. The future of the ancient Stahlman Building is uncertain.

Short of building a new all-encompassing courthouse at an estimated cost of \$120 million of unavailable funds, acceptance of the current proposal appears the most viable solution -- temporary as it might be -- to a nagging problem for all parties.

Inconveniences of the moment should eventually be rewarded with greater manageability and easier access to the local justice system.

APPEALS

GENERAL SESSIONS

JUDGMENT	APPELLANT
P-\$5,755	DEFENDANT
P-\$4,000	DEFENDANT

GENERAL SESSIONS

JUDGMENT	APPELLANT
P-\$5,868	DEFENDANT

APPEALS

GENERAL SESSIONS

JUDGMENT	APPELLANT
DEFENDANT	PLAINTIFF
P-\$450	PLAINTIFF
P-\$2,438	DEFENDANT
DEFENDANT	PLAINTIFF
CONTEMPT	DEFENDANT
DISMISSED	PLAINTIFF
P-\$1,000	DEFENDANT
P-\$7,500	DEFENDANT
P-\$7,727	DEFENDANT

AUGUST SETTLEMENT CONFERENCES

CASES CONSIDERED	5
Auto Accidents	2
Medical Malpractice	2
Wrongful Termination	1

(Source: Megan Gregory, Case Coordinator)



DISPOSITIONS

Settled	3
Not Settled	2

JUDGE FISHBURN'S FATHER PASSES

J. E. "Jay" Fishburn, father of General Sessions Judge Mark Fishburn, passed away on Sept. 18.

He was 74 years of age.

Mr. Fishburn, a veteran of World War II, was retired from Tennessee Wine and Spirits. He was a longtime member of the Knights of Columbus, Council 554, and a Kentucky Colonel.

TRENDS

CASE ANALYSES



AUTO ACCIDENTS

PLAINTIFFS 53
DEFENDANTS 14

RATIO: PLAINTIFFS 3.5-1

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	27	18	9	20	6	1
APRIL-JULY	42	35	7	29	7	6
AUGUST	5	4	1	4	1	0
YEAR TO DATE	74	57	17	53	14	7

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
JUNE	105,896	308-61,500	14,696
JULY	149,169	1,498-50,000	12,208
AUGUST	7,860	443-5,305	2,112

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
JUNE	N/A	N/A	N/A
JULY	2,363	N/A	N/A
AUGUST	20,000	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
JUNE	95,833	308-61,500	17,012
JULY	32,713	1,498-25,473	10,904
AUGUST	5,305	N/A	N/A

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	7	7	0	0
APRIL-JULY	9	6	1	2
AUGUST	4	4	0	0
YEAR TO DATE	20	17	1	2

OTHERS



CONTRACTS YTD PLAINTIFFS DEFENDANTS NO VERDICT
50 35 4 11

AUGUSTAWARDS: \$4,928-- TOTAL AWARDS TO DATE: \$185,772

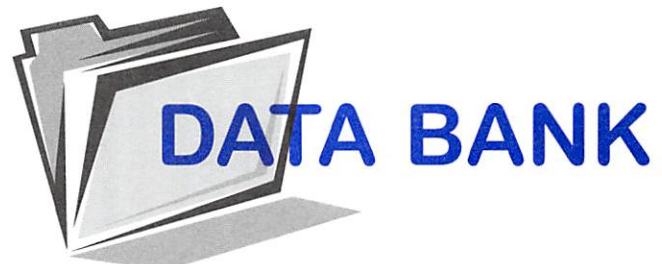
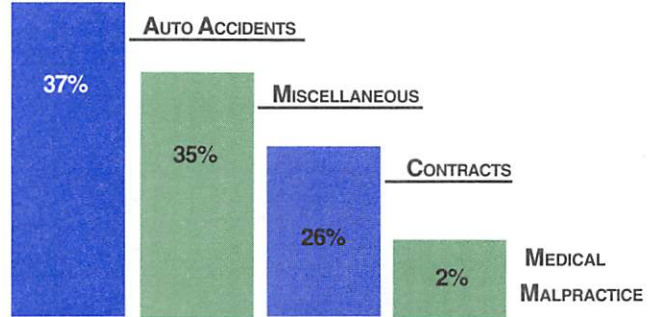
MISCELLANEOUS

67
PLAINTIFFS 42
DEFENDANTS 15
NO VERDICT 10

MALPRACTICE

3
PLAINTIFFS 0
DEFENDANTS 2
NO VERDICT 1

CIVIL TRIALS By CLASS



Statistics compiled for the month of August

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	302
CIVIL CASES CONCLUDED	297
NEW DIVORCE CASES FILED	277
DIVORCE CASES CONCLUDED	290

General Sessions Civil

NEW CASES FILED	3,449
EXECUTIONS ISSUED	3,184
GARNISHMENT PAYMENTS	3,785
JUDGMENTS COLLECTED	\$603,893
ORDER OF PROTECTION PETITIONS	266

Probate Court

NEW CASES FILED	179
CASES CLOSED	246

Traffic Violations

MOVING CITATIONS	19,314
PARKING VIOLATIONS	8,304
TOTAL FINES COLLECTED	\$380,388
NULLIFICATIONS	1,806
NULLIFICATION FEES COLLECTED	\$21,741

ROOKER REPORT

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