

ROOKER REPORT

October 2002

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Sowell Chief Clerk, Two Key Staffers Redirect Careers

Probate Office Undergoes Changes

Circuit Court Clerk Richard Rooker has announced the appointment of Kyle Sowell as chief clerk of the Probate Court clerk's office and the departure of two of the department's key staffers.

Rooker said deputy clerks Gay Parker and Will Cripps have accepted positions in other areas of public service.

Parker, who served in both the General Sessions Civil Division and the probate clerk's offices during her 12 years as a member of the Circuit Court Clerk's team, has joined the staff of new Sheriff Daron Hall.

Cripps, who served for 12 years as a traffic warrant officer before joining the probate staff in 1996, has accepted a court officer's position with Circuit Judge Carol Soloman.

Rooker described both Parker and Cripps as "outstanding job performers" and thanked them for their years of devoted service to his office. Their absence, he said, will be felt. "At the same time, I respect their decisions to take on new challenges within the judicial system."

Sowell arrived at the probate office nine months ago and entered into a "grooming" period for the chief clerk's position, which he has held since last February.

A native Nashvillian, Sowell is a graduate of Lipscomb University and the University of Tennessee School of Law. Upon earning his law degree in 1992, he was admitted to both the Tennessee and Georgia bar associations, enabling him to practice as a trial lawyer in both states while working with a



KYLE SOWELL



GAY PARKER



WILL CRIPPS

law firm in Chattanooga.

Before joining the probate office, Sowell served as a trial attorney for the Allstate Insurance Company.

In a matter unrelated to personnel changes, the probate clerk's office is calling attention to a new reporting requirement brought on by the TennCare Reform Act of 2002.

Under a new provision of the act, a personal representative of an estate where any decedent was enrolled in TennCare at the

time of death is now required to file with the court clerk a release from the Bureau of TennCare.

The new provision is designed to ensure accountability of claims within the TennCare program.

To obtain a release, a written request must be submitted by fax or mail to:

Tom Mathis, Director of Program Integrity

Office of Health Services

11th Floor, Andrew Johnson Tower

710 James Robertson Parkway

Nashville, TN 37247-0110.

The fax number is (615) 532-7509.

Requests should include the decedent's full legal name, Social Security number, date of birth and date of death. The requesting party must also provide his name and relationship to the decedent's estate, address and telephone and fax numbers.

Reference TCA 71-5-116 when requesting release form.

'Slow' Holiday Season is Approaching Very Quickly

With Halloween and shorter days upon us, the season traditionally known for its "holidays" will be here in the blink of an eye.

Yes, here comes the time of year when "pigging out" stretches our waistlines, gift-giving shrinks our checking accounts and vows of resolve fleetingly free us from the guilt of both the aforementioned.

While each of us anxiously await the beginning of a new and more prosperous year ahead, the hands of time that have so speedily brought us to this point suddenly grind to a loping gait.

The absence of the hustle and bustle that makes our normal work days -- well, "normal" -- will breed yawns of boredom, causing us to search for unfinished projects to make time pass faster.

In the world of judicial administration, it is known as the annual holiday lulls. It comes when people's thoughts are on giving, brotherly love and bringing closure to whatever happened during the previous twelve months - not what they hope to gain in a court of law.

The slow-down begins sometime between Veterans Day (Nov. 11) and Thanksgiving (Nov. 28) and hangs on until about a week into the new year.

Notice, we said "slow-down" and not "shut-down." The courts and all their affiliated support services will be "business as usual" except for the actual holiday closings noted herein.

We are publishing the holiday closings in advance to help attorneys and the general public plan their business schedules with the courts.

The schedule below applies to both the courts and clerk's offices with the exception of the noted closure of the General Sessions courts, which will not conduct business from Dec. 20-Jan. 5.

Happy holidays. It's not too early to say that, is it?

Holiday Planning

Monday, November 11 **Veterans Day**

Thursday, November 28 **Thanksgiving Day**

Friday, November 29 **Day after Thanksgiving**

Tuesday, December 24 **Christmas Eve**

Wednesday, December 25 **Christmas Day**

Wednesday, January 1 **New Year's Day**

All offices will resume regular business hours on the first week day following each holiday listed.

CHEERS...

Traffic warrant officer **Steve Leary** says he's doing fine following a surgical procedure to eliminate two heart blockages. Believe it or not, Steve missed only one day's work!



FULLER

The Middle Tennessee Basketball Officials Association has dedicated its season directory to **Ray Fuller** for his 50 years of service as an official. Fuller, a veteran traffic warrant officer, also has 48 years as a football official for the TSSAA.

Mark it on your calendar. December 3 will be the air date of the **Wheel of Fortune** show featuring our colleague **Penny Hubbell**. After earning a spot on the popular television game show through a local audition, the judicial assistant to Circuit Judge **Carol Soloman** jetted to Los Angeles for the program's taping on Sept. 19. She has confided in a few friends how well she fared. But the rest of us will have to wait for the show's December airing on Channel 2 at 6:30 p.m.

Congratulations to traffic warrant officer **Joseph Day** on his Sept. 14 marriage to longtime fiance **Tomesia Battle**. The couple exchanged vows at the Wightman Chapel of the Scarritt Bennett Center. They had been dating since 1997. They both graduated from Tennessee State University last year, three months after Joseph's proposal of marriage was accepted. Following the wedding, the couple spent their honeymoon in Las Vegas.

...TEARS

We are mournful of the tragic death of **Kathryn Hubbard**, mother of General Sessions Civil Division Chief Clerk **Margaret Larobardiere**. Mrs. Hubbard, 77, passed away on Oct. 15 following an accidental fall at her home. Our hearts go out to the family.

We also are deeply saddened by the death of **Jimmy King**, longtime deputy in the criminal court clerk's office who passed away on Sept. 25. Mr. King, 77, began his service with the clerk's office on Sept. 1, 1982 and took a service pension in 1998. But he rejoined the staff on a part-time basis a few months later and remained an active employee until his death, which came two weeks after the passing of **Joe Torrence**, the clerk who gave him his job in the office. Mr. Torrence remained Mr. King's boss until his retirement from the office in 1994. Mr. Torrence, who previously served as Metro Government's first finance director, died on Sept. 10 at the age of 90.

The legal community lost a colorful member on Oct. 17 with the passing of **Frank Spiller Campbell, Jr.**, who once served as Metro's Probate Master. Mr. Campbell, a graduate of the Vanderbilt School of Law, was 85.

Our sympathy goes out to attorney **Cyrus Booker** and family in the sudden passing of his daughter **Damali Ayana Booker**. She was only 24 years old at the time of her death on September 27.

We also share the grief of deputy General Sessions Civil Division clerk **Marie Anderson** in the passing of her father-in-law **Louis Anderson**, who died at his home on Sept. 29 at the age of 87.

BIRTHDAYS

NOVEMBER

Traffic Violations

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

Circuit Court Clerk

- 11 Bill Riggs
- 14 Stephanie Hill
- 26 Hilary Duke

General Sessions

- 23 Ross Barton

Probate Clerk

- 1 Ruth Lester

Presiding Judge John Aaron Holt has kept last year's committee make-ups intact to deal with specific issues facing the 11-division General Sessions Court.

The one exception, Holt said, was on the Commissioners Committee where his name has replaced that of Judge Mike Mondelli as chairman.

Following is a complete list of committees which will serve until Sept. 1, 2003:

General Sessions Committees

Chairmen denoted in bold face type

TRAFFIC COURT
JOHN BROWN
WILLIAM FAIMON
JOHN AARON HOLT

CRIMINAL COURT
CASEY MORELAND
MIKE MONDELLI
SUE MCKNIGHT EVANS

CIVIL COURT
SUE MCKNIGHT EVANS
LEON RUBEN
GLORIA DUMAS
CASEY MORELAND

COMMISSIONERS
JOHN AARON HOLT
CASEY MORELAND
SUE MCKNIGHT EVANS
GALE ROBINSON

DOMESTIC VIOLENCE
GLORIA DUMAS
GALE ROBINSON
CASEY MORELAND

PROBATION

JOHN AARON HOLT
JOHN BROWN
BILL HIGGINS
GLORIA DUMAS

BAR LIAISON

WILLIAM FAIMON
LEON RUBEN
MIKE MONDELLI

ADMINISTRATIVE-PERSONNEL

MARK FISHBURN
JOHN BROWN
SUE MCKNIGHT EVANS
WILLIAM FAIMON

TRIAL COURT LIAISON

BILL HIGGINS
MIKE MONDELLI
WILLIAM FAIMON
GALE ROBINSON

FACILITY SPACE PLANNING

MIKE MONDELLI
CASEY MORELAND
MARK FISHBURN
GLORIA DUMAS

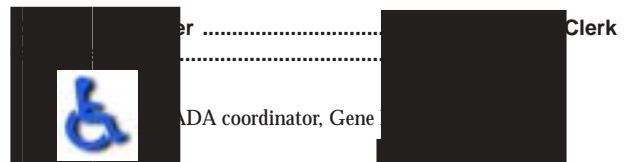
LEGISLATIVE-EXECUTIVE

GLORIA DUMAS
LEON RUBEN
BILL HIGGINS
JOHN AARON HOLT

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(Circuit Court Clerk, 1968-1993)



Don't Forget to Cast Your Vote Nov. 5

JURY TRIAL VERDICTS

ABBREVIATIONS:

P	PLAINTIFF	CP	COUNTER PLAINTIFF
D	DEFENDANT	CD	COUNTER DEFENDANT
NP	NON-PARTY	GSA	GENERAL SESSIONS APPEAL
ST	SOFT TISSUE	PUN	PUNITIVE

Week of September 9

CIRCUIT COURT

APPEALS

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-372	AUTO ACCIDENT	6TH	\$100,000			
02C-1167	GSA/AUTO ACCIDENT	3RD*	NONE	(P-50) (D-50)	DISMISSED	PLAINTIFF

*-JURY WAIVED

Week of September 16

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-1170	AUTO ACCIDENT	8TH	HUNG JURY			

APPEALS

GENERAL SESSIONS

Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-2970	AUTO ACCIDENT/ST	6TH	NONE	DEFENDANT		TRANSFERRED	
01C-3162	AUTO ACCIDENT/ST	3RD*	NONE	\$3,820			

*-JURY WAIVED

NON-JURY TRIAL RESULTS

Week of September 23

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-805	CONTRACT	8TH	\$71,646			
02C-508	CONTRACT	8TH	\$91,411			
01C-2685	WORKERS COMPENSATION	8TH	DEFENDANT			
01C-2808	DEFAULT	8TH	\$597,500			
02C-326	GSA/PROPERTY DAMAGE	1ST	\$3,342		P-\$4,058	DEFENDANT
00C-2902	AUTO ACCIDENT	5TH	\$5,075			
02C-715	GSA/CONTRACT	8TH	\$2,600		DISMISSED	PLAINTIFF
02C-479	CONTRACT	1ST	\$33,992			
02C-1017	GSA/CONTRACT	8TH	\$500.00		P-\$500	DEFENDANT
01C-1785	SLIP/FALL	6TH*	\$25,000			
02C-132	GSA/CONTRACT	8TH	UNDER ADVISEMENT		P-\$9,149	DEFENDANT
01C-2316	CONTRACT	1ST	UNDER ADVISEMENT			
02C-799	GSA/CONTRACT	8TH	\$3,623		DEFENDANT	PLAINTIFF
02C-524	CITIZENSHIP RESTORATION	6TH	GRANTED			
02C-1046	METRO APPEAL	8TH	8-HOUR SCHOOL		FINE	DEFENDANT
01C-1122	CONVERSION	5TH	SPLIT**			
01C-3651	WORKERS COMPENSATION	8TH	\$25,000			

*--HEARD BY MARSH NICHOLS

**--PLAINTIFF AWARDED \$750; DEFENDANT AWARDED DECLARATORY JUDGMENT FOR VEHICLE.

TRENDS



RATIO: PLAINTIFFS 5.2-1

CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 37
DEFENDANTS 7

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	17	15	2	13	2	2
APRIL-JUNE	20	13	2	17	2	1
JULY	3	2	1	2	1	0
AUGUST	3	3	0	2	1	0
SEPTEMBER	6	5	1	3	1	2

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
MARCH	10,000	N/A	N/A
APRIL	49,743	1,000-46,030	2,713
MAY	122,373	0-100,000	12,686
JUNE	73,034	5,032-62,500	34,001
JULY	25,000	N/A	N/A
AUGUST	\$23,183	23,183-100,000	N/A
SEPTEMBER	\$103,820	3,820-100,000	N/A

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	N/A	N/A	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	2,374	N/A	N/A
APRIL	N/A	N/A	N/A
MAY	1,500	N/A	N/A
JUNE	N/A	N/A	N/A
JULY	60,000	N/A	N/A
AUGUST	N/A	N/A	N/A
SEPTEMBER	5,075	N/A	N/A

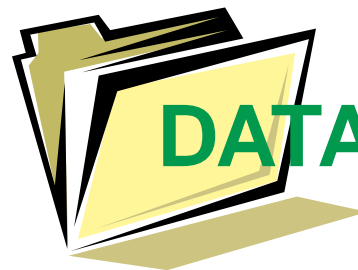
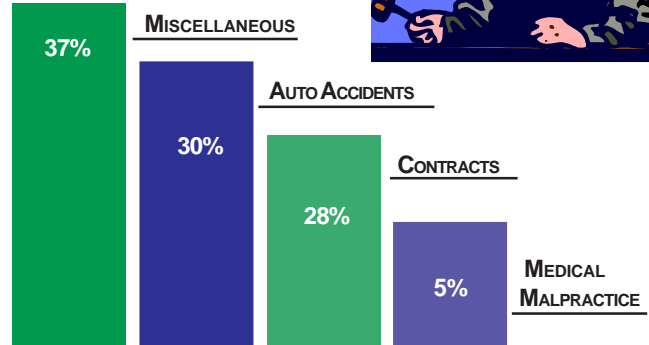
SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	185,578	578-150,000	35,000
FEBRUARY	3,225	N/A	N/A
MARCH	N/A	N/A	N/A
APRIL	1,000	N/A	N/A
MAY	373	0-373	N/A
JUNE	N/A	N/A	N/A
JULY	25,000	N/A	N/A
AUGUST	N/A	N/A	N/A
SEPTEMBER	3,820	N/A	N/A

*GENERAL SESSIONS APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	10,200	1	0	0
FEBRUARY	9,401	1	1	0
MARCH	12,374	2	0	1
APRIL	N/A	0	1	0
MAY	1,873	2	1	0
JUNE	10,534	2	0	0
JULY	N/A	0	0	0
AUGUST	23,183	1	0	0
SEPTEMBER	ZERO	0	0	0

CIVIL TRIALS BY CLASS



Statistics compiled for the month of September

CASE INFORMATION

	Circuit Court
NEW CIVIL CASES FILED	278
JURY	98
NON-JURY	180
CIVIL CASES CONCLUDED	282
JURY	150
NON-JURY	132
NEW DIVORCE CASES FILED	228
DIVORCE CASES CONCLUDED	293
	General Sessions Civil
NEW CASES FILED	3,046
EXECUTIONS ISSUED	3,239
GARNISHMENT PAYMENTS	3,239
JUDGMENTS COLLECTED	\$559,087
ORDER OF PROTECTION PETITIONS	257
	Probate Court
NEW CASES FILED	160
CASES CLOSED	161
	Traffic Violations
MOVING CITATIONS	25,693
PARKING VIOLATIONS	6,692
TOTAL FINES COLLECTED	\$290,460
NULLIFICATIONS	1,658
NULLIFICATION FEES COLLECTED	\$19,896

Other Classes

CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	47	35	2	10

SEPTEMBER AWARDS: \$169,780- TOTAL AWARDS TO DATE: \$323,354

MISCELLANEOUS	MALPRACTICE
61	8
PLAINTIFFS 43.5	PLAINTIFFS 2
DEFENDANTS 7.5	DEFENDANTS 6
NO VERDICT 10	NO VERDICT 0