



ROOKER REPORT

State Supreme Court Declares Higher Penalties Unconstitutional

Municipal Fines Limited to \$50

Following a ruling made last month by the state Supreme Court, traffic fines and other Metro codes violations are limited to \$50 -- regardless of their rated seriousness or multiplicity of abuse.

The decision, which came at the end of an arduous appeal challenging five \$500 fines imposed in 1998 by a General Sessions judge against a Nashville roofing contractor, relied on a 1796 provision of the Tennessee Constitution limiting city government fines to \$50 unless a higher amount is set by a jury.

General Sessions courts do not impanel juries.

The supreme court ruling had no bearing on cases heard in the state trial courts where defendants can request or waive jury hearings and have higher fines imposed for both serious crimes and misdemeanor charges, such as speeding through a road construction zone.

But the high court declared that in years past, rulings that municipal

courts were not covered by the \$50 limit because their proceedings were primarily civil rather than criminal were made in error. And Metro's changing of the word "fine" to "civil penalty" two years ago was not enough to get around the constitutional cap, the court ruled.

In 1995, the Metro Council set \$500 as the fine for many violations, including moving traffic offenses deemed to be more serious than others and for repeat offenders. But the fine schedule reverted back to the \$50 cap, effective with the Sept. 4 high court ruling.

That means a motorist accused of reckless driving cannot be fined more than one who simply breaks the speed limit or runs a traffic light. And the fine remains the same, regardless of how many times those offenses are committed.

Unaffected by the fine limit are driver license and bumper law violations, which already had a \$50 cap for repeat offenses.

The following charts reflect the new traffic fine schedule (blue), compared with penalties prior to the Sept. 4 ruling (red):

Weekly ENVIRONMENTAL DocketS UNDER RYAN

Nashville attorney Edward S. Ryan was sworn in this month as a General Sessions Court referee to preside over the county's environmental and animal control cases.

With his appointment, funded by the Metro Council, Ryan announced a new weekly schedule designed to ensure more prompt case resolution and to make dockets more manageable.

Heretofore, environmental cases have been necessarily scheduled for hearings on intermittent dates to accommodate the regular rotation of Judge Gloria Dumas, who inherited the environmental docket when she was elected to the court's Division IV.



ED RYAN

The addition of Ryan enables the court to more readily address the county's growing number of environmental issues.

Under the new weekly schedule beginning Nov. 14, Metro environmental citation cases will be heard at 1 p.m. each Wednesday in Courtroom IV of the Ben West Building. Then, starting on Jan. 9, Metro environmental warrant cases will be heard in the same courtroom, commencing at 2:30 p.m. Those cases now are heard at the Stahlman Building venue.

All animal control cases will be heard at 2:30 p.m. each Thursday in Courtroom IV of the Stahlman Building, beginning on Nov. 15.

The environmental dockets will recess for the holidays after Dec. 12 and will resume on Jan. 9. Animal control dockets will not be held between Dec. 6-Jan. 10.

OFFENSE	FIRST	SECOND	THIRD
RECKLESS DRIVING	\$50	\$50	\$50
CARELESS DRIVING	\$50	\$50	\$50
PASSING SCHOOL BUS	\$50	\$50	\$50
SPEEDING	\$50	\$50	\$50
TRAFFIC LIGHT	\$50	\$50	\$50
LANE RESTRICTIONS	\$50	\$50	\$50
STOP/YIELD INTERSECTION	\$50	\$50	\$50
DRIVER LICENSE LAW	\$20	\$40	\$50
BUMPER LAW	\$25	\$50	\$50
ALL OTHER MOVING	\$25	\$50	\$50

OFFENSE	FIRST	SECOND	THIRD
RECKLESS DRIVING	\$500	\$500	\$500
CARELESS DRIVING	\$50	\$125	\$500
PASSING SCHOOL BUS	\$50	\$50	\$50
SPEEDING	\$50	\$125	\$500
TRAFFIC LIGHT	\$50	\$125	\$500
LANE RESTRICTIONS	\$50	\$125	\$500
STOP/YIELD INTERSECTION	\$50	\$125	\$500
DRIVER LICENSE LAW	\$20	\$40	\$50
BUMPER LAW	\$25	\$50	\$50
ALL OTHER MOVING	\$25	\$50	\$50

CHEERS...

November Birthdays



HILAND

Corey Duke knew he was in love with **Hilary Hiland**, but he wanted her friends to know it as well. And the perfect opportunity presented itself on homecoming day at Berry College, the couple's alma mater. With a captive audience of friends in tow on that Friday, Oct. 5, Duke made public his desire to marry his significant other of 2.5 years, presenting her with an engagement ring. The couple met at the Rome, Ga., college--he from Charlotte, TN. and she from Nashville--and spent their first date at a 1999 New Year's Eve Tim McGraw-Faith Hill concert. They've been making their own beautiful music ever since and hope to be a permanent duet sometime next summer. You probably don't know Duke, but the bride-to-be is a deputy clerk in our circuit court clerk's office.



KANE

Hats off to **James Robert (Trey) Everett III**, former court officer for Circuit Judge **Muriel Robinson**, and **Jason Kane**, a court officer for Criminal Judge **Steve Dozier**, on passing the July state bar exams. Everett, son of the late Probate Judge **James R. Everett**, and Kane, formerly a deputy clerk in our General Sessions Civil Division office, were among 418 from across the state to successfully complete the exams. They were joined on the graduation list by 147 others from the greater Nashville area.



EVERETT

Federal Judge **Julia Smith Gibbons** of Memphis is **President Bush's** choice to replace **Gilbert Merritt** on the 6th Circuit U.S. Court of Appeals. Gibbons, who formerly served as legal counsel to **Lamar Alexander**, was nominated after Merritt took senior status in January. She earned her law degree from the Vanderbilt School of Law. There are three Tennessee judges on the federal appeals court.

Triple tragedy struck the family of night court commissioner **Houston Hagar** within a 24-hour period in September. The commissioner lost both his brother **Ewell Hagar** and brother-in-law **Hollis Wells** on Sept. 26. Then, as the family was preparing last rites, the father of the commissioner's daughter-in-law also passed away. **Jerome Karigan**, father of **Cecilia Hagar**, who is married to the commissioner's son **Larry Hagar**, became the third to pass away. Our deepest sympathy to the Hagar family.

Sympathy as well to Circuit Court Judge **Hamilton Gayden Jr.**, whose brother **William Dickinson Gayden** passed away on Oct. 3 after losing his fight with cancer. He was 64.

Condolences to traffic docket clerk **Beverly Swafford** in the death of her aunt **Irene G. Archer**, who succumbed to a stroke on Sept. 15 at Southern Hills Hospital.

Traffic Violations

11 Mary Barr
12 Dixie Gibson
13 Patsy Jackson
24 Dinah Williams
26 Rhonda Hall
Nick Lane

Probate Clerk

1 Ruth Lester

Circuit Court Clerk

3 Monica England
11 Bill Riggs
26 Hilary Hiland

General Sessions

16 Tonya Bennett
23 Ross Barton



Daylight Savings Time Ends Oct. 28

Sam Wallace Loses Fight With Cancer



Sam Wallace Sr. didn't want flowers at his funeral, just the playing of bagpipes to honor his Scottish heritage.

But flowers he got -- many, many sprays symbolizing respect and departing sorrow from those whose lives he touched.

The veteran criminal attorney, who exemplified the truest form of a southern gentleman, would have humbly and graciously expressed his appreciation.

At the age of 73, the man who once wanted to be district attorney general but instead was happy defending the accused, lost his fight with cancer on Oct. 6.

The end came six months after he publicly acknowledged his grave health condition by closing the doors on a 43-year law practice last March 30.

Unlike his many battles in the courtrooms, this one provided an unyielding adversary--one that always wins in the end. He was his own client in an open and shut case, evidenced by raging assaults of chemotherapy treatments and no remission.

Friends at the Stahlman Building Round Table, where Wallace had been a regular patron for many years, were saddened but not surprised at his demise. They had braced themselves for the inevitable months before when he had leveled with them about the seriousness of his advancing cancer.

He was a proud man, however, who chose to remove himself from public view, except for rare occasions when he would revisit his Stahlman buddies for lunch, accompanied by his longtime secretary and friend Patti McCoy.

Wallace was the consummate gentleman, never neglectful of good manners. A well-dressed man of stature, he generally wore a hat, which he would tastefully tip when addressing ladies on the street.

He maintained the same low-key approach in the courtroom as in his private life. It was a trait that endeared him to people in all walks of life.

That was evidenced by the expression of loss on the faces of family and friends as the wailing sounds of bagpipes honored his final wish.

...TEARS

Nov. 12 is Veterans Day; Offices Will Be Closed



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

Week of September 10

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-1407	SLIP/FALL	2ND	MISTRIAL			
99C-3254	CONTRACT	8TH (P)	\$44,455			
00C-471	AUTO ACCIDENT/ST	3RD* (P)	\$28,750	(D-100)		
01C-1173	AUTO ACCIDENT/ST	5TH* (P)	\$6,800			

*--JURY WAIVED

Week of September 17

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-3243	MEDICAL MALPRACTICE	5TH (P)	\$891,458			
01C-710	GSA/AUTO ACCIDENT	1ST (P)	\$1,918	ADMITTED	P-\$5,298	DEFENDANT
00C-2823	AUTO ACCIDENT	6TH (P)	\$2,500	(P-43 D-57)		
2001-T-104	CRIMINAL/DUI	8TH	D1-GUILTY, D2-NOT GUILTY			
2000-B-676	CRIMINAL/SEXUAL ASSAULT	8TH	GUILTY			

NON-JURY TRIAL RESULTS

APPEALS

Week of September 24

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-3180	WORKERS COMPENSATION	1ST	\$85,220			
98C-991	SLIP/FALL	6TH (P)	\$31,000			
01C-1334	GSA/AUTO ACCIDENT	1ST (P)	\$7,623		DISMISSED	PLAINTIFF
00C-3050	ZONING	6TH	REMANDED TO BOARD			
00C-2121	GSA/AUTO ACCIDENT	1ST (P)	\$2,500		P-\$2,500	DEFENDANT
00C-95	WORKERS COMPENSATION	8TH	DEFENDANT			
00C-2899	WORKERS COMPENSATION	6TH (P)	80% FOR 400 Wks			

Jury Room Photo Sale To Benefit Cancer Victim

Students and teachers at Nashville Tech put their artistic talents on display in the courthouse jury assembly room this month in hopes of raising money for a special friend who has cancer.

A wide variety of subjects are covered in the exhibit of framed photographs lining the same walls that previously embraced the works of Joan McGee, organizer of the fund raiser.

While some of the works are provided by experienced and reputable photographers from the school, others are being contributed by persons who have never shown their works before, according to jury coordinator Cheryl Kennedy.

With prices ranging accordingly, all sale proceeds will go to the unidentified cancer patient.

TRENDS



RATIO: PLAINTIFFS 6.2-1

CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 50
DEFENDANTS 8

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	21	18	3	17	2	2
APRIL-MAY	16	12	4	13	2	1
JUNE-AUGUST	19	17	2	14	4	1
SEPTEMBER	6	4	2	6	0	0

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
JUNE	3,905,929	2,229-3.75 MILLION	76,850
JULY	126,668	466-59,353	13,171
AUGUST	9,653	1,750-7,903	N/A
SEPTEMBER	39,968	1,918-28,750	4,700

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
JUNE	N/A	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	5,283	N/A	N/A
SEPTEMBER	10,123	2,500-7,623	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
JUNE	152,229	2,229-150,000	N/A
JULY	67,315	466-8,500	14,587
AUGUST	13,186	5,283-7,903	N/A
SEPTEMBER	35,550	6,800-28,750	N/A

*GENERAL SESSIONS APPEALS

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



CONTRACTS YTD PLAINTIFFS DEFENDANTS NO VERDICT
40 29 3 8

SEPTEMBER AWARDS: \$44,455-- TOTAL AWARDS TO DATE: \$347,452



MISCELLANEOUS
45

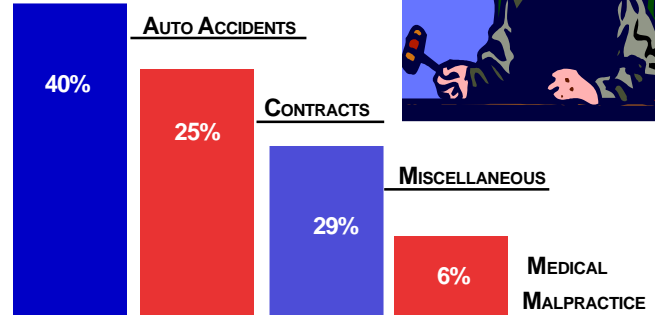
PLAINTIFFS 29
DEFENDANTS 7
NO VERDICT 9

MALPRACTICE
10

PLAINTIFFS 1
DEFENDANTS 8
NO VERDICT 1



CIVIL TRIALS By CLASS



DATA BANK

Statistics compiled for the month of September

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	252
CIVIL CASES CONCLUDED	237
NEW DIVORCE CASES FILED	220
DIVORCE CASES CONCLUDED	183

General Sessions Civil

NEW CASES FILED	2,993
EXECUTIONS ISSUED	3,118
GARNISHMENT PAYMENTS	3,492
JUDGMENTS COLLECTED	\$548,129
ORDER OF PROTECTION PETITIONS	206

Probate Court

NEW CASES FILED	123
CASES CLOSED	332

Traffic Violations

MOVING CITATIONS	15,151
PARKING VIOLATIONS	7,313
TOTAL FINES COLLECTED	\$266,872
NULLIFICATIONS	1,356
NULLIFICATION FEES COLLECTED	\$16,266

ROOKER REPORT

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