

ROOKER REPORT

March 2002

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Pro Se Litigants Finding Alternative Resolution to Civil Disputes

SESSIONS MEDIATION GETTING GOOD GRADES

First of Two Parts

The first report cards are in on a civil mediation program implemented last October to help bring dispute resolution outside the courtroom for financially and legally challenged litigants in General Sessions Court.

The grades are impressive.

Of 69 cases referred to the program during its first five months of operation, more than three-fourths (53) resulted in settlements with high satisfaction ratings from participants. Nine out of ten parties said they would be willing to use or recommend the service again.

KIRK LOGGINS:

A Veteran Reporter Signs Off Career in Covering the Courts

He's been a permanent fixture around the courthouse for more than a quarter of a century, but now Tennessean reporter Kirk Loggins says he will research the aspects of boredom in his new assignment of being a retiree.

"I've never had the time to be bored," said the veteran journalist whose byline has appeared on court-related stories since December 1976. "I'm curious to see if it's as bad as they say."

Loggins was afforded a rare opportunity recently when his newspaper's owners offered an early retirement package to employees who had reached their 55th birthday.

"I knew right away that I would take the deal," said Loggins, who turned 55 last Oct. 20.

So, come March 28, the highly regarded reporter will clean out his desk in the courthouse press room that has borne the fruits of his labor longer than any of his predecessors.

Loggins grew up on a tobacco farm in the small Dickson County community of Charlotte. Working in the fields was incentive enough for him to pursue an education and an alternate career. He would eventually land a summer internship with the weekly Dickson County Herald and a scholarship to Vanderbilt University where he earned a degree in English in 1968.

In 1972, Loggins accepted a job with the Tennessean where he spent the next three years working on the state desk, preparing him for an 11-month stint at the paper's Washington bureau.

Following his assignment in the nation's capital, Loggins returned to Nashville and spent the next two months as a general assignment reporter. He was the paper's choice to take on the courthouse beat when his predecessor left in 1976 to pursue a career in the political arena.

After 25-plus years, it is only natural that Loggins would develop an attachment for the courthouse and its people. "I love the courthouse," he professed. "I'll miss coming here every day. I'll miss the people."



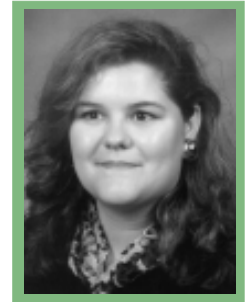
Kirk Loggins

Next Month:

THE PROGRAM AFTER SIX MONTHS AND ITS PLANS FOR FUTURE EXPANSION.

Plus

A PROFILE OF DIRECTOR AND CHIEF MEDIATOR **De'AN BASS** (SHOWN AT RIGHT) AND A TYPICAL DAY IN COURTROOM II.



The program is administered by the nonprofit Nashville Conflict Resolution Center (NCRC), founded by the Nashville Bar Association's Alternative Dispute Resolution Committee year before last as an extension of its already successful application in the civil trial courts.

The objective of the program is many fold: 1) to help clear court dockets so judges can spend more time with parties who are either unwilling or unable to resolve their conflicts on their own; 2) to provide parties with the opportunity to resolve their own conflicts in a creative and fair manner to their mutual satisfaction on a reasonably informed and voluntary basis; 3) to improve communication between the parties, and 4) to model appropriate problem-solving behavior to the parties to help prevent the escalation of future conflicts between the parties and others.

While the concept can be utilized by willing parties in any General Sessions civil case, the primary goal is to help pro se parties because of their disadvantage in the courtroom.

The program is headed up by NCRC executive director De'an Bass, a Nashville native hired to design the General Sessions format after receiving her master's degree in dispute resolution from the Pepperdine University School of Law.

Bass, 31, maintains a weekly presence in Courtroom II where all pro se cases currently are assigned. She personally handles some of the eligible cases while relying on support from 16 community volunteers who are qualified mediators.

Parties who agree to resolving their case in a private, non-courtroom setting are guaranteed confidentiality, encouraging a free exchange of information between the parties. This means that no one can reveal in court what is said or done in mediation, and the mediator cannot be compelled to testify in court.

Creative solutions are hammered out behind the closed doors of a private conference room far from the crowded courtroom on the floor below.

Once a case has been successfully mediated, the original lawsuit can be either dismissed outright by the court or non-suited, giving the plaintiff the right to refile if conditions of the agreement are not carried out by the defendant.

The payoff normally is beneficial to both parties. "Plaintiffs are

CHEERS...

The stork arrived this month for chief computer technician **Mike Garrett** and wife **Cathy Garrett** of our circuit court clerk's office. **Christopher David Garrett** made his debut on March 3 at Baptist Hospital. His vital statistics were impressive: 20.5 inches in length and 8 pounds, 3 ounces in weight. Among those sharing the couple's joy was grandmother **Carole Garrett**, former chief administrative assistant now retired.

Speaking of grandmothers...Deputy circuit court clerk **Mickey Brissette** now has enough grandchildren to form her own boys' and girls' basketball teams. The latest addition is **Megan Rose Brissette**, born on Feb. 22, weighing 5 pounds, 2 ounces and measuring 18 inches in length. Megan is Mickey's fifth granddaughter, matching the number of grandsons.



GIBSON

Congratulations to **Dixie Gibson** of our traffic warrant division upon receiving her 35-year government service pin. Dixie joined the traffic bureau on Feb. 23, 1967. She has been a member of the warrant office team for the majority of her term. Circuit Court Clerk **Richard Rooker** commended her many years of dedicated service to the department.

Tenants of the Stahlman Building bid adieu this month to maintenance supervisor **Matthew Mares**, who traded in his tool belt for a water hose. Mares resigned from the General Services post on March 15 after accepting a job with the Metro fire department. Meanwhile, another former Stahlman Building maintenance veteran has announced his retirement. **Harold Grigsby**, currently assigned to the Hermitage police precinct, says he will take his pension in June.

...TEARS

A number of employees lost family members since our last report. It is with deepest sympathy that we acknowledge them at this time.

Condolences to traffic warrant officer **Carl Smith** in the tragic loss of his nephew **Ernest M. Smith Sr.**, 36, who died along with his wife **Janice Armstrong Smith**, 31, and son **Thomas "T.J." Smith**, 7, in a single-car accident in Cheatham County on March 17. Mrs. Smith was a cousin of **Judy Christopher** of our general sessions civil division office.

We are saddened by the tragic double loss of deputy general sessions clerk **Delana Sullivan** whose father and stepmother died on March 5. **Ray Hayes** was 71 and wife **Neddie Agnes Hayes** was 65. Their deaths occurred at their home in Smyrna.

Another staff member of the general sessions office, **Kim Wolfe**, lost her sister to cancer on Feb. 27. **Vicki Walker**, 50, died at her home after extensive cancer treatments at Vanderbilt Hospital proved futile.

Our hearts also go out to two members of the circuit court clerk's office staff...**Dan Vincent** in the March 17 death of his brother **James H. Vincent, Jr.**, and **Ronnell Griffin** in the passing of her great-grandmother **Fannie Lou Polk**, who succumbed on March 12 at the age of 100.

Retired Nashville attorney **Rebecca M. Thomas**, who in 1956 became the first woman to serve as a special judge in circuit court, died March 16 at the age of 88. She began law practice in 1939 following graduation from the old YMCA Law School, which is now the Nashville School of Law. Her first legal associates were Judge **Albert Williams**, Justice **Sam Felts** and former Nashville Mayor **Ben West**. She retired from practice in 1994.

BIRTHDAYS

APRIL

Circuit Court Clerk

3 Gene Baker
4 Barbara Eddings
5 Beverly Rawls
Kelli Olin
6 Cathy Garrett
18 Holly Russell
23 Mike Garrett

Traffic Violations

4 Stacey Tune
19 Jennifer Wilee
27 Carl Smith
28 Eva McNaney

General Sessions

30 Judy Christopher

Probate Clerk

11 Will Cripps

Sessions Mediation:



Avoiding Black Mark on Credit One Benefit of NCRC Program

(From Page 1)

more likely to collect on an agreement than from a court judgment," says Bass. "And the private agreement, though binding, does not appear on the defendant's credit record."

In contrast, judgments ordered by the court become public record and are picked up by credit-reporting agencies to become automatically added to a defendant's credit record where it will remain for up to seven years, causing difficulty when renting an apartment, buying a car or house, or doing anything that requires good credit.

Under strict rules adopted for the program, every mediated settlement agreement is recorded in a clearly written, detailed and signed document

An equally rewarding aspect is the absence of attorney fees for those who can ill afford to pay. The service offers up to three hours of mediation without charge to the participating parties. Only in rare cases that require longer periods of time to resolve does the center apply a sliding scale rate.

Quarterly report figures released by NCRC show that the average duration per mediation case is 1.27 hours with most sessions lasting one hour or less.

The mediation services are available to litigants in all types of civil matters, but the highest number of eligible cases in General Sessions involve landlord-tenant disputes. Roughly 55 percent of cases arising from "the court of first resort" during the first five months of the program's existence were related to such claims. Neighbor versus neighbor and consumer-merchant complaints ranked a distant second.



JURY

TRIAL VERDICTS

ABBREVIATIONS:

P	PLAINTIFF	CP	COUNTER PLAINTIFF
D	DEFENDANT	CD	COUNTER DEFENDANT
NP	NON-PARTY	GSA	GENERAL SESSIONS APPEAL
COM	COMPENSATORY	PUN	PUNITIVE

APPEALS

GENERAL SESSIONS

Week of February 4

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-1795	MEDICAL MALPRACTICE	5TH	DEFENDANT			
00C-705	MALICIOUS PROSECUTION	1ST (P)	\$16,000			
01C-2055	GSA/AUTO ACCIDENT	2ND	MISTRIAL		P-\$12,000	DEFENDANT
00C-1651	AUTO ACCIDENT	8TH (P)	\$258,946			

Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-3064	AUTO ACCIDENT/ST	3RD	\$100,000	\$3,225	ADMITTED		
01C-3381	GSA/AUTO ACCIDENT/ST	6TH	\$9,401	DEFENDANT		P-\$9,401	DEFENDANT

Week of February 12

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-1890	AUTO ACCIDENT	8TH (P)	\$4,734			
97C-2043	CONTRACT	6TH (P)	PENDING			
01C-911	NEGLIGENCE	3RD	PENDING			
01C-3104	DEFAULT	5TH (P)	\$9,324			

NON-JURY TRIAL RESULTS

APPEALS

GENERAL SESSIONS

Week of February 25

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-2051	GSA/CONTRACT	8TH (P)	\$16,341		P-\$976	DEFENDANT
00C-1982	WORKERS COMPENSATION	1ST (P)	\$55,162			
00C-3667	WORKERS COMPENSATION	5TH	UNDER ADVISEMENT			
01C-2054	GSA/CONTRACT	8TH (P)	\$1,813		P-\$2,100	DEFENDANT
01C-2552	GSA/CONTRACT	8TH (P)	\$436+INTEREST			
98C-2258	DEFAULT	8TH (P)	\$68,056			
01C-2379	GSA/TN.CONSUMER ACT	5TH (P)	\$2,325		P-\$2,000	PLAINTIFF
00C-1154	SLIP/FALL	5TH	UNDER ADVISEMENT			
00C-347	CONTRACT	8TH (P)	\$17,500			
01C-2452	GSA/CONTRACT	1ST (P)	\$9,000		P-\$11,764	DEFENDANT
01C-2762	GSA/CONTRACT	8TH (P)	\$10,068		DEFENDANT	PLAINTIFF
99C-1694	WORKERS COMPENSATION	8TH (P)	\$25,000			
00C-1925	DAMAGES	8TH (P)	\$4,462			

Sessions Courtroom Personnel

In an effort to familiarize patrons with courtroom personnel of the General Sessions Civil Division, here is an updated list of both clerk's office employees permanently assigned to the three Stahlman Building courts and the divisional judges and their officers who preside over those courts on a rotational basis:

Docket Clerks

Courtroom II--Marie Anderson
 Courtroom III--Ronny Nollner
 Courtroom IV--Ross Barton

Judges/Court Officers

Division I--Judge Gale Robinson; Herschel Watson, Jan Simmons.
 Division II--Judge Mark Fishburn; Chris Austin, Julianne Smith.
 Division III--Judge Bill Faimon; Opie Sory, Chick Donaldson.
 Division IV--Judge Gloria Dumas; Rhonda Yaeger, Richard Norris.
 Division V--Judge John Brown; Carol Crews, Tony Carroll.
 Division VI--Judge Michael Mondelli; Terry Peaks, David Thompson.
 Division VII--Judge William Higgins; Dan Gargus, Stanley Frank.
 Division VIII--Judge Leon Ruben; Mary Carter, Forrest Garrett.
 Division IX--Judge Sue McKnight Evans; Greg Jett, Chris McGee.
 Division X--Judge Casey Moreland; Ronnie Crow, David Smith.
 Division XI--Judge John Aaron Holt; Marie Cardwell, Christene Coode.

TRENDS



RATIO: PLAINTIFFS 5-1

CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 10
DEFENDANTS 2

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	9	9	0	8	1	0
FEBRUARY	5	5	0	3	1	1

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	1,342,250	578-945,000	89,235
FEBRUARY	263,905	3,225-258,946	4,734

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	N/A	N/A	N/A
FEBRUARY	N/A	N/A	N/A

SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	185,578	578-150,000	35,000
FEBRUARY	3,225	N/A	N/A

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	JURY	NON-JURY	NO VERDICT
JANUARY	10,200	1	0	0
FEBRUARY	10,200	1	0	0

Other Classes



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	13	11	1	1

FEBRUARY AWARDS: \$37,658-- TOTAL AWARDS TO DATE: \$47,526

MISCELLANEOUS

17

PLAINTIFFS 12
DEFENDANTS 1
NO VERDICT 4

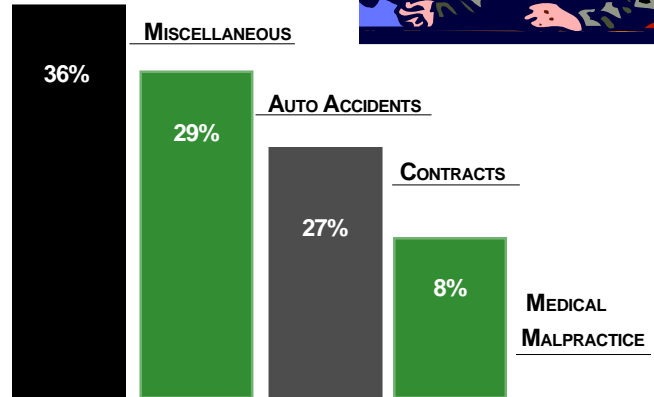
MALPRACTICE

4

PLAINTIFFS 0
DEFENDANTS 4
NO VERDICT 0



CIVIL TRIALS By CLASS



Statistics compiled for the month of February

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	241
JURY	105
NON-JURY	136
CIVIL CASES CONCLUDED	270
JURY	143
NON-JURY	127
NEW DIVORCE CASES FILED	253
DIVORCE CASES CONCLUDED	184

General Sessions Civil

NEW CASES FILED	2,803
EXECUTIONS ISSUED	2,634
GARNISHMENT PAYMENTS	3,560
JUDGMENTS COLLECTED	\$619,177
ORDER OF PROTECTION PETITIONS	187

Probate Court

NEW CASES FILED	169
CASES CLOSED	202

Traffic Violations

MOVING CITATIONS	19,353
PARKING VIOLATIONS	7,298
TOTAL FINES COLLECTED	\$316,406
NULLIFICATIONS	1,423
NULLIFICATION FEES COLLECTED	\$17,073

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Established by George L. Rooker (1929-1993),
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Richard R. Rooker Circuit Court Clerk
Gene Baker Editor



ADA coordinator, Gene Baker (880-3309)

Offices Closed March 29 for Good Friday

All judicial offices will be closed on March 29 in observance of Good Friday.

Regular business hours will resume on Monday, April 1.