

ROOKER REPORT

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Tenth Year to Bring More Helpful Information

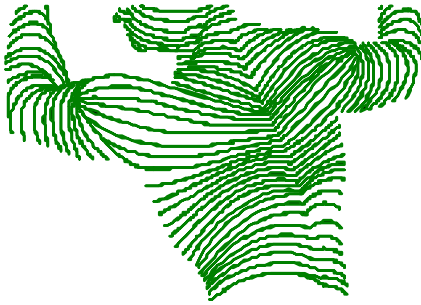
NEW SOFT TISSUE DATA COMING NEXT MONTH

My, oh my. How times does fly.

It seems like only a short time ago that we introduced the Rooker Report. Yet, this issue marks the end of nine full years -- 108 months -- of published information about civil judicial going-on.

During those years, we have attempted to continually improve the report by adding new features designed to better inform our readers and to keep them abreast of statistical data compiled from court records.

When we kick off our tenth year next month, yet another addition will be made. It is one that should be well received by both attorneys and clients pursuing legal remedy in



auto accident cases involving soft tissue injuries.

As a means of providing quicker analyses

of jury verdicts in those cases, our monthly grid will include the amount sought by the plaintiff, as well as the amount awarded by the jury.

Based on response from attorneys, soft tissue cases constitute the most analyzed segment of each month's jury trial listings. For that reason, the new service will apply only to those types at this time.

Hopefully, the new service will aid lawyers and their clients in determining a course of action in their trial preparation.

The new feature will be complemented by other upgrades that will be announced in the months ahead.

2001 IN REVIEW

COUNTING OUR GAINS...

The number of auto accident cases finding their way into local courtrooms continued a downward trend during the past calendar year but civil complaints of other types more than took up the slack.

It was a year of fewer divorces, not as many probate filings and less crowded traffic dockets, but more domestic turmoil. And juries remained largely unsympathetic toward accident victims with soft tissue injury claims.

Auto accident cases, which make up 40 percent of trials in the circuit courts, accounted for 80 of the total trial agenda. That was 30 fewer cases than the number litigated by the courts the previous year.

Juries followed tradition in handing down conservative awards in soft tissue cases. In 37 such trials, the average award was only \$12,427, compared with \$13,476 the previous year. Verdict amounts ranged from \$2,229 to \$150,000.

Even though circuit judges presided over fewer trials (196, compared with 274 in 2000), they maintained a heavy workload outside the courtrooms, bringing conclusion to 3,263 civil matters--the same number as new cases filed.

While circuit court saw new civil filings increase for the second straight year, an even more dra-

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Longtime Public Servant Betty Murray to Retire



BETTY MURRAY

Betty Murray, a public servant for almost four decades, will retire on Feb. 15 after many years of service as a deputy circuit court clerk.

Murray, wife of retired Chief Circuit Court Clerk John Murray, began her government career in 1963 when she joined the staff of her father, the late County Court Clerk Bobby Worrall. After 18 years of service there, she accepted a position in 1981 with then-congressman Bill Boner of the Fifth District.

In 1987, Boner was elected Nashville's

mayor and he retained Murray as a member of his staff for a four-year term.

Murray became a member of the circuit court clerk's office in 1991 and has filled a number of positions during her tenure.

Her husband devoted 19 years to the office before his retirement.

Murray said she plans to spend her retirement years doing volunteer church and social work and watching her two grandsons play ball.

...MOURNING OUR LOSSES

As in years past, the legal community shared its gains with precious losses, saying goodbye to many of its outstanding citizens.

The toll began in early Spring and continued through early December with the deaths of prominent criminal defense attorney Joe P. Binkley, Sr., and the popular Morris Levine, known for his generosity to others. The two attorneys died a day apart.

Mr. Binkley, 78, enjoyed a highly successful career. During his prime, he represented clients in a number of high profile cases. His career aligned itself with those of other noted criminal lawyers,

such as Jack Norman, Sr. and John Hooker.

Persistent health problems plagued Mr. Binkley over the last ten years, but he continued his law practice despite losing his eyesight, suffering a stroke and eventually a head injury from a fall on the courthouse steps earlier last year.

He was residing at a Franklin nursing home at the time of his death on Dec. 3, leaving his legacy in the capable hands of sons Joe P. Binkley, Jr., and Michael W. Binkley, both respected attorneys.

Mr. Levine was four days shy of his 84th birth-

See MOURNING, Page 3

CHEERS...

After 17 years of service, **Faye White** will retire from the Traffic Warrant Office on Jan. 30. And, she admits, it will be quite an adjustment, learning to fill her days away from the hustle and bustle of the work-a-day routine that has brought her to the Ben West Building since Jan. 1, 1985. She figures she will spend much of her time gardening and working around the house, but will "have to check out what my other retired friends do for entertainment." We wish her a happy and eventful retirement.



FAYE WHITE

Since this column was absent from our December issue, we are a tad bit late in making this announcement, but we know you will be pleased to learn that General Sessions cashier **Connie Colley** became a grandmother during the holidays. In fact, the event took place the day after Thanksgiving when daughter **Emiley Meyer** delivered a beautiful baby girl in Austin, Texas. As luck would have it, Connie and hubby **Ed Colley** "just happened" to be visiting their daughter and her husband **Jeff Meyer** in Austin when the blessed event took place. Connie will be happy to give you all the details. We'll just tell you that the new object of her affection is **Madison Reece Meyer**, who arrived weighing 8 pounds, 3 ounces and reaching 19 inches on the tape measure.



COLLEY

Meantime, General Sessions deputy clerk **Judy Christopher** was enjoying her holidays in a different fashion--with a firearm in her hands. No, she wasn't headed for target practice; she was on the trail of wild game. Being an outdoors type, she usually keeps co-workers entertained with stories about her fishing adventures. But they were surprised when she announced that she had bagged a five-point buck. Guess that gives her bragging rights over companion **Jim**, who failed to get honorable mention.

Congratulations to attorney **Margaret Behm** upon being named recipient of the coveted **John C. Tune Public Service Award**, the Nashville Bar Association's highest honor. Ms. Behm received the award at the association's annual meeting and banquet in December in recognition of her 20-plus years of work on behalf of women in the legal profession and in politics. She is married to attorney **Harlan Dodson III**. Hats off, as well, to attorney **Maria Salas**, recipient of the association's **Pro Bono Volunteer of the Year** award for her unpaid work on behalf of low income and indigent clients.

...TEARS

We are saddened by the loss of loved ones endured by a number of employees and associates over the preceding weeks. It is with the deepest of sympathy that we acknowledge their passing.

Viva Williams, 84, mother of Traffic Violations Bureau secretary Dinah Williams, succumbed on Jan. 11 after an extended illness.

Roberta McGill Shriver, widow of the late Criminal Court Judge Thomas H. Shriver, dies on Jan. 7 at the age of 59.

Minnie Lucille Stafford, mother of state trial court case coordinator Megan Gregory, passed away on Jan. 2.

Bertha Wells, grandmother of probate deputy clerk Kim Jackson, expired on Jan. 14 in Louisville, Ky.

Michael Burns, father of deputy circuit court clerk Mickey Brissette, died on Dec. 23 following a long illness.

February Birthdays

Traffic Violations

4 Jessie Woodard
5 Lee Millsap
11 Marie Roberts
25 Antonio Lanier

Circuit Court Clerk

7 Tracy Cartwright
19 Mickey Brissette
23 Lori Stratton

General Sessions

25 Diana Reed

Probate Clerk

26 Patty Jack



AN URBAN NEIGHBORHOOD WHETS THE CREATIVE APPETITE OF ARTIST ANN TILEY (INSET) WHOSE PAINTINGS OF NASHVILLE'S ENVIRONS NOW GRACE THE WALLS OF THE COURTHOUSE JURY ASSEMBLY ROOM.

Tiley Captures Nashville

When artist Ann Tiley visited Nashville in 1978, she liked what she saw so much that she never left.

She set out to literally paint the town red, and blue, and green, etc., transforming blank canvas to mirrored images of the city's character.

The magical strokes of her brush have replicated the many personalities of the city, from historical neighborhoods to urban renaissance--each piece effected in pleasant, often vivid, mixtures from her color palette.

Her offerings are the latest in a series of artistic exhibits designed to bring life to the walls of the courthouse jury assembly room.

The display is an acrylic rainbow that offers a proverbial pot of gold with each progressive painting as one makes his way from the room's entrance to the seating area.

It costs nothing to view the paintings. But, if you find yourself unable to resist the urge for ownership, accommodations will be made. Either way, you will be pleased.

Filing of Discovery Materials Must Wait for Court Request

In accordance with local court rules, discovery materials can no longer be filed with the circuit court clerk's office until they are to be considered by the court.

Chief Clerk Tracy Cartwright said the office is now enforcing Local Rule 22.01, which states that: "Interrogatories, requests for production or any other discovery material will not be filed with the clerk unless and until such material is to be considered by the court for any purpose."

The clerk's office had been lax in enforcing the rule, Cartwright said, but no longer can provide space for storing the materials prior to their use in court.

Probate Office Now Scanning All Case Documents

Computer imaging, the process that could someday replace all paper files in many government offices, has taken another step toward that end in the Probate Court clerk's office.

During the past two months, the office has implemented a "total scan" policy whereby all newly filed case documents are electronically copied into a computer data base for permanent record, instant retrieval and reproduction.

Probate becomes the first office under Circuit Court Clerk Richard Rooker to utilize imaging

for all case files. Both the circuit court clerk's office and the general sessions civil division office provide imaging of judgments and orders only at present time but plan to expand to other types of files in the future.

The imaging process not only allows thousands of documents to be filed in electronic storage without taking up office space, it helps clerks provide more efficient service to the public.

Once a document has been scanned into the system, it can be readily recalled and downloaded to

a printer to quickly accommodate requests for copies. Long searches for paper files are thereby eliminated.

In probate, many files can become cumbersome because of the various phases relative to meeting statutory requirements.

Everything from original will filings to estate accountings and conservatorship reports, etc., are now being logged into the computer data base.

Paper files also are being kept in accordance with state laws, but are becoming less referenced.

CASE COUNT COMPARISONS

	1999	2000	2001	Change
CIRCUIT				
Civil Filings	3,013	3,121	3,263	+142
Civil Concluded	3,433	2,171	3,263	+1,092
Divorce Filings	3,260	3,130	2,955	-175
Divorce Concluded	3,410	3,297	2,489	-808
PROBATE				
New Filings	2,007	2,109	1,701	-408
Cases Concluded	1,423	2,024	2,720	+696
GENERAL SESSIONS				
New Filings	36,390	34,244	35,789	+1,545
Orders of Protection	2,332	2,532	2,727	+195
TRAFFIC VIOLATIONS				
Moving Tickets	263,885	224,706	184,437	-40,269
Parking Tickets	96,763	94,528	96,209	+1,658
Nullifications	27,489	18,793	15,227	-3,566

YEAR IN REVIEW

(From Page 1)

matic increase was taking place at the lower court level. New civil filings in General Sessions Court rose by a whopping 1,545 cases, rebounding from a previous year's low of 34,244.

In an area in which lower is better, divorce filings fell below the 3,000 mark for the first time in recent memory. Only 2,955 couples sought dissolution of their vows, representing a two-year downward trend. The number of concluded divorces shrank by 808, complementing the decrease.

But peace on the domestic front did not follow suit. A record 2,727 orders of protection were issued primarily as outgrowths of problems within relationships. That figure surpassed the previous high of 2,532 recorded the year before.

Flashing blue lights on the county's roads were less frequent as officers continued to write fewer citations for moving violations. Only 184,437 such violations were cited during the year, creating a deficit of 40,269 from the previous year when a similar decline took place.

Late last year, the state supreme court added more water to flickering traffic revenue projections by declaring a limit of \$50 on all Metro ordinance fines. The government had been collecting up to \$500 for certain traffic infractions and in most cases of multiple offense.

At the other end of the spectrum, motorists who overstayed their welcome at parking venues did not go unnoticed. More than 96,000 parking tickets were issued, representing an increase of 1,658 over the previous 12-month period.

MOURNING OUR LOSSES

(From Page 1)

day when he succumbed to congestive heart failure on Dec. 4. Bad health had forced his retirement in 1998.

His absence from the courthouse scene was sorely missed by those who looked forward to his regular visits and the ever-present gifts of trinkets he always carried in his pockets. He was a "people person" who represented many low-income clients over the years, fulfilling his goal of helping those in need.

Mr. Levine, whose daughter Gay Levine also is an attorney, served one term on the old Nashville City Council before the formation of Metro.

Other losses during the year included:

--Bob Jennings, 76, longtime Brentwood city attorney.

--Neil Smith Brown, 87, Metro government's first law director.

--Stanley Snodgrass, 76, veteran attorney and former state senator.

--Sam Wallace, Sr., 73, noted criminal defense attorney.

--William H. Berry, 84, member of the firm Bass Berry & Sims for over 60 years.

--Edward L. Jennings, 86, former vice president of Belmont University.

We also mourned the deaths of the following non-lawyer courthouse figures:

--Longtime bondsman Dorris Brent, 80.

--Former Metro Councilman Harold "Buster" Boguskie, 78.

--Thomas "Steve" Stephens, 63, former investigator for both county and federal public defender offices and court officer for Circuit Judge Walter Kurtz.

We acknowledge all of their contributions.

ROOKER REPORT



ADA coordinator, Gene Baker (880-3309)

TRENDS



RATIO: PLAINTIFFS 6.4-1

CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 64
DEFENDANTS 10

MONTHLY OVERVIEW

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-OCTOBER	35	30	5	27	7	1
NOV-DEC.	8	8	0	6	0	2
YEAR TO DATE	80	68	12	64	10	6

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
OCTOBER	20,759	1,099-5,751	3,477
NOV-DEC.	1,450,848	750-1,400,398	12,825

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
OCTOBER	2,500	N/A	N/A
NOV-DEC.	N/A	N/A	N/A

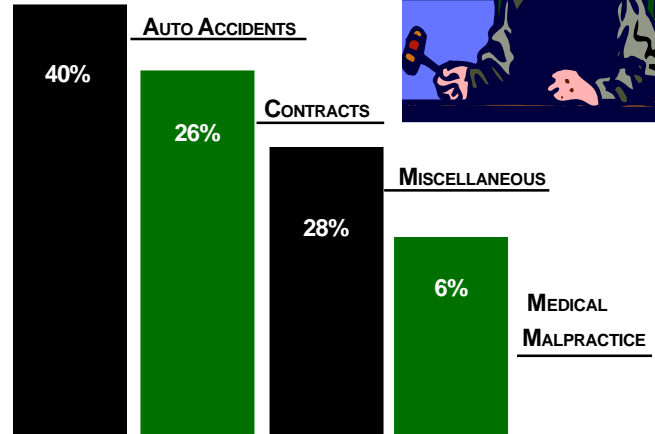
SOFT TISSUE CASES

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
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
OCTOBER	18,273	1,099-5,751	3,807
NOV-DEC.	5,650	750-4,900	N/A

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	4	3	0	1
APRIL-MAY	3	2	1	0
JUNE-OCTOBER	8	7	1	0
NOV-DEC	2	2	0	0

CIVIL TRIALS By CLASS



Statistics compiled for the month of December

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	259
CIVIL CASES CONCLUDED	208
NEW DIVORCE CASES FILED	184
DIVORCE CASES CONCLUDED	217

General Sessions Civil

NEW CASES FILED	3,082
EXECUTIONS ISSUED	3,230
GARNISHMENT PAYMENTS	3,858
JUDGMENTS COLLECTED	\$612,822
ORDER OF PROTECTION PETITIONS	199

Probate Court

NEW CASES FILED	133
CASES CLOSED	255

Traffic Violations

MOVING CITATIONS	12,640
PARKING VIOLATIONS	6,423
TOTAL FINES COLLECTED	\$205,585
NULLIFICATIONS	1,085
NULLIFICATION FEES COLLECTED	\$13,014

Other Classes



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	50	34	4	12

TOTAL AWARDS FOR 2001: \$428,202

MISCELLANEOUS	MALPRACTICE
55	11
PLAINTIFFS 35	PLAINTIFFS 1
DEFENDANTS 10	DEFENDANTS 8
NO VERDICT 10	NO VERDICT 2