

ROOKER REPORT

June 2001

Published by the Davidson County Circuit Court Clerk's Office

Vol.9, No. 5

Staffers Learning Spanish

Four designated members of the Traffic Violations Bureau staff are learning to speak Spanish in an effort to improve communications and service to a growing Hispanic clientele.

The staffers are undergoing an intense 10-week language course provided by the McGavock Community Education program, which also is being utilized by a number of other government and judicial personnel.

In authorizing the classes for the traffic bureau workers, Circuit Court Clerk Richard Rooker noted the importance of better communications with non-English speaking customers.

"It can become quite frustrating for both the employee and the customer when neither one can understand the other," Rooker pointed out. "It is incumbent upon us as the service provider to answer questions posed by the customer and to communicate with some degree of clarity options that might be available to that customer."

The basic Spanish-speaking skills offered by the 20-hour program are intended to reduce the communications gap initially with broader benefits in the near future, Rooker added.

Those devoting two hours each week to the Spanish class are:

- ◆ David Patterson, cashier;
- ◆ Teresa Johnson, indigence clerk;
- ◆ Antonio Lanier, warrant officer;
- ◆ Leslie Allumbaugh, data entry supervisor.



PATTERSON



ALLUMBAUGH



JOHNSON



LANIER

Injunction, Notice Now Required In Divorce Filings

Pursuant to an amendment passed by the current session of the state legislature, attorneys filing divorce or legal separation petitions now must include a written notice setting out conditions of mandatory temporary injunctions binding both parties during litigation.

Complaints based on the sole ground of irreconcilable differences are precluded from the requirement.

The new law, already in effect, adds a new subsection to Tennessee Code Annotated 36-4-106 and identifies in detail the restrictions against both parties while the outcome of their case is pending.

Only the prevailing court can modify or dissolve the injunction before a final divorce decree or order of legal separation is entered.

Pending creation of forms to accommodate the new filing requirements, said Chief Circuit Court Clerk Tracy Cartwright, attorneys must prepare their own, based on the language of the new law.

Appropriate forms will soon be made available, Cartwright pointed out, and will be added to the clerk's form lineup on the internet at www.nashville.org/cir.



WAYNE CURRY

Curry Succeeds Peaks In Traffic School Post

Wayne Curry, veteran class instructor, has been named Traffic School Manager for the Metro Driver Safety Center following the recent reassignment of Terry Peaks. Story on Page 3.

DETERMINATION, INTEGRITY MARK VINCENT'S PATH

Second of Two Parts

Determination and integrity have been the driving forces behind David Vincent's 46-year legal career, now in the stages of autumn after many gratifying springs and summers.

Days of courtroom glory come less frequent now and victories past have become obscured by father time. But there have been plenty of both. And those who know his wisdom still consider him a reliable source of legal reference.

"Dave has one of the sharpest legal minds in the business," asserts David Rutherford, a longtime friend who regularly shares case queries and humor with Vincent over breakfast at the celebrated Roundtable in the Stahlman Building. "He is well versed in all areas of law. All of us benefit from his wide range of knowledge."

Vincent, who won't be 73 until November, has lost much of his physical mobility in recent years. The consequences of diabetes, combined with a broken hip injury he received from falling on rain-slickened courthouse



DAVID VINCENT

PROFILE

steps two years ago, have required his dependence on a walking cane and speed is no longer in his repertoire of strong suits. Nor is it essential; he still makes it into his office most days, utilizing the assistance of personal secretary Beverly Hobbs, who has been his right arm for 23 years.

Early in his career, Vincent was introduced to civil law by doing title searches for an abstract company in Ohio. The experience later proved to be invaluable when he opened a law practice in Nashville. "I used to do things for other lawyers involving property cases," he recalled. "That got me a lot of chancery work, based on my expertise on problems involving real estate. At that time, he noted, many of

See ATTORNEY DAVID VINCENT, Page 2

July Birthdays

Circuit Court Clerk

21 Ray Akers
24 Glenn Balletto

Traffic Violations

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

General Sessions

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

Probate Clerk

None

CHEERS...

General Sessions Judge **Leon Ruben** is one romantic hubby. For their 45th wedding anniversary on June 10, the judge presented wife **Myra** with four dozen roses. "That was one rose for each year we have been married," he pointed out, "and three to grown on." The happy couple tied the knot on June 10, 1956, exactly one week from his graduation day at Vanderbilt. The bride is a product of Peabody.

◆ Deputy circuit court clerk **Betty Murray** and husband **John** are filled with grandparent pride after grandson **Todd C. Murray** of Manchester earned a baseball scholarship to Cleveland State College at Cleveland, Tennessee. Todd, 18, was a diamond standout this year at Coffee County Central High School in Manchester.

...TEARS

The community lost one of its most notable public servants on June 15 with the sudden passing of **Harold "Buster" Boguskie**, who succumbed to a heart attack at a medical center in Clarksville. He was 78.

Mr. Boguskie became a charter member of the Metro Council in 1963 and served in that capacity until 1995. He served two terms as an at-large councilman before finishing out his 30-plus years of service as representative of east Nashville's 8th District.

Upon leaving the council, he served briefly as a court officer in Chancery Court.

A former professional baseball player, Mr. Boguskie was a second baseman for the now-defunct Nashville Vols. He was on the 1952 team that broke the world record for double plays with 222 in one season. In 1990, the Nashville Old Timers Baseball Association named him "Mr. Baseball."

He will be remembered by his many friends as "Mr. Nashville."

◆ Mrs. **Johnnie Clary**, mother of the late property assessor **Jim Ed Clary**, passed away at a Goodlettsville nursing home on May 26. Her grandson, **Johnny Clary**, is the husband of **Kim Clary** of our general sessions civil division. Mrs. Clary was 95.

◆ Deepest sympathy to deputy circuit court clerk **Terry Campion** in the passing of her sister **Anna DeCicco** of New Jersey, who lost her battle with cancer on May 27.

◆ Condolences to retired deputy criminal court clerk **Jimmy Shea** in the untimely death of his daughter **Dianne Marie Shea**, who passed away on June 9 at the young age of 40. Dianne was a highly respected aide to the **Tennessee State Legislature** where she was voted the 2000 employee of the year. She will be greatly missed.

◆ We also are saddened by the passing of **Archie Gip Spain**, grandfather of **Penny Hubbell**, assistant to Eight Circuit Judge Carol Soloman, and father of the late Metro councilman **Billy Spain**. The elder Mr. Spain, who served as an officer with the Davidson County Sheriff's Department, died on June 15. He was 82.

ATTORNEY DAVID VINCENT

his fellow lawyers were not familiar with special rules adopted by the chancery court.

In 1965, Vincent was asked to join the firm of Avon Williams, a prominent attorney who would become an icon for his contributions to the African American community while serving as a state senator.

Vincent became professionally affiliated with Williams after Williams represented him in a personal legal matter. But the association ended after only one year.

Vincent immediately was accepted by a new firm. This time, it would be more enduring. He became a partner of Robert Lillard, a personable and popular defense attorney, civic leader and politician who specialized in criminal law.

Soon, almost all of Vincent's work was of criminal classification. His association with Lillard would continue for 25 years until Lillard's death in 1991.

It would take more than our allotted space to detail all the major criminal cases in which Vincent has served as defense counsel. In 1968, he represented one of five defendants accused of slaying two Metro police officers following the theft of money orders and a high speed chase. His client claimed that he had merely thumbed a ride with the actual killers and knew nothing about the money order scheme that had taken place.

Vincent tried to convince his client to take the witness stand and explain what actually happened in exchange for a one-year sentence. But his client's father balked, declaring that his son "would not rat on anybody." Consequently, the young man received a 99-year sentence, as did the other codefendants.

Vincent considers his "biggest" criminal case to be the capital murder trial of Raymond Jackson, whom he claimed was "a very mean man; a dope dealer who would do anything."

As Vincent relates the facts of the case:

"Jackson was thumbing a ride into town. A man picked him up and Jackson wound up taking his car, driving him to Percy Priest Lake and stabbing him to death for no reason."

"Later," Vincent recalled, "he (Jackson) picked up a young boy in Lafayette, Tennessee and stabbed him 19 times."

Jackson was convicted of the killings, Vincent said, and is serving a life sentence which he continues to appeal.

In that trial, Vincent said he was afraid that the jury would give his client the death penalty. "I never lost one to the electric chair," he said, "but if ever a guy needed to go, it was Raymond."

Vincent believes that criminal law has gradually changed over the years, due primarily to the continually rising number of felony cases. Because the court system is bogged down, he believes, "everybody expects you to plea bargain and settle--nobody wants a trial."

Frankness is just one element of Vincent's persona. He possesses an uncanny sense of humor and the ability to convey vivid imagery in his delivery.

A friend asked him about the long cigars that have become his identifying trademark. "Just how big are those cigars you smoke?" he asked Vincent. "They fit my pocketbook," he retorted with a broad grin.

Vincent's success in life has rubbed off on his five children. Two have pursued legal careers. Son David L. Vincent III is a circuit judge in St. Louis (Mo.) County and daughter Nancy A. Vincent is an attorney here. Another daughter, Ouida Vincent, is a medical doctor in New Mexico while two other sons, Carl D. Vincent and Dewey Vincent, have attained similar success in their chosen fields.

Holt to Be Next Sessions Presiding Judge

John Aaron Holt will become presiding judge over the General Sessions Court in September, succeeding Judge Leon Ruben, who is winding down his fifth term in that post.

Peaks Accepts Court Officer Job

Wayne Curry New Traffic School Manager

Veteran class instructor Wayne Curry has assumed the position of Traffic School Manager for the Metro Driver Safety Center after Terry Peaks resigned the post to become a court officer for General Sessions Judge Mike Mondelli.

Curry's appointment was announced by center director Dr. Peggy Reynolds, who applauded the award-winning performance of Peaks during his 7.5 years with the center.

The traffic school, an affiliated service of the General Sessions Court, is consistently recognized by the National Safety Council for its outstanding performance in providing driver education, topping the nation in excellence for the past four years under Peaks' leadership.



TERRY PEAKS

Curry has played a key role in the center's success, serving as a class instructor for 25 years. His outstanding credentials, combined with his recent retirement as associate professor of the Social Work program at Belmont University, made him an ideal selection for the manager's position, Reynolds noted.

Curry was a Command Sergeant Major in the U. S. Army Reserve until his retirement last November.

Peaks was hired by the sessions court in 1993 as an administrative assistant, a position that created the first traffic school office. He eventually was named program manager in 1998. Under his management, the school's enrollment grew from 18,994 students in the 1994-94 fiscal year to 25,872 last year with revenue more than doubling during that span from \$484,985 to \$1,068,085. Peaks began his new duties as a court officer on June 7.



JURY TRIAL VERDICTS

ABBREVIATIONS:

P	PLAINTIFF	CP	COUNTER PLAINTIFF
D	DEFENDANT	CD	COUNTER DEFENDANT
PPD	PERM. PARTIAL DISABILITY	GSA	GENERAL SESSIONS APPEAL
CO	COMPENSATORY	TCPA	TN. CONSUMER PROTECT ACT

APPEALS

CIRCUIT COURT

GENERAL SESSIONS

Week of May 14

CASE	TYPE	COURT		VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-2258	CONTRACT	8TH*	(P)	\$77,990			
99C-2208	AUTO ACCIDENT/ST	1ST	(P)	\$1,275			

*--JURY WAIVED

Week of May 21

CASE	TYPE	COURT		VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-1013	AUTO ACCIDENT/ST	8TH	(P)	\$4,558			
97C-1491	AUTO ACCIDENT	1ST	(P)	\$6,830			
00C-2834	GSA/AUTO ACCIDENT	2ND		DEFENDANT			
99C-2691 } 99C-2691 }	AUTO ACCIDENT } AUTO ACCIDENT }	2ND 2ND	(P) } (P) }	\$18,699 COMP. \$1 MILLION PUNITIVE			

NON-JURY TRIAL RESULTS

APPEALS

Week of May 7

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT		VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-1153	AUTO ACCIDENT	8TH		UNDER ADVISEMENT			
97C-2524	ASSAULT	1ST		DISMISSED			
00C-1272	WORKERS COMPENSATION	6TH	(P)	\$39,205			
00C-1197	CONDEMNATION	1ST	(P)	\$150,000			
00C-1612	GSA/CONTRACT	6TH		DISMISSED		DISMISSED	PLAINTIFF
01C-865	GSA/DETAINER	8TH	(P)	DEF/SELL HOME		POSSESSION ONLY	DEFENDANT
00C-2434	GSA/CONTRACT	1ST		DISMISSED		DISMISSED	PLAINTIFF
00C-946	WORKERS COMPENSATION	8TH	(P)	100% DISABILITY			
00C-3023	CONTRACT	5TH	(P)	\$3,252			

Download your own legal forms at: www.nashville.org/cir

TRENDS

CASE ANALYSES



RATIO: PLAINTIFFS 7.2-1

AUTO ACCIDENTS

PLAINTIFFS 30
DEFENDANTS 4

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	21	18	3	17	2	2
APRIL	10	7	3	9	1	0
MAY	6	5	1	4	1	1

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	166,391	3,750-76,000	2,888
FEBRUARY	173,656	2,000-150,000	7,218
MARCH	21,892	500-10,691	3,567
APRIL	53,462	1,352-20,000	6,422
MAY	1,031,362	1,275-1,000,000	10,062

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	3,300	N/A	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	5,100	N/A	N/A
APRIL	27,500	2,300-16,000	9,200
MAY	N/A	N/A	N/A

SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	29,000	N/A	N/A
FEBRUARY	23,656	2,000-9,000	6,328
MARCH	21,392	1,600-10,691	4,550
APRIL	58,410	5,000-20,000	11,049
MAY	N/A	N/A	N/A

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	4	3	0	1
APRIL	2	2	0	0
MAY	1	0	1	0

OTHER TYPES



CONTRACTS YTD PLAINTIFFS DEFENDANTS NO VERDICT
31 21 3 7

MAY AWARDS: \$81,242-- TOTAL AWARDS TO DATE: \$201,153

MISCELLANEOUS

30

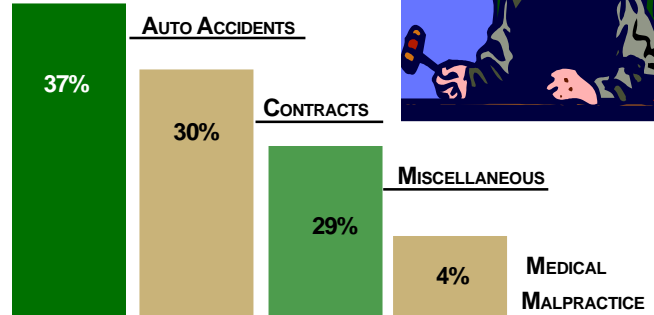
PLAINTIFFS 24
DEFENDANTS 3
NO VERDICT 3

MALPRACTICE

4

PLAINTIFFS 0
DEFENDANTS 4
NO VERDICT 0

CIVIL TRIALS By CLASS



DATA BANK

Statistics compiled for the month of May

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	293
CIVIL CASES CONCLUDED	297
NEW DIVORCE CASES FILED	264
DIVORCE CASES CONCLUDED	295

General Sessions Civil

NEW CASES FILED	3,315
EXECUTIONS ISSUED	3,359
GARNISHMENT PAYMENTS	3,935
JUDGMENTS COLLECTED	\$670,635
ORDER OF PROTECTION PETITIONS	261

Probate Court

NEW CASES FILED	191
CASES CLOSED	236

Traffic Violations

MOVING CITATIONS	14,299
PARKING VIOLATIONS	5,078
TOTAL FINES COLLECTED	\$369,397
NULLIFICATIONS	1,424
NULLIFICATION FEES COLLECTED	\$17,067

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



ADA coordinator, Gene Baker (880-3309)