

ROOKER REPORT

January 2001

Published by the Davidson County Circuit Court Clerk's Office

Vol.8, No. 12

Soft Tissue Awards Hold Steady

■ Year 2000 Overview

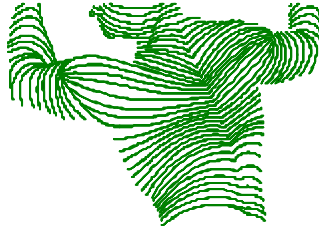
Juries continued their stingy ways during the past year when it came to handing out awards to plaintiffs in soft tissue auto injury cases.

Despite rare exceptions of apparent generosity, the overall average dollar award to winning complainants fell slightly below the previous year norm at \$13,476.

Soft tissue cases make up 44 percent of the total auto accident trials in the circuit courts. But a decrease in the number of those type cases during the past year was largely responsible for a decline in auto accident trials in general. Only 110 auto accident victims chose to have their complaints heard by juries, compared with 122 in 1999.

Slight decreases also occurred in all other categories, resulting in 34 fewer trials being conducted during the year.

Conversely, new civil filings in Circuit Court were higher than the previ-



ous year, ending a downward trend prevalent over the past decade.

New civil filings hit 3,121--108 more than the previous year.

On the domestic front, good news continued for the institution of marriage with divorce filings falling 130 below a ten-year low established in 1999. However, the drop was not necessarily an indication that all is well in the homeplace. A record 2,532 individuals filed for orders of protection, a barometer of unsettled relationships. Order of protection requests had tapered off the previous year following peak years in '97 and '98.

In a reverse of the previous year's trend, small claims filings in General Sessions Court dropped by 2,146 cases as disputes cooled over debt collections, property possession, etc.

The motoring public got a reprieve with the number of both moving and

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HERB RICH: From the Gridiron To the Courtroom

In the courtroom, attorney Herb Rich is a formidable opponent with a law book in his hands.

Fortunately for his adversaries, that law book is not a football.

Rich, you see, was one of the best defensive safeties to ever play the game at the professional level after earning legendary college status at Vanderbilt in an era when the Commodores were a force to be reckoned with.

Today, at the age of 72 and still going strong, Rich continues to practice law in Nashville while sharing uncanny recollections of his glory days on the field over breakfast with fellow lawyers who gather daily at their "reserved" roundtable at Ada's Restaurant in the Stahlman Building.

The black-faced Le Coultre watch on his left wrist and the near-matching onyx and diamond ornament on his right ring finger are mementos of his two NFL championships with the Los Angeles Rams and the New York Giants.

There is no physical verification of the 23-yard punt return average he mustered in his rookie year with the Baltimore Colts in 1950. But one need only to check the record books to find that no other player has topped his mark in that department in over a half century.

Those same books will also document the eight pass interceptions he made in 1952 that sealed his All-Pro selection while wearing a Rams uniform, including a 97-yard touchdown that still stands as a Ram franchise record.

Rich's star shined long before there was a Super Bowl or multi-million-dollar salaries, but not before there was greatness on the playing field--unless you discount the likes of Otto Graham, Elroy "Crazy Legs" Hirsh, Frank Gifford, Rosie Greer, Sam Huff or Bob Waterfield.

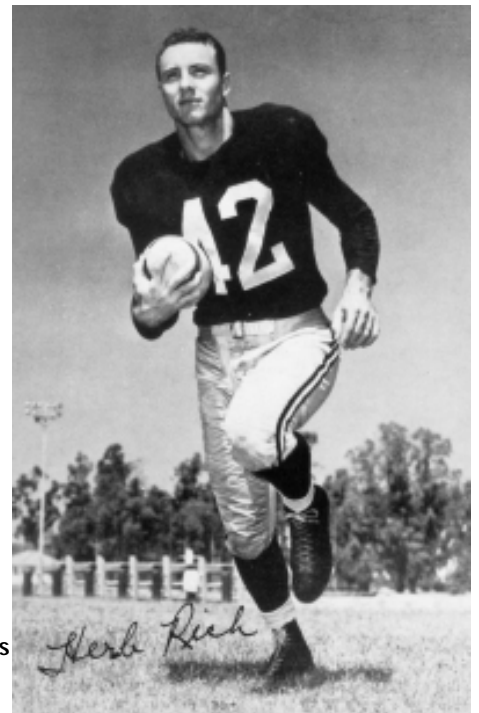
It was the 50's. No American Football League--just the NFL with six teams in the east and six in the west. The teams with the best records in each division played for the national championship.

Rich was born in Newark, NJ in 1928, but spent his teen years in southern Florida when his family moved to the Miami area when he was 13. It was

PROFILE



Photo at right shows Rich during third season with Rams. The autograph came at the request of General Sessions bookkeeper Sandra Perryman, a fan. Rich today (top) enjoys sharing stories about his illustrious football career.



there that he would develop outstanding athletic skills that would earn him all-state status in football, baseball and basketball.

His achievements would catch the eye of legendary grid coach Red Sanders, who offered Rich a scholarship to play football at Vanderbilt in 1946.

During his freshman year under Sanders, Rich proved that his high school credentials were no fluke. He became a "Diaper Dandy" long before Dick Vitale coined the phrase for outstanding rookies, earning letters in each of the same three sports that established his versatility in high school.

But football would become his main focal point. For those were the days when Vanderbilt claimed high respect among the nation's college grid schools.

"We never had a losing season," recalled Rich, who helped guide the

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CHEERS...

General Sessions Judge **Bill Higgins** is on the mend after undergoing double heart bypass surgery during the holidays. Fellow judges are looking forward to his return following a recovery period at home.



HIGGINS

◆ Also on the ailing list is **Jean Hart**, bookkeeper for the Traffic Violations Bureau, who is recovering from recent surgery.

◆ **John Slate**, who recently earned his bachelor's degree in management and human relations from Trevecca Nazarene University, has been promoted to office manager for Metro's DUI and Traffic School programs. He succeeds **Tracey Jones**, who resigned to become a fulltime mother. John is the husband of traffic docket clerk **Vicki Slate**.



MORELAND

Also receiving a recent promotion was **Joe Randle**, who filled the position of social work associate, responsible for the coordination of the DUI and Traffic School transition into the CJIS project.

◆ General Sessions Judge **Casey Moreland**, a long-time football official at both the high school and college levels, added another honor to his credit during the holiday bowl season. Moreland was selected to officiate the 5-A State Championship game between Red Bank and Riverdale. The state title game is now known as the Blue Cross Bowl, but Moreland said this year's matchup could just have easily been called the "Snow Bowl." It snowed about two inches just prior to and during the game. In Moreland's words, the snow made for "a beautiful night and game." Also on duty for that game was probation officer **Jimmy Upton**, who was a member of the chain crew.

...TEARS

The winter holidays proved to be a time of loss for a number of our employees and friends. It is with heartfelt sympathy that we acknowledge those losses.

◆ **Ann Campion Beneke**, who served for 23 years as administrative assistant in the First Circuit Court, succumbed to cancer on Dec. 13. Upon her departure from the courthouse post in 1997, she worked for the chief clerk of the State Senate.

◆ **Douglas Coleman**, brother of traffic warrant officer **Robert Coleman**, passed on Dec. 23 at his home in Cowan, TN., where he had been bedridden for some time following a stroke. He was 59.

◆ **Grandville "Lee" Prater**, 67, father of traffic data entry clerk **Nancy Capps**, passed away on Dec. 29.

◆ **John Reece**, great uncle of deputy circuit court clerk **Ronnell Griffin**, died on Dec. 6, just three days after his 69th birthday.

◆ **The Rev. C. Ray Dobbins**, 81, father of attorney **Dot Dobbins**, lost his battle with cancer on Dec. 28. He was a retired Cumberland Presbyterian minister and executive director of the Tennessee Association of Churches.

◆ Noted educator **Margaret R. Cate**, 95, aunt of attorney **George Cate Jr.**, passed away on Jan. 7 following an extended illness. She was an educator in Nashville for 36 years and a strong advocate of school integration. Among her many credits was a book she authored about the birth of Christ titled *Without a Sword*.

◆ **Beryl Estelle Hedgepath**, 87, grandmother of attorneys **Richard Hedgepath** and **Richard Hedgepath Jr.**, passed away on Jan. 7.

February Birthdays

Circuit Court Clerk 7 Tracy Cartwright 23 Lori Stratton	Traffic Violations 5 Lee Millsap 11 Marie Roberts 25 Antonio Lanier
General Sessions 25 Diana Reed	Probate Clerk none

Case Review

(From Page 1)

parking citations showing dramatic drops. Police issued 39,179 fewer tickets for moving violations while parking citations fell by 2,235.

Here is a department-by-department comparison chart of new filings for the past two years:

	1999	2000
CIRCUIT		
Civil Filings	3,013	3,121
Civil Concluded	3,433	2,171
Divorce Filings	3,260	3,130
Divorce Concluded	3,410	3,297
PROBATE		
New Filings	2,007	2,109
Cases Concluded	1,423	2,024
GENERAL SESSIONS		
New Filings	36,390	34,244
Orders of Protection	2,332	2,532
TRAFFIC VIOLATIONS		
Moving Tickets	263,885	224,706
Parking Tickets	96,763	94,528
Nullifications	27,489	18,793

ROOKER REPORT

Published by the Davidson County Circuit Court Clerk's Office
506 Metro Courthouse, Nashville, TN 37201
Internet @ 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



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JURY TRIAL VERDICTS

ABBREVIATIONS:

P	PLAINTIFF	CP	COUNTER PLAINTIFF
D	DEFENDANT	CD	COUNTER DEFENDANT
PU	PUNITIVE	GSA	GENERAL SESSIONS APPEAL
CO	COMPENSATORY	TCPA	TN. CONSUMER PROTECT ACT

Week of December 4

CIRCUIT COURT

APPEALS

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-2005	SEXUAL HARASSMENT	1st* (P)	\$45,000			
99C-412	AUTO ACCIDENT/ST	5TH	DEFENDANT			
00C-1889	GSA/LANDLORD-TENANT	2ND	DEFENDANT		P-\$2,810	DEFENDANT

*--JURY WAIVED

NON-JURY TRIAL RESULTS

CIRCUIT COURT

APPEALS

GENERAL SESSIONS

Week of December 13

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
95C-1570	PERSONAL INJURY	1ST (P)	\$51,000			
00C-1380	GSA/AUTO ACCIDENT	8TH (P)	\$5,400		P-\$7,500	DEFENDANT
00C-2375	GSA/CONTRACT	5TH (P)	\$950		P-\$1,122	DEFENDANT
99C-3340	WORKERS COMPENSATION	7TH (P)	\$35,360			
00C-798	AUTO ACCIDENT	8TH (P)	\$13,934			
98C-3073	CONTRACT	2ND	DEFENDANT			
00C-2046-47	GSA/DETAINER	8TH	DISMISSED		POSSESSION	PLAINTIFF
00C-1530	GSA/PROPERTY DAMAGE	8TH (P)	\$1,500		P-\$900	DEFENDANT
00C-2372	GSA/CONTRACT	1ST	NO REPORT		P-\$4,000	DEFENDANT
00C-2838	GSA/CONTRACT	1ST (P)	\$1,000		P-\$9,504	DEFENDANT
99C-1141	AUTO ACCIDENT	6TH* (P)	\$45,000			
99C-965	DAMAGES	6TH (P)	\$12,000			

*--HEARD BY SPECIAL MASTER MARSH NICHOL

HERB RICH: From Gridiron Great to Trial Lawyer

(FROM PAGE 1)

Commodores to an 11th place national ranking during his junior year. That 1948 team compiled an impressive 8-2-1 record, "...including a 28-6 victory over Tennessee," Rich chuckled.

The Commodores would not live up to their billing the following year, however, as they responded negatively to losing their famous mentor to UCLA. At season's end, Vanderbilt settled for a 5-5 record under new coach Bill Edwards.

But the mediocre showing was through no fault of Rich, who posted the nation's fourth highest number of carries (180) and for the second straight year was named to the All-Southeastern Conference team.

The pros came calling. Following his record-breaking season with the Colts in 1950, he was picked up by the Rams when the Baltimore team folded. The Rams rewarded him with a \$250 signing bonus and an \$8,000 annual salary.

Over the next three years with the Los Angeles organization, Rich would make good and bad memories. Winning the national championship was good. Being "clotheslined" by a Chicago Bear player who came off the opposing bench as Rich ran down the field after intercepting a pass was not good. "It was lights out," he recalls. "He necktied me from the sidelines."

Then there was the time with the Colts when he landed a starting role as punt returner strictly through fate. "The guy who was supposed to be the

punt receiver didn't show," he recalled. "So, I volunteered and ran out on the field and returned the punt 86 yards for a touchdown."

The year 1954 was a pivotal year for Rich. After five years of studying law at Vanderbilt under limitations of his football career, he finally received his degree and went on to pass the Tennessee Bar. But his venture into the legal profession would be put on hold when he was acquired by the Giants.

After one season with the Giants, Rich returned to Nashville and joined the prestigious Jack Norman law firm where he will celebrate his 46th anniversary in March.

Only months after undertaking his new career as a lawyer, Rich surrendered to the coaxing of his old teammates to return to the Giants for another year, then another. When he helped the team to a 47-7 shellacking of the Chicago Bears for the 1956 national title, Rich ended a seven-year pro career on a high note, returning to practice law with 29 pass interceptions to his credit.

In 1992, Rich was inducted into the Tennessee Sports Hall of Fame for his outstanding accomplishments while playing at Vanderbilt. He was honored at the SEC championship game in Atlanta this year where he was introduced during pregame festivities as a collegiate and professional "legend." That was an honor he cherished because he and his wife Carla (whom he met and married while attending Vanderbilt) were celebrating their 50th wedding anniversary with the blessings of their three grown children.

TRENDS



RATIO: PLAINTIFFS 3-1

CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 77
DEFENDANTS 25

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	27	18	9	20	6	1
APRIL-NOVEMBER	79	68	11	54	18	7
DECEMBER	4	1	3	3	1	0
YEAR TO DATE	110	87	23	77	25	8

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
SEPTEMBER	137,832	300-103,000	6,906
OCTOBER	38,273	1,400-16,000	6,957
NOVEMBER	79,300	890-33,000	11,352
DECEMBER	NONE	N/A	N/A

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-AUGUST	49,919	N/A	N/A
SEPTEMBER	32,934	14,782-18,152	N/A
OCTOBER	3,200	N/A	N/A
NOVEMBER	N/A	N/A	N/A
DECEMBER	64,334	5,400-45,000	13,934

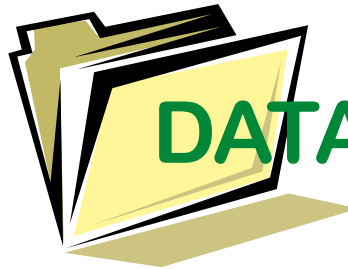
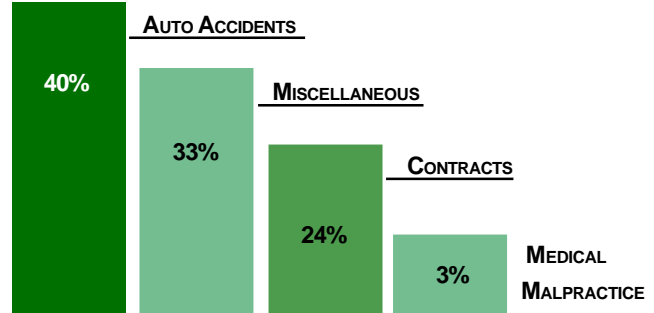
SOFT TISSUE CASES

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
SEPTEMBER	133,722	300-103,000	10,140
OCTOBER	3,533	1,400-2,133	N/A
NOVEMBER	33,140	11,340-21,800	N/A
DECEMBER	NONE	N/A	N/A

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	7	7	0	0
APRIL-NOVEMBER	21	15	4	2
DECEMBER	1	2	0	0
YEAR TO DATE	29	24	4	2

CIVIL TRIALS By CLASS



DATA BANK

Statistics compiled for the month of December

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	197
CIVIL CASES CONCLUDED	182
NEW DIVORCE CASES FILED	152
DIVORCE CASES CONCLUDED	282

General Sessions Civil

NEW CASES FILED	2,582
EXECUTIONS ISSUED	2,682
GARNISHMENT PAYMENTS	3,578
JUDGMENTS COLLECTED	\$547,936
ORDER OF PROTECTION PETITIONS	155

Probate Court

NEW CASES FILED	155
CASES CLOSED	126

Traffic Violations

MOVING CITATIONS	11,493
PARKING VIOLATIONS	6,965
TOTAL FINES COLLECTED	\$276,522
NULLIFICATIONS	1,100
NULLIFICATION FEES COLLECTED	\$13,179

OTHER CLASSES



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	65	45	7	12

DECEMBER AWARDS: \$1,000-- TOTAL AWARDS TO DATE: \$227,780

MISCELLANEOUS	MALPRACTICE
91	8
PLAINTIFFS 55	PLAINTIFFS 1
DEFENDANTS 22	DEFENDANTS 6
NO VERDICT 14	NO VERDICT 1